



PLANNING AND ENVIRONMENTAL QUALITY COMMISSION

Regular PEQC Meeting Notice and Agenda

Website: www.cityofgardena.org

Tuesday, May 16, 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 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 o 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 at least 24 hours prior to the scheduled general meeting to ensure assistance is provided. Assistive listening devices are available.

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.

1. **CALL MEETING TO ORDER**

2. **ROLL CALL**

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

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**

4.A April 18, 2023 MEETING
[23_04_18 PCMIN.pdf](#)

5. **ORAL COMMUNICATIONS**

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

6. **PUBLIC HEARING ITEMS**

6.A **CONDITIONAL USE PERMIT #1-23**

A request for a conditional use permit, per section 18.32.030.B of the Gardena Municipal Code, to allow the on-site sale and consumption of beer and wine in an existing restaurant located in the General Commercial (C-3) zone and direct staff to file a Notice of Exemption as an existing facilities project.

Project Location: 1425 West Artesia Boulevard Unit #21-22 (APN: 6106-034-001)

Applicant: Tim Mao (Top BBQ & Noodle Restaurant)

[Staff Report \(CUP #1-23\)](#)

[Attachment A: Resolution \(6-23\)](#)

[Exhibit A: COA \(1-23\)](#)

[Exhibit B: Project Plans](#)

[Attachment B: Notice of Public Hearing](#)

6.B **VESTING TENTATIVE MAP #1-22**

A request for a vesting tentative map per Chapter 17.08 of the Gardena Municipal Code, for the subdivision of airspace to create five condominium units for a property located in the Medium Residential Multiple-Family Residential Zone (R-3) zone and direct staff to file a Notice of Exemption pursuant to Guidelines section 15061(b)(3).

Project Location: 1715 West 149th Street (APN: 6103-022-091)

Applicant: FM Marketing & Properties, LLC

[VTM #1-22 Staff Report](#)

[Attachment A: Resolution No. PC 9-23](#)

**Regular PEQC Meeting Notice and Agenda of the
Planning and Environmental Quality Commission
Tuesday, April 18, 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, April 18, 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 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; Vice Chair Stephen P. Langley; Commissioner Steve Sherman; Commissioner Jules Kanhan

3. **PLEDGE OF ALLEGIANCE**

Vice Chair Langley lead the pledge of allegiance.

4. **APPROVAL OF MINUTES**

4.A March 21, 2023 MEETING

[23_03_21 PCMIN](#)

A motion was made by Vice Chair Langley and seconded by Commissioner Sherman to approve the minutes of the meeting on March 21, 2023.

The motion was passed by the following roll call vote:

Ayes: Langley, Sherman, Kanhan

Noes:

Abstain: Henderson

5. **ORAL COMMUNICATIONS**

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

6. **PUBLIC HEARING ITEMS**

6.A **CONDITIONAL USE PERMIT #1-23**

Continuation to the May 16, 2023, Planning Commission Meeting.

Project Location: 1425 West Artesia Boulevard Unit #21-22

Applicant: Tim Mao

[Continuation Memo from 4-18-23 to 5-2-23](#)

Staff is requesting that the Planning Commission motion to open the public hearing and continue item 6.A to the May 16, 2023, Planning Commission meeting.

MOTION: It was moved by Vice Chair Langley and seconded by Commissioner Kanhan to open the public hearing and continued Conditional Use Permit #1-23 to the May 16, 2023, Planning Commission meeting.

The motion was passed by the following roll call vote:

Ayes: Langley, Kanhan, Sherman, Henderson

Noes:

6.B CONDITIONAL USE PERMIT #2-23

A request for a conditional use permit, per section 18.30.030.A of the Gardena Municipal Code, to allow the on-site sale and consumption of beer and wine in a new restaurant located in the Commercial (C-2) zone and direct staff to file a Notice of Exemption as an existing facilities project.

Project Location: 1420 West Redondo Beach Boulevard Suite A

Applicant: Stanley Szeto

[Staff Report \(CUP #2-23\)](#)

[Resolution No. PC 7-23](#)

[Exhibit A: Draft Conditions of Approval](#)

[Exhibit B: Project Plans](#)

Planning Assistant, Kevin La, presented the staff report to the Planning Commission.

Commissioner Sherman wanted clarification if the applicant is Dirt Dog.

Mr. La stated the applicant is Dirt Dog.

Vice Chair Langley inquired if Dirt Dog is a chain.

Planning staff answered that Dirt Dog is a chain and there are multiple locations in the Los Angeles Region.

Chair Henderson opened the public hearing.

The applicant spoke to the Planning Commission and welcomed any questions they may have for him.

Commissioner Sherman asked what type of food Dirt Dog cooks.

The applicant stated that they make “glorified hot dogs.”

Commissioner Kanhan questioned if other Dirt Dog locations sell beer and wine.

The applicant answered that the location in Commerce is Dirt Dog’s biggest location and does sell and serve beer, wine, and liquor.

Chair Henderson closed the public hearing.

MOTION: It was moved by Commissioner Sherman and seconded by Chair Henderson to approve Resolution No. PC 7-23, approving Conditional Use Permit #2-23 and to direct staff to file a Notice of Exemption as an existing facilities project.

The motion was passed by the following roll call vote:

Ayes: Sherman, Henderson, Kanhan, Langley

Noes:

6.C CONDITIONAL USE PERMIT #3-23

A request for a conditional use permit, per section 18.32.030.B of the Gardena Municipal Code, to allow the on-site sale and consumption of beer and wine in an existing restaurant located in the General Commercial (C-3) and Mixed-Use Overlay (MUO) zones and direct staff to file a Notice of Exemption as an existing facilities project.

Project Location: 15410 South Western Avenue #B

Applicant: Sean Kim (Kyodong Noodle)

[Staff Report \(CUP #3-23\)](#)

[Resolution No. PC 8-23](#)

[Exhibit A: Draft Conditions of Approval](#)

[Exhibit B Project Plans](#)

Mr. La presented the staff report to the Planning Commission.

Chair Henderson opened the public hearing.

The applicant representative spoke to the Planning Commission about the restaurant and the restaurant owner.

Vice Chair Langley inquired how long the restaurant has been open in the City of Gardena.

The applicant responded that the business had been open since January 2019.

Commissioner Sherman asked what type of food does the restaurant sell?

The applicant answered that the business sells Chinese foods and the noodles sold are handmade.

Commissioner Kanhan wanted to confirm what types of alcohol they will serve.

The applicant stated only beer and wine will be sold and served on-site.

MOTION: It was moved by Vice Chair Langley and seconded by Commissioner Kanhan to approve Resolution No. PC 8-23, approving Conditional Use Permit #3-23 and to direct staff to file a Notice of Exemption as an existing facilities project.

The motion was passed by the following roll call vote:

Ayes: Langley, Kanhan, Sherman, Henderson

Noes:

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

Community Development Director, Greg Tsujiuchi, informed the Planning Commission of upcoming events; Operation Bundle of Love, ending Friday, April 21, 2023, to donate childcare items in support of the military to Camp Pendleton; Gardena Youth in Government Day, on April 27, 2023, where Recreation and Human Services department provides opportunities for youths to visit City Hall and if the commissioners would like to participate to let Planning Staff know; and at the City Council meeting on April 25, 2023, there might be a possible fifth Planning Commissioner announced.

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

Vice Chair Langley enjoyed his time at the Planning Commissioner's Academy as the conference was very beneficial and informative.

9. **ADJOURNMENT**

Chair Henderson adjourned the meeting at 7:33 P.M.

Respectfully submitted,

GREG TSUJIUCHI, SECRETARY
Planning and Environmental Quality Commission

DERYL HENDERSON, CHAIR
Planning and Environmental Quality Commission

CITY OF GARDENA
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION
STAFF REPORT

CONDITIONAL USE PERMIT #1-23
AGENDA ITEM #6.A

DATE: May 16, 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: Tim Mao (Top BBQ & Noodle Restaurant)

LOCATION: 1425 W Artesia Blvd Unit #21-22; APN: (6106-034-001)

REQUEST: A request for a conditional use permit, per section 18.32.030.B of the Gardena Municipal Code, to allow the on-site sale and consumption of beer and wine in an existing restaurant located in the General Commercial (C-3) zone and direct staff to file a Notice of Exemption as an existing facilities project.

BACKGROUND/SETTING

On January 25, 2023, an application for a conditional use permit (CUP) was submitted to allow the on-site sale and consumption of beer and wine ancillary to an existing restaurant located within Gateway Plaza at 1425 West Artesia Blvd Unit #21-22 (Figure 1: Vicinity/Zoning Map). The subject property is a 6.18-acre parcel that contains the existing 2,128-square-foot restaurant tenant space. The property is located north of West Artesia Boulevard and west of South Normandie Avenue.

As shown in Figure 1, the Subject Property is zoned General Commercial (C-3). The site is bounded by single-family residential (R-1) properties to the north, South Normandie Avenue to the east, West Artesia Boulevard to the south, and medium-density multiple-family residential (R-3) properties to the west as similarly shown in Table 1.

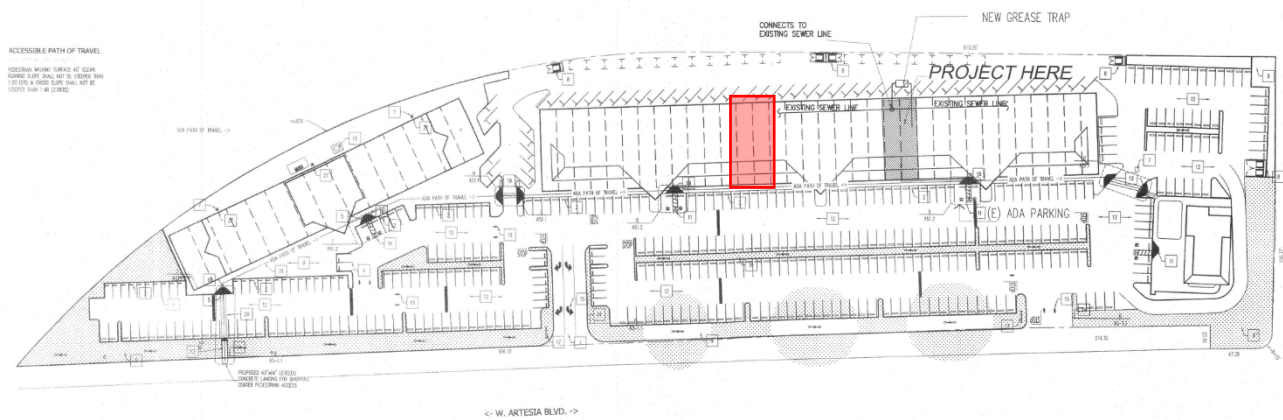
Gardena Municipal Code (GMC) Section 18.32.030.B allows “establishments selling or serving alcoholic beverages for consumption on or off the premises” in the C-3 zone subject to the issuance of a CUP from the City. Additionally, a Type 41 license from the California Department of Alcoholic Beverage Control (ABC) will be required.

Table 1: Surrounding Uses

	Zoning Designation	General Plan Land Use Designation	Existing Land Use
Project Site	C-3	General Commercial	Commercial Plaza
North	R-1	Single-Family Residential	Single-Family Units
South	ISP/AMU	Specific Plan/Artesia Mixed Use	Vacant, U-Haul, Mixed-Use Residential
East	C-3	General Commercial	Sam's Club
West	R-3	Medium Residential	Multi-Family Residential

The subject property contains an existing shopping center known as Gateway Plaza. Gateway Plaza is composed of three different structures: one two-story building located to the northwest end of the property, a one-story multi-tenant building located in the center, and a stand-alone drive-thru building in the east end of the property. The property consists of 430 parking spaces that are shared among the businesses in the plaza. The center includes a mix of uses such as a laundromat, medical offices, professional office space, restaurants, retail, and salon businesses. The subject restaurant occupies an existing tenant space within the strip commercial building in the middle of Gateway Plaza (Figure 2: Site Plan).

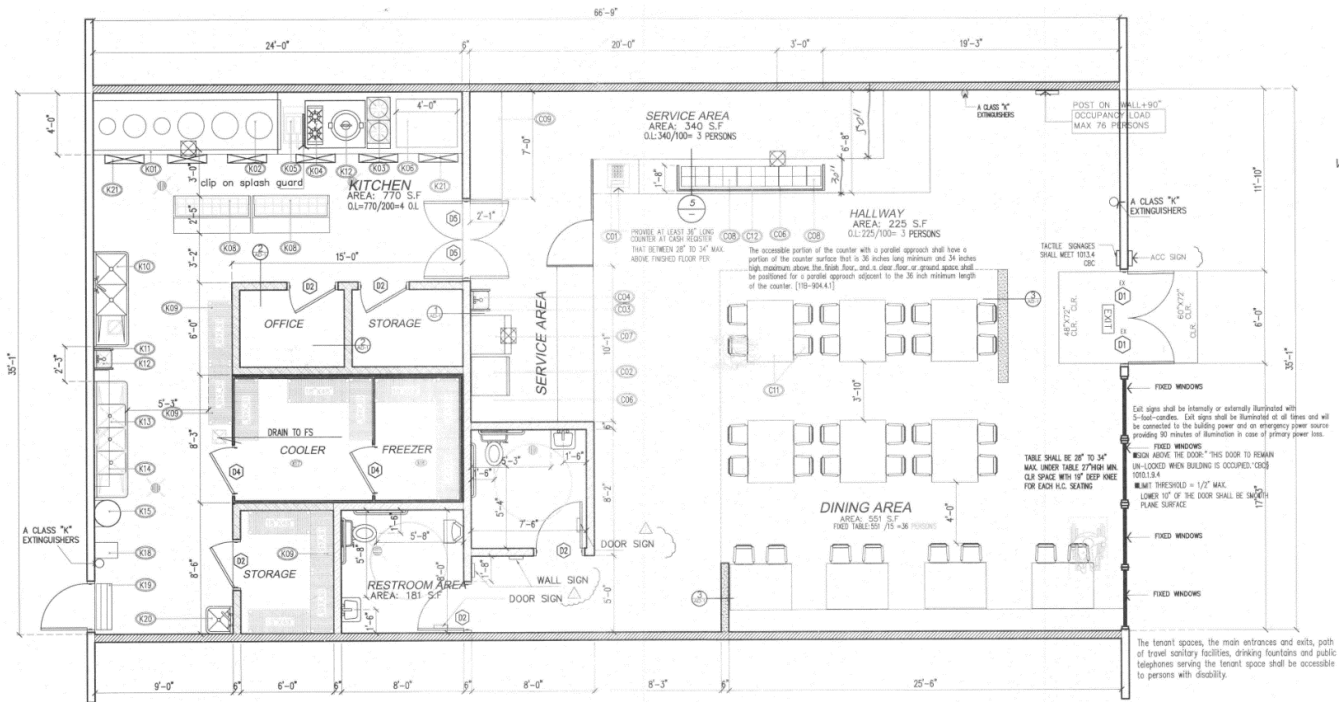
Figure 2: Site Plan



PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit for the sale of beer and wine for on-site consumption within an existing restaurant. The restaurant, "Top BBQ & Noodle Restaurant", has been in operation since January 2022, at the subject location. If the conditional use permit is approved the applicant will then apply for a Type 41, On-Sale Beer and Wine license, with the State Alcoholic Beverage Control (ABC) Board. This type of license is for businesses serving and selling only beer and wine for on-site consumption to a bona fide eating place. The business operates daily from 10:00 AM to 8:30 PM. The current restaurant is utilizing the existing floor plan as shown in Figure 3. There are 10 tables with 40 seats available for patrons in the dining area.

Figure 3: Floor Plan



ANALYSIS

Pursuant to section 18.32.030.B of the Gardena Municipal Code, a conditional use permit is required for any establishment selling or serving alcoholic beverages in the C-3 zone. Therefore, the application for a conditional use permit is deemed proper and if approved, will allow the applicant to sell and serve beer and wine at the restaurant and is subject to ABC's regulations for a Type 41 license.

CONDITIONAL USE PERMIT

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 if one for which a conditional use permit is authorized;

Pursuant to section 18.32.030.B of the Gardena Municipal Code, a conditional use permit is required for any establishment selling or serving alcoholic beverages for on- or off-premises consumption in the General Commercial (C-3) zone. The request for a Type 41 license from the Department of Alcohol Beverage Control (ABC), will allow the sale of beer and wine for on-site consumption to a bona fide eating place. The subject property is zoned C-3; therefore, the application for a conditional use permit is deemed proper and will authorize the applicant to sell and serve beer and wine at the subject property, subject to obtaining the Type 41 license from ABC.

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;

ABC CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

The subject property is located within Los Angeles County Census Tract 6033.02 which is bounded by West Gardena Boulevard to the north, West Artesia Boulevard to the south, Gramercy to the west, and South Normandie Avenue to the east. According to the California Department of Alcoholic Beverage Control (ABC), there are currently 11 businesses within the respective census tract with an approved alcohol license for on-site or off-site sale and consumption as outlined below and displayed in Figure 4. These licenses include:

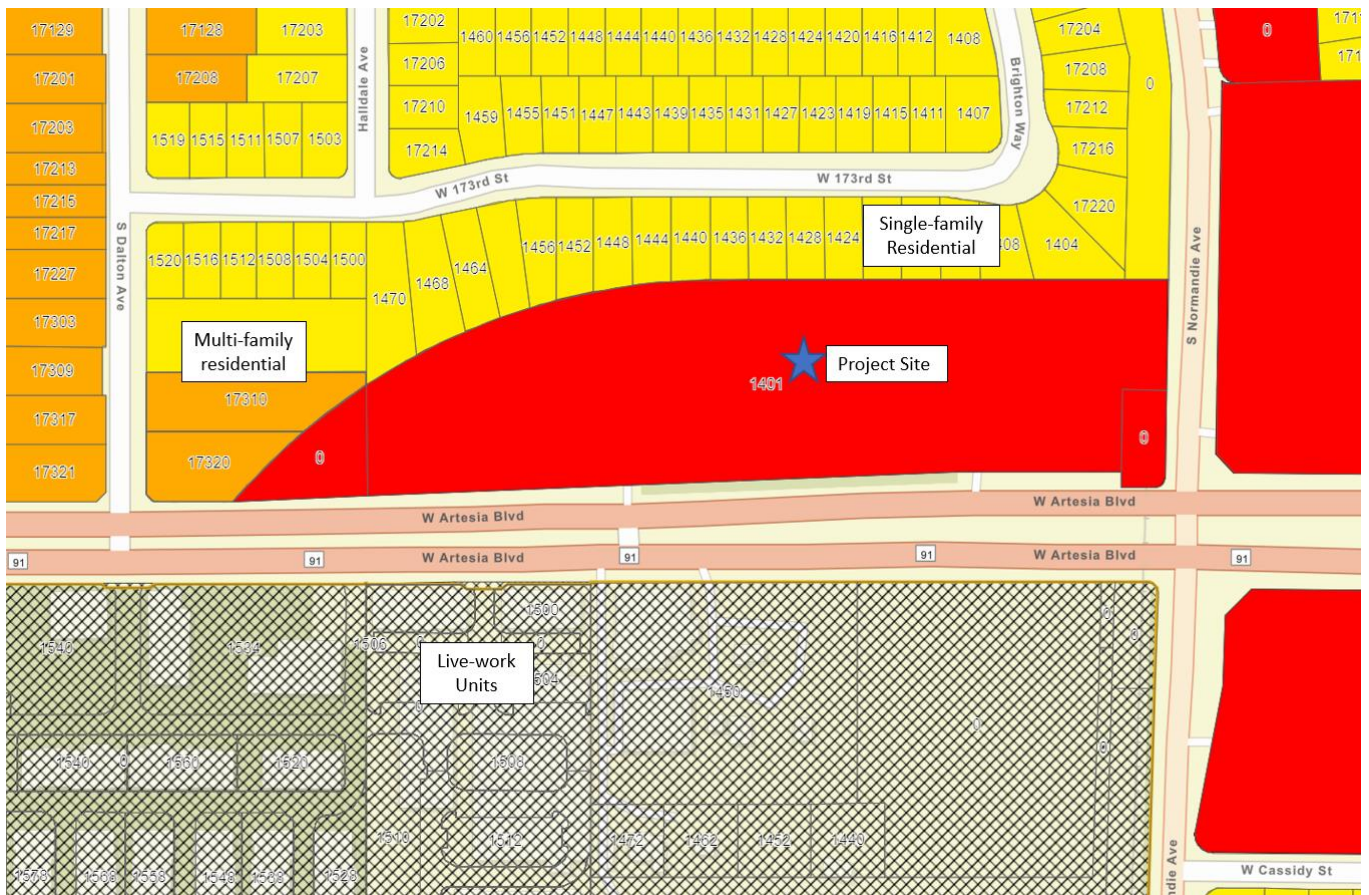
- Two (2) Type 21 licenses (Authorizes the sale of beer, wine and distilled spirits for consumption off the premises where sold. Minors are allowed on the premises)
- Eight (8) Type 41 licenses (on-site sale of beer and wine for bona fide public eating place)
- One (1) Type 47 license (on-site sale general for bona fide public eating place)

foot block wall that separates the property with no direct access except the pedestrian and driveway entrances off of West Artesia Boulevard. Additionally, the business entrances of the building face West Arteria Boulevard, away from residential use, and the existing windows of the building are placed in a manner to deter viewing the residential buildings. Staff does not foresee any compatibility issues with the surrounding community.

