



# **CITY OF HAWAIIAN GARDENS**

## **AGENDA PACKET**

### **PLANNING COMMISSION**

**GRANT WINFORD**  
**PRISCILLA KWAN**  
**ANNA RODRIGUEZ**  
**DONNA SCHULTZE**  
**SAMMY SO**

**CHAIRMEMBER**  
**VICE CHAIRMEMBER**  
**COMMISSIONER**  
**COMMISSIONER**  
**COMMISSIONER**

**REGULAR MEETING**

**WEDNESDAY, SEPTEMBER 23, 2020**

**6:00 PM**

[WWW.HGCITY.ORG](http://WWW.HGCITY.ORG)





## AGENDA

### CITY OF HAWAIIAN GARDENS PLANNING COMMISSION

#### REGULAR MEETING

WEDNESDAY, SEPTEMBER 23, 2020 AT 6:00 P.M.

**Meeting Location:** City Council Chambers, 21815 Pioneer Boulevard, Hawaiian Gardens, California – **No Member of the Public will be permitted to attend.**

**PLEASE NOTE THAT PURSUANT TO THE GOVERNOR OF THE STATE OF CALIFORNIA'S EXECUTIVE ORDER N-25-20 AND N-29-20, AND IN THE INTEREST OF THE PUBLIC HEALTH AND SAFETY, MEMBERS OF THE PLANNING COMMISSION AND OR STAFF MAY PARTICIPATE IN THIS MEETING VIA TELECONFERENCE.**

**\*\*DUE TO THE EVOLVING SITUATION WITH THE COVID-19 NOVEL CORONAVIRUS AND HEALTH ORDERS FROM THE STATE OF CALIFORNIA AND L.A. COUNTY HEALTH DEPARTMENT, THE CITY OF HAWAIIAN GARDENS PLANNING COMMISSION MEETING SHALL ONLY BE AVAILABLE TO THE PUBLIC REMOTELY\*\***

The meeting can be viewed via various platforms as follows:

City of Hawaiian Gardens local cable/channel:

- ATT – 99
- FRONTIER – 16
- SPECTRUM – 36

Live Stream via City website at: [www.hgcity.org](http://www.hgcity.org)

#### **CALL TO ORDER**

#### **FLAG SALUTE**

#### **ROLL CALL**

Chairmember	Grant Winford
Vice Chairmember	Priscilla Kwan
Commissioner	Anna Rodriguez
Commissioner	Donna Schultze
Commissioner	Sammy So

**PUBLIC HEARING COMMENTS AND AGENDA GENERAL PUBLIC COMMENTS ARE TO BE SUBMITTED AND CONDUCTED AS FOLLOWS:**

## PUBLIC HEARING(S) – PUBLIC COMMENTS

TO SUBMIT/PROVIDE PUBLIC COMMENTS PERTAINING TO PUBLIC HEARING(S):  
*For public comments & questions, it is advised to submit using one of the following options:*

- **Written Correspondence** may be delivered to the City Hall Drop Box or received via mail. All written correspondence **MUST** be received by no later than Wednesday, September 23, 2020 at 4:00PM. Please reference the hearing title and date of hearing in any written correspondence.
- **Via E-Comment** on the City of Hawaiian Gardens website. A person may leave a written comment to be read during the Public Hearing Comment section.
- **Comments received via email** prior before 4:00 p.m. on the date of the meeting will become part of the official meeting record. You must provide your full name, but please do not provide any other personal information (i.e. phone numbers, addresses, etc.) that you do not want to be published. Please send electronic comments to [knquyen@hqcity.org](mailto:knquyen@hqcity.org).

## AGENDA GENERAL PUBLIC COMMENTS (NON PUBLIC HEARING ITEMS)

TO SUBMIT/PROVIDE PUBLIC COMMENTS PERTAINING TO NON-PUBLIC HEARING(S):

*For public comments & questions, it is advised to submit using one of the following options:*

- **Written Correspondence** may be delivered to the City Hall Drop Box or received via mail. All written correspondence **MUST** be received by no later than Wednesday, September 23, 2020 at 4:00PM. Please reference the hearing title and date of hearing in any written correspondence.
- **Via E-Comment** on the City of Hawaiian Gardens website. A person may leave a written comment to be read during the Agenda General Public Comment section. The designated staff will read the submissions into the record during the “Public Comments” portion of the agenda, provided that such comments meet the following criteria:
  - Submitted and received no later than 5:00PM on September 23, 2020;
  - No longer than 250 words;
  - In accordance with California Government Code Section 54954.3(a), relate only to items listed on the agenda;
  - Public Comment submissions not meeting each of the above listed criteria will not be read into the record.

### 1. **AGENDA ORGANIZATION**

This is the time for the Planning Commission to discuss any changes in the order of agenda items.

### 2. **ORAL COMMUNICATIONS**

This is the time reserved for members of the public the opportunity to address the Planning Commission regarding any subject that is not a public hearing item. (Time Limit: Maximum of three (3) minutes per speaker; total time allocated is 15 minutes.)

Please see the Public Comment section at the beginning of the agenda for criteria to submit comments, as a result of the COVID-19 Coronavirus pandemic situation.

**3. PUBLIC HEARINGS**

- 3a. RESOLUTION NO. 2020-017; CASE NO. PLNG2019-0052CUP – A REQUEST TO ALLOW AN EXISTING SERVICE STATION/ CONVENIENCE STORE (CHEVRON/EXTRAMILE) TO OPEARTE WITH A CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 20 LICENSE (OFF-SALE BEER & WINE, PACKAGE STORE), ON PROPERTY LOCATED AT 11804 CARSON STREET, CITY OF HAWAIIAN GARDENS, CA 90716.**

**CEQA DETERMINATION:** The proposed project is Categoricaly Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15301 (Class 1, Existing Facilities) of the CEQA guidelines. It is staff's opinion that the request to operate with an ABC license at the existing convenience store will not result in any changes in lands use; thereby qualifying for Class 1 exemption.

**PLANNING COMMISSION ACTION:** Waive further reading and adopt Resolution No. 2020-017, recommending approval of a Type 20 ABC License for Case No. PLNG2019-0052CUP.

**4. CONSENT CALENDAR**

Items listed on the Consent Calendar are considered routine and will be enacted by one motion and one vote. There will be no separate discussion of these items. If discussion is desired, that item may be removed from the Consent Calendar and will be considered separately.

The Planning Commission, upon approval of the Consent Calendar will waive reading in full of all resolutions on the agenda and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

- 4a. RESOLUTION NO. 2020-018; CASE NO. PLNG2019-0001DRB AND CASE NO. PLNG2019-0004VAR – A REQUEST TO ALLOW A ONE-YEAR EXTENSION OF THE PREVIOUSLY APPROVED DESIGN REVIEW AND VARIANCE, FOR A PROPOSED EIGHT-UNIT APARTMENT COMPLEX, ON PROPERTY LOCATED AT 22002-22006 HAWAIIAN AVENUE, CITY OF HAWAIIAN GARDENS, CA 90716.**

**CEQA DETERMINATION:** The proposed project is Categoricaly Exempt from the requirements of the California Environmental Quality Act (CEQA) per Section 15061 (Review for Exemption) of the CEQA guidelines.

**PLANNING COMMISSION ACTION:** Waive further reading and adopt Resolution No. 2020-018, recommending approval of a one-year extension to Cases No. PLNG2019-0001DRB and PLNG2019-0004VAR.

- 4b.** Approval of the minutes for the Regular Planning Commission meeting of July 8, 2020.

**PLANNING COMMISSION ACTION:** Receive and File.

- 5. ORAL STAFF REPORTS**
- 6. ORAL COMMISSIONER REPORTS**
- 7. ADJOURNMENT**

To the regular Planning Commission meeting of October 14, 2020 at 6:00 p.m.



**CITY OF HAWAIIAN GARDENS  
PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No. 3a  
Meeting Date: Sept 23 2020  
CD Director JC

**TO:** Honorable Chairman and Members of the Planning Commission

**THRU:** Joseph Colombo, Director of Community Development

**FROM:** Kevin Nguyen, Associate Planner II

**SUBJECT:** RESOLUTION NO. 2020-017; CASE NO. PLNG2019-0052-CUP - A REQUEST TO ALLOW AN EXISTING GASOLINE SERVICE STATION /CONVENIENCE STORE (CHEVRON/ EXTRA-MILE) TO OPERATE WITH A CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 20 LICENSE (OFF-SALE BEER & WINE, PACKAGE STORE), ON PROPERTY LOCATED AT 11804 CARSON STREET, CITY OF HAWAIIAN GARDENS

**DATE:** September 23, 2020

**SUMMARY**

On July 17, 2019, the City of Hawaiian Gardens Community Development Department received an application for a Conditional Use Permit (PLNG2019-0052) requesting for approval of California Department of Alcoholic Beverage Control (ABC) Type 20 (Off-Sale, Beer and Wine - Package Store) license for an existing gasoline service station/ convenience store (Chevron/ ExtraMile) located at 11804 Carson Street, in the City of Hawaiian Gardens.

After a careful review of the proposal, staff deemed the application complete on September 9, 2020. On September 11, 2020, staff mailed a notice of the pending public hearing to all property owners within 300 feet of the subject site with the notice being published in the *Los Cerritos Community News*.

**BACKGROUND**

The subject property is located at the southeast corner of Carson Street and Pioneer Boulevard. The site is located within the C-4 (General Commercial) Zoning District, with a General Plan designation of "General Commercial". This general plan designation is classified by commercial uses, including service stations and retail uses that offer alcoholic beverages, subject to the approval of a conditional use permit application.

The subject property currently operates as a Chevron gas station, ExtraMile mini-mart, and accompanying Auto Repair shop that will be vacated to accommodate the future expansion on the mini-mart.

On February 13, 2019, the City Planning Commission approved Design Review Case No. 2019-0011 for the remodel of the existing building façade and convert the existing automobile service bay into an up-scale convenience store. The proposed 1,666 square foot building includes shelves to display merchandise, a large beer & beverage walk-in cooler, a storage area, an office, a cashier, and a unisex restroom. The proposed upgrades will enhance the store front and will significantly improve the look of this corner of the Carson and Pioneer intersections.

## **DISCUSSION/ANALYSIS**

The applicant, Long Beach Willow Inc, is requesting approval of a Conditional Use Permit to allow the subject business to offer the sales of alcoholic beverages under a Type 20 license. Without the sales of alcoholic beverages, the convenience store is permitted as accessory uses within the C-4 zone. As part of this review, staff has coordinated with the Sheriff's Department and the California Department of Alcoholic Beverage Control (ABC). Both Departments provided useful facts and information for staff in reviewing an applicant's proposal to sale alcohol at a convenience store.

As mentioned above, the proposed building will include various freestanding shelves to display merchandise, a large beer & beverage walk-in cooler, a storage area, an office, a cashier, and a unisex restroom. The applicant is in the process of obtaining building permits for the improvements at the gas station/ mini mart. The following paragraph is an analysis of the aspects of the application.

### **Conditional Use Permit for Alcoholic Beverages**

In California, liquor license regulation is handled by the Department of Alcohol Beverage Control (ABC). Under California law, the ABC may not issue a liquor license if it violates an existing, valid, local zoning ordinance. Through a Conditional Use Permit, operating conditions may be placed at the City level on new alcohol outlets to minimize potential risks to health and safety.