Table 2: Proximity of Sensitive Uses

Sensitive Use	Address	Proximity
Single-family Dwelling	1432 W 173 rd St, Gardena, CA 90247	50 Feet
Live-work Units	1500 W Artesia Sq, Gardena, CA 90248	400 Feet
Multi-family Residential	17310 Dalton Ave, Gardena, CA 90247	500 Feet

Figure 5: Sensitive Receptors



GENERAL PLAN AND ZONING CONSISTENCY

The proposed project is consistent with the economic development goal and policy set forth in the Gardena General Plan. The General Plan designates the subject property as a General Commercial land use, which covers a wide variety of land uses and is implemented by the General Commercial (C-3) zone. The existing restaurant is a use allowed by-right in the C-3 zone per GMC.18.32.030.B and with the approval of a CUP, permits the sale of beer and wine on the premise; thus, consistent with the C-3 zone and the General Commercial land use. The proposed project is consistent with Economic Development Goal 1 of the Community Development Element:

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, encourages diversification of businesses to support the local economy, and provides a stable revenue stream.

Allowing the conditional use permit will allow for a similar business type, as other six previously stated restaurants within the area, and allow the shopping center to continue maintaining a sound tax base for the City. The applicant shall adhere to all conditions of approval including the State of California Alcoholic Beverage Control operating conditions; thereby ensuring, the use will not adversely affect surrounding land uses.

- 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 restaurant establishment is located in an existing commercial strip within a larger shopping center, Gateway Plaza, which was developed circa 1989. The applicant's request for on-site sale and consumption of beer and wine does not include any type of exterior improvements that will alter the existing building footprint nor the exterior façade. The addition of an alcohol service does not cause a need for site alteration for the existing shopping center thus adequate in size and shape to accommodate the on-site sale and consumption of beer and wine. Therefore, the location is considered adequate in shape and size to accommodate the project.

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; and

As mentioned above, the subject property is located within an existing shopping center, Gateway Plaza, that includes various commercial retail and service businesses. Gateway Plaza has various parking lot areas surrounding the shopping plaza that is shared between the businesses as shown in Figure 2. There are 430 parking spaces total for patrons and employees of the shopping plaza to utilize. The applicant's proposal to sell beer and wine for on-site consumption in conjunction with a bona fide restaurant does not change the land use of Gateway Plaza as a shopping center. As there is no change in land use or increase to the building footprint, the existing parking is considered adequate and shall continue to accommodate the shopping center. Pedestrian access to the subject property is provided by sidewalks along West Artesia Boulevard. Vehicle access to the subject property is provided by two driveway entrances on West Artesia Boulevard.

The Circulation Plan, which is part of the Community Development Element of the Gardena General Plan designates Artesia Boulevard as an arterial roadway. Arterial roadways are designed to carry larger volumes of traffic and serve as the principal urban thoroughfares connecting activity centers with adjacent communities, as described in the Circulation Plan. Normandie Avenue is designated as a major collector street that is intended to serve as an intermediate route to carry traffic between collector roadways and arterial roadways. The applicant's request to sell and serve alcohol as part of an existing restaurant establishment within the commercial shopping center is not expected to attract excess traffic that would ultimately affect the circulation in the area as the alcohol service will be complimentary to the primary restaurant use. Staff does not foresee any adverse traffic impacts.

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 Conditional Use Permit #1-23 will ensure that the operations of the restaurant with the sale of beer and wine will be compatible with, and not detrimental to, the surrounding uses in the vicinity

ENVIRONMENTAL ASSESSMENT

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines pursuant to Section 15301, Existing Facilities, which exempts negligible expansions of use in existing facilities from the provisions of CEQA. The building in which the project is proposed already exists. The project will not include any alterations to the existing building footprint nor the exterior facade as previously approved. Gateway Plaza remains a shopping center and this is merely the inclusion of ancillary sales of beer and wine to an existing restaurant. Therefore, the sale of beer and wine for on-site consumption is seen as a negligible expansion of use.

The project is also categorically exempt from the provisions of CEQA pursuant to Guideline 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. As stated above, the sale of beer and wine consumed on-site is not an expansion of the use and will not create any environmental effects.

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 sale of alcoholic beverages incidental to a bona fide restaurant establishment is not considered significant. The project is not located along any state-designated scenic highway nor within any designated hazardous waste site. The building where the sale of alcohol is taking place is not considered a significant historical structure 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 #1-23 was published in the Gardena Valley News on April 6, 2023 and mailed first class to owners and occupants within a 300-foot radius of the site on May 4, 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.

On April 18, 2023, a motion was made by the Planning Commission to open the public hearing and continue Conditional Use Permit #1-23 to the May 16, 2023, Planning Commission meeting.

PUBLIC COMMENT

As of May 12, 2023, there have been no public comments received by Planning Staff.

RECOMMENDATION

Staff recommends the Planning and Environmental Quality Commission to:

- 1) Continue the public hearing;
- 2) Receive testimony from the public; and
- 3) Adopt Resolution PC 6-23 approving Conditional Use Permit #1-23 subject to the attached Conditions of Approval and directing staff to file a Notice of Exemption.

ATTACHMENTS

A – Resolution No. PC 6-23

Exhibit A: Conditions of Approval

Exhibit B: Project Plans

B – Notice of Public Hearing

RESOLUTION NO. PC 6-23

A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT #1-23 TO ALLOW THE ON-SITE SALE AND CONSUMPTION OF BEER AND WINE IN AN EXISTING RESTAURANT LOCATED IN THE GENERAL COMMERCIAL (C-3) ZONE AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION

**1425 WEST ARTESIA BOULEVARD UNIT #21-22
(APN: 6106-034-001)**

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

SECTION 1. RECITALS.

A. On January 25, 2023, an application for a conditional use permit was submitted to allow the on-site sale and consumption of beer and wine in an existing restaurant (the "Project"), called Top BBQ & Noodle Restaurant, located at 1425 West Artesia Avenue Unit #21-22 (the "Subject Property");

B. The General Plan Land Use Plan designation of the Subject Property is General Commercial and the zoning is General Commercial (C-3);

C. The Subject Property is bounded by single-family residential to the north, West Artesia Boulevard to the south, multi-family residential to the west, and South Normandie Avenue to the east.

D. On April 6, 2023, and May 4, 2023, a public hearing was duly noticed for a Planning and Environmental Quality Commission meeting for May 16, 2023, at 7 PM;

E. On May 16, 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

F. In making the various findings set forth herein, the Planning and Environmental Quality Commission has considered all of 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. CONDITIONAL USE PERMIT #1-23

Conditional Use Permit #1-23 to allow the on-site sale and consumption of beer and wine in the Project located in the General Commercial (C-3) zone as shown on the plans

presented to the Planning Commission on May 16, 2023, attached hereto as Exhibit B, is hereby approved 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 18.32.030.B of the Gardena Municipal Code, a conditional use permit is required for any establishment selling or serving alcoholic beverages for on- or off-premises consumption in the General Commercial (C-3) zone. The request for a Type 41 license from the Department of Alcohol Beverage Control (ABC), will allow the sale of beer and wine for on-site consumption to a bona fide eating place. The Subject Property is zoned C-3; therefore, the application for a conditional use permit is deemed proper and will authorize the applicant to sell and serve beer and wine at the Subject Property, subject to obtaining the Type 41 license from ABC.

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 sale and consumption of beer and wine at Top BBQ is compatible with the surrounding uses as the alcohol sales is ancillary to the existing restaurant use. The conditions of approval will ensure that the operations of the restaurant use will be compatible with, and not detrimental to, the surrounding land uses.

The Project is consistent with the following General Plan Goal:

- Economic Development Plan ED Goal 1: 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, encourages diversification of businesses to support the local economy, and provides a stable revenue stream.

The sale of beer and wine in an existing restaurant allows for a different business type within the area and allow the shopping center to continue maintaining a sound tax base for the City. The applicant shall adhere to all conditions of approval including the State of California Alcoholic Beverage Control operating conditions; thereby ensuring, the use will not adversely affect surrounding land uses.

- 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 restaurant establishment is located in an existing commercial strip within a larger shopping center, Gateway Plaza, which was developed circa 1989. The applicant's request for on-site sale and consumption of beer and wine does not include any type of exterior improvements that will alter the existing building footprint nor the exterior façade. The addition of an alcohol service does not cause a need for site alteration for the existing shopping center thus adequate in size and shape to accommodate the on-site sale and consumption of beer and wine. Therefore, the location is considered adequate in shape and size to accommodate the Project.

- 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;**

As mentioned above, the subject property is located within an existing shopping center, Gateway Plaza, that includes various commercial retail and service businesses. Gateway Plaza has various parking lot areas surrounding the shopping plaza that is shared between the businesses as shown in Figure 2. There are 430 parking spaces total for patrons and employees of the shopping plaza to utilize. The applicant's proposal to sell beer and wine for on-site consumption in conjunction with a bona fide restaurant does not change the land use of Gateway Plaza as a shopping center. As there is no change in land use or increase to the building footprint, the existing parking is considered adequate and shall continue to accommodate the shopping center. Pedestrian access to the subject property is provided by sidewalks along West Artesia Boulevard. Vehicle access to the subject property is provided by two driveway entrances on West Artesia Boulevard.

The Circulation Plan, which is part of the Community Development Element of the Gardena General Plan designates Artesia Boulevard as an arterial roadway. Arterial roadways are designed to carry larger volumes of traffic and serve as the principal urban thoroughfares connecting activity centers with adjacent communities, as described in the Circulation Plan. Normandie Avenue is designated as a major collector street that is intended to serve as an intermediate route to carry traffic between collector roadways and arterial roadways. The applicant's request to sell and serve alcohol as part of an existing restaurant establishment within the commercial shopping center is not expected to attract excess traffic that would ultimately affect the circulation in the area as the alcohol

service will be complimentary to the primary restaurant use. Staff does not foresee any adverse traffic impacts.

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

The conditions of approval for Conditional Use Permit #1-23 will ensure that the operations of the Project with the sale of beer and wine will be compatible with, and not detrimental to, the surrounding uses in the vicinity.

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. Class 1—Section 15301 - Existing Facilities - the building in which Top BBQ will be operating in already exists. The Project will not include any alterations to the existing building footprint nor the exterior facade as previously approved. Therefore, the sale of beer and wine for on-site consumption is seen as a negligible expansion of use.
- B. Guidelines Section 15061(b)(3) – CEQA does not apply where it can be seen with certainty that the project will not have any significant effect on the environment. The sale of beer and wine consumed on site is not an expansion of the use and will not create any environmental effects.
- 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 sale of alcoholic beverages incidental to a restaurant establishment is not considered significant. The Project is not located along any state-designated scenic highway nor within any designated hazardous waste site. The building where the sale of alcohol is taking place is not considered a significant historical structure by any governmental body. Staff does not expect any significant impacts or unusual circumstances related to the approval of the Project.

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 162nd Street, Gardena, California 90247. Mr. Tsujiuchi's email is 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 16th day of May 2023.

DERYL HENDERSON, CHAIR
PLANNING AND ENVIRONMENTAL
QUALITY COMMISSION

ATTEST:

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 18th day of April 2023, by the following vote of the Planning and Environmental Quality Commission:

AYES:

NOES:

ABSENT:

Attachments:

- Exhibit A: Conditions of Approval
- Exhibit B: Project Plans

EXHIBIT A

CITY OF GARDENA

CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #1-23

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 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 4. 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. Conditional Use Permit #1-23 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. Utilization shall mean the issuance of an Alcoholic Beverage License by the California Department of Alcoholic Beverage Control.

PLANNING

- PL1. The applicant is permitted to operate a restaurant that sells and serves beer and wine (State of California Alcoholic Beverage Control License Type 41) for on-site consumption as part of a meal service.
- PL2. The applicant shall provide a copy of this conditional use permit to the local office of the Department of Alcoholic Beverage Control and obtain the appropriate license referenced in this permit
- PL3. The applicant shall comply with all operating conditions of the California Department of Alcoholic Beverage Control. Any violation of the regulations of the Department of Alcoholic Beverage Control, as they pertain to the sale of alcoholic beverages, may result in the revocation of this conditional use permit.
- PL4. The applicant shall provide a full menu to business patrons during all business hours.
- PL5. The service of alcohol shall terminate each day 30 minutes prior to the official closing time for the establishment.
- PL6. Alcohol sales shall not exceed forty percent of total gross revenue per year. The business shall maintain records of gross revenue sources which shall be available for inspection by City staff or the California Department of Alcoholic Beverage Control.
- PL7. The applicant/owner shall prohibit its patrons from loitering outside of the restaurant and shall control noisy patrons leaving the restaurant.
- PL8. The applicant shall ensure all alcohol consumption is confined within the business building area. Alcohol consumption outside the building area is prohibited. The applicant shall post a sign at the exit(s) of the restaurant notifying business patrons that the consumption of alcoholic beverages outside is prohibited.
- PL9. The applicant shall not display advertising or signage that promotes the sale of alcohol at the site.

BUILDING

- BS1. The applicant shall comply with all applicable portions of the City adopted version of the California Building 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 the California Department of Alcohol Beverage Control (ABC), Los Angeles County Health Department, Los Angeles County Fire Department, Planning, and Public Works.

- BS3. The applicant shall comply with both State and City recycling programs. The applicant shall indicate where the recycling waste bin is located as well as the storage of empty kegs if used. Compliance forms must be filled out prior to final approval.
- BS4. The applicant shall provide adequate storage for alcoholic beverages. The alcoholic storage shall not be located within the same space as the food and dry-goods storage areas as required by the health department. The alcoholic storages need a minimum of 96 linear feet of 18-inch-deep shelving.
- BS5. The applicant shall provide adequate supervision of individuals 17 or younger partaking in the storage and sale of alcohol per California Business and Professions Code, Section 25633(b).
- BS6. The applicant shall ensure that all the employees selling alcoholic beverages must enroll in, and complete, a certified training program approved by the California Department of Alcohol Beverage.
- BS7. The approval of plans and specifications does not permit the violation of any section of the Building Code, City Ordinances, or State law.

Top BBQ & Noodle Restaurant, certifies that he/it has read, understood, and agrees to the Project Conditions listed herein.

Top BBQ & Noodle Restaurant, Representative

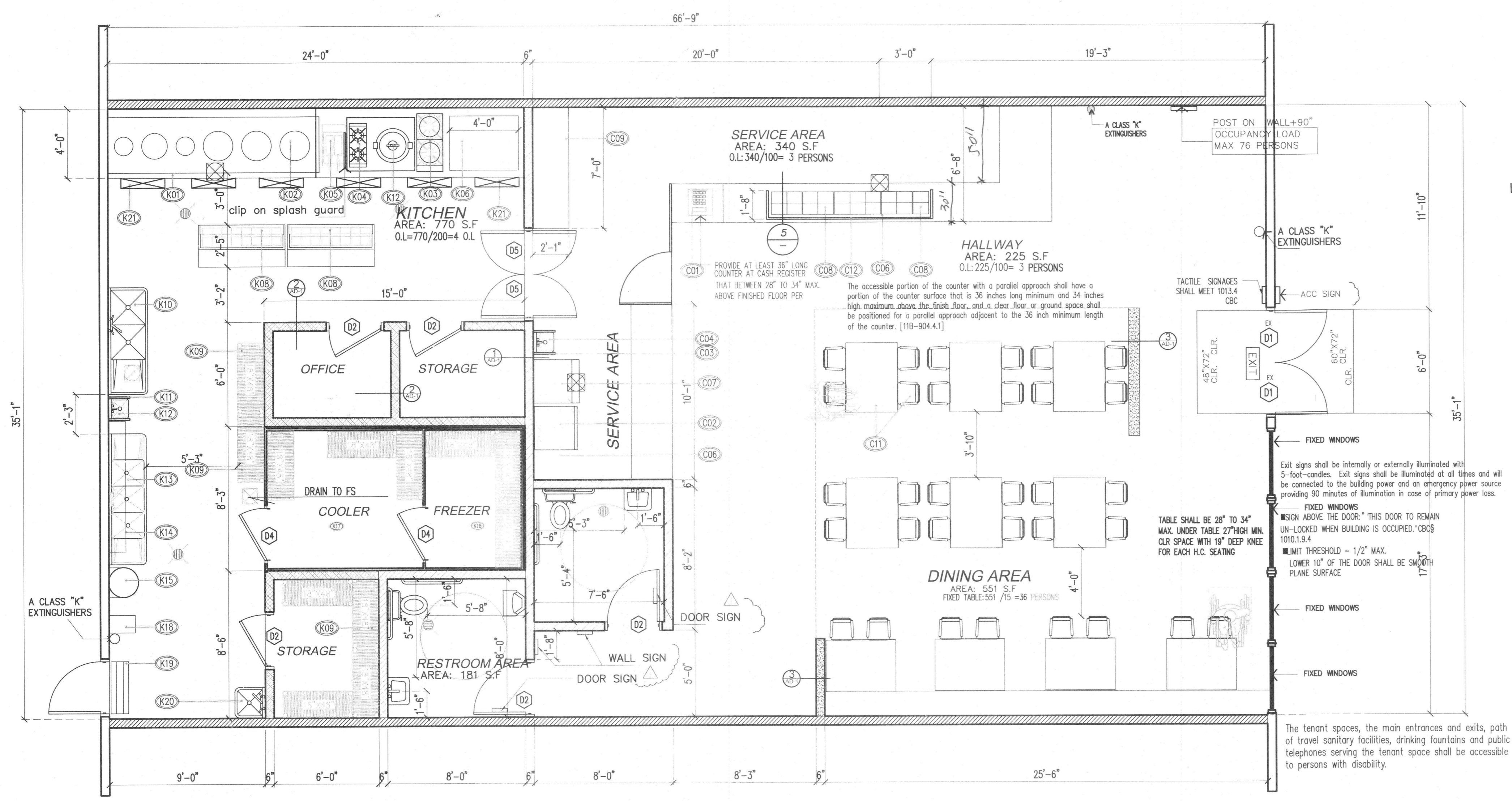
By

Date



A Project for:

1425 W ARTESIA BLVD SUIT 21-22
GARDENA CA 90248
TOP B.B.Q.

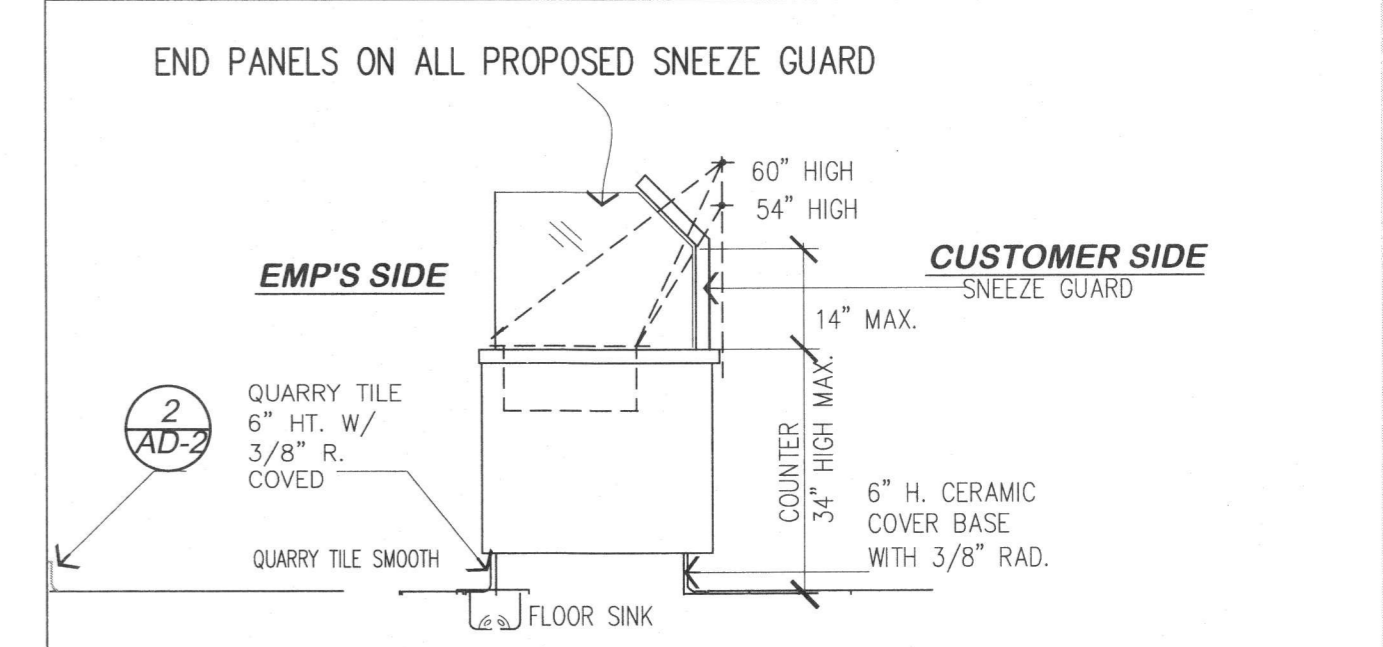


WALL LEGEND:

- ALL ARE EXISTING WALL, NO CHANGE.
- NEW INTERIOR NON BEARING WALL
METAL STUD 20GA 5/8"x1 3/8"x16" O.C.
- 5' H LOW PARTITION WALL
- 1 HOUR FIRE RATED WALL
METAL STUD 20GA 5/8"x1 3/8"x16" O.C.

- a. A minimum of 70 percent of the nonhazardous construction and demolition waste shall be recycled and/or salvaged for reuse in accordance with California Green Building Standards Code. Demo and Construction Phases.
- b. Dumpsters, roll-offs, construction material/supplies and debris shall be covered if stored outdoors.

SECTION OF SERVICE COUNTER SCALE 5



NOTE: The rest room floors shall have a smooth, hard nonabsorbent surface which extends upward onto the walls at least 6" [CBC 1209.2]. Toilet rooms must be vented to the outside air by a light-switch-activated exhaust fan.

SYMBOL LEGEND:

- EXIT EXIT SIGN
- FLOOR SINK
- FLOOR DRAIN

(TENANT IMPROVEMENT ONLY)
PROPOSED FLOOR PLAN A

SCALE: 1/4"=1'-0"

ROOM FINISH SCHEDULE SCALE 1

ITEM	FLOOR	BASE	WALL	CEILING
KITCHEN AREA(D/COOKING, PREP AREA)	QUARRY TILE SMOOTH	SMOOTH ALUMINUM FINISH, EASY CLEANABLE	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH
RESTROOM	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH
DINING AREA	QUARRY TILE SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH
SERVICE AREA	QUARRY TILE SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH
WALK IN COOLER	QUARRY TILE SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH
WALK IN FREEZER	QUARRY TILE SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH	SMOOTH CONC. SMOOTH

FINISH SCHEDULE NOTES:
1) Wall and ceilings in all areas except dining area shall be durable, smooth, and nonabsorbent, with a light colored (light colored is defined as having a light reflectance value of 70% or greater), easily cleanable, washable finish.
2) All counter surface including underside to be durable, smooth, nonabsorbent easily cleanable and washable finish (may require stainless steel or NSF approval high pressure laminate).
3) Flooring under equipment and at the base covers shall be completely smooth. floor surfaces which contain slip resistant agents shall be restricted to traffic areas only.
4) All equipment shall be either easily movable (i.e., on casters), min. 6 inch rounded metal legs, or sealed to min. 2 inch solid masonry island with min. three-eighths inch covered radius.
5) Floor Smooth Conc. must be top-set type ceramic tiled base.
6) Water resistant walls (i.e., FRP, stainless steel, ceramic tile) are required behind all sinks and dishwashers.
7) A min. 20-foot candles of light measured 30" A.F.F. in kitchen, utensil washing area, service area, though out facility for during general cleaning up activity.
8) A min. 10-foot candles of light measured 30" A.F.F. in restroom and storage rooms.

MATERIALS NOTES:
The following ceiling panels are approved:
Armstrong (R70) Micro Board ME (with laminate non-perforated)
Armstrong (R72) or (R54) Major Fire Guard (non-perforated)
Dental Option (R270) White Vinyl facing panel
U.S. Gypsum (R370) Vinyl Rock
U.S. Gypsum (R601) Enveloped with clean room facing
FINISHES IN ALL AREAS OTHER THAN THE CUSTOMER WAITING OR DINING AREAS, MUST BE SMOOTH, NONABSORBENT, EASILY CLEANABLE, DURABLE AND LIGHT IN COLOR. NOTE: LIGHT CLORED IS DEFINED AS HAVING A LIGHT REFLECTANCE VALUE OF 70% OR GREATER

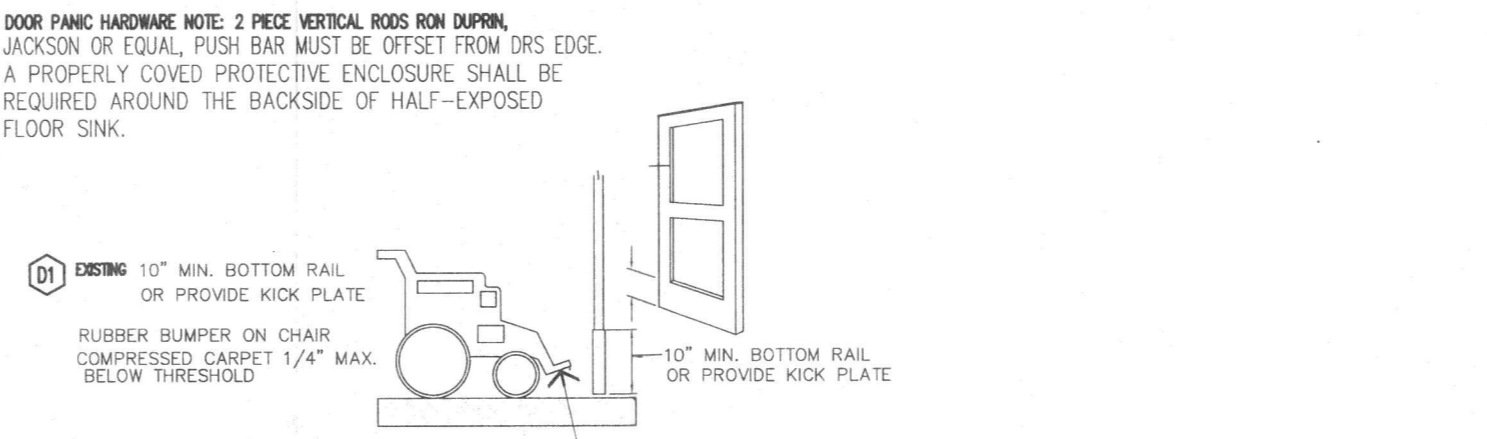
EQUIPMENT SCHEDULE SCALE 2

NEW	NO	QUA	DESCRIPTION	MARK AND MODEL
●	1	1lot	CASHER'S COMPUTER	"SHARP"
●	1	1lot	REFRIG	"T-14-G-HU-EG 201"
●	1	1lot	HAND SINK w/ SOAP & TOWEL DISP.	TORBO AIR TSS-1-H
●	1	1lot	SPLASHING GUARD	NEW
●	1	1lot	SPACE	BY CONTRACTOR
●	1	1lot	FRONT COUNTER W/MARBLE TOP	"WELLS" MOD100 Series DORP IN
●	1	1lot	ICE MAKER "ICE-O-MATIC" ICEO320	BY CONTRACTOR
●	1	1lot	WARMER	"ARCTIC CIRCLE"
●	1	1lot	BACK COUNTER W/MARBLE TOP	CUSTOM-MADE
●	1	1lot	SPACE	CUSTOM-MADE
●	1	1lot	CHAIR AND TABLE	"ARCTIC CIRCLE"
●	1	1lot	SNEEZE GUARD (WITH SIDE RETURNS)	CUSTOM-MADE

KITCHEN AREA
● 2 12'-0"x4'-0" EXH. HOOD (TYPT "1")
● 1 WOK RANGE
● 1 STOCK POT STOVE
● 1 2 OPEN BURNER
● 1 DEEP FRYER
● 1 CHINESE B.B.Q. SMOKER
● 1 SPACE
● 2 COLD TABLE
● 2 STORAGE SHELVING (MIN. 32 FT 4 TIERS MIN.)
● 1 PREP. SINK (WASTE TO F/S)
● 1 SPLASHING GUARD
● 1 RICE COOKER
● 1 3 COMP. SINK WASTE TO F/S
● 1 S.S. WALL SHELVING
● 1 GAS WATER HEATER 100GAL 199,900 BTU
● 1 WALK-IN FREEZER
● 1 WALK-IN COOLER
● 1 EMPLOYEE LOCKER w/8" MET. LEG
● 1 AIR CURTAIN
● 1 MOP SINK w/HANGER & SHELF FOR CLEAN (W/BACK FLOW PREVENTION DEVICE)
● 1 MAKE-UP AIR SEE M-3 DETAIL

DOORS SCHEDULE SCALE 3

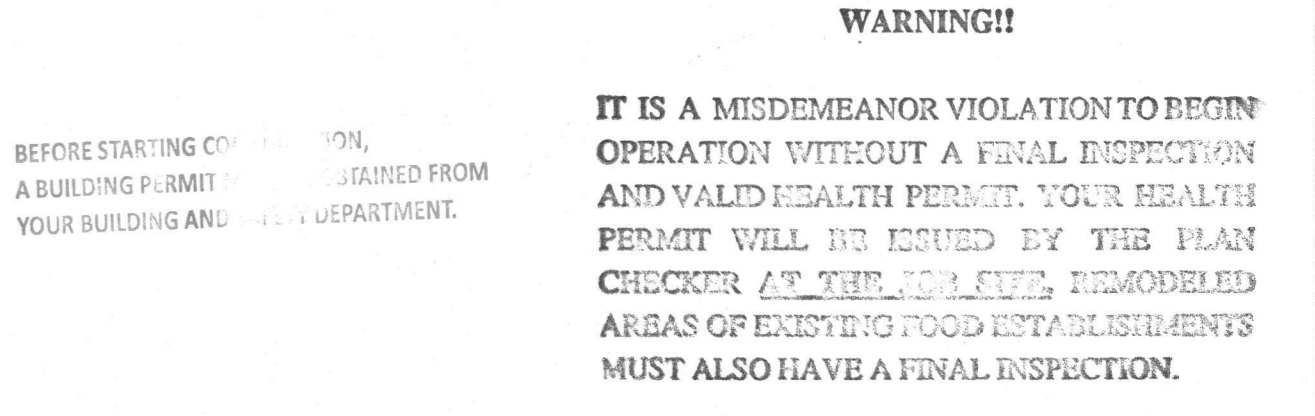
DR. TYPE/SIZE	DESCRIPTION	FRAME	REMARKS
D1) 36"x8'-0"	ALUM./TEMP. GLASS TWO-WAY SWING	WOOD	32" CLR. EX. DR. W/P FRAME (PUSH TYPE) SELF-CLOSING EX (D1)
D2) 36"x8'-0"	WOOD, PAINT	HM/AD	32" CLR. EX. DR. W/P FRAME (PUSH TYPE) SELF-CLOSING EX (D2)
D3) 36"x7'-0"	METAL FIRE-RATED 20 MIN.	STEEL	32" CLR. EX. DR. W/P FRAME (PUSH TYPE) SELF-CLOSING EX (D3)
D4) 36"x8'-0"	GALV. (WALK-IN)	GALV.	32" CLR. EX. DR. W/P FRAME (PUSH TYPE) SELF-CLOSING EX (D4)
D5) 36"x8'-0"	METAL TWO-WAY SWING	HM/AD	32" CLR. EX. DR. W/P FRAME (PUSH TYPE) SELF-CLOSING EX (D5)



DOOR PULL HARDWARE NOTE: 2 PIECE VERTICAL RODS (RUBBER BUMPER OR JACKSON OR EQUAL, PUSH BAR MUST BE OFFSET FROM DR'S EDGE. A PROPERLY COVERED PROTECTIVE ENCLOSURE SHALL BE REQUIRED AROUND THE BACKSIDE OF HALF-EXPOSED FLOOR SINK.

The force for pushing or pulling open a door or gate shall be as follows:
Interior hinged doors and gates: 5 pounds (22.2 N) maximum.
Sliding or folding doors: 5 pounds (22.2 N) maximum.
Required fire doors: the minimum opening force allowable by the appropriate administrative authority, not to exceed 15 pounds (66.7 N).
Exterior hinged doors: 5 pounds (22.2 N) maximum.
These forces do not apply to the force required to retract latch bolts or disengage other devices that hold the door or gate in a closed position. CBC 11B-404.2.9

WATER HEATER DETAIL SCALE 4



WARNING!!
IT IS A MISDEMEANOR VIOLATION TO BEGIN OPERATION WITHOUT A FINAL INSPECTION AND VALID HEALTH PERMIT. YOUR HEALTH PERMIT WILL BE ISSUED BY THE PLAN CHECKER AT THE JOB SITE. REMODELED AREAS OF EXISTING FOOD ESTABLISHMENTS MUST ALSO HAVE A FINAL INSPECTION.

COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC HEALTH
ENVIRONMENTAL HEALTH SERVICES
PLAN CHECK DIVISION
THE PROPOSED CONSTRUCTION PERMIT INSTALLATION IS APPROVED, SUBJECT TO THE FOLLOWING:
Restaurant (no alcohol)
APPROVED: 5/17/21 BY: Sharon Davis
DATE: 5/17/21
L.A. COUNTY HEALTH OFFICER
SCALE CORRECTION SHEET (ATTACHED) 5/17/21
FINAL INSPECTION AND APPROVAL ARE REQUIRED PRIOR TO THE START OF OPERATION. THE DEPARTMENT REQUIRES AT LEAST 1 WEEK'S NOTICE PRIOR TO THE DATE OF THE FINAL INSPECTION.
BALDWIN PARK PLAN CHECK PROGRAM
5050 COMMERCE DRIVE
BALDWIN PARK, CA 91706
(626) 430-5560
call (310) 965-8902 for health final
ANY CHANGES TO APPROVED PLAN MUST BE BROUGHT TO YOUR PLAN CHECKERS ATTENTION.

Revisions:
1/8/21 1st correction
02/10/2021 2nd correction

Client:

PERMIT #

No. Description Date

Project No.:

Drawn By: JIN HUANG

Reviewed By:

Date:

Filename:

Sheet Title:

FLOOR PLAN

Sheet #:

A-1



NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT on Tuesday, April 18, 2023, at 7:00 p.m., the Planning Commission of the City of Gardena will conduct a public hearing to consider the following and make a recommendation thereon:

1. Conditional Use Permit #1-23

A request for a conditional use permit, per section 18.32.030.B of the Gardena Municipal Code, to allow the on-site sale and consumption of beer and wine in an existing restaurant located in the General Commercial (C-3) zone and direct staff to file a Notice of Exemption as an existing facilities project.

Project Location: 1425 W Artesia Blvd Unit #21-22

Applicant: Tim Mao

The public hearing will be held in the Council Chambers of City Hall at 1700 West 162nd 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 post questions during the hearing. Comments may also be submitted via email to publiccomment@cityofgardena.org or by mail to 1700 W 162nd 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.

Kevin La
Planning Assistant

RADIUS MAP 300'

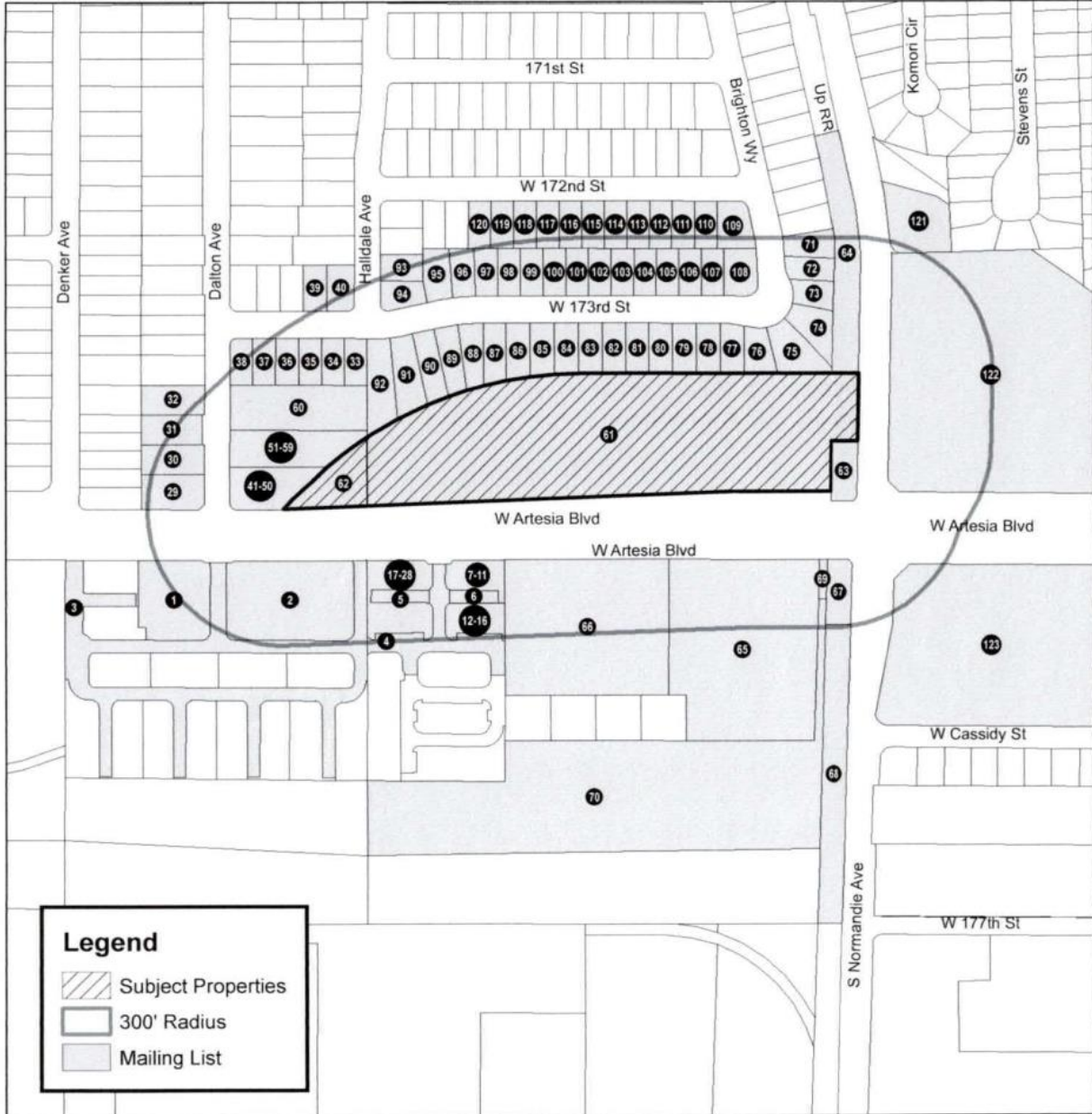
Map Date: 7/31/2022

SUBJECT PROPERTY

ADDRESS: 1425 W. ARTESIA BLVD. #21, GARDENA, CA 90248
 APN: 6106-034-001 AND -002

Graphic Data Source

Los Angeles County Geographic Information System
 Base Parcel Database (Derived from APN Maps)
 Coordinate System: NAD 1983 StatePlane California V FIPS 0405 Feet
 Datum: North American 1983



Latest equalized assessment rolls obtained from the Los Angeles County Assessor's Office through ParcelQuest, a vendor service on 7/31/2022

ORDER NO. 2022-118



www.radiusmaps4less.com | (909) 997-9357

CITY OF GARDENA
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION
STAFF REPORT

VESTING TENTATIVE MAP #1-22
AGENDA ITEM #6.B

DATE: May 16, 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: FM Marketing & Properties, LLC (dba FM Marketing)
Represented by: Fahim Mansour

LOCATION: 1715 West 149th Street (APN: 6103-022-091)

REQUEST: A request for a vesting tentative map per Chapter 17.08 of the Gardena Municipal Code, for the subdivision of airspace to create five condominium units for a property located in the Medium Residential Multiple-Family Residential Zone (R-3) zone and direct staff to file a Notice of Exemption pursuant to Guidelines section 15061(b)(3).