Section 18.100.090.D of the Hawaiian Gardens Municipal Code stipulates that the Planning Commission shall consider applications for a Conditional Use Permit and may, when such conditions are found necessary, approve the use, provided the use will not jeopardize, adversely affect, endanger, or otherwise constitute a menace to the public health, safety, or general welfare, or be materially detrimental to the property of other persons located in the vicinity of such use. As such, an approval of the proposed conditional use permit would allow the applicant to sell off-site alcoholic beverages in conjunction with the existing gasoline service station, under the guidelines for an ABC Type 20 license. A Type 20 license and its basic privileges are described as follows:

**“Off-Sale Beer and Wine – Package Store.** Authorizes the sale of beer and wine for consumption off the premises where sold. Minors are allowed on the premises.

The type of use that the applicant proposes will satisfy this requirement. The applicant stated that the request would allow the business to increase its sales revenues significantly. It is important to note that alcohol beverages shall only be sold for off-site consumption and that no alcohol will be consumed outside of the premises.

The business at the gas station and mini-mart currently open 24 hours, seven days a week. However, the operation of off-sale alcohol beverages inside the mini-mart will be prohibited between 2:00 am and 6:00 am of the same day.

### Undue Concentration of Liquor Licenses

One of the tools used by ABC for regulatory and analytical purposes regarding the number of licenses to be issued in the State of California is that of "undue concentration". In general terms, undue concentration can be defined in two ways as follows: the ratio of alcohol licenses and population in a given census tract, and crime rates for a given geographical area.

An undue concentration exists when the ratio of on-sale and off-site licenses to population in the census tract in which the premises are located exceeds the ratio of licenses to population in the county. The Conditional Use Permit proposes to establish the alcohol use at 11804 Carson Street which is located within census tract 5552.11. The total number of licenses in the county is 5,818. A total of three (3) off-sale liquor licenses are permitted before ABC considers the tract to have an "undue concentration". Currently the tract has a total of five (5) off-sale licenses. Therefore, the addition of this Type 20 license would require the applicant to apply with ABC for the determination of public convenience or necessity.

### LA County Sheriff's Department Report

City staff reached out to the Los Angeles County Sheriff's Department (LACSD) regarding the potential establishment of a Type 20 license. The Sheriff's Department stated that they had no objection to the request for the operation of off-sale alcoholic beverages at the subject business.

### Crime Statistics

The City of Hawaiian Gardens is divided into two reporting districts by the Los Angeles County Sheriff's Department. The area north of Carson Street is Reporting District 1352 and the area south of Carson is Reporting District 1351. The Los Angeles County Sheriff tracks all crimes which occur in the City of Hawaiian Gardens broken down by reporting districts. The subject property is located within a police-reporting district No. 1351. It indicated that the reporting district had a total of 277 crimes during the subject time period, while the average for the City was 287.6. Therefore, this area has a percent slightly lower crime rate than the City Average. However, because the subject request is located within the census tract that has two licenses more than the maximum of three licenses allowed in the census tract, making it is necessary for the applicant to provide the determination of either public convenience or necessity to ABC.

### Public Convenience and Necessity

Business and Professions Code Section 23958.4 stipulates that the State Alcohol Beverage Control (ABC) may grant a license to an applicant if the “local governing body of the area in which they are located determines that public convenience or necessity would be served by the issuance of the license.

The finding of public convenience or necessity is to be made in areas of “undue concentration” which, pursuant to Section 23958.4, is related to the number of existing liquor licenses and reported crime within the crime reporting districts of the law enforcement agency. Based on the crime statistics listed above, the geographic location for the proposed license is within an area of “undue concentration.”

Current state law limits the issuance of new licenses in geographical regions defined as high crime areas or in areas of “undue concentration” of retail alcohol outlets. Essentially, “public convenience or necessity” is demonstrated when the liquor license applicant proves that the business operation will not negatively impact the neighborhood and why it is necessary for an additional license in an area of undue concentration. For this type of license (Type 20 - Off-Sale Beer and Wine, Package Store), a finding of public convenience or necessity will be provided by the applicant and determined by the ABC. ABC has notified the applicant that they will not process an application for an alcohol license without a finding of public convenience or necessity provided by the applicant.

### **FINDINGS**

Pursuant to the requirements of the Municipal Code Section 18.100.090 (Conditional Use Permit), staff recommends that the Planning Commission make the following findings to approve the request:

**1. *That the proposed use is consistent with the General Plan.***

The General Plan Land Use Element Land Use Map designates the subject property as "General Commercial". The Land Use element defines the "General Commercial" designation as an area intended provide a broad range of commercial services, including the proposed use.

The General Plan of the City of Hawaiian Gardens poses certain objectives and policies, which reflect the expectations and wishes of the City, with respect to land uses, and infrastructure. Specifically, the project is consistent with:

Land Use Element-Goal 4: *Provide commercial retail opportunities that serve residents and visitors.*

The proposed project will provide an expansion of retail use in conjunction with an existing gasoline service station. It offers off-sale alcoholic beverage opportunities for residents and visitors alike.

Land Use Element-Policy 4.5: *Ensure that applicable land use regulations allow for the commercial uses that serve a broad market area, including visitor-serving uses.*

The proposed request provides an additional market area which appeals to a broader commercial attraction, including visitors.

Land Use Element-Policy 4.7: *Provide neighborhood commercial uses throughout the community to make goods and services available within walking distances of residents.*

The convenience store will be located within walking distance of the city's residents and offer an accessibility to visitors that shop within the area.

Land Use Element-Policy 7.2: *Provide appropriate mitigation measures for proposed commercial uses that abut residential land uses in order to reduce potential negative impacts.*

The proposed use is properly mitigated with conditions of approval to ensure all potential negative impacts can be reduced or eliminated.

2. ***That the nature, condition, and the development of adjacent uses, buildings, and structures have been considered, and that the proposed conditional use will not adversely affect or be materially detrimental to adjacent uses, or structures, and will be compatible with the character of the surrounding area.***

The project, as proposed, poses no detrimental effects to adjacent uses, or structures, and will be compatible with the character of the surrounding area, which is commercial in nature, as is the proposed use. The site has historically operated as a commercial use. Impacts to the surrounding area have been considered throughout the Conditional Use Permit application review process and all foreseeable impacts addressed within the conditions of approval.

3. ***That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other land use development features in this Zoning Code and required by the Planning Commission or City Council in order to integrate the use with existing and planned uses within the City.***

The proposed request poses no changes to the existing footprint of the building, nor any other physical changes to the site or surrounding environment. The subject site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other land use development features in this Zoning Code and required by the Planning Commission in order to integrate the use with existing and planned uses since all development standards as required by the Zoning Code have been met or exceeded.

## **ENVIRONMENTAL ANALYSIS**

Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, staff determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15301 (Class 1, Existing Facilities). Categorical Exemptions are projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of the CEQA. It is staff's opinion that the request to operate with an ABC license at the existing convenience store will not result in any changes in land use; thereby qualifying for the Class 1 exemption.

## **PUBLIC INPUT**

As of the date that this report was printed, staff has not received any correspondence regarding this matter.

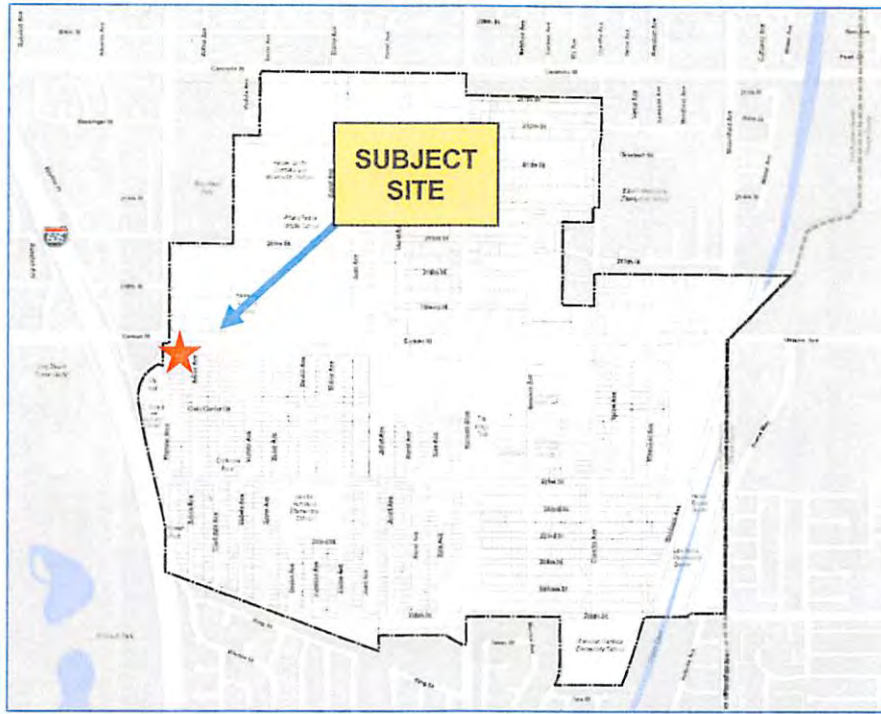
## **CONCLUSION**

Staff recommends that the Planning Commission adopt Resolution No. 2020-017 approving Case Number PLNG2019-0052-CUP.

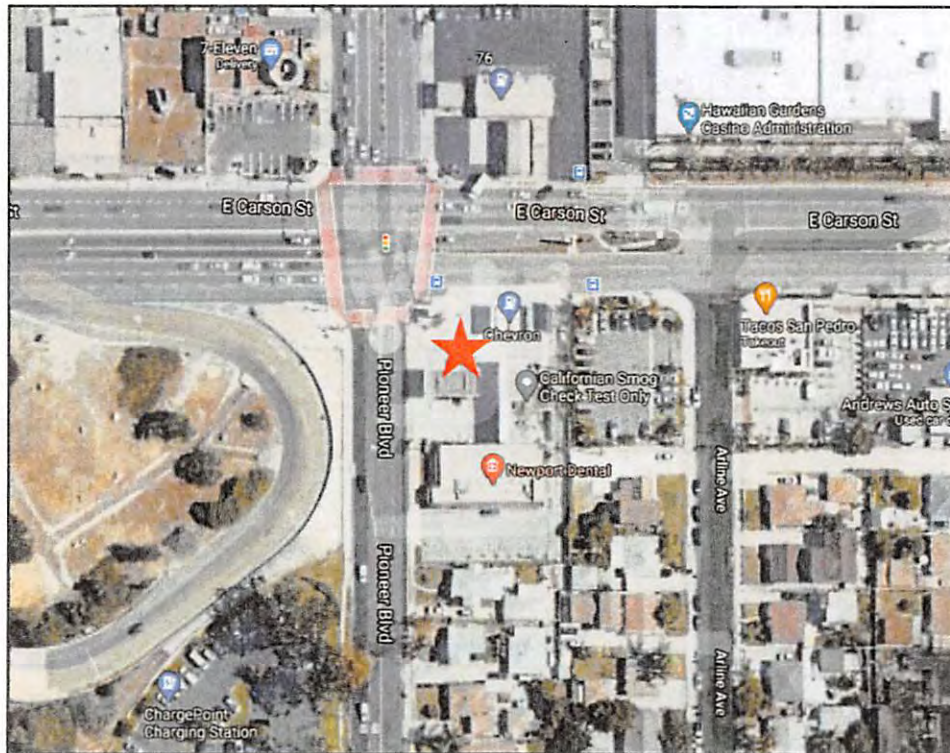
## **ATTACHMENTS**

1. Exhibit 1 – Vicinity Map and Aerial Photograph
2. Exhibit 2 - Project Plans
3. Planning Commission Resolution No. 2020-017 (CUP)
4. Attachment "A" – Conditions of Approval
5. Attachment "B" – Standard List of Conditions