BACKGROUND/SETTING

On November 28, 2022, the City received an application requesting the approval of a new vesting tentative map for the subdivision of the property at 1715 W. 149th Street to create five condominium units. The subject property is a 14,934-square-foot interior lot located on the north side of West 149th Street, between Western Avenue and Harvard Boulevard (Figure 1 – Zoning Map). The subject property previously received approval of a tentative map and a site plan review involving the development of a three-story townhome-style building with five units and the subdivision for condominium units. The building itself is already under construction.

Site Plan Review #1-18 (SPR #1-18) and Tentative Map #1-18 (TM #1-18 or Tentative Tract No. 82017) were originally approved by Planning Commission on July 3, 2018. In accordance with the conditions of approval by the Commission for Tentative Tract No. 82017, the final map was required to be recorded with the Los Angeles County Recorder's office within two years of the approval date. However, on December 2020, due to delays caused by the COVID-19 pandemic, the State passed a law giving an automatic 18-month

extension for all entitlements involving the development of housing units, including approvals of subdivision maps. Therefore, the Planning Commission's approval of Tentative Tract Map No. 82017 was set to expire on January 3, 2022.

On January 12, 2022, FM Marketing & Properties, LLC (FM Marketing), purchased the property from ANCOR Incorporated, the original applicant for Tentative Tract Map No. 82017. At that time the Commission's approval for the subdivision had already expired and FM Marketing was unable to record a final tract map. Now FM Marketing, the current applicant, is requesting approval for a new vesting tentative map, Vesting Tentative Map #1-22 (Vesting Tentative Tract Map No. 83979), to create five-condominium lots, as previously approved.

It should be noted that Site Plan Review #1-18 was utilized within a timely manner under the Planning Commission's original approval.

PROJECT DESCRIPTION

The subject property is a 14,934-square-foot interior lot located in the Medium Density Multiple-Family Residential (R-3) zoning district and is also surrounded by Medium Density Multiple-Family Residential (R-3) zoning to the north, east, south, and west. Adjacent land uses include multifamily and single-family dwelling units (Table 1). The site is currently under construction for the development of the townhome-style building with five units, each having a living area of 2,055 square feet. Each unit will be three stories: garage parking, one bedroom, one bathroom on the first floor, kitchen and living room on the second floor, and two to three bedrooms on the third floor. Additionally, each unit will have private patios on the first floor and a private balcony on the second floor. Communal open space will be provided in the northeast corner of the property (Figure 2 – Site Plan).

The applicant is proposing to subdivide the airspace within each unit for condominium purposes. Additionally, as required by the Public Works department, the applicant's proposal will include a seven-foot roadway easement to the City along West 149th Street, where the applicant will have to widen the street and eliminate part of the jut-out along the street. After this public right-of-way dedication, the subject property will have a total lot size of 14,283 square feet.

The applicant is requesting the approval of Vesting Tentative Map #1-22 for the subject parcel to create five condominium lots in accordance with Gardena Municipal Code ("GMC") Chapter 17.08. Staff recommends the Planning and Environmental Quality Commission approve the vesting tentative map. The analysis supports the findings set forth in the accompanying resolution

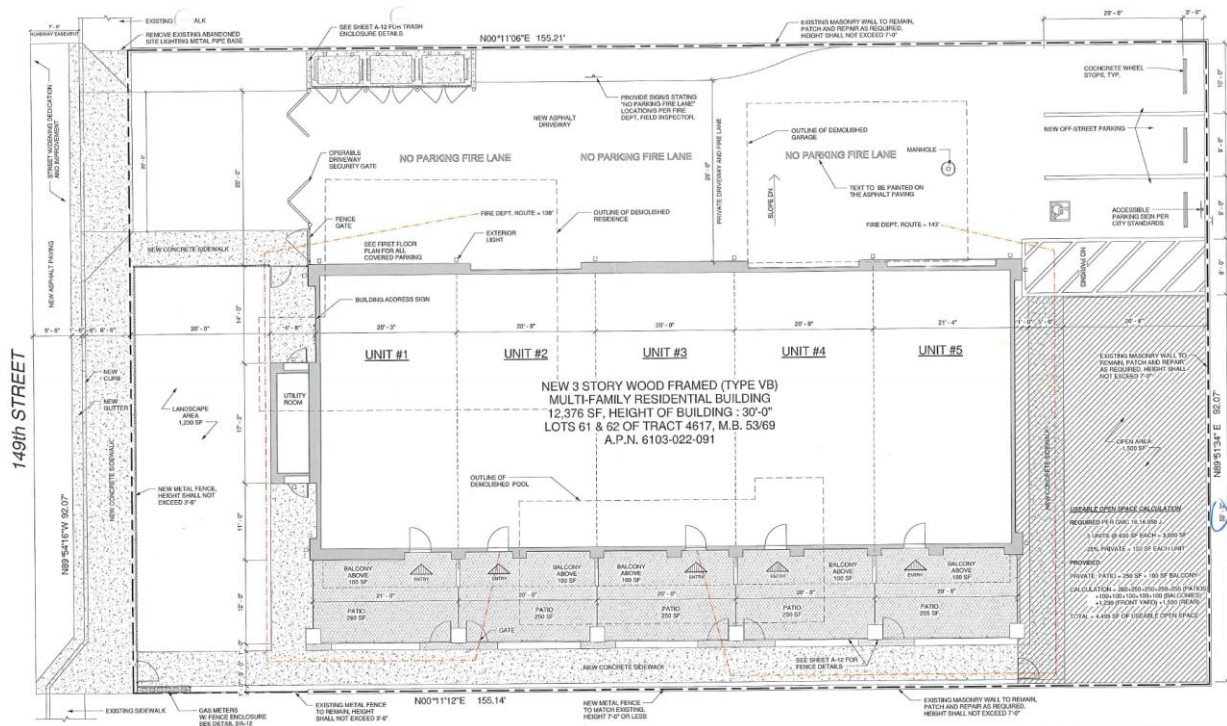
Figure 1 – Zoning Map



Table 1 – Surrounding Uses

	Zoning Designation	General Plan Land Use Designation	Existing Land Use
Project Site	R-3	Medium Residential	Vacant
North	R-3	Medium Residential	Multi-Family Units
South	R-3	Medium Residential	Single Family/ Multi-Family Units
East	R-3	Medium Residential	Multi-Family Units
West	R-3	Medium Residential	Multi-Family Units

Figure 2 – Site Plan



ANALYSIS

VESTING TENTATIVE MAP #83979 (#1-22)

The purpose of the tentative map review is to identify those conditions that should be applied to each parcel to ensure that each parcel is designed so as to comply with the State Subdivision Map Act and good design practices. As stated above, the applicant proposes a Vesting Tentative Map (TM) for the five-unit townhome project.

In accordance with the City of Gardena General Plan, including the Recreation Element, and in accordance with the Subdivision Map Act, specifically Government Code Section 66477, the City of Gardena requires either the dedication of land, the payment of fees, or a combination of both for the park or recreational purposes as a condition of the approval of a tentative or parcel map for residential subdivisions. When the Planning Commission approved the previous tentative map for the subject property, the dedication of land, or the payment of fees, was based on a formula that required a minimum acres of usable park area per 1000 persons residing within the subdivision. However, in 2020 the City Council adopted an amendment to Title 17 of the City’s Municipal Code that established a uniform fee of \$10,000 per unit. Total in lieu park fees due is \$50,000 and shall be paid in full to the City prior to the final map.

The townhome parcels of the project will be regulated by specific covenants, conditions, and restrictions (CC&Rs) that are enforced by a Homeowners Association. The townhome owners will have mutual ownership of the “common” areas within the development and individual ownership of the “air space” within each unit. These areas will be delineated on a condominium plan document, which will be recorded by the County Recorder’s office along with the CC&Rs. The CC&Rs will be required to be reviewed and approved by the City Attorney’s office.

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

1. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans (§ 66474 and § 66473.5).

The Land Use Plan of the City’s General Plan, designates the project site as Medium Density Residential Density and the Zoning Map designates the property as Medium Density Multiple Family (R-3). The proposed project involves five townhome units and is consistent with the Land Use Plan of the Community Development Element of the General Plan. Additionally, the Circulation Plan of the Community Development Element designates West 149th Street as a local street. Local streets are designed to provide vehicular, pedestrian, and bicycle access to individual parcels. As conditioned, the applicant will be making street improvements that will be consistent with the Circulation Plan. Additionally, allowing the five-unit townhome project would be consistent with the following goal and policy of the General Plan:

- Land Use Plan LU Goal 1 – preserve and protect existing single-family and low/medium-density residential neighborhoods while promoting the development of additional high-quality housing types in the City.
- Land Use Plan LU Policy 1.4 – Locate new medium- and high-density residential development near neighborhood and community shopping centers with commensurate high levels of community services and facilities.

Allowing the subject property to be divided creates five new condominium units, providing for more opportunities for home ownership within the City.

There are no applicable Specific Plans.

2. That the site is not physically suitable for the type of development (§ 66474).
 - The subject property is a 14,283-square-foot parcel that fronts West 149th Street to the south, and private property on all other sides. The townhome style structure was originally approved in 2018 under SPR #1-18, which showed that the development complied with the development standards of the R-3 zone per Gardena Municipal Code Chapter 18.16 as seen in Table-2.

Table 1 – Development Standards

Standard	Requirement	Proposed
Density (Maximum)		
<i>17 units/acre</i>	6 units (Maximum)	5 units
Unit Size (Minimum)*		
<i>Three or more bedroom units</i>	1,000 sq. ft.	2,055 sq. ft.
Setback (Minimum)		
<i>Front</i>	20 Feet	20 Feet
Standard	Requirement	Proposed
Setback (Minimum)		
<i>Side</i>	7.5 ft	19 ft
<i>Side</i>	7.5 ft	26 ft
<i>Rear</i>	7.5 ft	26.5 ft
Parking (Minimum)		
<i>Two or more Bedrooms (2 spaces per unit)</i>	10 spaces	10 spaces
<i>Guest Parking (0.5 space per unit)</i>	3 spaces	3 spaces
Storage Space (Minimum)*		
<i>120 cubic feet per unit</i>	120 cubic ft	1,000 cubic ft
Height (Maximum)		
	35 ft	32 ft
Open Space (Minimum)		
<i>Useable Open space (per unit)</i>	600 sq ft	650-660 sq ft
<i>Private Minimum (per unit)</i>	150 sq ft	350-360 sq ft
Total	3,000 sq ft	3,265 sq ft

** Development standards for minimum unit size and minimum storage space was amended in 2020 for properties in the R-3 zone. While the development on the site was not subject to these development standards at the time it was originally reviewed, the project still meets current standards.*

3. That the site is not physically suitable for the proposed density of the development (§ 66474).
 - The site is 14,283 square feet, flat, and serviced by all necessary utilities. The zoning of the property allows for 17 units per acre, or six units, and was approved for five units. The site also provides adequate ingress and egress. Therefore, the site is physically suitable for the type and density of the proposed development.
4. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (§ 66474).
 - The property is currently under construction for the five unit structure. There is no substantial natural environment, fish, or wildlife in the area which will be harmed by the proposed project. Furthermore, the subdivision has been designed to provide adequate access for pedestrians and vehicles, guests and residents, and emergency access. The five-unit condominiums are not expected to create environmental damage or public health problems.
5. That the design of the subdivision or type of improvements is likely to cause serious public health problems (§ 66474).
 - The proposed subdivision will not cause serious public health problems as the density conforms to the R-3 zone and the permitted uses in the General Plan Zone and Land Use of the respective property.
6. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision (§ 66474).
 - The proposed subdivision is designed so, as not to interfere with public access easements given that the applicant agreed upon a seven-foot-wide easement, to provide the City of Gardena, for public road and right-of-way purposes.
7. The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating and cooling opportunities (§ 66473.1)
 - During winter, a north/south alignment of parcels provides for southern exposure to the winter path of the Sun. During the summer, prevailing winds are west/southwest from the north (Los Angeles International Airport) and west from the south (Torrance Airport). The general direction of these prevailing winds can be expected to allow the development to benefit from natural and passive cooling opportunities in the summer. Therefore, the design of the proposed subdivision provides for the configuration of structures to provide for future passive or natural heating and cooling opportunities.

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

ENVIRONMENTAL ASSESSMENT

The proposed project qualifies for an exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Guidelines section 15061(b)(3) which states CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. The proposed project includes the subdivision of airspace within a five-unit townhome structure and does not add any physical development. The subdivision of airspace will not change the use or density of the property, therefore, it can be seen with certainty that there is no possibility that the project will have a significant effect.

Therefore, the project is exempt from CEQA.

NOTICING

The public hearing notice for Vesting Tentative Map #1-22 was published in the Gardena Valley News and mailed first class to owners and occupants within a 300-foot radius of the site on May 4, 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) Open the public hearing;
- 2) Receive testimony from the public; and
- 3) Adopt Resolution No. PC 9-23 approving Vesting Tentative Map #1-22, subject to the attached conditions of approval, and directing staff to file a Notice of Exemption.

ATTACHMENTS

A – Resolution No. PC 9-23 with exhibits

Exhibit A: Conditions of Approval

Exhibit B: TTM 83979 (#1-22)

B – Notice of Public Hearing

RESOLUTION NO. PC 9-23

A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA, APPROVING VESTING TENTATIVE TRACT MAP #1-22 (VTM #1-22) PER GARDENA MUNICIPAL CODE CHAPTER 17.08, FOR THE SUBDIVISION OF AIRSPACE TO CREATE FIVE CONDOMINIUM UNITS FOR A PROPERTY LOCATED IN THE MEDIUM RESIDENTIAL MULTIPLE-FAMILY RESIDENTIAL ZONE (R-3) ZONE AND DIRECTING STAFF TO FILE A NOTICE OF EXEMPTION 15061(b)(3)

**1715 WEST 149TH STREET
(APN: 6003-002-091)**

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

SECTION 1. RECITALS.

A. On January 10, 2018, an application was filed to construct a five-unit townhome development at the property located at 1715 West 149 Street (APN: 6103-022-091). The applicant's request included approval for of a site plan review (SPR #1-18) tentative map (TM #1-18);

B. On July 3, 2018, the Planning Commission held a public hearing at which time it considered all material and evidence, whether written or oral, and the Planning Commission approved SPR #1-18, TM #1-18, and directed Planning Staff to file a notice of exemption;

C. On October 9, 2018, Building permits were submitted to the Gardena Community Development Department, by ANCOR Incorporated, utilizing SPR #1-18.

D. On January 3, 2022, TM #1-18 had expired due to the fact that the previous applicant had not recorded a final tract map to Los Angeles County Recorder's office;

E. On November 28, 2022, FM Marketing & Properties, LLC (FM Marketing) submitted an application for Vesting Tentative Map #1-22 (VTM #1-22 or project) for the subdivision of airspace to create five-condominium lots (the "Project") located at 1715 West 149 Street (the "Property");

F. The General Plan Land Use Plan designation of the Subject Property is Medium Residential and the zoning is Medium Density Multiple-Family Residential (R-3);

G. The subject property is bounded by multifamily residential uses (R-3) to the north, east, and west and both multifamily and single-family residential uses (R-3) to the south;

H. On May 4, 2023, a public hearing was duly noticed for a Planning and Environmental Quality Commission meeting on May 16, 2023, at 7:00 PM at City Hall Council Chambers, 1700 West 162nd Street, Gardena;

I. On May 16, 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

J. In making the various findings set forth herein, the Planning and Environmental Quality Commission has considered all of 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. VESTING TENTATIVE MAP NO. 83979 (VTM#1-22)

Vesting Tentative Map No. 83979, dated January 3, 2023, and shown on Exhibit B, dividing the Property into five condominium units is hereby approved, subject to the conditions of approval attached as Exhibit A, based on the fact that none of the findings which would prohibit the approval of a map are present and the map satisfies all of the requirements of the Gardena Municipal Code Chapter 17.08 and Government Codes 66474 and 66473.1, and 66473.5.

A. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans (Government Code § 66474 and § 66473.5);

The Land Use Plan of the City's General Plan, designates the Property as Medium Density Residential Density and the Zoning Map designates the Property as Medium Density Multiple Family (R-3). The Project involves five townhome units and is consistent with the Land Use Plan of the Community Development Element of the General Plan. Additionally, the Circulation Plan of the Community Development Element designates West 149th Street as a local street. Local streets are designed to provide vehicular, pedestrian, and bicycle access to individual parcels. As conditioned, the applicant will be making street improvements that will be consistent with the Circulation Plan. Additionally, the Project would be consistent with the following goal and policy of the General Plan:

- Land Use Plan LU Goal 1 – preserve and protect existing single-family and low/medium-density residential neighborhoods while promoting the development of additional high-quality housing types in the City.
- Land Use Plan LU Policy 1.4 – Locate new medium- and high-density residential development near neighborhood and community shopping centers with commensurate high levels of community services and facilities.

The Property would be divided to create five new condominium units, therefore, providing for more opportunities for home ownership within the City.

There are no applicable Specific Plans.

B. That the site is not physically suitable for the type of development (Government Code § 66474);

The Property is a 14,283-square-foot parcel that fronts West 149th Street to the south, and private property on all other sides. The townhome style structure was originally approved in 2018 under SPR #1-18, which showed that the development complied with the development standards of the R-3 zone per Gardena Municipal Code Chapter 18.16.