EXHIBIT - 1

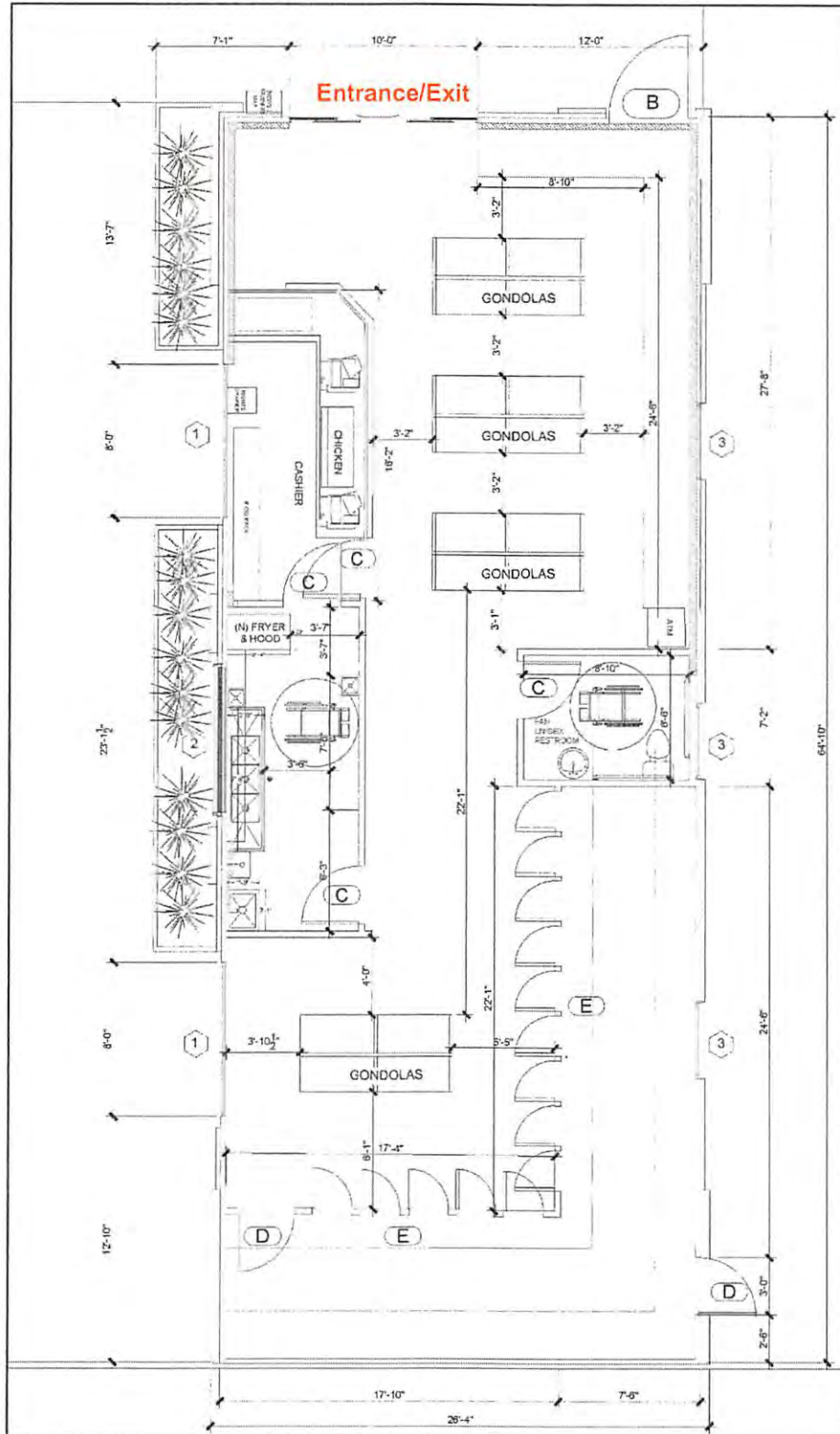


Vicinity Map



Aerial Photograph

EXHIBIT - 2



Floor Plan

## RESOLUTION NO. 2020-017

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT (PLNG2019-0052-CUP), THEREBY ALLOWING AN EXISTING GASOLINE SERVICE STATION/ CONVENIENCE STORE (CHEVRON/ EXTRA-MILE) TO OPERATE WITH A CALIFORNIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 20 LICENSE (OFF-SALE BEER & WINE, PACKAGE STORE), ON PROPERTY LOCATED AT 11804 CARSON STREET, CITY OF HAWAIIAN GARDENS

**WHEREAS**, the applicant, Long Beach Willow Inc. has submitted a conditional use permit application to allow the operation of an ABC Type 20 license for business located at 11804 Carson Street; and,

**WHEREAS**, the property is currently located within the "General Commercial" zoning district and the General Commercial Designation of the General Plan; and,

**WHEREAS**, on September 11, 2020, an advertisement was published in the Los Cerritos Community News; and notices were placed on the City's webpage, at the City Hall, Lee Ware Park, and Lakewood Mobile Home Park; and notices were mailed to property owners within 300 feet of the subject property specifying the date, time and location of the public hearing; and,

**WHEREAS**, The Planning Commission held a duly noticed public hearing on September 23, 2020, and after fully considering all oral and written testimony, facts, and opinions offered at the aforesaid public hearing adopted this resolution.

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Hawaiian Gardens as follows:

**Section 1.** The Planning Commission of the City of Hawaiian Gardens HEREBY FINDS AND DETERMINES that Case No. PLNG2019-0052-CUP is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guideline Section 15301 (Class 1 – Existing Facilities). The request to allow a convenience store to operate with an ABC license at the existing gasoline service station will not result in any changes in land use; thereby qualifying for the Class 1 exemption.

**Section 2.** The City Planning Commission of the City of Hawaiian Gardens HEREBY FINDS AND DETERMINES that Case No. PLNG2019-0052-CUP will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the Fish and Game Code.

**Section 3.** The Planning Commission of the City of Hawaiian Gardens HEREBY SUGGESTS that the public convenience and necessity will be met by allowing the off-site sale of beer and wine at 11804 Carson Street, Hawaiian Gardens, CA 90716. These types of alcohol sales for off-site consumption do not typically generate public disturbance issues that bars and nightclub create, so the impact on neighboring residential areas will be

limited. The Los Angeles County Sheriff's Department has confirmed that they have no objections to the sales of beer and wine at the subject business. As conditioned, the proposed use will not be detrimental to the character of development in the immediate neighborhood and will be in harmony with the overall objectives of the City General Plan. Therefore, allowing the sales of off-sale "beer and wine" at the convenience store would provide public convenience and necessity.

**Section 4.** The Planning Commission of the City of Hawaiian Gardens HEREBY FINDS AND DETERMINES that Case Number PLNG2019-0052-CUP DOES satisfy the criteria of Section 18.100.090(D) of the City of Hawaiian Gardens Municipal Code in that:

**1. *That the proposed use is consistent with the General Plan.***

The General Plan Land Use Element Land Use Map designates the subject property as "General Commercial". The Land Use element defines the "General Commercial" designation as an area intended provide a broad range of commercial services, including the proposed use.

The General Plan of the City of Hawaiian Gardens poses certain objectives and policies, which reflect the expectations and wishes of the City, with respect to land uses, and infrastructure. Specifically, the project is consistent with:

*Land Use Element-Goal 4: Provide commercial retail opportunities that serve residents and visitors.*

The proposed project will provide an expansion of retail use in conjunction with an existing gasoline service station. It offers off-sale alcoholic beverage opportunities for residents and visitors alike.

*Land Use Element-Policy 4.5: Ensure that applicable land use regulations allow for the commercial uses that serve a broad market area, including visitor-serving uses.*

The proposed request provides an additional market area which appeals to a broader commercial attraction, including visitors.

*Land Use Element-Policy 4.7: Provide neighborhood commercial uses throughout the community to make goods and services available within walking distances of residents.*

The convenience store will be located within walking distance of the city's residents and offer an accessibility to visitors that shop within the area.

*Land Use Element-Policy 7.2: Provide appropriate mitigation measures for proposed commercial uses that abut residential land uses in order to reduce potential negative impacts.*

The proposed use is properly mitigated with conditions of approval to ensure all potential negative impacts can be reduced or eliminated.

- 2. ***That the nature, condition, and the development of adjacent uses, buildings, and structures have been considered, and that the proposed conditional use will not adversely affect or be materially detrimental to adjacent uses, or structures, and will be compatible with the character of the surrounding area.***

The project, as proposed, poses no detrimental effects to adjacent uses, or structures, and will be compatible with the character of the surrounding area, which is commercial in nature, as is the proposed use. The site has historically operated as a commercial use. Impacts to the surrounding area have been considered throughout the Conditional Use Permit application review process and all foreseeable impacts addressed within the conditions of approval.

- 3. ***That the proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other land use development features in this Zoning Code and required by the Planning Commission or City Council in order to integrate the use with existing and planned uses within the City.***

The proposed request poses no changes to the existing footprint of the building, nor any other physical changes to the site or surrounding environment. The subject site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities and other land use development features in this Zoning Code and required by the Planning Commission in order to integrate the use with existing and planned uses since all development standards as required by the Zoning Code have been met or exceeded.

**Section 5.** The Planning Commission of the City of Hawaiian Gardens HEREBY APPROVES Case Number PLNG2019-0052-CUP, to allow the operation of an ABC Type 20 license on property located at 11804 Carson Street, subject to the conditions found in the Attachment "A" – Conditions of Approval and Attachment "B" – Standard List of Conditions.

**Section 6.** The Planning Commission Chairman of the City of Hawaiian Gardens is hereby authorized to affix his signature to this resolution signifying its adoption by the Planning Commission. The Planning Secretary is directed to attest thereto.

**PASSED, APPROVED, AND ADOPTED** by the Hawaiian Gardens Planning Commission on this the 23<sup>rd</sup> day of September 2020.

\_\_\_\_\_  
CHAIRPERSON

ATTEST:

\_\_\_\_\_  
JAMIE DONALDSON  
PLANNING SECRETARY

I, Jamie Donaldson, Planning Secretary to the City of Hawaiian Gardens Planning Commission, do hereby certify that Resolution No. 2020-017 was duly and regularly passed and adopted by the Planning Commission of the City of Hawaiian Gardens on the 23<sup>rd</sup> day of September 2020, by the following roll call vote as the same appears on file and of record in Office of the Community Development Department.

AYES:

NOES:

ABSENT:

ABSTAIN:

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JAMIE DONALDSON  
PLANNING SECRETARY  
CITY OF HAWAIIAN GARDENS

## ATTACHMENT 'A'

### Conditions of Approval for PLNG2019-0052-CUP

The Planning Commission hereby approves Case No. PLNG2019-0052-CUP for the operation of an ABC Type 20 license at an existing gasoline service station/ convenience store (Chevron/ ExtraMile), on property located at 11804 Carson Street, subject to the following conditions.