C. That the site is not physically suitable for the proposed density of the development (Government Code § 66474);

The Property is 14,283 square feet, flat, and serviced by all necessary utilities. The zoning of the Property allows for 17 units per acre, or six units, and was approved for five units. The Property also provides adequate ingress and egress. Therefore, the site is physically suitable for the type and density of the development.

D. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat (Government Code § 66474);

The Property is currently under construction for the five-unit structure. There is no substantial natural environment, fish, or wildlife in the area which will be harmed by the project. Furthermore, the subdivision has been designed to provide adequate access for pedestrians and vehicles, guests and residents, and emergency access. The five-unit condominiums are not expected to create environmental damage or public health problems.

E. That the design of the subdivision or type of improvements is likely to cause serious public health problems (Government Code § 66474);

The subdivision will not cause serious public health problems as the density conforms to the R-3 zone and the permitted uses in the General Plan Zone and Land Use of the Property.

F. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision (Government Code § 66474);

The subdivision is designed so as not to interfere with public access easements given that the applicant agreed upon a seven-foot-wide easement, to provide the City of Gardena, for public road and right-of-way purposes.

G. The design of the subdivision does not provide for, to the extent feasible, future passive or natural heating and cooling opportunities (Government Code § 66473.1)

During winter, a north/south alignment of parcels provides for southern exposure to the winter path of the Sun. During the summer, prevailing winds are west/southwest from the north (Los Angeles International Airport) and west from the south (Torrance Airport). The general direction of these prevailing winds can be expected to allow the development to benefit from natural and passive cooling opportunities in the summer. Therefore, the design of the subdivision provides for the configuration of structures to provide for future passive or natural heating and cooling opportunities.

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

SECTION 3. CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

The Project qualifies for an exemption from the provisions of the California Environmental Quality Act (CEQA), pursuant to Guidelines section 15061(b)(3) which states CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. The Project includes the subdivision of airspace within a five-unit townhome structure and does not add any physical development. The subdivision of airspace will not change the use or density of the Property; therefore, it can be seen with certainty that there is no possibility that the project will have a significant effect.

Therefore, the project is 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 162nd Street, Gardena, California 90247. Mr. Tsujiuchi's email is gtsujiuchi@cityofgardena.org and his phone number is (310) 217-9530.

SECTION 7. EFFECTIVE DATE.

- A. The time to file an appeal pursuant to Title 17 of the Gardena Municipal Code is ten days from the date of adoption of this Resolution.
- B. This Resolution shall be effective on the eleventh date after adoption provided that no appeal is filed. Failure to file an appeal constitutes a failure to exhaust administrative remedies.

SECTION 8. CERTIFICATION.

The Secretary shall certify the passage of this resolution.

PASSED, APPROVED, AND ADOPTED this 16th day of May 2023.

DERYL HENDERSON, CHAIR
PLANNING AND ENVIRONMENTAL
QUALITY COMMISSION

ATTEST:

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 16th day of May 2023, by the following vote of the Planning and Environmental Quality Commission:

AYES:

NOES:

ABSENT:

Attachments:

- Exhibit A: Conditions of Approval
- Exhibit B: VTM 83979 (#1-22)

EXHIBIT B

CITY OF GARDENA

TENTATIVE TRACT MAP NO. 83979 (VTM #1-22)

GENERAL CONDITIONS

- GC 1. The Applicant accepts all of the conditions of approval set forth in this document and shall sign the acknowledgment. Proof of compliance shall be submitted to the Community Development Office, prior to issuance of any construction permit.
- GC 2. Development of this site shall comply with the requirements and regulations of Title 15 (Building and Construction) and Title 17 (Subdivisions) of the Gardena Municipal Code
- GC 3. The applicant shall comply with all written policies, resolutions, ordinances, and all applicable laws in effect at 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 4. The applicant shall provide the City with a draft of the Covenants, Conditions and Restrictions (CC&Rs) which shall apply to the townhomes for review and approval prior to approval of the final map or issuance of a certificate of occupancy. The CC&Rs shall include, at a minimum, the following provisions, as may be further detailed in conditions GC 5 to GC 16 as well as any other conditions identified in this document to be included in the CC&Rs.
- GC 5. Any revisions to the CC&Rs shall require prior city approval.
- GC 6. Maintenance and repair obligations of all private streets/driveways.
- GC 7. Maintenance and repair obligations of all open spaces and Common Area.
- GC 8. Prohibition against outdoor storage.
- GC 9. Prohibition against alterations to architectural treatments.
- GC 10. Requirement that all garage spaces be maintained in such a manner as to be able to be used for parking of two cars.
- GC 11. Prohibition against parking in driveway areas and in front of garages.
- GC 12. All exterior lighting shall be designed, arranged, directed, or shielded in such a manner as to contain direct illumination on-site, thereby preventing excess illumination and light spillover onto adjoining land uses and/or roadways.
- GC 13. Prohibition against residents using guest parking spaces.
- GC 14. Residents' vehicles shall be stored in the garages at all times while on the site. Residents shall not be allowed to use Guest Parking for their own vehicles.
- GC 15. The entire site, all walls and fencing, and all building walls shall be maintained at all times free and clear of litter, rubbish, debris, weeds and graffiti. Graffiti

shall be removed within 24 hours and if paint is used to cover the graffiti, it shall be of the same color and texture as the building wall.

When the draft of the CC&Rs is provided to the City for review, it shall be accompanied by a table specifying where each of the above conditions can be found

- GC 16. California Government Section 66020(d)(1) requires that the project applicant be notified of all fees, dedications, reservations and other exactions imposed on the development for purposes of defraying all or a portion of the cost of public facilities related to development. Fees for regulatory approvals, including Planning processing fees, building permit fees and park development fees under Government Code section 66477, are not included under this noticing requirement. The applicant has ninety (90) days from the date of adoption of this Resolution to protest the impositions described above. The applicant is also notified of the 180-day period from the date of this notice during which time any suit to protest impositions.
- GC 17. The site layout shall be in accordance with the submitted plans dated January 3, 2023 and the approved project plans of SPR #1-18, approved by the Planning and Environmental Quality Commission. The final completed project shall be in substantial compliance with the plans upon which the Commission based its decision, as modified by such decision. Minor modifications or alterations to the subdivision of air space shall be subject to the review and approval of the Community Development Director.
- GC 18. The applicant shall reimburse the City for all attorney's fees spent in processing the project application, including but not limited to review of all documents required by these conditions of approval.
- GC 19. The applicant shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any claim, action, or proceeding, damages, costs (including, without limitation, attorney's fees), injuries, or liability against the City or its agents, officers, or employees arising out of the City's approval of Vesting Tentative Map #1-22, and the subsequent Notice of Exemption. 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 an 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 attorney's fees.

VESTING TENTATIVE MAP

- VTM 1. The final tract map shall be recorded with the Los Angeles County Recorder's office within a period not to exceed twenty-four (24) months from the date of approval, unless an extension is granted in accordance with Gardena Municipal Code section 17.08.070 or by State law. If said map is not recorded within such time, the life of the map shall be deemed expired and said approval shall be considered null and void.
- VTM 2. The tentative tract map shall conform to the provisions of the State Subdivision Map Act and Title 17 of the Gardena Municipal Code (Subdivisions).
- VTM 3. In accordance with Section 17.08.170 of the Gardena Municipal Code, the applicant shall dedicate all necessary rights-of-way for public improvements and shall construct such improvements at no cost to the City. Such improvements may include, but not be limited to, site grading and drainage, new sidewalk, curb and gutter, driveways, street trees, roadway paving, street lights, traffic control devices, gas mains, electric power lines, telephone and cable lines, all of which shall be installed in accordance with the specifications of the Public Works Department. All utilities shall be underground.
- VTM 4. Pursuant to Government Code § 66495, at least one exterior boundary line of the land being subdivided must be adequately monumented or referenced before the map is recorded.
- VTM 5. Prior to initial phase associated with building construction, all above ground and underground infrastructure shall be installed.
- VTM 6. The applicant shall pay in lieu park fees in accordance with Chapter 17.20 of the Gardena Municipal Code which requires a payment of \$10,000 per unit for market rate units. Total in lieu park fees due is \$50,000 and shall be paid in full to the City prior to final map.

BUILDING

- BS1. The project shall comply with all applicable portions of the 2022 California Building Standards Code (Title 24, California Code of Regulations; parts 1 through 12), as adopted and amended by the City of Gardena.
- BS2. The approval of plans and specifications does not permit the violation of any section of the Building Code, City Ordinances, and/or State Law.
- BS3. The CC&Rs shall require the Homeowners Association to maintain the parking lot and striping in good condition.

PUBLIC WORKS

- PW1. The applicant shall remove and replace all existing concrete sidewalk in front of the project site.
- PW2. The applicant shall remove and replace all existing concrete curb and gutter in front of the project site.
- PW3. The applicant shall remove all abandoned driveways and replace with new curb, gutter and sidewalk in front of the project site.
- PW4. The applicant shall remove and replace AC pavements to match westerly cross section of West 149th Street.
- PW5. The applicant shall plant street trees per the Master Street Tree Plan of the City of Gardena.
- PW6. The applicant shall install street improvements along a seven-foot strip on the south side of the property and provide an easement to the City for such property. Prior to commencing improvements, the applicant shall submit a street improvement plan to Gardena's Department of Public Works showing all sidewalk structures on plans (i.e. the pole, hydrants, and traffic signal conduit) and all requirements including seven-foot widening of West 149th Street. Street improvement plans shall be designed and signed by a registered Civil Engineer and approved by the Public Works Department.
- PW7. A Public Works Encroachment/Excavation permit shall be required.

LOS ANGELES COUNTY FIRE DEPARTMENT

- FD1. The roadway shall be extended to within 150 feet of all portions of the exterior walls when measured by an unobstructed route around the exterior of the building.
- FD2. The applicant shall provide minimum unobstructed width 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6 of the Los Angeles County Fire Code, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building (Los Angeles County Fire Code 503.1.1 and 503.2.2).
- FD3. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction (Los Angeles County Fire Code 501.4).
- FD4. Three copies of the Final Map shall be submitted to the County of Los Angeles Fire Department Fire Prevention Land Development Unit for review and approval prior to recordation.
- FD5. Private driveways shall be indicated on the final map as "Private Driveway and Fire Lane" with the widths clearly depicted and shall be maintained in

accordance with the Fire Code. All required fire hydrants shall be installed, tested and accepted prior to construction.

FM Marketing & Properties, LLC certifies that he/it has read, understood, and agrees to the Project Conditions listed herein.

FM Marketing & Properties, LLC, Representative

By

Date

ENGINEER
DENN ENGINEERS
 3914 DEL AMO BOULEVARD, STE. 921
 TORRANCE, CA 90503
 310-542-9433



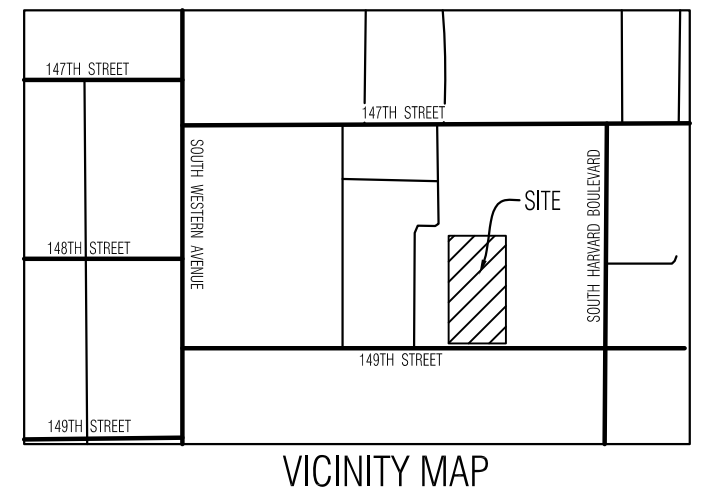
VESTING TENTATIVE TRACT NO. 83979

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

SHEET 1 OF 1 SHEET
 SCALE: 1" = 10'

Gary J. Roehl
 GARY J. ROEHL
 R.C.E. 30826

1-3-2023
 DATE



SUBDIVIDER
 FAHIM MANSOUR
 350 S. CRENSHAW BLVD., SUITE A 203
 TORRANCE, CA 90503
 PHONE (310) 617-7911

LEGAL DESCRIPTION

LOTS 61 & 62,
 TRACT NO. 4617,
 M.B. 53-69,
 APN 6103-022-091

JOB ADDRESS

1715 W 149TH STREET
 GARDENA, CA 90247

NOTES

- ALL EXISTING STRUCTURES TO BE REMOVED UNLESS OTHERWISE NOTED.
- ALL UTILITIES ARE LOCATED IN ADJACENT STREETS.
- THIS IS A 6 UNIT CONDOMINIUM PROJECT.

* TRACT NO. 46346
 M.B. 1176-57-59

** TRACT NO. 4617,
 M.B. 53-69

Ⓐ A PROPOSED 7-FOOT WIDE EASEMENT TO THE CITY OF GARDENA FOR PUBLIC ROAD AND RIGHT-OF-WAY PURPOSES TO BE RECORDED ON THE FINAL MAP.

LEGEND

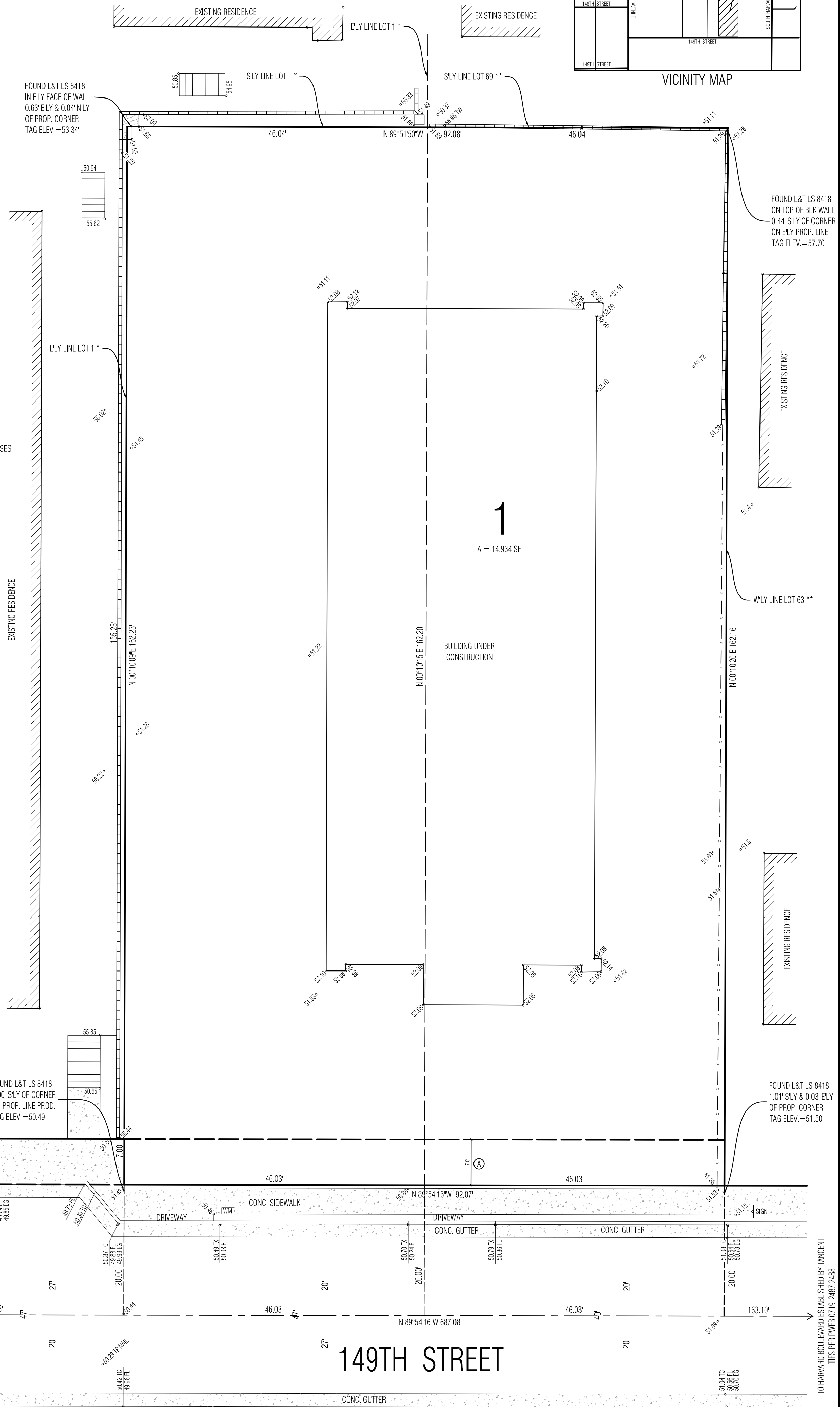
	EXISTING BUILDING
	CONCRETE
	BRICK
	WOOD DECK
	EXISTING ELEVATION
	EXISTING CONTOUR
	BLOCK WALL
	EXISTING FENCE
	BEGINNING OF CURB RET
	EASTERLY
	FOUND
	FINISH FLOOR
	FLOW LINE
	GARAGE FINISH FLOOR
	GUY WIRE
	LEAD AND TAG
	MANHOLE
	NORTHERLY
	PROPERTY CORNER
	PROPERTY LINE
	POWER POLE
	SPRINKLE AND WASHER
	SOUTHERLY
	SPRINKLE
	STAKE
	TOP OF CURB
	TOP OF WALL
	TOP OF DRIVE APRON
	WESTERLY
	WATER METER

NOTE: ALL SETBACK DIMENSIONS SHOWN ARE MEASURED TO EXTERIOR SURFACE OF BUILDINGS UNLESS OTHERWISE NOTED.

BOUNDARY MONUMENTS ARE NOT NECESSARILY SET ON PROPERTY CORNERS. PLEASE REFER TO THE NOTATION ON THE PLANS FOR OFFSET DISTANCES. IF THERE ARE ANY QUESTIONS, PLEASE DO NOT HESITATE TO CONTACT DENN ENGINEERS FOR CLARIFICATION AT: (310) 542-9433, M-F 8:00 AM TO 5:00 PM.

NOTE:
 A TITLE POLICY HAS BEEN PROVIDED AND REVIEWED BY DENN ENGINEERS AT THE TIME OF THIS SURVEY. ANY READILY AVAILABLE ITEMS AFFECTING THIS PROPERTY HAVE BEEN PLOTTED BASED ON PROVIDED DOCUMENTS.

Ⓒ USA NATIONAL TITLE COMPANY
 ORDER NO. 072240019-40
 DATED OCTOBER 24, 2022



149TH STREET

22-275

22-275



NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT on Tuesday, May 16, 2023, at 7:00 p.m., the Planning Commission of the City of Gardena will conduct a public hearing to consider the following and make a recommendation thereon:

1. Vesting Tentative Map #1-22

A request for a vesting tentative map per Chapter 17.08 of the Gardena Municipal Code, for the subdivision of airspace to create five condominium units for a property located in the Medium Residential Multiple-Family Residential Zone (R-3) zone and direct staff to file a Notice of Exemption pursuant to Guidelines section 15061(b)(3).