#### Planning:

1. This approval allows the convenience store (ExtraMile) to operate with a State of California Department of Alcoholic Beverage Control Type 20 (Off-Sale Beer & Wine – Package Store) license. Any changes to the project plans shall be subject to the approval of the Community Development Director and/or the Planning Commission as applicable and the requirements of the Hawaiian Gardens Municipal Code.
2. After purchasing alcoholic beverages, customers shall not be gathering outside of the business, at the fuel pump islands, or within the subject parking lot.
3. Alcohol shall not be sold for on-site consumption.
4. The business owner/applicant shall not permit any loitering on the subject site.
5. The business shall open 24 hours, seven days a week. The sales of alcoholic beverages shall be prohibited between 2:00 am and 6:00 am of the same day.
6. The owner/applicant shall provide sufficient security measures to effectively regulate interior and exterior loitering, parking lot congestion, disturbing noise, loud conversations and criminal activities. The Community Development Director is authorized to request for additional safety measures if it deems necessary.
7. The business owner/applicant shall provide security cameras to survey the subject business (inside and outside) at all times.
8. The owner/applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution, to challenge the determination made by City under the California Environmental Quality Act or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition.
9. All of the conditions listed in the Standard List of Conditions and below shall be complied with by the applicant/business owner and all property owners of the subject property, prior to the issuance of any occupancy permit and/or business license.

**Los Angeles County Sheriff's Department:**

1. A copy of the Conditional Use Permit and approved conditions of approval shall be prominently posted on the premises at all times. The applicant shall make available said copies upon request by any Police Officer or other City official charged with the enforcement of the City's laws, ordinances, or regulations.
2. The business owner/applicant shall comply with and strictly adhere to all conditions of any permit issued by the Alcohol Beverage Control ("ABC") to the applicant and any applicable regulations of ABC.
3. There shall be no unpermitted signage or advertising of any kind on the building, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages. Interior displays of alcoholic beverages or entertainment signs which are clearly visible to the exterior shall constitute a violation of this condition.
4. No alcoholic beverages shall be consumed outside of the premises (parking lot, etc.) or any property adjacent to the licensed premises.
5. The business owner/applicant and licensee shall provide the parking lots of the premises with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.

**ATTACHMENT “B”**

**STANDARD LIST OF CONDITIONS**

DATE:	September 23, 2020
OWNER(S):	Long Beach Willow, LLC
PERMITTEE:	Sherrie Olson
APPLICANT:	Sherrie Olson
PROJECT ADDRESS:	11804 Carson Street Hawaiian Gardens, CA 90716

All projects approved by the City of Hawaiian Gardens shall meet the standard conditions that have been checked unless specifically exempted by the Hawaiian Gardens Municipal Code (HGMC). The standard conditions checked below must be complied with prior to the issuance of an occupancy permit or business license unless noted otherwise. Call the CDD if you have any questions concerning specific conditions on this list at (562) 420-2641.

Todos los proyectores aprobados por la Ciudad de Hawaiian Gardens deben cumplir las condiciones marcadas a menos de que sean específicamente exento por las reglas municipales de la Ciudad de Hawaiian Gardens. Las condiciones regulares mencionadas en los párrafos siguientes deben cumplirse antes de obtener un permiso para ocupar el negocio/residencia menos de que sea notado de otra manera. Llame al Departamento de Desarrollo de la Comunidad si tiene preguntas acerca de específico condiciones en esta lista llame al (562) 420-2641.

The Property Owner, Permittee and Applicant shall comply with all conditions of approval for the following entitlement (s):

		Case Number	Resolution Number	Approval Date
	Tract Number			
	Parcel Map Number			
	Variance Number (s)			
<b>X</b>	CUP Number (s)	PLNG2019-0052-CUP	2020-017	September 23, 2020
	Variance			
	Reference Zone Change			
	Plot Plan Number (s)			
	Special Use Permit			

REQUIRED	DONE	
<b>I. GENERAL PROJECT CONDITIONS</b>		
X		A. This approval is for the operation of a California Department of Alcoholic Beverage Control (ABC) Type 20 license for the existing gasoline service station/ convenience store (Chevron/ ExtraMile). All uses and structures shall be in strict compliance with the plans submitted to the Planning Commission.
X		B. Approval is based on Permittee's/Applicant's PRELIMINARY Site plan, Floor plan, Elevations, as presented to the Planning Commission and or City Council. The plans are part of the standard list of conditions and are approved only as a preliminary drawing. Final construction plans will require approval from the Community Development Director. If during plan check substantial corrections are made to the approved preliminary plans from the Building and Safety Division and Fire Department, the Community Development Director may cause the project to be null/voided or resubmitted for review at the discretion of the Lead Agency.
X		C. The development shall comply with the requirements of Hawaiian Gardens Municipal Code (HGMC), and the conditions as outlined in the Standard List of Conditions, and Attachment "A". The Standard List of Conditions and Attachment "A" shall prevail over any discrepancies regarding any approved plans.
X		D. Any revisions to the approved plans must be resubmitted for review and approval by the Community Development Department, prior to the issuance of an occupancy permit, business license, or sign off of a building permit.
X		E. Within sixty (60) days of approval of this entitlement, the Permittee shall submit to the Community Development Department for review and approval three (3) copies of revised plans, similar to those identified in Condition I.B., with any amendments required by these conditions of approval included.
X		F. In the event that the herein specified entitlement and construction is not completed within one (1) year from the date of approval of this application, such approval shall automatically become null and void.
X		G. Approval shall not take effect for any purpose until the Applicant, Permittee, business owner(s), and/or property owner(s) have filed with the City of Hawaiian Gardens an affidavit stating that he/she/they are aware of and accept all of the conditions set forth in the letter of approval, this standard list of conditions, any additional conditions of approval, and any environmental mitigation measures. The notarized affidavit (s) shall be submitted within <b>THIRTY (30)</b> calendar days of the date of approval of this application. If the notarized affidavit is not submitted within the identified days, such entitlement shall automatically become null and void,
X		H. Approval does not relieve the Permittee, business owner(s), property owner(s), and/or unit tenants from compliance with other Federal, State, Regional, County, and/or City requirements.
X		I. Permittee is required to hire applicable state licensed contractors to perform the job as per the approved plans using standard conventional construction methods as accepted by the industry. All contractors and subcontractors are to obtain a business license from the business license clerk. A list of contractors with contact information is to be submitted to the business license clerk for reference and file prior to the issuance of a building permit.
X		J. Permittee shall comply with the City of Hawaiian Gardens Business License Ordinance and cooperate with the City to obtain compliance by contractors and tenants.
X		K. The days and hours of operation of the business shall be: <ul style="list-style-type: none"> <li>- 24/7 for the gasoline station/ convenience store</li> <li>- Sales of alcohol beverages shall not be permitted between 2:00 am and 6:00 am</li> </ul>

REQUIRED	DONE	
X		L. NO ISSUANCE OF A TEMPORARY PERMIT, AN OCCUPANCY PERMIT, A BUSINESS LICENSE, SIGN OFF OF A BUILDING PERMIT, OPERATION OF THE BUSINESS, OR LETTER OF PUBLIC CONVENIENCE OR NECESSITY, will be granted or allowed until ALL IMPROVEMENTS required by this approval have been completed, inspected, and approved by the appropriate departments.
X		M. Violation of any of the conditions of this permit shall be cause for the issuance of a stop work order, citation, prosecution, and/or revocation of all rights there under by the City of Hawaiian Gardens.
X		O. The City may inspect the subject site at least one time each year to review conformance with the project's conditions of approval and/or environmental mitigation measures. Findings of said investigation may be reported to the City Council for receipt and/or action.
X		P. The Community Development Department shall have full access to inspect subject establishment during all operating hours to ensure compliance with conditions of approval.
X		Q. Prior to the issuance of a building permit, the Permittee shall provide documentation that they own all the property or have control of the property, that is part of these applications or have approval from the property owner(s) of the property for the proposed use.
		R. Prior to the submittal of an application for a grading permit, building permit, or encroachment permit, the Permittee shall provide to the Director of Community Development three complete and final sets of construction related drawings. These drawings shall include structure design, foundation, and utility plans (to include location of any trenching and sources of utilities) and any changes made as part of these conditions of approval.
X		S. The Community Development Director is authorized to make minor modifications to the approved concept design plans or any of the conditions of approval if such changes shall achieve substantially the same results as would strict compliance with said plans and conditions. Any conflicts between the plans and conditions of approval shall be resolved by the Community Development Director.
X		T. The property shall be developed and maintained and operated in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
X		U. Failure to conform to the any of these conditions of approval may result in code enforcement proceedings with fines upon conviction as provided by law. For more information contact the Community Development Department at (562) 420-2641 ext. 208.
X		V. Due to the nature of the proposed use, unforeseen impacts may be created which may necessitate additional conditions of approval that could limit the activity or business. Additional conditions of approval may be imposed by the Community Development Director. Any conditions of approval imposed by the Community Development Director shall be agreed to by the project applicant/ or Owner and/or tenant(s). If no agreement is reached, the matter can be appealed to the City Council. Until such appeal, the new condition shall remain in effect until a decision is rendered by the City Council. If no agreement is reached after presentation to the City Council, the land use entitlement(s) shall be subject to a revocation hearing, where it may be determined to be null and void.
X		W. No business shall locate on the premises or attempt to conduct business without first securing a business license, approved by the Community Development Director. A violation of this section will invalidate the entire Conditional Use Permit (CUP) and citations may be issued to the Permittee, property owner(s) and/or business owner(s).

REQUIRED	DONE	
X		X. If in the opinion of the Community Development Director a new use is located at the site which could create impacts that can not be mitigated or could operate in a manner as to interfere with other activities or uses in the vicinity, that use or activity shall not be permitted.
X		Y. The business operation conducted on the property shall not be objectionable by reason of noise, odor, smells, dust, mud, smoke, vibration, light, glare, or other similar causes. Should the business operation become objectionable by reason of noise, odor, smells, dust, mud, smoke, vibration, light, glare, or other similar causes, it shall be cause for the issuance of a citation or prosecution of the responsible person or business, and/or revocation of this conditional use permit by the City of Hawaiian Gardens.
X		Z. All business operations conducted on the property shall not cause excessive noise, in violation of the City Noise Ordinance (Chapter 9.29). Violation of the City Noise Ordinance shall be cause for the issuance of a citation or prosecution of the responsible person or business, and/or revocation of this conditional use permit by the City of Hawaiian Gardens.
X		AA. If during the term of this entitlement, there is a change in operation, fact, policy or method that would substantially alter the information given in the application, such entitlement shall be deemed terminated and a new entitlement application must be submitted to continue operation.
X		BB. The Permittee shall defend, indemnify, and hold harmless the City of Hawaiian Gardens, its agents, its officers, and employees from any claim, action, or proceeding against the City of Hawaiian Gardens or its agents, its officers, and employees to attack, set aside, void, or annul this approval.
X		CC. In the event that any claim, action, or proceeding described above is filed against the City of Hawaiian Gardens, the Permittee shall within ten (10) days of the filing, pay to the City of Hawaiian Gardens an initial deposit of five thousand dollars (\$5,000) from which actual costs shall be billed and deducted for the purpose of defraying the expense involved with the City's cooperation in the defense, including but not limited to depositions, testimony, and other assistance to the Permittee or Permittee's counsel. The Permittee shall also pay the following supplemental deposits, from which actual costs shall be billed and deducted:
X		1. If during litigation, the actual costs incurred reach eighty percent (80%) of the amount on deposit, the Permittee shall deposit additional funds to bring the balance up to the amount of the initial deposit (\$5,000). There is no limit on the supplemental deposits that may be required prior to completion of litigation.
X		2. The cost for collection and duplication of records and other related documents will be paid by the Permittee.
X		3. At the sole discretion of the Permittee, the amount of the initial and supplemental deposits may exceed the minimum amounts defined herein.
X		DD. If any provision of this entitlement is held or declared to be invalid, the entitlement permit shall be void and the privileges granted there under shall lapse.
X		EE. In the event that there are conflicts between required approved final plans and the provisions of this Standard List of Conditions, then the Standard List of Conditions will be the guiding document for the entitlement of this application.
<b>II. PLANNING DIVISION STANDARDS</b>		
X		A. Community Development Department staff shall have access to the subject property at anytime during construction or operation to monitor progress.