Project Location: 1715 West 149th Street

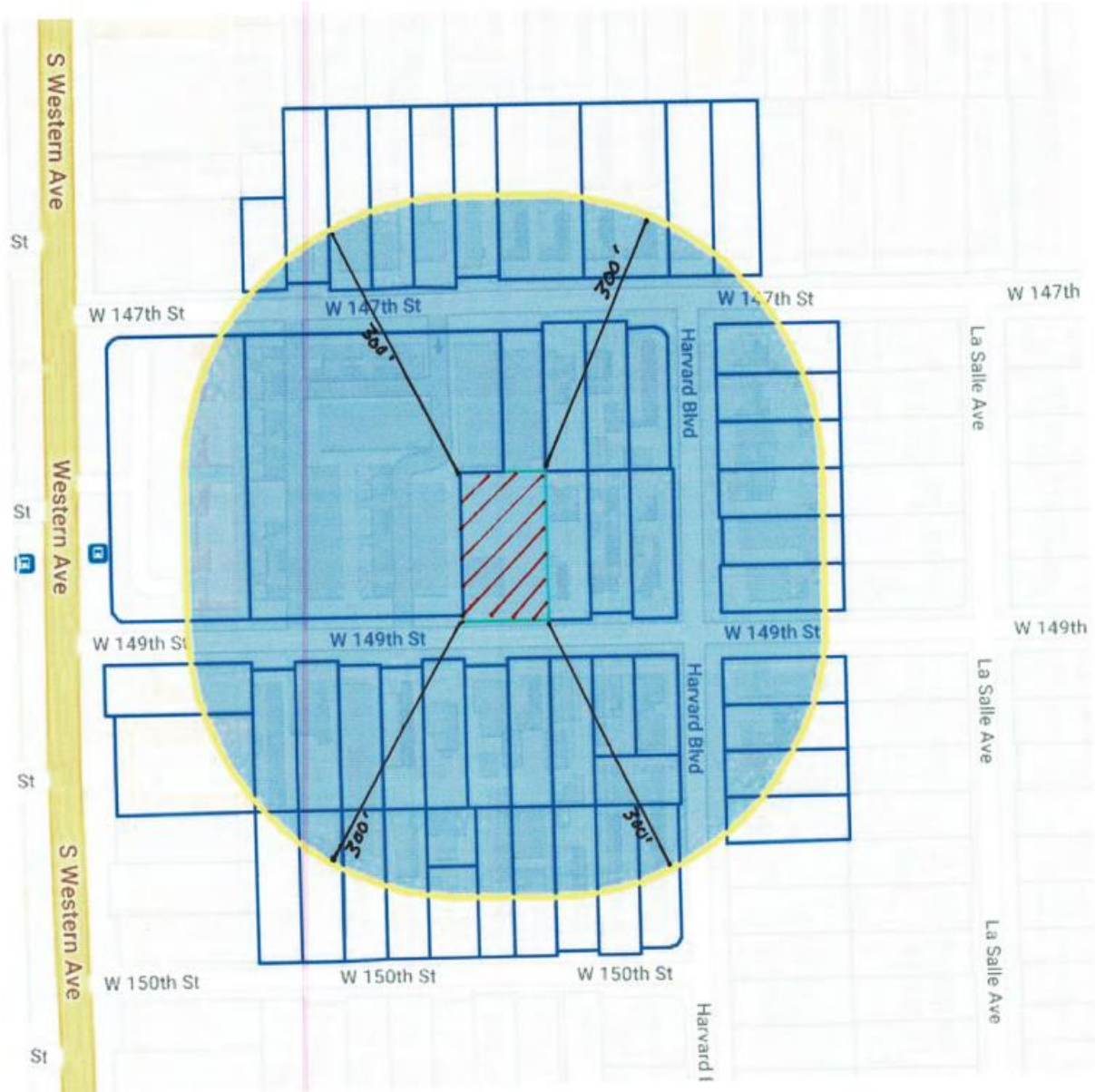
Applicant: FM Marking & Properties, LLC

The public hearing will be held in the Council Chambers of City Hall at 1700 West 162nd 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 post questions during the hearing. Comments may also be submitted via email to publiccomment@cityofgardena.org or by mail to 1700 W 162nd 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.

Kevin La
Planning Assistant



300' FOOT RADIUS MAP
KEYED TO PROPERTY OWNERSHIP LIST
 1715 W. 149th Street, Gardena, CA 90247
 Lots 61 & 62, Tract Map 4617,
 as recorded in the office of the Los Angeles County Recorder
 APN 6103-022-091
 November 7, 2022

PREPARED FOR: FM Marketing & Properties, LLC 350 S. Crenshaw Blvd., Suite A203 Torrance, CA 90503 310-617-7911	PREPARED BY: Denn Engineers Attn: Maria Islas 3914 Del Amo Blvd., Suite 921 Torrance, CA 90503 310-542-0422 / mari@denn.com
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CITY OF GARDENA
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION
STAFF REPORT

RESOLUTION NO. PC 10-23
ZONE TEXT AMENDMENT #3-23
AGENDA ITEM #6.C

DATE: May 16, 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 an ordinance amending Title 18 and adding Chapter 5.76 to Title 5 of the Gardena Municipal Code relating to regulations for short term home sharing rentals.

BACKGROUND

In recent years the Community Development Department has received numerous inquiries regarding the legality of short term rentals (STRs). An STR is any rental of a dwelling of thirty days or less. On August 9, 2022, the City Council discussed various policy options for short term rentals (STRs) and heard concerns from the public on potential loss of neighborhood character and challenges with enforcement. At the same meeting, the Council directed staff to draft an ordinance prohibiting all STRs within residential zones.

On September 6, 2022, the Planning Commission considered a draft ordinance and made a recommendation to the City Council to adopt the prohibition of short term rentals.

On September 13, 2022, the City Council considered this ordinance at a public hearing where there were more than a dozen speakers who spoke in opposition to a ban on STRs. After hearing comments and discussion among the Council, a motion to adopt the ordinance failed.

On November 8, 2022, staff brought to the City Council further information on potential policies and data collected regarding STRs that currently exist in the City. At that time the

City Council directed staff to draft an ordinance that would allow for short-term home sharing rentals in certain residential zones.

What is being asked of the Planning Commission is to make a recommendation to the City Council on an ordinance allowing short-term home sharing rentals.

ANALYSIS

Short-term home sharing would allow the renting of one or more bedrooms in a residential dwelling unit where the property owner, or “host”, is present during the entirety of the renters’ stay, for periods of thirty consecutive days or less. This type of rental expands the number and type of lodging facilities available in the City while also providing assistance to homeowners by providing revenue which may be used for maintenance and upgrade of residential units.

Zoning Changes

The draft ordinance was written to allow for short-term home sharing rentals only in the R-1 (single-family residential homes) and R-2 (maximum of two dwelling units) zones, as home-sharing is intended for when the dwelling unit is the host’s primary residence. No home sharing rental shall be allowed in any dwelling unit if there is an accessory dwelling unit or junior accessory dwelling unit on the property. Further, except as listed above, the ordinance would prohibit all types of short-term rentals in all residential zones and areas zoned for specific plans. As the City’s current code is silent on these matters, proper definitions will be established for these types of rental uses.

If adopted by the City Council, the ordinance would not go into effect until approximately August 9, 2023. The ordinance includes a provision that would require all those properties with an existing short term rental to be able to continue renting until a certain time. Staff is asking the Planning Commission for direction on what would be considered sufficient time that will allow hosts the ability to cancel reservations and to find alternate locations for guests.

Addition of Chapter 5.76

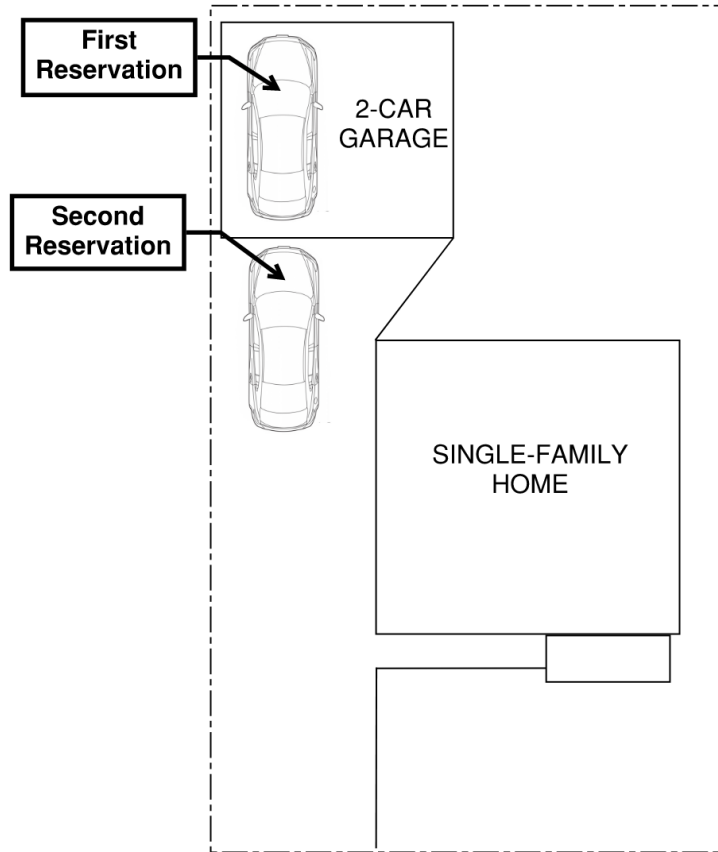
An application procedure and permitting requirements will be established for short-term home sharing rentals. Aside from obtaining proper licensing and registration permits, each host would be required to comply with various provisions, such as the following:

- *Only rooms originally designed as bedrooms may be rented. Occupancy shall be limited to a maximum of 4 people per bedroom.*
- *The Host shall keep records of the vehicle license plate numbers of guests.*

- *The Host shall notify all residents within 75 feet of the property on which the home sharing rental is located that the host is operating a home sharing rental from that location.*
- *The Host shall post contact information on the property on a place that is visible to the public that provides the following information for the host: name, phone number, e-mail address. The notice shall be in a minimum 1-inch size font.*
- *The owner must maintain a transient occupancy registration certificate and must ensure the timely remittance of all transient occupancy taxes due in accordance with 3.16 of this Code.*
- *A home sharing rental is for overnight lodging accommodations only and may not be used for, or advertised for use for weddings, parties of any kind, conferences, or similar events.*

Additionally, the owner must show that the property meets the minimum parking requirements of Gardena Municipal Code Chapter 18.40. For single-family homes in the R-1 zone, the minimum requirement is a two-car garage. In the R-2, the parking requirements is a two-car garage for each dwelling unit, plus ½ space per unit for guest parking. In addition to meeting the minimum parking requirements, the owner must show that the property can also accommodate at least one parking space per reservation that is made available to the renter. Such parking may include the required parking as well as driveway spaces (Figure 1 – Parking Diagram).

Figure 1 – Parking Diagram



Administrative guidelines have been drafted to include application requirements, conditions, reporting requirements, hosting platform safe harbor requirements, enforcement procedures, and disclosure requirements to implement the provisions of the ordinance (Attachment B).

GENERAL PLAN CONSISTENCY

Adoption of this ordinance is consistent with the City's General Plan. Specifically, the ordinance implements Land Use Goal 1 and policies 1.1 and 1.2 by preserving and protecting single-family and low/medium-density residential neighborhoods as it helps create safe neighborhoods and protects the neighborhoods from incompatible uses of areas becoming commercial districts.

The ordinance also promotes policy 1.10 by insuring there will be adequate off-street parking. The ordinance promotes Noise Goal 2 by incorporating noise considerations into land use planning decisions. By preventing entire homes from being rented as short term rentals, the ordinance also promotes Housing Element Goal 1.0 by maintaining and enhancing the stability of the City's housing stock. Lastly, adoption of the ordinance helps

promote and retain the business community by increasing the customer base of people who will make use of City businesses.

ENVIRONMENTAL IMPLICATIONS

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

Even if the ordinance were subject to CEQA, it would be exempt under the common sense exemption of Guidelines section 15061(b)(3) as there is no possibility that the activity may have a significant effect on the environment. Adoption of the ordinance is also exempt under Guidelines section 15308 as an action to creating a regulatory process to protect the environment.

NOTICING

The public hearing notice for this zoning amendment was published in the Gardena Valley News on May 4, 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 (Attachment C). Additionally, emails were sent to all individuals who previously spoke on this item who provided their email addresses to the City.

On May 11, 2023, a public comment was received regarding this matter and hereto attached as Attachment D.

RECOMMENDATION

Staff recommends the Planning and Environmental Quality Commission to:

- 1) Open the public hearing;
- 2) Receive testimony from the public; and
- 3) Adopt Resolution No. PC 10-23 recommending that the City Council adopt Ordinance No. 1854.

ATTACHMENT

A - Resolution No. PC 10-23 with exhibit
Exhibit A – Draft Ordinance 1854

B – Draft Administrative Guidelines

C – Public Noticing

D – Public Comment Received May 11, 2023

RESOLUTION NO. PC 10-23

A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE NO. 1854 AMENDING TITLE 18 AND ADDING CHAPTER 5.76 TO TITLE 5 RELATING TO SHORT TERM HOME SHARING RENTALS

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

SECTION 1. RECITALS.

A. Due to close proximity to entertainment venues such as SoFi Stadium, Los Angeles International airport, Fortune 500 companies, beaches, and other Southern California tourist destinations, the City of Gardena has become a popular location for alternative short term lodging.

B. The City of Gardena has never specifically allowed short term rental lodging as an allowed use.

C. Recent case law calls into question as whether the City's prohibition on short term rentals is valid without the use being specifically prohibited.

D. The City Council wishes to make clear that short terms rentals of an entire home are not permitted in the City.

E. Short term rentals can create concerns in residential areas due to the potential for increased traffic, noise, and a change to the residential community.

F. Short term rentals impact the supply of long-term rental housing available in the City and increase the prices of housing.

G. The renting of rooms in private homes by owners for temporary occupancy while the owner is present can create a community benefit by expanding the number and type of lodging facilities available in the City, can assist homeowners by providing revenue which may be used for maintenance and upgrade of residential units, and can provide companionship for people living alone without taking other rental units off of the market.

H. An effective way to minimize problems that are or could be associated with short term rentals is by allowing a home sharing program through a permitting process with restrictions and operational regulations.

I. On May 16, 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 making changes to amend Title 18 and add Chapter 5.76 to Title 5 relating to short term home sharing rentals. For all of 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 16th day of May 2023.

DERYL HENDERSON, CHAIR
PLANNING AND ENVIRONMENTAL
QUALITY COMMISSION

ATTEST:

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 16th day of May 2023, by the following vote:

AYES:
NOES:
ABSENT:

Attachments:

Exhibit A – Draft Ordinance No. 1854

ORDINANCE NO. 1854

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA,
CALIFORNIA AMENDING TITLE 18 AND ADDING CHAPTER 5.76 TO
TITLE 5 RELATING TO SHORT TERM HOME SHARING RENTALS**

The City Council of the City of Gardena does hereby ordain as follows:

SECTION 1: Findings. The City Council does hereby find and declare as follows:

A. Due to close proximity to entertainment venues such as SoFi Stadium, Los Angeles International airport, Fortune 500 companies, beaches, and other Southern California tourist destinations, the City of Gardena has become a popular location for alternative short term lodging.

B. The City of Gardena has never specifically allowed short term rental lodging as an allowed use.

C. Recent case law calls into question as whether the City's prohibition on short term rentals is valid without the use being specifically prohibited.

D. The City Council wishes to make clear that short terms rentals of an entire home are not permitted in the City.

E. Short term rentals can create concerns in residential areas due to the potential for increased traffic, noise, and a change to the residential community.

F. Short term rentals impact the supply of long-term rental housing available in the City and increase the prices of housing.

G. The renting of rooms in private homes by owners for temporary occupancy while the owner is present can create a community benefit by expanding the number and type of lodging facilities available in the City, can assist homeowners by providing revenue which may be used for maintenance and upgrade of residential units, and can provide companionship for people living alone without taking other rental units off of the market.

H. An effective way to minimize problems that are or could be associated with short term rentals is by allowing a home sharing program through a permitting process with restrictions and operational regulations.

I. On May 16, 2023, the Planning Commission of the City of Gardena held a duly noticed public hearing and considered all evidence presented, both written and oral, after which the Planning Commission adopted Resolution No. XXX recommending that the City Council adopt this Ordinance.

J. On XXX, the City Council of the City of Gardena held a duly noticed public hearing and considered all evidence presented, both written, after which it introduced this Ordinance.

K. Adoption of this Ordinance is for public necessity, convenience, and the general welfare as it provides protections to persons living in residential zones and protects the supply of housing in the City.

SECTION 2. Chapter 18.04 of the Gardena Municipal Code is hereby amended by adding the following definitions:

18.04.232 Home sharing rental.

“Home sharing rental” shall have the same meaning as that set forth in Section 5.76.020 of this Code.

18.04.417 Short term rental.

“Short term rental” shall have the same meaning as that set forth in Section 5.76.020 of this Code.

SECTION 3. Chapter 18.06 of the Gardena Municipal Code is hereby amended to read as follows:

Chapter 18.06

NEW AND EXISTING USES/SPECIFIC PLAN PROHIBITIONS

18.06.010 New construction and new uses.

All new construction, including buildings, improvements, alterations or enlargements, undertaken and all new uses or occupancy of premises within the city shall conform with the requirements, character and conditions as to use, height and area laid down for each of the several zones or districts as described in this title. No person shall erect, construct, establish, move into, alter, enlarge, or use or cause or permit to be erected, constructed, established, moved into, altered, enlarged or used, any building, structure, improvement or use of premises located in any zone described in this chapter contrary to the provisions of this title.

18.06.020 Specific Plans – uses prohibited.

- A. Short term rentals and home sharing rentals are hereby prohibited in every Specific Plan zone in the city. This prohibition is in addition to the uses specifically identified as permitted or prohibited in each Specific Plan.

SECTION 4. Section 18.12.020 of the Gardena Municipal Code relating to uses allowed in the R-1 zone is hereby amended by adding a subsection J. to read as follows:

- J. Home sharing rentals. Home sharing rentals shall be allowed in a single-family residence in accordance with Chapter 5.76 of this Code. No home sharing rental shall be allowed in any dwelling unit if there is an accessory dwelling unit or junior accessory dwelling unit on the property.

SECTION 5. Section 18.12.040 of the Gardena Municipal Code is hereby amended to read as follows:

18.12.040 Uses prohibited.

A. All uses not listed in Sections [18.12.020](#) and [18.12.030](#) are deemed to be expressly prohibited in the R-1 zone, except those determined to be similar pursuant to the provisions of Section [18.42.040](#); and

B. Short term rentals.

SECTION 6. Section 18.14.020 of the Gardena Municipal Code relating to uses allowed in the R-2 zone is hereby amended by adding a subsection D to read as follows:

D. Home sharing rentals. Home sharing rentals shall be allowed where there are no more than two units on the property in accordance with Chapter 5.76 of this Code. No home sharing rental shall be allowed in any dwelling unit if there is an accessory dwelling unit or junior accessory dwelling unit on the property.

SECTION 7. Section 18.14.040 of the Gardena Municipal Code is hereby amended to read as follows:

18.14.040 Uses prohibited.

A. All uses not listed in Sections [18.14.020](#) and [18.14.030](#) are deemed to be expressly prohibited in the R-2 zone, except those determined to be similar pursuant to the provisions of Section [18.42.040](#);

B. Short term rentals; and

C. Home sharing rentals if there are more than two dwelling units on the property.

SECTION 8. Section 18.16.040 of the Gardena Municipal Code is hereby amended to read as follows:

18.16.040 Uses prohibited.

A. All uses not listed in Sections [18.16.020](#) and [18.16.030](#) are deemed to be expressly prohibited in the R-3 zone, except those determined to be similar pursuant to the provisions of Section [18.42.040](#);

B. Home sharing rentals; and

C. Short term rentals.

SECTION 9. Section 18.18A.030 of the Gardena Municipal Code is hereby amended to read as follows:

18.18A.030 Uses prohibited.

A. All uses not listed in Sections [18.18A.020](#) are deemed to be expressly prohibited in the R-6 zone, except those determined to be similar pursuant to the provisions of Section [18.42.040](#).