REQUIRED	DONE	
		B. Prior to the issuance of an occupancy permit, the Permittee shall provide adequate trash receptacles/dumpsters. The exact type of trash receptacle and enclosure shall be subject to the approval of the Community Development Department.
		C. A new six-foot high masonry wall shall be constructed along the: ____ North; ____ South; East ____ West property line (s) subject to review and approval of the Community Development Department. Separate plans shall be designed, reviewed and approved by the Community Development Department.
		D. No fences or walls may be built without first securing approval from the Community Development Department. Any new fence or wall will be subject to Design Review by the Community Development Department.
		E. An enclosed refuse area shall be provided.
		F. Architectural details such as doors, window mullions, and other architectural details shall be reviewed and approved by the Community Development Department.
X		G. Permittee shall provide address numbers for the building(s), to the specifications of the Community Development Department. Address numbers shall be installed prior to the issuance of an occupancy permit.
X		H. There shall be no subdivision of the rental units or building (s).
X		I. There shall be no permanent storage of vehicles, trailers, equipment, or personal goods within the drive aisles of this facility.
X		J. The repair and maintenance of vehicles shall be prohibited at the subject property.
X		K. No barbed wire fencing shall be allowed at the subject property.
X		L. All exterior lighting shall be shielded and directed away from adjoining uses to prevent direct illumination and/or glare.
		M. Color palette to be submitted for approval by the Community Development Department prior to permit issuance.
		N. A six-foot chain link fence will be allowed on the property until the conclusion of the construction.
X		O. Final floor plans to be approved by the Community Development Department.
X		P. There shall be no outside vending machines located outside of the subject buildings, not directly associated with the business. Vending machines and associated waiting lines shall not interfere with the function of the site.
<b>III. PARKING/ACCESS STANDARDS</b>		
X		A. All parking spaces shall meet the requirements of the Hawaiian Gardens Municipal Code as it relates to size (width, length) aisle width, etc. Regular parking spaces shall be a minimum of 9'0" wide by 20' deep. Compact spaces are permitted within the limitations of the Hawaiian gardens Municipal Code.
X		B. The project shall provide parking spaces per the approved plans. Parking shall be required to meet ADA requirements.
X		C. There shall be no outside storage of vehicle parts, equipment, trailers, trash or debris, supplies, equipment, or materials. There shall be no outside storage of abandoned, inoperable, or wrecked vehicles.
		D. Prior to the issuance of an occupancy permit or sign off of the final permit, all unused driveway aprons shall be closed to the satisfaction of the City Engineer. The driveway and sidewalk shall be constructed in accordance with LA County Public Works Standards, and thereafter maintained in good serviceable condition. As necessary, the applicant shall obtain encroachment permits from the City Engineering Division.

REQUIRED	DONE		
X		E.	All designated parking spaces shall be separated by 4-inch wide striping to show the layout of the intended parking stalls. Such striping shall be maintained in a clear, visible and orderly manner at all times.
X		F.	Handicapped parking spaces shall be provided and improved pursuant to the standards of the California Accessibility Standards Interpretive Manual.
		G.	A minimum of 10% of the gross lot area shall be landscaped.
		H.	All non-residential development >25,000 sq. Ft. shall be subject to Chapter 18.52 of the HGMC regarding Travel Demand Measures (TDM).
		I.	All Permittees subject to TDMs shall submit a monitoring agreement to the specifications of the City Attorney and Community Development Department, which shall be binding upon the Permittee with respect to the implementation of the required Trip Reduction Measures specified therein.
		J.	Prior to release of occupancy, the Community Development Director shall issue a certificate of compliance with the Trip Reduction Measures as required.
X		K.	A letter from the property owner(s) authorizing parking enforcement shall be submitted prior to the issuance of a Certificate of Occupancy and/or business license.
X		L.	Signs shall be posted indicating no employee parking directly within the adjacent public streets.
X		M	The site shall comply with all requirements of AB 1881 as applicable.
			<b>IV. SIGN STANDARDS</b>
X		A.	No signs of any kind or advertising shall be placed on the subject property without first obtaining approval of the City. All signs shall be developed in accordance with the Hawaiian Gardens Municipal Code (HGMC) and Title 18 of the HGMC.
X		B.	The property owner(s) shall be responsible for removal of the sign (s) within five (5) days after vacation of the site by the tenant. Removal of the wall sign shall include the repair of the wall surface back to the original condition.
X		C.	The Permittee shall install and maintain the following signage. Signage shall be installed at the front entrance to the building. Signage shall be of a minimum dimension of 2'0" by 2'0", with letters a minimum of one inch (1") in height. Prior to installation of the signs, the signs and text, and proposed location shall be approved by the Community Development Department. The Community Development Department shall be contacted to inspect the property to ensure installation of the signage, prior to the issuance of a business license. a. "No Loitering permitted" b. "Maximum Occupancy of this business is (number too be determined by LACFD/HGB&S)" c. "This facility is under camera/video surveillance."
X		D.	All structures, walls, and fences on the subject property shall remain free of all unapproved signs and extraneous markings or drawings. The Permittee shall remove all unapproved signs and extraneous markings or drawings within twenty-four (24) hours of notification by the City of Hawaiian Gardens, weather permitting. Paint utilized in the covering of such markings shall be of a color that matches the color on adjacent surfaces.
X		E.	There shall be no advertisement of alcoholic beverages on the exterior walls or windows of the business. No 'temporary' signs shall be displayed advertising alcoholic beverages. The placement of portable or temporary signs or banners on the property is prohibited.
X		F.	No raceway signs will be allowed. Painted wall signs, human held signs and strobe lights will not be permitted with this development.

REQUIRED	DONE	
		G. CUP will be required for a Master Sign Program should any proposed signs exceed code requirements.
		<b>V. LANDSCAPING &amp; IRRIGATION STANDARDS</b>
		H. Final landscape and irrigation plans shall be reviewed and approved by the Community Development Department prior to the issuance of a building permit. The size, species, and quantity of landscaping materials and trees shall be determined by the Community Development Director's discretionary review. A plan with soil preparation notes, tree staking, etc. shall be included in the plan.
		B. Plant varieties shall be as shown on approved landscaping drawings, unless changed by conditions of approval. All quantities shall be verified by actual count. Plants, including trees, shrubs, and ground cover shall have been grown in nurseries inspected by the California Department of Agriculture. Inspection and approval of plants is required. The City may reject plants, if defective or not in compliance with these standards.
		C. A permanent maintenance program of all landscaping shall be provided insuring regular irrigation, fertilization and weed abatement.
		D. The applicant will provide street trees subject to review & approval of the Community Development Department. Street trees shall be installed along Carson Street consisting Date Palms at a minimum height of thirty (30) feet BTH (minimum three). The specific type (species/genus), number and location of these street trees shall be coordinated with the Community Development Department. The tree (s) must be planted prior to issuance of an occupancy permit or final of the building permit. Root control barriers shall be required of all trees planted within the public right-of-way, or within five feet (5'0") of the public right-of-way, if planted on private property. Root barrier shall be a minimum of twenty-four inches (24") wide and 0.080 inches thick, and made of high impact polyethylene or polypropylene, with double top edge, and manufactured for root barrier purposes. Sheeting shall have integrally molded root deflector ribbing and integrally molded joiner strips.  The applicant shall install street trees and all improvements along Hawaiian Avenue to the Satisfaction of the City Engineer. A minimum of four street trees shall be installed.
		E. All required yard areas and unpaved open areas shall be landscaped with turf, trees and shrubs and shall be maintained as necessary, with an automatic irrigation system, controlled with a timer.
		F. Landscape materials and irrigation systems are to be inspected by a city representative prior to final issuance of a certificate of occupancy.
<b>X</b>		G. The project will comply with the requirements of Chapter 13.18, related to water conservation of landscaping.
		H. All trees shall be a minimum twenty-four (24") or thirty-six inch (36") box, as shown on the approved landscaping plans. Twenty-four inch trees shall be a minimum of 10'-0" in height. Such trees shall have a minimum average trunk diameter, measured twelve inches (12") above grade, of one and one-half inches (1 ½ "). Such trees shall have a minimum branch canopy of 5'- 0" in diameter. Thirty-six inch trees shall be a minimum of 15'-0" in height. Such trees shall have a minimum average trunk diameter, measured twelve inches (12") above grade, of two inches (2). Such trees shall have a minimum branch canopy of 7'- 6" in diameter. Documentation as to the size of these trees shall be provided during final inspection of the landscaping and irrigation system. A
		I. If non-canopy type trees are proposed (i.e., palms, etc.) on a case by case basis sizes of these trees will be determined.

REQUIRED	DONE	
		J. All shrubs shall be a minimum one (1) or five (5) gallons, as shown on the approved landscaping plans. Documentation as to the size of these shrubs shall be provided during final inspection of the landscaping and irrigation system
		K. All ground covers shall, after one year, provide one hundred percent (100%) coverage.
		L. Prior to issuance of an occupancy permit, the entire property shall be landscaped, and irrigation system installed in accordance to the approved plans and approved by a representative of the Community Development Department.
		M. The Permittee's Landscaping Contractor shall maintain all landscaping for a minimum of ninety (90) days. This period shall start at the sign off of the landscaping by the Community Development Department.
		N. All trees of 24-inch size or larger, to include palms, shall be guaranteed for one (1) year. Guarantee period shall start on date the Permittee's Landscaping Contractor is relieved of maintenance responsibility.
X		O. All plants that show signs of failure to grow due to improper maintenance, injury or damage from any cause, including vandalism, so as to render them unsuitable for the purposes shall be immediately replaced.
		P. Prior to the final of all Building and Safety permits, the applicant/property owner will submit a landscape plan that fully identifies the current landscape conditions of the subject property. The Community Development Director may then require additional landscaping materials, at his discretion. The entire property shall then be landscaped with an irrigation system installed in accordance to the approved plans and permanently maintained.
		<b>VI. PROPERTY MAINTENANCE STANDARDS</b>
X		A. The Permittee shall maintain, and upgrade as necessary, the property as required by the City Zoning, Health, Building and Fire Codes.
		B. The Permittee, and/or subsequent owners of the subject property shall paint the building on an as-needed basis, and not less than every five years. Colors shall be subject to the approval of the Community Development Department.
		C. The Permittee shall provide one (1) licensed uniformed security guard (s) after 9:00 P.M. on Fridays and Saturdays. The guards shall be required to patrol all public areas in the immediate vicinity and all off-street parking facilities used by patrons of the business. In addition, the applicant shall provide for 24-hour video surveillance.
X		D. There shall be no outside display of goods being sold without obtaining the necessary approvals from the City of Hawaiian Gardens.
X		E. There shall be no outside display of goods or materials, this to include on-site sidewalks and parking areas and public right-of-way.
X		F. There shall be no loitering at the property.
X		G. The permittee shall maintain the property in a neat and orderly fashion. The permittee shall maintain the property free of litter, trash, debris, and junk. All graffiti, etching, or other acts of vandalism shall be removed from the property within 24hrs.
X		H. All trash areas shall be screened, secured and maintained in a sanitary condition and all business owners shall take appropriate measures to prevent prohibited or undesirable activities including but not limited to, scavenging, excessive accumulation of refuse, and allowing any portion of the property to become a breeding ground for flies, wild rodents or pests. Trash storage areas shall be designated, and bins shall be maintained within the designated areas.
X		I. No outside cleaning of floor mats from inside the building or other items will be permitted on the site.

REQUIRED	DONE		
			<b>VII. ALCOHOLIC BEVERAGE STANDARDS</b>
X		A.	No alcoholic beverages shall be sold for on-site consumption.
		B.	There shall be no live entertainment, dancing, coin-operated amusement devices (i.e., video games, etc.), pool tables, or similar devices or activities on the premises at any time.
		C.	The subject business shall not contain a bar, or the establishment of any area for the consumption of alcoholic beverages.
X		D.	There shall be no advertisement of alcoholic beverages on the exterior walls or windows of the subject building. No 'temporary' signs shall be displayed advertising alcoholic beverages. The placement of portable or temporary signs or banners on the property is prohibited.
			<b>VIII. BUILDING &amp; SAFETY DIVISION STANDARDS</b>
X		A.	Any construction related permits (i.e., Demolition, Grading, Building, Electrical, Plumbing, Mechanical, etc.), if needed, will not be issued in connection with any project until such time as all plan check fees, school fees, and all other applicable fees are paid in full.
X		B.	The hours of construction shall be limited from 7:00 a.m. to 7:00 p.m. Monday - Friday and 9:00 a.m. to 5:00 p.m. Saturday. No construction shall be permitted on Sunday and City Observed Holidays. All stationary construction noise sources shall be sheltered or enclosed to minimize adverse effects on nearby residential uses. Generators and pneumatic compressors shall be noise protected in a manner that will minimize noise on adjacent residences.
X		C.	All roof top appurtenances and equipment shall be adequately screened from view to the satisfaction of the Community Development Department.
X		D.	Prior to issuance of an occupancy permit, all restrooms, and other water consuming uses shall be provided with water conservation fixtures such as low-flush toilets and low-flow faucets. The water heater and lines shall be insulated.
X		E.	No new utility meters, service points, or mechanical equipment, trash cans, or other exterior mechanical equipment shall be placed in view of the public right-of-way.
X		F.	Design, engineering, and construction of any building shall be in conformance with the Uniform Building Code and the Building Codes of the City of Hawaiian Gardens.
X		G.	The Permittee shall pay all fees and charges in place related to report review and implementation, plan checking, and any field inspections.
		H.	If applicable, during the construction of this project, ANY driveway, driveway apron, sidewalk, or the half-street in front of the subject property is damaged, then the applicant shall replace/repair to the satisfaction of the City Engineer.
			<b>IX. ENGINEERING DIVISION STANDARDS</b>
		A.	The property shall be graded to drain to the street or approved easement, but in no case shall such drainage be allowed to sheet flow across the public sidewalk. A grading and/or drainage plan shall be submitted to and approved by the Building Official/City Engineer, and such grading and drainage shall take place in accordance with such approved plan.

REQUIRED	DONE	
		C. The Permittee shall dedicate street easements, storm drain easements, public utility easements, sewer easements, bikeway easement or other identified easement to the satisfaction of the City Engineer. The Permittee shall hire a Civil Engineer or Land Surveyor to prepare the legal description for the easement to be dedicated and shall the use the forms provided by the City.
X		D. Water service facilities, including appropriate backflow prevention devices, shall be installed to the satisfaction of the City Engineer.
X		E. Sanitary sewer facilities shall be installed to the satisfaction of the City Engineer.
		F. The Permittee shall provide the City with a Backflow Device Test Form, filled out by the licensed tester before any final permits are released.
		G. Prior to permit issuance the permittee shall submit for City approval a lot tie agreement to be rescored with the County of Los Angeles, to hold the properties as one.
		H Grading and drainage plans must be approved to provide for contributory drainage from adjoining properties as approved by the City Engineer, including dedication of the necessary easements. A grading and drainage plan must be provided for this property to have an independent drainage system to the public street, to a public drainage facility, or by means of an approved drainage easement. Historical or existing storm water flow from adjacent lots must be received and directed by gravity to the street, a public drainage facility, or an approved drainage easement.
		I. A new drive approach shall be constructed. Drive approaches shall be at least 24' wide. Existing, but unused drive approaches on from adjacent public streets shall be closed with full curb, gutter and sidewalk. All curb, gutter and sidewalk along Hawaiian Avenue shall be demolished and reconstructed to the satisfaction of the City Engineer. Stamped decorative concrete shall be used. Color to be selected by Community Development Director.
		J. The Permittee shall resurface the half street or more in front of the project after all utility cuts have been made and the back-fill compaction reports have been submitted and approved by the City of Hawaiian Gardens. If one or more utility trenches extend past the centerline of the street, the resurfacing shall be extended to cover this excavation beyond centerline.
		K. The Permittee shall comply with the National Pollutant Discharge Elimination System (NPDES), the requirements of the Regional Water Quality Control Board, and the City of Hawaiian Gardens.
X		L. The Permittee shall pay all fees and charges in place related to report review and implementation, plan checking, and any field inspections.
		M. The applicant shall provide a drainage plan for review and approval by the City Engineer. The plan must provide for the elimination of any sheet flows or ponding, provide for contributory drainage from adjacent properties, and provide for proper distribution of drainage. Any changes that occur between the time of the approval of the final map and issuance of a building permit must be incorporated into the drainage plan.
X		N. Drainage across public right-of-way is prohibited. Drainage devices in public right-of-way shall be approved by City Engineer.
		O. The plans shall be checked and stamped for approval by the city engineering Division before building permits are issued. Project must comply with all Public Works requirements. All Public Works notes and corrections must be printed on the plan, and all requirements must be completed per the approved plans prior to the issuance of a building final.
		P. Specific decorative concrete and other improvements within the public right-of-way shall be required and subject to approval of the City engineer.

REQUIRED	DONE	
<b>X. UTILITIES, GRADING AND CONSTRUCTION STANDARDS</b>		
<b>X</b>		A. Exterior lighting fixtures shall be installed to provide ample security and safety lighting. Lighting shall be installed prior to the issuance of an occupancy permit. All lighting fixtures shall be controlled by a timer or clock and adjusted as needed as the seasons change.
		B. Easements for the following underground utilities shall be provided: Water <u>X</u> : Sewer <u>X</u> : Storm Drain <u>X</u> : Others, as specified Cable <u>X</u> :Electric <u>X</u> .
<b>X</b>		B. All utilities shall be placed underground including facilities and wires for the supply and distribution of electrical energy, telephone, cable, etc. Antennas and satellite dishes shall be screened to the satisfaction of the Community Development Director.
		D. Permittee shall provide for installation of cable television conduits and facilities to the satisfaction of the City Administrator or designee.
		E. No finals will be given until all as-built site improvement plans have been submitted to the Public Works Division.
		F. All un-necessary utility poles shall be removed from the property, to the satisfaction of the Community Development Director.
<b>X</b>		G. Prior to the issuance of a building permit, the applicant shall submit a utility plan outlining the existing public utilities in the project area and identifying areas that are substandard to support the development of the project. Areas of concern include, but are not limited to street lighting, fire service (hydrants, mains), and sewage disposal. The utility plan shall be submitted for review and approval by the City Engineer. The plan must provide for the elimination of any substandard utilities that may serve the site. All utilities shall be placed underground. The cost of any required utility upgrades shall be the responsibility of the applicant.
		H. During construction, the applicant/property owner shall repair the existing asphalt and slurry seal the entire parking to the satisfaction of the Community Development Department. Thereafter the property will be slurry sealed and re-stripped every four (4) years, or as needed.
<b>X</b>		I. The cost of off-site improvements required as a result of the subject proposal shall be the responsibility of the applicant and/or permittee.
		J. A Traffic Management and Construction Plan shall be submitted in conjunction with any construction and other building plans, to be approved by the Sheriff's and Public Works Departments prior to issuance of building permits. The plans shall provide for the management of all construction related traffic during all phases of construction, including but not limited to delivery of materials and parking of construction related equipment.
<b>X</b>		K. During the demolition and construction phases of development, a daily clean-up program for all areas affected by the project shall occur, including the pickup of all debris (utilizing an approved trash dumpster or other trash control method) at day's end and the sweeping and continued watering down of the site to assist in mitigating the movement of dirt and dust upon adjoining properties.
<b>XI. FIRE DEPARTMENT STANDARDS</b>		
<b>X</b>		A. Permittee and property owner(s) shall obtain Fire Department inspection and approval prior to the issuance of an occupancy permit or business license. Any conditions imposed by the Fire Department shall become a requirement of this entitlement.
<b>X</b>		B. Occupancy shall not exceed those limits established by the Building and Safety Division and/or Fire Department.

REQUIRED	DONE		
X		C.	A set of construction drawings approved by the Building and Safety Division must be on file with the Fire Department prior to issuance of any building permits.
X		D.	The required on-site minimum fire flow shall be installed and made available to the satisfaction of the Fire Chief and City Engineer prior to storage or construction involving combustible materials.
X		E.	Fire sprinkler system hook-ups and post indicator/OS & Y valves must be approved by the Fire Department.
		F.	Fire lanes shall be provided and serviceable. Fire lanes shall be constructed to support the imposed loads of fire apparatus, with all-weather driving surfaces. No motor vehicles shall be parked in the property's driveways or drive aisles or otherwise block access by emergency vehicles.
		G.	A uniform access system (i.e., Knox box) shall be provided to permit access to the subject property by safety personnel (i.e., Los Angeles County Fire Department, Los Angeles County Sheriff's Department, etc.). Location and type of system shall be coordinated through these agencies.
		H.	The fire flows should be performed and upgraded identified on the map prior to map recordation.
<b>XII. PUBLIC SAFETY STANDARDS</b>			
X		A.	The Permittee shall maintain an unobstructed view through the front windows of the convenience store. No window tinting shall be applied to the windows.
X		B.	The Permittee/Property Owner shall maintain adequate lighting in the business suite and the adjacent parking lot. All parking lot lighting shall be directed toward the parking lot pavement and not at adjacent properties or uses.
X		C.	The front door shall remain open, unlocked and unobstructed during business hours.
X		D.	For the safety of the customers and others at the proposed development, the Permittee shall establish a camera/video surveillance system acceptable and accessible by the Community Development Department and the Los Angeles County Sheriff's Department. The surveillance system shall be installed prior to the issuance of a business license.
X		E.	The Permittee shall provide sufficient security measures to effectively regulate interior and exterior loitering or lingering, parking lot congestion, disturbing noise and light, loud conversations and criminal activities.
X		F.	A security system may be installed as long as it does not create any impact to the surrounding properties. Any alarm system that is audible shall be prohibited.
<b>XIII. ENVIRONMENTAL STANDARDS</b>			
		A.	All environmental mitigation measures adopted in connection with the following applications shall be incorporated into the design and operation of the property:
X		B.	The project shall comply with SCAQMD regulations relating to fugitive dust control, building construction, and mechanical equipment.
		C.	Prior to issuance of an occupancy permit, the Community Development Director shall issue a certification of compliance with the approved monitoring program.
X		D.	All new businesses must contact the Southern California Air Quality Management District (SCAQMD) and/or Los Angeles County Fire Department (Hazardous Materials) for information relative to their business. Verification of permits or a letter of exemption must be submitted to the Community Development Department prior to occupancy or issuance of a business license.