B. The following uses are expressly prohibited:

1. Home sharing rentals; and

2. Short term rentals.

SECTION 10. Section 18.19.050 of the Gardena Municipal Code is hereby amended to read as follows:

18.19.050 Uses prohibited.

A. All uses not listed in Sections [18.19.030](#) and [18.19.040](#) are deemed to be expressly prohibited in the MUO zone, except those determined to be similar pursuant to the provisions of Section [18.42.040](#);

B. Home sharing rentals; and

C. Short term rentals.

SECTION 11. The opening paragraph of Section 18.19A.050 and subsection A of the Gardena Municipal Code are hereby amended to read as follows; all other sections remain the same:

18.19A.050 Uses prohibited.

All uses not listed in Sections 18.19A.030 and 18.19A.040 are deemed to be expressly prohibited, except those determined to be similar pursuant to the provisions of Section 18.42.040. No similar use determination may be made for the following specific uses, which are deemed to be incompatible with the uses permitted in the C-3 zone and are therefore prohibited:

A. Residential:

1. Any residential units other than live-work north of Main Street;
2. Home sharing rentals; and
3. Short term rentals.

SECTION 12. Section 18.20.040 of the Gardena Municipal Code is hereby amended by adding new subsection L and M to read as follows and relettering existing subsection L.

18.20.040 Uses prohibited.

L. Home sharing rentals;

M. Short term rentals; and

~~N.~~ Any other use not listed in Section 18.20.020, 18.20.025, or 18.20.030, except those determined to be similar pursuant to the provisions of Section [18.42.040](#).

SECTION 13. Section 18.28.040 of the Gardena Municipal Code is hereby amended by adding new subsection L and M to read as follows and relettering existing subsection L.

18.28.040 Uses prohibited.

L. Home sharing rentals;

M. Short term rentals; and

~~N.~~ Uses other than those specifically set forth or provided for in Sections [18.28.020](#) and [18.28.030](#), except those determined to be similar pursuant to the provisions of Section [18.42.040](#).

SECTION 14. Section 18.21.040 of the Gardena Municipal Code is hereby amended to read as follow:

18.21.040 Prohibited uses in housing overlays.

The following uses shall be explicitly prohibited in the housing overlays:

- A. Home sharing rentals; and
- B. Short-term rentals.

SECTION 15. Chapter 5.76 is hereby added to the Gardena Municipal Code to read as follows:

CHAPTER 5.76

HOME SHARING RENTALS

5.76.010 Purpose.

The purpose of this Chapter is to protect residential communities and stabilize the housing market.

5.76.020 Definitions.

For the purpose of this Chapter, the following definitions apply:

ADMINISTRATIVE GUIDELINES: Regulations approved by the City Council that may include, but are not limited to, application requirements, interpretations, conditions, reporting requirements, hosting platform safe harbor requirements, enforcement procedures, and disclosure requirements to implement the provisions of this Chapter.

BOOKING: A reservation for home sharing.

BOOKING TRANSACTION: Any reservation or payment service provided by a person who facilitates a transaction for home sharing, between a prospective transient user and a host.

DIRECTOR: The Director of Community Development or his designee.

DWELLING UNIT: Any building or portion thereof that is used as a complete, independent living facility for one or more persons containing permanent provisions for living, sleeping, eating, cooking, and sanitation, as required by the California Building Code.

HOME SHARING: Renting, for a period of 30 consecutive days or less, of one or more bedrooms in a dwelling unit that is the primary residence of the host, while the host lives on site, in the dwelling unit, throughout the transient user's stay.

HOME SHARING RENTAL: A dwelling unit that is made available for home sharing. A home sharing rental has historically been, and continues to be, included in the definition of "hotel" for purposes of Chapter 3.16 of this Code.

HOST: Any person who is an owner of a residential dwelling unit offered for use as home sharing.

HOSTING PLATFORM: A person or entity that participates in the short-term rental business by providing booking facilitation services through which a host may offer a short-term rental unit. Hosting platforms usually, though not necessarily, provide booking facilitation services through a platform that allows a host to advertise the short-term rental unit through the hosting platform and the hosting platform facilitates a transaction by which potential renters arrange, use and make payment, whether the renter pays rent directly to the operator or to the hosting platform.

LISTING: A webpage or advertisement (online or otherwise) for a home- share or other overnight rented stays located on a Hosting Platform or other online platform(s), including the web URL, metadata and other attributes.

LIVES ON-SITE: Maintains a physical presence in the dwelling unit including, without limitation, all of the following: the storing of one's clothes and other personal effects, sleeping overnight, preparing and eating meals, and engaging in other activities of the type typically engaged in by a person residing in a dwelling unit.

OWNER: The person, persons, or a trustee of a family trust, which holds legal or equitable title to a property used for home sharing.

PERSON: A natural person.

PRIMARY RESIDENCE: The residential unit where an owner resides for at least 183 nights per year. A host can only have one primary residence.

SHORT-TERM RENTAL: Any rental of a dwelling unit or any portion thereof for occupancy, dwelling, lodging or sleeping purposes for a period of 30 consecutive calendar days or less which does not qualify as a home sharing rental.

HOME SHARING RENTAL PERMIT (HSRP) or RENTAL PERMIT: A permit issued in accordance with this Chapter.

5.76.030 License, permits and taxes required.

A. No person may rent, offer to rent, or advertise short-term home sharing rental of a dwelling unit to another person without a valid business license.

B. No person may rent, offer to rent, or advertise short-term home sharing rental of a dwelling unit to another person without a valid rental permit approved and issued in the manner set forth in this Chapter.

C. All home sharing hosts shall be subject to the provisions of Title 5 (Business Licenses and Regulations) and Chapter 3.16, including the requirement to pay the City's Transient Occupancy Tax (TOT). Unless the applicant has the hosting platform they use collect and remit all TOT on their behalf, the applicant must be registered to pay TOT with the City's Business License Division. Regardless of whether a host utilizes a hosting platform that offers to collect and remit TOT on their behalf, the host is ultimately responsible for the, collection and monthly remittance of TOT to the City.

5.76.040 Home sharing rental permit - applications.

A. Rental Permits shall only be granted to applicants who are the owners of the proposed home sharing rental. The rental must be the applicant's primary residence and the applicant must have owned the house for a minimum of 365 days prior to the date of the application.

B. Each Rental Permit shall be valid for the period of January 1st to December 31st of each calendar with year. Notwithstanding this provision, the permit issued for the first year shall be valid through December 31st of the following calendar year.

C. An application for a Rental Permit must meet the following requirements, be made on a form approved by the City, and must contain the following information:

1. The name, address, tax assessor identification number, and telephone number of the owner of the residence for which the permit is to be issued.

2. An acknowledgment that the Rental Permit is for a period of one year and subject to yearly renewal which may be through a lottery system if there are more than the allowed number of users which apply.

3. An affidavit signed by the property owner attesting that the property to be used for short-term home sharing rental is the owner's primary residence as defined in Section 5.76.020 along with documentation verifying the same.

4. An affidavit signed by the property owner attesting that the property to be used for short-term home sharing rental has been owned by the applicant for a minimum of 365 days prior to date of the application.

5. Such other information as required by the Administrative Guidelines or as the Director deems reasonably necessary to administer this Chapter.

6. The application must be signed by the property owner and notarized.

D. An application for a Home Sharing Rental Permit must be accompanied by a fee established by resolution of the City Council.

E. The City shall issue a maximum of 100 Rental Permits per year. The application period shall be September 15th through October 30th for the following year.

1. If there are more than 100 qualified applications submitted during this time, the City shall issue Rental Permits by way of a lottery.

2. If there are less than 100 qualified applicants submitted during this time and additional Rental Permits are available, such permits may be issued on a first-come, first-served basis through the end of the following year.

3. If a lottery is conducted and a qualified applicant is not selected, then the applicant's permit fee shall be refunded.

F. Once an applicant has been notified that they will receive a Rental Permit for the following year, the applicant shall have 45 days to provide the City with the information listed below. Once the information is provided, the Rental Permit shall be issued.

1. Evidence that a City business license has been applied for or obtained for operating a short-term home sharing business.

2. Proof of general liability insurance in the amount of \$1,000,000 combined single limit and an executed acknowledgement to indemnify, defend, and hold the City harmless from any and all claims and liabilities of any kind whatsoever resulting from or arising out of the short-term home sharing rental activity. The insurance requirement may be satisfied if the Host lists only on Hosting Platforms that provide the Host with this level of insurance. In such a case, the Host must provide the City with a copy of the agreement between the Host and the Hosting Platform that evidences the requisite insurance coverage.

G. No Rental Permit shall be issued to a Host who has previously had a Rental Permit revoked.

5.76.050 Regulatory requirements.

Rental Permits are subject to the following regulations and conditions:

A. The Host must reside on-site during the rental period.

B. Home sharing is only allowed in the Single-Family (R-1) and Low-Density Multiple-Family (R-2) zones as further set forth in Title 18.

C. Only rooms originally designed as bedrooms may be rented. Occupancy shall be limited to a maximum of 4 people per bedroom.

D. Parking must meet the requirements of Chapter 18.40 of this Code. At least one parking space per reservation must be made available to guests and such parking

may include the required parking as well as driveway spaces. Tandem parking spaces are acceptable provided each tandem space measures at least 9 feet by 20 feet and does not extend into any sidewalk or other public right-of-way. If any of the required parking is provided in a garage, each garage space must be kept clear of debris and able to accommodate a vehicle at all times.

E. The Host shall keep records of the vehicle license plate numbers of guests.

F. The Host shall notify all residents within 75 feet of the property on which the home sharing rental is located that the host is operating a home sharing rental from that location.

G. The Host shall post contact information on the property on a place that is visible to the public that provides the following information for the host: name, phone number, e-mail address. The notice shall be in a minimum 1-inch size font.

H. The home sharing rental must at all times have operable basic health and safety features, including fire extinguishers, smoke detectors, and carbon monoxide detectors.

I. The property of the home sharing rental shall be maintained in a clean and sanitary condition. Trash and refuse shall not be left outdoors and shall not be left stored within public view, except in proper containers for the purpose of collection by the trash collectors.

J. The owner must maintain a transient occupancy registration certificate and must ensure the timely remittance of all transient occupancy taxes due in accordance with 3.16 of this Code.

K. A home sharing rental is for overnight lodging accommodations only and may not be used for, or advertised for use for weddings, parties of any kind, conferences, or similar events.

L. If the Host no longer resides in the home sharing rental or is no longer the property owner, the Host must inform the Community Development Department within 15 days from the date when the unit was sold or no longer the Host's primary residence. The Host must also remove all listings within this time frame.

M. The Host shall keep and preserve, for a minimum period of three years, all records regarding each home sharing stay, including the length of stay for each booking and the corresponding rate charged.

5.76.060 Advertising

A. The Host is responsible for the content of all advertising with respect to the home sharing rental.

B. All advertising shall contain the following information:

1. The City-issued registration number
2. The applicable maximum occupancy per bedroom.

C. In the event a Host's Rental Permit is revoked, the Host must remove all listings within 48 hours.

D. The Director may request a hosting platform to remove a listing for any unpermitted home sharing or short-term rental unit or for any home share unit that had its Rental Permit revoked pursuant to this Chapter.

5.76.070 Ban and automatic termination.

A. Ban.

1. If the Director determines that there is fraud on any application, the applicant shall be permanently banned from operating a home sharing rental within the City.

2. If there are three sustained complaints, whether criminal, civil, or administrative, within a 12 month period against a host, the Rental Permit shall be revoked and the Host shall be permanently banned from operating a home sharing rental within the City.

B. Automatic Termination. A Rental Permit shall automatically terminate upon a change of circumstances relating to a change of property ownership as defined in Revenue and Taxation Code section 60 *et seq.* or a change in the Unit qualifying as the Host's primary residence, or the Host failing to reside in the Unit.

5.76.080 Registry.

All owners and their respective property permitted for home sharing pursuant to this Chapter shall be listed on a registry created by the City which list shall be periodically updated. This registry shall be a public record and made available to any person upon request.

5.76.090 Hosting Platform Responsibilities.

A. Unless an alternative arrangement is authorized by the Administrative Guidelines, a hosting platform shall be responsible for collecting all transient occupancy taxes applicable to bookings completed through the hosting platform and for remitting the same to the City. The hosting platform shall be considered an agent of the owner for

purposes of such transient occupancy tax collections and remittance responsibilities as set forth in Chapter 3.16 of this Code.

B. The hosting platform shall require the host to input the home share unit's corresponding Short-term Home Sharing Rental Permit number, consistent with the City's alphanumeric format, before the listing can be displayed. Any short-term rental unit listing that predates this ordinance and that does not have a corresponding Short-term Home Sharing Rental Permit number shall be removed by the hosting platform consistent with this Section.

C. A hosting platform shall not complete any booking transaction for any residential property or unit unless it is listed on the City's registry created under Section 18.42 at the time the hosting platform receives a fee for booking the transaction. Upon request from the Director made in a manner specified in the Administrative Guidelines, the hosting platform must remove a home share or short-term rental listing or take other action consistent with the Administrative Guidelines.

D. On a quarterly basis, the hosting platform shall provide the City with a report detailing the total number of nights all home sharing rentals were rented through the platform during the applicable reporting period.

E. A hosting platform shall not collect or receive a fee or other financial benefit, directly or indirectly through an agent or intermediary, for facilitating or providing services ancillary to an unregistered home sharing rental, including, but not limited to, insurance, concierge services, catering, restaurant bookings, tours, guide services, entertainment, cleaning, property management, or maintenance of the residential property or unit.

F. Safe Harbor. A hosting platform shall be presumed to be in compliance with this Chapter if it does either of the following:

1. Operates in compliance with subsections A – E above, or
2. Complies with the Administrative Guidelines issued by the Director and approved by the City Council that describe how the hosting platform must satisfy the hosting platform responsibilities in this Chapter.

G. The provisions of this Section shall be interpreted in accordance with otherwise applicable State and Federal laws and will not apply if determined by the City to be in violation of, or preempted by, any such laws.

5.76.100 Prohibitions.

A. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the home sharing of any portion of any residential dwelling unit in the city without a valid Short-term Home Sharing Rental Permit.

B. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the short-term rental of any portion of any residential dwelling unit in the city, other than for home sharing.

C. It is unlawful to operate or maintain a home sharing rental in violation of the provisions of this Chapter.

D. Only a qualifying residential dwelling unit or portion thereof may be made available for home sharing subject to this Chapter and Title 18.

E. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the short-term rental of any place or vehicle, other than a permitted home sharing rental, for purposes of overnight lodging (for example, a tree house, recreational vehicle, tent, etc.)

5.76.110 Enforcement; penalties.

A. Any person who violates any provision of this Chapter, or hosting platform that violates its obligations under this Chapter, shall be subject to administrative citations and penalties pursuant to Chapter 1.20 of this Code.

B. If the property upon which a home sharing rental unit is located is the subject or the site of three violations of any of the provisions of this Chapter, or of Chapters 8.36 (Noise) or 8.64 (Real Property Nuisance) or any combination thereof, the Home Sharing Rental Permit for the unit shall be automatically revoked. For purposes of this section, the automatic revocation shall become effective as of the date the third citation becomes final (i.e., the time for administrative and/or judicial review has passed or final judgment of a court has been entered upholding the citation).

C. In addition to the penalties set forth herein, if the short-term home sharing rental property is the site of a loud or unruly gathering as defined in Chapter 9.68 that results in the issuance of an administrative citation or criminal charge, the Rental Permit shall be automatically revoked if and when the administrative citation becomes final (i.e., the time for administrative or judicial review has passed or final judgment of a court has been entered upholding the citation) or a criminal conviction is obtained.

D. The remedies provided in this Section are not exclusive, and nothing in this Section shall preclude the City's use or application of any other remedies, penalties or procedures established by law.

5.76.120 Remedies not exclusive.

The remedies listed in this Chapter are not exclusive of any other remedies available to the City under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies.

SECTION 16. General Plan Consistency. Adoption of this Ordinance is consistent with the City’s General Plan. Specifically, the Ordinance implements Land Use Goal 1 and policies 1.1 and 1.2 by preserving and protecting single-family and low/medium-density residential neighborhoods as it helps create safe neighborhoods and protects the neighborhoods from incompatible uses of areas becoming commercial districts. The Ordinance also promotes policy 1.10 by insuring there will be adequate off-street parking. The Ordinance promotes Noise Goal 2 by incorporating noise considerations into land use planning decisions. By preventing entire homes from being rented as short term rentals, the Ordinance also promotes Housing Element Goal 1.0 by maintaining and enhancing the stability of the of the City’s housing stock. Lastly, adoption of the Ordinance helps promote and retain the business community by increasing the customer base of people who will make use of City businesses.

SECTION 17. CEQA. Pursuant to the provisions of the California Environmental Quality Act (“CEQA”), Public Resources Code § 21000 *et seq.* and the CEQA Guidelines, staff has determined that the Ordinance does not qualify as a project as defined in CEQA Guidelines section 15378, and there is no potential for the adoption of the Ordinance to result in a physical change in the environment and therefore is not subject to CEQA. Even if the Ordinance were subject to CEQA, it would be exempt under the common sense exemption of Guidelines section 15061(b)(3) as there is no possibility that the activity may have a significant effect on the environment. Adoption of the Ordinance is also exempt under Guidelines section 15308 as an action to creating a regulatory process to protect the environment. Staff is directed to file a Notice of Exemption.

SECTION 18. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

SECTION 19. Effective Date.

- A. This Ordinance shall take effect on the thirty-first day after passage.
- B. Notwithstanding subsection A, short term rentals that were in effect on XXX shall have until XXX, 2023 to cease all operations. This extension shall not apply to any property that has an accessory dwelling unit.

SECTION 20. Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage

and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2023.

TASHA CERDA, Mayor

ATTEST:

MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

CARMEN VASQUEZ, City Attorney

CITY OF GARDENA

HOME SHARING RENTAL PROGRAM

ADMINISTRATIVE GUIDELINES



April 2023

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PART 1—PURPOSE

These Administrative Guidelines are for the purpose of implementing Gardena’s Home Sharing Rental (HSR) Program, as established by Ordinance No. 1854. These Guidelines reflect the City’s application of the Ordinance and provide detail on how property owners, hosts and hosting platforms can comply with the requirements of the Ordinance.

All terms used in these Guidelines shall have the same meaning as set forth in Chapter 5.76 of the Gardena Municipal Code.

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PART 2—REGISTRATION AND PERMITS

ELIGIBILITY REQUIREMENTS

Only the following properties are eligible for home sharing.

- Single family homes in the R-1 zone that are owner occupied and are the primary residence of the owner are eligible for home sharing.
- Properties in the R-2 zone which have only two residential units on the lot. If one person owns both units, they may only home share the unit that is owner occupied and which is their primary residence.

No property that has an accessory dwelling unit or junior accessory dwelling unit on it is eligible for home sharing.

Home sharing rentals are only allowed during such period of time as the host is also present and residing in the home sharing unit.

PERMITTING PROCESS

A prospective host must obtain both a business license and an HSR permit, which are applied for together.

An HSR permit shall only be valid for one year, except for the first year of the program when the permit shall run through December 31st of the following calendar year.

Applications shall be submitted between September 15th and October 30th for the following calendar year.

Only 100 permits shall be issued per year. If the City receives more applications than available permits, it shall hold a lottery process for the permits. All permit fees shall be refunded if a qualified applicant is not selected.

APPLICATIONS

Applications will be received at any time after the program implementation date, but all permits will expire at the end of the pilot program regardless of when the application is made.

To apply for an HSR permit, an applicant can find all the necessary forms online at <https://cityofgardena.org/business-licensing/>, or at City Hall. Application for an HSR permit and the supporting documents (including the required business license) must be submitted to the Business License Division via email at CDDLICENSEANDPERMITCENTER@CITYOFGARDENA.ORG. Additional documents to establish proof of ownership and residency are required and explained in this document.