REQUIRED	DONE	
		<p>E. This project could generate a sufficient amount of demolition and construction waste. In order to comply with the California Integrated Waste management Act (AB 939), the Permittee and/or property owner (s) shall develop and implement a Job Site Recycling and Waste Reduction Plan, to ensure that solid waste generated are reduced, recycled and reused. Prior to the issuance of a construction related permit (i.e., Demolition, Grading, Building, Electrical, Plumbing, Mechanical, etc.), the Permittee and/or property owner(s) shall comply with the requirements of Chapter 6.14 (Construction and Demolition Recycling) of HGMC, as it relates to construction materials reduction, recycling and recycled.</p>
		<p>F. Should unknown cultural resources be found during excavation activities at the site, all ground disturbance activities shall be halted and a mitigation plan shall be developed in accordance with Section 21083.2 of CEQA and Section 15064.5 of the CEQA Guidelines. Mitigation shall include photographing, recordation, collection, archival of collected materials, capping of the site, or other appropriate measures.</p>
		<p>G. If human remains are encountered during excavation activities at the site, all work shall halt and the County Coroner shall be notified (Section 5097.98 of the Public Resources Code). The Coroner will determine whether the remains are of forensic interest. If the Coroner determines that the remains are prehistoric, he/she will contact the Native American Heritage Commission (NAHC). The NAHC will be responsible for designating the most likely descendent (MLD), who will be responsible for the ultimate disposition of the remains, as required by Section 7050.5 of the California Health and Safety Code. The MLD will make his/her recommendation within 24 hours of their notification by the NAHC. This recommendation may include scientific removal or non-destructive analysis of the human remains and any items associated with Native American burials (Section 70580.5 of the Health and Safety Code).</p>
<p>X</p>		<p>H. The project shall be constructed in accordance with the California Building Code, the City's building standards, and other pertinent building regulations.</p>
<p>X</p>		<p>I. Hazardous materials use, storage, and disposal during demolition and construction activities for the project shall comply with applicable federal, state, and local regulations.</p>
<p>X</p>		<p>J. Any work within the public right-of-way shall be conducted in accordance with Standard Specifications for Public Works Construction (Greenbook) and City regulations.</p>
		<p>K. In accordance with the National Pollutant Discharge Elimination System (NPDES) program, best management practices (BMPs) shall be implemented during demolition and construction activities to reduce pollutants in the storm water and prevent violation of water quality standards or waste discharge requirements. A Storm water Pollution Plan (SWPP) shall be prepared for the project and the project shall implement construction BMPs, such as erosion and sediment control measures, wind erosion control and tracking control measures, waste management and non-storm water management measures.</p>
<p>X</p>		<p>L. All exterior lighting assemblies shall be angled and shielded appropriately in a manner so as not to allow light to impact nearby residential properties. The applicant shall provide a photometric analysis demonstrating that the light spillage on adjacent properties does not exceed .5 foot candles.</p>

Failure to conform to approved conditions or an adopted monitoring program may result in any of the following actions as otherwise provided by law: stop order; code enforcement proceedings, with fines upon conviction as provided by law; revocation of conditional use permit or variance approval as provided by law; and other actions as provided in the Hawaiian Gardens Municipal Code, applicable state and federal statutes. For more information, contact the Community Development Department at (562) 420-2641.



**CITY OF HAWAIIAN GARDENS  
PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No.: 4a  
Meeting Date: Sept 23 2020  
CD Director: JC

**TO:** Honorable Chairman and Members of the Planning Commission

**THRU:** Joseph Colombo, Director of Community Development

**FROM:** Kevin Nguyen, Associate Planner II

**SUBJECT:** **RESOLUTION NO. 2020-018; CASE NO. PLNG2019-0001-DRB AND PLNG2019-0004-VAR - A REQUEST TO ALLOW A ONE-YEAR EXTENSION OF THE PREVIOUSLY APPROVED DESIGN REVIEW AND VARIANCE, FOR A PROPOSED EIGHT-UNIT APARTMENT COMPLEX, ON PROPERTY LOCATED AT 22002-22006 HAWAIIAN AVENUE, CITY OF HAWAIIAN GARDENS**

**DATE:** September 23, 2020

### SUMMARY

The applicant, Mr. Sinh Tran, is requesting a one (1) year extension for the previously approved entitlements (PLNG2019-0004-Variance for a reduction of the required common open space for the project and PLNG2019-0001-Design Review Board for the architectural design of the apartment complex) granted by the Planning Commission under Resolution No. 2019-002 and Resolution No. 2019-003. The applicant indicated that he has retained a contractor for the project and now he needs more time to commence the project and pursue to completion.

### DISCUSSION

The proposed project involves the development of an 8-unit apartment complex with a common driveway and six (6) guest parking spaces and providing 4,750 square feet of new landscaping (22 percent of the site). Each apartment unit contains 1,307 square feet of living space and 486 square feet enclosed two-car garage. Each unit is two stories tall and will have a private balcony with trellis cover and guardrails. The approval of a variance allows the project to reduce the required common open space from 2,800 square feet (350 square feet per unit) to 2,198 square feet.

On February 13, 2019 the Planning Commission adopted Resolution No. 2019-002 (DRB) and Resolution No. 2019-003 (VAR) approving the proposed apartment project at the subject site.

Pursuant to the Hawaiian Gardens Municipal Code Section 18.100.020(L), expiration of unused entitlements shall apply when a valid building permit has not been issued and construction has not been pursued and completed within one (1) year from the approval date. As of today, no building permits have been issued for the project and therefore, the approved entitlements, have officially been expired.

It is important to note that the project's construction plans have been approved by the City's Building & Safety Division but because of the unforeseen circumstances, the applicant cannot commence the project in a timely manner. The applicant stated that he needs additional time to pull permits and start construction. As such, the applicant is requesting to extend the above entitlements for one year from today's date.

This one-year extension would allow the previously approved entitlements for the project to continue to September 23, 2021, subject to the Conditions of Approval set forth by the Planning Commission Resolution No. 2019-002 (DRB) and Resolution No. 2019-003 (VAR). Also, the request allows the applicant/owner more time to prepare, construct, and complete the project by the approved deadline.

### **CONCLUSION**

Staff recommends that the Planning Commission adopt a Resolution approving the request for a one-year extension of existing Design Review and Variance (PLNG2019-0001-DRB and PLNG2019-0004-VAR) until September 23, 2021, subject to Conditions of Approval – Attachments "A" and "B".

#### Attachments:

1. Planning Commission Resolution No. 2020-018
2. Attachment "A-1" – Conditions of Approval
3. Staff Report dated February 13, 2019

## RESOLUTION NO. 2020-018

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF HAWAIIAN GARDENS, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, APPROVING A REQUEST TO ALLOW A ONE-YEAR EXTENSION OF THE PREVIOUSLY APPROVED VARIANCE AND DESIGN REVIEW, FOR A PROPOSED EIGHT-UNIT APARTMENT COMPLEX, ON PROPERTY LOCATED AT 22002-22006 HAWAIIAN AVE, HAWAIIAN GARDENS, CA 90716**

**WHEREAS**, Mr. Sinh Tran has made a request for a one-year extension of the previously approved entitlements for the development of an eight-unit apartment complex on property located at 22002-22006 Hawaiian Avenue; and,

**WHEREAS**, the property is currently located within the "R-3" zoning district and the Intermediate Density Land Use Element Designation of the General Plan; and,

**WHEREAS**, on February 13, 2019 the City of Hawaiian Gardens Planning Commission adopted Resolution No. 2019-002 and Resolution No. 2019-003, thereby approving Design Review and Variance applications for the development of an eight-unit apartment complex; and,

**WHEREAS**, the Planning Commission of the City of Hawaiian Gardens recognizes that instances where permit holders who are diligently pursuing the use authorized pursuant to a City issued permit will exceed the automatic expiration time periods to secure the operation of the use despite their best efforts to comply and meet the applicable permit expiration deadlines; and,

**WHEREAS**, on September 23, 2020, the Planning Commission of the City of Hawaiian Gardens held a hearing relative to the extension of Case No. PLNG2019-0001 (DRB) and Case No. PLNG2019-0004 (VAR).

**NOW, THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Hawaiian Gardens as follows:

**SECTION 1.** The Planning Commission of the City of Hawaiian Gardens finds that the request for a one-year extension to the time limit set forth in Planning Commission Resolution No. 2019-002 and Resolution No. 2019-003, are consistent with Section 18.100.020(M) of the Hawaiian Gardens Municipal Code as the findings made and the conditions imposed by the original approvals are still valid as follows:

1. The subject property is zoned under the R-3 and more specifically as an "Intermediate Density" designation on the current City of Hawaiian Gardens Zoning Map, thus the use is in conformance with the Zoning Map as it intends for residential developments.
2. The applicant/owner indicated that he would continue to pursue and develop the project in a manner that is not detrimental to adjacent uses and structures within the vicinity of the site.

3. All original conditions of approval under Resolution No. 2019-002 and Resolution No. 2019-003 are still valid and shall remain in full force and effect.

**SECTION 2.** The Planning Commission of the City of Hawaiian Gardens hereby extends a one-year time limit for Planning Commission Resolution No. 2019-002 and Resolution No. 2019-003, subject to the conditions contained in Attachment "A" and Attachment "A-1".

**SECTION 3.** The Planning Commission Chairman of the City of Hawaiian Gardens is hereby authorized to affix his signature to this resolution signifying its adoption by the Planning Commission. The Planning Secretary is directed to attest thereto.

**PASSED, APPROVED, AND ADOPTED** by the Hawaiian Gardens Planning Commission on the 23<sup>rd</sup> day of September 2020.

ATTEST:

\_\_\_\_\_  
CHAIRPERSON

\_\_\_\_\_  
JAMIE DONALDSON  
PLANNING SECRETARY

I, Jamie Donaldson, Planning Secretary to the City of Hawaiian Gardens Planning Commission, do hereby certify that Resolution No. 2020-018 was duly and regularly passed and adopted by the Planning Commission of the City of Hawaiian Gardens on the 23<sup>rd</sup> day of September 2020, by the following roll call vote as the same appears on file and of record in Office of the Community Development Department.

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
JAMIE DONALDSON  
PLANNING SECRETARY  
CITY OF HAWAIIAN GARDENS

**ATTACHMENT 'A-1'****Conditions of Approval  
Case Number PLNG2019-0001-DRB and PLNG2019-0004-VAR**

The Planning Commission hereby approves a one-year extension to Case No. PLNG2019-0001-DRB and Case No. PLNG2019-0004-VAR for the proposed improvements at an existing religious facility, on property located at 22002 Hawaiian Ave, subject to the following conditions.

**Planning:**

1. All of the conditions listed in the Standard List of Conditions and below shall be complied with by the applicant/developer and all property owners of the subject property, prior to the issuance of any occupancy permit and/or business license.
2. This one-year extension allows the previously approved Cases PLNG2019-0001-DRB and PLNG2019-0004-VAR for the project to continue to September 23, 2021.
3. All original conditions of approval for the project under Resolution No. 2019-002 (DRB) and Resolution No. 2019-003 (VAR) are still valid and in full force.
4. The owner/applicant agrees, as a condition of approval of this resolution, to indemnify, defend and hold harmless, at Applicant's expense, City and City's agents, officers and employees from and against any claim, action or proceeding commenced within the time period provided in Government Code Section 66499.37 to attack, review, set aside, void or annul the approval of this resolution, to challenge the determination made by City under the California Environmental Quality Act or to challenge the reasonableness, legality or validity of any condition attached hereto. City shall promptly notify Applicant of any such claim, action or proceeding to which City receives notice, and City will cooperate fully with Applicant in the defense thereof. Applicant shall reimburse the City for any court costs and attorney's fees that the City may be required to pay as a result of any such claim, action or proceeding. City may, in its sole discretion, participate in the defense of any such claim, action or proceeding, but such participation shall not relieve Applicant of the obligations of this condition.