ESTABLISHING OWNERSHIP AND PRIMARY RESIDENCY

Two important initial steps in the application process are establishing property ownership and permanent residency. The HSR Permit Program Ordinance requires that home sharing be conducted only on a property owner's primary residence. Renters are not eligible for this program.

If the property ownership is held in a family trust, then at least one of the trustees must reside at the property as their principal residence and be the applicant to be eligible. Any property held by a Partnership, LLC, or other entity may be eligible if one of the owners or members resides at the property as their primary residence.

HSR Permits are not transferrable to new owners nor to other properties. In the event of a sale, or if the property ceases to be the primary residence, the permit becomes void.

As part of the application process, a prospective host must provide a copy of at least one document that identifies the full name or names of the applicant as owner and the address or tax assessor identification number of the property. Below are examples of documents that are acceptable proof of property ownership:

- Recent property tax bill
- Recent mortgage statement
- Title report

To establish primary residency an applicant must associate their property as the place which is the base of their personal life activities. This is accomplished by providing two of the following documents when submitting the application:

- Valid federal or state-issued photo identification card with name and address that match name and address on application

- Passport or Alien Registration Card with name and address that match name and address on application
- Valid California voter's registration card or a voter registration status document showing name and home address (may be obtained online at voterstatus.sos.ca.gov)
- Valid California vehicle registration certificate showing name and home address
- Health insurance or vehicle insurance bill issued in the last six months showing name and home address
- Pay stub issued in the last six months showing name and home address
- Original utility bill for water, gas, or electric; cable, cell phone, or internet provider bills do not qualify
- Copy of a current property tax bill indicating homeowner's exemption

OTHER INFORMATION GATHERED

After establishing property ownership and primary residency, the application process focuses on ensuring that applicants are aware of the responsibilities of hosts in the program and what activities are not allowed.

The first of these is an affidavit sheet, an example of which can be found in the appendix right after the HSR Permit. On the Sheet the applicant is asked to sign an affidavit stating the following:

The applicant is the owner of the property and will reside in the unit to be used for Home Sharing for at least 183 nights per calendar year.

INSURANCE REQUIREMENT

Hosts must also include proof of liability insurance to cover home-sharing with minimum limits of not less than \$1,000,000. This requirement may be satisfied if the Host lists only on Hosting Platforms that provide the Host with this level of insurance. In such a case, the Host must provide the City with a copy of the agreement between the Host and the Hosting Platform that evidences the requisite insurance coverage.

BUSINESS LICENSE

In addition to the HSR permit application and affidavits mentioned above, as well as the various supporting documents to establish property ownership, primary residency, and insurance coverage, a business license application is required. Application for the business license must also be submitted when applying for an HSR permit. The business license fee shall be in the amount set forth in section 5.08.230 of the Gardena Municipal Code.

It's important to note that the business license is only valid during a given calendar year, and expires on December 31st of the year in which the business license is issued. The applicant is responsible for renewing a business license for the following year if the HSR permit is renewed for an additional year.

TRANSIENT OCCUPANCY TAX (TOT) REGISTRATION

Unless the applicant has the hosting platform they use collect and remit all TOT on their behalf, the applicant must be registered to pay TOT with the City's Revenue Division. Regardless of whether a host utilizes a hosting platform that offers to collect and remit TOT on their behalf, the host is ultimately responsible for the collection and monthly remittance of TOT to the City.

PART 3—HOST RESPONSIBILITIES

The host is personally responsible for complying with the rules and requirements contained in these guidelines.

ADVERTISEMENTS

All listings and advertisements must clearly list the City-issued registration number and include the maximum occupancy of the home share unit, which will be shown on the permit. In the event a host's permit is revoked, the host must remove all listings within 24 hours.

RESPONSIBLE FOR VIOLATIONS

A host is responsible for preventing violations of the Home Share Ordinance, or of Chapters 8.64 (Nuisances) and 8.36 (Noise), of Title 8 of the GMC, arising at the host's residence during home sharing activities.

PRESERVE RECORDS

The host shall keep and preserve, for a minimum period of three years, all records regarding each home sharing stay, including the length of stay for each booking and the corresponding rate charged.

TRANSIENT OCCUPANCY TAX

The host shall maintain a valid transient occupancy registration and must ensure the timely remittance of all transient occupancy taxes due in accordance with Gardena Municipal Code Title 3, Chapter 3.16.

PART 4—OPERATIONS

As part of the application process, all applicants must acknowledge these operational guidelines. Once permitted, it is the responsibility of the host to ensure these measures are taken or are maintained in order to remain in good standing with the program.

- Only habitable space designated for sleeping may be used for home sharing.
- A home sharing unit is for overnight lodging accommodations only and may not be used for, or advertised for use for weddings, parties, bachelor or bachelorette parties, conferences, or similar events.
- An accessory dwelling unit may not be used for short-term rental.
- The home sharing unit must at all times provide operable basic health and safety features, including fire extinguishers, smoke detectors, and carbon monoxide detectors.
- The property of the home sharing unit shall be maintained in a clean and sanitary condition. Trash and refuse shall not be left outdoors and shall not be left stored within public view, except in proper containers for the purpose of collection by the trash collectors.
- The total occupancy of each home sharing unit may not exceed four guests for each bedroom available for home sharing. The applicable maximum occupancy must be included in every advertisement, posting, and listing for a home sharing unit.
- One parking space must be available for each reservation. Parking spaces may include garage or driveway spaces. Tandem parking spaces are acceptable provided each space measures at least 9 by 20 feet and does not extend into the sidewalk or alley.
- The home sharing permit number must be included in every listing for a home sharing unit.

- No signs or displays advertising a home sharing unit are allowed on the property.
- The host must maintain a transient occupancy registration certificate and must ensure the timely remittance of all transient occupancy taxes due in accordance with Title 3, Chapter 3.16 of the Gardena Municipal Code.
- A home sharing rental is for overnight lodging accommodations only and may not be used for, or advertised for use for weddings, parties of any kind, conferences, or similar events.
- The host must maintain a record of the guests and vehicle license plate numbers of such guests.
- The host must notify all residents within 75 feet of the property on which the home sharing rental is located that the host is operating a home sharing rental from that location.
- The host must post contact information on the property on a place that is visible to the public that provide the following information for the host: name, phone number and e-mail address. The notice shall be in a minimum 1-inch size font.
- The Host shall keep and preserve, for a minimum period of three years, all records regarding each home-sharing stay, including the length of stay for each booking and the corresponding rate charged.

PART 5—TERMINATION

Except for the first year the program is in operation, all HSR permits issued expire on December 31st of the year for which the permit is issued. HSR permits do not automatically renew and the host must apply for a new permit each year.

It is important to note that the associated business license is only valid during a given calendar year, and expires on December 31st of the year in which the business license is issued. The applicant is responsible for renewing a business license for the following year.

If a host no longer resides in the residence used for home sharing or is no longer the property owner, the host must inform the City's Licensing Division within 15 days from the date when the unit was sold or no longer is the owner's Primary Residence. Any advertising listing must be removed within 48 hours of termination.

PART 6—PROHIBITIONS

The following activities are prohibited and considered violations that may result in citation or revocation of the permit.

- Making materially false statements or omissions on the HSR permit application or in connection with any enforcement action by the city relating to home sharing
- Advertising without registration number and maximum occupancy
- Operating a home share without a valid home-sharing permit and business license
- Exceeding occupancy limits
- Hosting more than one home sharing unit
- Renting a home share without living on-site during the rental period
- Renting a unit that is not your primary residence
- Renting a home share on a property with an accessory dwelling unit (ADU) or junior accessory dwelling unit (JADU)
- Offering home share in areas outside the residence
- Failing to ensure that basic health and safety features are provided
- Failing to actively prevent nuisances
- Failing to maintain adequate liability insurance
- Using the permit for uses other than for overnight lodging
- Failing to collect and remit TOT

PART 7—CITATIONS AND PERMIT REVOCATION

Any host violating any provision of the HSR Permit Ordinance, or a hosting platform that violates its obligations stated in the HSR Permit Ordinance, shall be subject to administrative citations and penalties pursuant to Gardena Municipal Code Section 1.16.010 and Chapter 1.20.

GENERAL REVOCATION

Violating any of the provisions of GMC Chapter 8.36 or 8.64 or of Title 8, Chapter 5.76, of Title 5, or any combination thereof, shall be cause for citation of up to \$2,500 for first offence and \$5,000 for second offence. If the property upon which a Short-Term home sharing rental unit is located has been the subject of two citations that have become final during the term of the host's home-sharing permit or business license, the home-sharing permit shall be automatically revoked. In such a case, no new HSR permit may be issued for the subject dwelling unit for the remaining period of the pilot program. The revocation shall become effective as of the date the second citation becomes final (*i.e.*, the time for administrative or judicial review has passed or final judgment of a court has been entered upholding the citation).

LOUD OR UNRULY GATHERINGS

If the HSR property is the site of one loud or unruly gathering in violation of Chapter 9.68 of the Gardena Municipal Code that results in the issuance of an administrative citation or criminal charge, the HSR permit shall be automatically revoked if and when the administrative citation or criminal charge becomes final (*i.e.*, the time for administrative or judicial review has passed or final judgment of a court has been entered upholding the citation) or a criminal conviction is obtained.

PART 8—HOSTING PLATFORM RESPONSIBILITY

TRANSIENT OCCUPANCY TAXES

A hosting platform shall collect all transient occupancy taxes (TOT) applicable to bookings completed through the hosting platform unless the City and the owner enter into an agreement whereby the owner fulfills the requirements of Title 3, Chapter 3.16 of the Gardena Municipal Code. Absent such agreement, the hosting platform shall be considered an agent of the owner for the purposes of TOT collections and remittance responsibilities set forth in Title 3, Chapter 3.16 of the Gardena Municipal Code.

A hosting platform shall report aggregate information on the tax return form prescribed by the City, including an aggregate of gross receipts, exemptions and adjustments, and taxable receipts of all TOT collected and remitted to the City by the hosting platform. The City may audit a hosting platform on an anonymized transaction basis, but the hosting platform shall not be required to produce any personally identifiable information relating to any owner or guest or relating to any booking transaction without binding legal process served only after the City has made reasonable attempts to complete an audit of the hosting platform with respect to such users.

MANDATORY HSR REGISTRATION FIELD INPUT BEFORE PUBLISHING

Beginning no later than 60 days after applications for HSR Permits are available as set forth in Section XXX, a hosting platform shall include a designated field in its listing flow that requires a host to input their Short-Term rental permit number for their listing on the hosting platform.

Beginning no later than 45 days after the implementation of the hosting platform's mandatory field, a hosting platform shall take down, on a one-time

basis, any Short-Term rental listing that does not have an HSR Permit number as required by these Guidelines.

The Mandatory Field will be formatted in alignment with the format of the City issued HSR permit.

ROLLING NOTICE AND TAKEDOWNS

City-issued notice and hosting platform's takedowns of unregistered Short-Term rental listings.

Beginning no later than 45 days after effective hosting platform's takedown of Short-Term rental listings as set forth in this Part, upon written notification and documentation from the City that a Short-Term rental listing does not have a valid HSR permit number, a hosting platform shall deactivate the Short-Term rental listing from its website within seven business days.

The City's written notification and documentation to the hosting platform to initiate the hosting platform's takedown of unregistered listings shall consist of an Excel or CSV document that provides the unlicensed Short-Term rental listing ID.

Upon written notification from the City that a deactivated Short-Term term rental unit is in compliance, the hosting platform may reactivate the Short-Term rental listing.

DATA SHARING

The hosting platform shall provide the City a report of the total number of nights all Short-Term rental units were rented through the hosting platform each quarter. The first reporting period will begin no later than 60 days after applications are available as set forth in Section XXX of the Ordinance.

Each report shall be delivered to the Finance Department by close of business on the last day of the month of the applicable reporting quarter.

PART 9 —HOME-SHARING RESOURCES

Transient occupancy tax information

<https://www.codepublishing.com/CA/Gardena/#!/Gardena03/Gardena0316.html#3.16>

Gardena Municipal Code

<https://www.codepublishing.com/CA/Gardena>

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APPENDIX A

FORMS

The following forms and handouts are needed by a prospective host to apply for an HSR permit during the pilot program. These forms are available online and can be filled out prior to printing and being brought to City Hall to start the application process.

- Short-Term Rental Home Sharing Permit Application
- HSR Affidavit
- Business Tax Registration Application
- Transient Occupancy Tax Information Handout
- HSR Permit Summary of Fees

SUMMARY OF FEES

HSR Permit Application Fee	\$XXX
Business Tax Registration Application Fee	<u>\$XXX</u>
TOTAL	\$XXX

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APPENDIX B

APPLICATION CHECKLIST

- HSR Permit Application Form
- Proof of property ownership (at least one of following)
 - Recent property tax bill
 - Recent mortgage statement
 - Title report
- Proof of primary residency (at least two of following)
 - A valid federal or state-issued photo ID
 - Passport or Alien Registration Card
 - Valid California voter's registration card
 - Valid California vehicle registration certificate
 - Health insurance or vehicle insurance bill
 - Pay stub issued in the last six months
 - Current property tax bill with homeowner's exemption
 - Original bill from Water, Gas Company, or SCE
- Proof of insurance
- Affidavit page
- Business Tax Registration Application
- Check or credit card for fees

TO: Gardena Valley News
FROM: City of Gardena

DATE: April 28, 2023

Publication Date: May 4, 2023

CITY OF GARDENA
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT on Tuesday, May 16, 2023, at 7:00 p.m., the Planning Commission of the City of Gardena will conduct a public hearing to consider the following:

REQUEST: Consideration of an Ordinance amending Title 18 and Title 5, Zoning, of the Gardena Municipal Code relating to regulations for short term home sharing rentals in residential zoning districts throughout the city. The Ordinance does not qualify as a project as defined in CEQA Guidelines section 15378, and there is no potential for the adoption of the Ordinance to result in a physical change in the environment and therefore is not subject to CEQA. Even if the Ordinance were subject to CEQA, it would be exempt under the commonsense exemption of Guidelines section 15061(b)(3) and Guidelines section 15308 as an action to creating a regulatory process to protect the environment. The Planning Commission is being asked to make a recommendation to the City Council on the ordinance.

Project Location: Citywide

The public hearing will be held in the Council Chambers of City Hall at 1700 West 162nd 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/> no later than May 12, 2023. You will have the opportunity to speak during the hearing. Written comments and documentation may be submitted by email to publiccomment@cityofgardena.org. Alternatively, comments may be mailed to City of Gardena, at 1700 W. 162nd Street, Gardena, California 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



PAUL L. CASS LL.M.
ATTORNEY AT LAW

May 11, 2023

RE: SHORT TERM RENTALS GARDENA

MY CLIENT: MARIYA WRIGHTSMAN PROPERTY OWNER

DEAR PLANNING COMMISSION:

As the City Attorney was specifically advised in October of 2022, the City of Gardena has violated my client's (Ms. Wrightsman's) constitutional rights and based on the last public notice apparently intend to do so again. The City of Gardena is prohibited from violating my client's constitutional property rights and any effort to do so would invite a lawsuit for equitable relief to have the local legislation deemed void and unenforceable as a matter of law.

The City of Gardena is engaging in harassment in violation of the US and State constitution. As was spelled out to the City Attorney in an October 2022 letter, the Council Members are not immune under a 1983 action for violating these rights, nor is the City itself. This letter serves to put the City of Gardena on notice that pursuant to Civil Code, § 827, the right to charge "rent" for "tenancies for less than one month" as to "a residential dwelling" is granted by the State of California. [See also Civil Code, § 1946 "hiring of real property" "not exceeding 30 days" "the rent shall be due and payable"]. The City of Gardena is preempted in this field by the State law.

Not to mention the constitutional issues. Below are the Airbnb terms of use:

8. Terms specific for Guests

"8.2 Booking Accommodations

8.2.1 You understand that a confirmed booking of an Accommodation ("**Accommodation Booking**") is a limited license granted to you by the Host to enter, occupy and use the Accommodation for the duration of your stay, during which time the Host (only where and to the extent permitted by applicable law) retains the right to re-enter the Accommodation, in accordance with your agreement with the Host."

The interests which enjoy constitutional protection as “property” are generally defined by state law. (Civ. Code, § 755; *Lucas v. South Carolina Coastal Council* (1992) 505 U.S. 1003, 1030.) In California “[t]he right to acquire and possess property, guaranteed by the constitution, includes the right to dispose of it, or any part of it, and for that purpose to divide it in any possible manner, either by separating it into estates for successive periods or otherwise, and to dispose of one or more of such estates.” (*Tennant v. John Tennant Memorial Home* (1914) 167 Cal. 570, 575; *Gregory v. City of San Juan Capistrano* (1983) 142 Cal.App.3d 72, 88.) Just as that right encompasses the power to grant a license to use a portion of the owner’s property temporarily (see *Ex Parte Quarg* (1906) 149 Cal. 79 [theater ticket]), it includes the right to create a leasehold estate. *Kavanau v. Santa Monica Rent Control Bd.* (1997) 16 Cal.4th 761, 794-95

“““If otherwise valid local legislation conflicts with state law, it is preempted by such law and is void.” (*Sherwin-Williams Co. v. City of Los Angeles* (1993) 4 Cal.4th 893, 897)” (*Action v. City of Santa Monica* (2007) 41 Cal.4th 1232, 1242) “As we observed more than a century ago, ‘[e]very constitutional provision is self-executing to this extent, that everything done in violation of it is void.’ [Citation]” (*Katzberg v. Regents of the University of California* (2002) 29 Cal.4th 300, 307) “[V]oid may be attacked anywhere, directly or collaterally whenever it presents itself, either by parties or strangers. It is simply a nullity, and can be neither a basis nor evidence of any right whatever.” (*Andrews v. Superior Court* (1946) 29 Cal.2d 208, 214)

Void in legal terms means it never existed.

Please present this letter to the City Attorney’s Office, whom will be able to advise of the correctness of the law that prohibits the current course of action.

If the City wishes to readdress this issue, it is suggested to pursue the only correct legal avenue available, by sponsoring an initiative to amend the California Constitution and also lobby the California state Legislature to change existing laws. Because the City can only proceed in this manner, future attempts to enact local legislation which is void will result in a Federal action under 42 U.S.C. §§ 1983 and 1985 pursuant to the equal protection clause of the Fourteenth Amendment. Due process protections are necessary "to insure that the state-created right is not arbitrarily abrogated." (*Vitek v. Jones* (1980) 445 U.S. 480, 489, quoting *Wolff v. McDonnell*, (1974) 418 U.S. 539, 557) and see *Vitek* at 491 fn. 6. In reality the amount of rentals of less than 30 days is minimal within the boundaries of Gardenia. However, since my client invested heavily before any attempt was made to change the laws, then this fact inures to my client's benefit. Legally under existing laws the City may not unilaterally change the rules without subjecting the City to a costly legal battle. The City's plan of action would be deemed arbitrary and is a form of "taking" which is prohibited.

The issue of "**grandfathering**" existing Gardena rentals (which are few in number) is not before us at this time but may in the future be a remedy especially if there is a situation where the City affirms its plan and the client is forced to file a Federal Lawsuit and tack-on the State law claims. If this event of a total ban on rentals of less than 30 days occurs then such action will cause all concerned parties to waste resources in a quagmire of litigation. If the City wanted to bypass litigation and to that end it inserted a grandfather provision in its expected law this would make it where the City might have some leverage as to new units (post legislation), assuming some future attempt by a property owner to engage in rentals of less than 30 days. However, that possibility is not yet before us. The current understanding is that the City will be seeking a total ban on rentals of less than 30 days which would trigger a lawsuit / petition.

Best,

A handwritten signature in blue ink, appearing to read "P.L. Cass". The signature is fluid and cursive, with a large initial "P" and "L" followed by "Cass".

PAUL L. CASS, ESQUIRE SBN 158,323