**CITY OF HAWAIIAN GARDENS  
PLANNING COMMISSION  
STAFF REPORT**

Agenda Item No.: \_\_\_\_\_

Meeting Date: \_\_\_\_\_

CD Director \_\_\_\_\_

**TO:** Honorable Chairman and Members of the Planning Commission

**THRU:** Joseph Colombo, Director of Community Development

**FROM:** Kevin Nguyen, Associate Planner II

**SUBJECT: RESOLUTION NO. 2019-002 CASE NO. PLNG2019-0001DRB – A REQUEST TO APPROVE THE ARCHITECTURAL DESIGN OF A PROPOSED EIGHT-UNIT APARTMENT COMPLEX ON PROPERTY LOCATED AT 22002-22006 HAWAIIAN AVENUE, CITY OF HAWAIIAN GARDENS**

**RESOLUTION NO. 2019-003 CASE NO. PLNG2019-0004VAR – A REQUEST TO DEVIATE FROM SECTION 18.40.040 R-3 OF THE HAWAIIAN GARDENS MUNICIPAL, TO REDUCE THE REQUIRED COMMON OPEN SPACE FOR THE PROPOSED APARTMENT COMPLEX ON PROPERTY LOCATED AT 22002-22006 HAWAIIAN AVENUE, CITY OF HAWAIIAN GARDENS**

**DATE:** February 13, 2019

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**BACKGROUND**

The subject site consists of two parcels totaling 21,877 square feet. It is located on the east side of Hawaiian Avenue, just north of 221<sup>st</sup> Street. Each of parcels is currently improved with a 1,200 square foot single family residence built in 1959. Both parcels are zoned R-3 (Intermediate Density Residential) with a General Plan Land Use Designation of "Intermediate Density". Properties in the vicinity of Hawaiian Avenue, Verne Avenue, and 221<sup>st</sup> Street are developed with a variety of residential uses including single-family residences, duplexes, condominiums, and multi-unit apartments.

On January 18, 2017, the Applicant, Mr. Sinh Tran submitted a Plot Plan Review application (PLNG2017-0004PPR) to develop an 8-unit apartment project. Also, on January 10, 2019, Mr. Tran submitted a Variance application, a request to reduce the required common open space for the project. As part of the project development and prior to issuance of permits for construction, the applicant is requiring to obtain approval of a Lot Merger application from the Planning Commission to consolidate the two parcels into one.

## DISCUSSION/ANALYSIS

The Applicant is proposing to develop the subject site by constructing an 8-unit apartment complex with a common driveway and six (6) guest parking spaces. The project requires the Planning Commission's approval of the design review and a variance. Following is an analysis of these aspects of the applications:

### 1. Design Review

Pursuant to Section 18.100.010.C of the Hawaiian Gardens Municipal Code (HGMC), the Community Development Director has the authority to approve, conditionally approve or deny a site plan application. Due to the fact that the proposal is a completely new build, the Director has decided to refer the application for design review to the Planning Commission. The Director will still have final approval of the site plan.

It is Staff's intent that the Planning Commission focus and consider only the exterior architecture of the proposed building, including but not limited to colors and materials, overall architectural design, and the bulk and massing of the building.

### Architecture

The applicant proposes a Spanish architectural style for the project. All four residential buildings encompass a traditional Spanish design theme, with neutral sand and clay colors for the main body, concrete tile roofing, and the use of cultural stone veneer and wood accents at the entryways. The design takes into consideration a reduction in bulk and massing of the building by setting the second story back and the inclusion of balconies, and pop-out front porches at the primary entryways.



As the plans indicated, each unit contains 1,307 square feet of living space and 486 square feet enclosed two-car garage. Each unit is two stories tall and will have a private balcony with trellis cover and guardrails. The buildings will incorporate the following elements and colors to reflect the Spanish architecture design: metal panel with steel frame guardrails, metal accent inserts between windows, wood siding, and smooth-finished stucco. The Applicant proposes stucco finishes in "White Pepper" for units 1, 2, 7 & 8 and "Porcelain Skin" for units 3 through 6. Culture stone will be added at the entrances to the buildings, while the window silks, door trims, and horizontal band between first and second floor will be painted ultra pure white. Other architectural treatments include square porch columns, decorative window silks and decorative entry and garage doors with color contrasts.

Staff has worked with the project architect to come up with a design that is compatible with the surrounding area, and is compliant with the design requirements of the HGMC. Staff believes that the design is compatible with the City's design guidelines.

**Circulation**

As identified in the Circulation Element of the City's General Plan, Hawaiian Avenue is a collector street that provides vehicular access to the subject site. For the purposes of analyzing traffic impacts associated with the proposed project, a traffic impact study was prepared by Ben Phan, P.E. The study focused on the intersections of 221<sup>st</sup> Street and Hawaiian Avenue as well as the immediate impact area on Hawaiian Avenue, directly adjacent to the project site. The scope of the study includes a review of the existing traffic and roadway conditions, forecast of project traffic, and an assessment of traffic impacts due to the project. In summary the proposed project poses no traffic impacts to the existing street system and no mitigation measures are required. It should be noted that the City Engineer has reviewed the traffic report and has concluded with its findings of no impacts related to traffic as a result of the proposed project.

In addition, the proposed plan shows a 24'-9" wide driveway located in the middle between the buildings, extending from the front of the site to the rear. Due to the depth (164'-9") of the site, the common driveway also serves as a fire lane. Overall, on-site circulation should be safe and efficient.

The City is requiring a 5-foot right-of-way dedication along the east side of Hawaiian Avenue for future street widening. With a 132'-9" wide parcel fronting the street, the project is proposing a 5' by 132'-9" dedication. Under this application, future road widening is necessary to address the public concern in upgrading narrow streets. In the past, several properties in the vicinity have been required to provide right-of-way dedication when proposing new developments or applying for entitlements. This includes the recently approved 18-unit condominium project within the vicinity of this project site.

**Landscaping**

The project proposes a variety of plants to create visual interest for the apartment project and along the perimeter of the site. The following Table identifies these plants:

	Botanical Name	Common Name	Size	Total
<b>Trees</b>	Arbutus 'Marina'	Strawberry Tree	24" Box	2
	Geijera Parviflora	Australian Willow	24" Box	6
	Lagerestromia 'Cherokee'	Crape Myrtle	24" Box	8
<b>Shrubs</b>	Grevillea 'Superb'		5 Gallon	13
	Tecoma 'Sunrise'	Yellow Trumpet	5 Gallon	11
	Alyogyne Huegllii	Blue Hibiscus	5 Gallon	2
	Salvia Luecantha 'Midnight Blue'	Sage	5 Gallon	8
	Salvia 'Santa Barbara'	Sage	5 Gallon	35
	Phormium 'Yellow Wave'	Flax	5 Gallon	6
	Dietes Iridioides	Fortnight Lily	5 Gallon	12

	Euryops Pectinatus	Shrub Daisy	5 Gallon	5
	Myrtus Communis 'Compacta'	Compact Myrtle	5 Gallon	19
	Coprosma 'Lemon Lime'		5 Gallon	36
	Coprosma 'Marble Queen'		5 Gallon	22
	Ophiopogon Jaburan 'Vittatus'	Aztec Grass	1 Gallon	46
	Erysimum 'Wenlock Beauty'		1 Gallon	24
	Hemerocallis 'Red'	Daylily	1 Gallon	34
<b>Vines</b>	Clytostoma Callistegioides	Violet Trumpet Vine	5 Gallon	22

The project devotes 22 percent of the site to landscaping or approximately 4,750 square feet within the front, rear, and side yard setbacks. In addition, the project provides 2,198 square feet of required common recreation area and 150 square feet of private balcony for each unit. The proposed landscape pallet includes the planting of 16 trees including Crape Myrtle, Australian Willow and Marina Strawberry trees. Other landscape areas will consist of varying species including Yellow Trumpet, Blue Hibiscus, Sage, Flax, Fortnight Lily, and others. The landscape plan is designed to be drought tolerant and meet the State of California's most stringent water efficiency guidelines or AB 1881, the State Model Water Efficient Landscape Ordinance.

**Design Guidelines**

The Hawaiian Gardens Municipal Code provides for broad discretion regarding the architectural look of commercial and residential buildings under the site plan approval process. Specifically Section 18.100.030.F.2 of the Hawaiian Gardens Municipal Code (HGMC) provides the following:

The Community Development Director and Planning Commission may also consider and take into account the exterior architectural design, general exterior appearance, landscaping, texture of surface materials and exterior construction, shape and bulk, and other physical characteristics, including the location and type of public utility facilities; and if it is found that the proposed site plan, including the considerations enumerated, would interfere with the orderly development of the City, such site plan shall be rejected or shall be modified or conditioned before approval so as to remove such objections. These changes may include: A revised site plan, reduced building height, bulk or mass, increased setbacks, changes in building materials, changes in roof lines, increased usable open space, increased screening of garages, trash receptacles, mechanical equipment, increased landscaping, change in color or any other changes or additions that the City feels necessary to further the goals of the site plan review process.



In addition, Section 18.50.100 of the HGMC indicates that design guidelines have been developed to promote high quality development, protect the City from the adverse effects of poor design, encourage originality, creativity, and compatibility within neighborhoods, and to enhance the beauty, livability and prosperity of the community. The proposed project is in compliance with the design guidelines as follows:

General Provisions (HGMC18.50.100.B)

There are numerous General Provisions in the HGMC pertaining to design. Many of these provisions are required as part of the plan checking process and are not related to the architecture of the building. The following are the general provisions of which Staff believes the proposed project is consistent as related to the design of the building:

General Provision No. 1: Development shall be compatible with the character of the neighborhood and surrounding sites and shall not be detrimental to the orderly and harmonious development of the surrounding areas and of the City. The height and bulk of any proposed building and structure on site shall be in scale and proportion with surrounding structures and not dominate the site or neighborhood. The design of all buildings shall be of conventional wood or metal frame construction meeting industry standards. The exterior finish shall not have exposed rough lumber and shall have a minimum of a stucco application, wood siding, or similar material.

- *The design encompasses traditional design elements, including smooth stucco, stone veneer, wood accents, and concrete roofing designed to appear as Spanish tile roofing. The overall appearance takes massing into consideration by pushing the second story back, with the inclusion of a balconies and pop-out entry porches, thus creating a welcoming aesthetic for the front façade.*

General Provision No. 7: Building elevations, design characteristics and other architectural and aesthetic features shall not be unsightly, undesirable, or obnoxious in appearance; shall create an orderly and aesthetically pleasing environment; and shall be harmonious and compatible with existing development in the area.

- *The building elevation creates a traditional architectural façade, avoiding modern architectural elements and thus, blending with the traditional homes in the City of Hawaiian Gardens. The welcoming front porches, with traditional elements and recessed second story, will help to achieve an aesthetically pleasing environment along this section of Hawaiian Avenue.*

General Provision No. 8: New development and remodeling shall be designed in such a way to upgrade the appearance of the area.

- *The new apartment complex will present new residential units on the lots that have been improved with dilapidated residential dwellings, thus upgrading this section of Hawaiian Avenue.*

General Provision No. 13: New development shall incorporate clay or concrete roof tile. In addition, all exterior colors painted on the surface of the building, including stucco, shall be earth tone colors including off-whites and creams.

- *The colors and materials are earth tone in nature including white pepper and porcelain skin, with concrete roofing designed to look like Spanish tile roofing to match the overall architecture presented for the new residential dwellings.*



Design Standards and Guidelines (HGMC18.50.100.C)

Guideline No. 1: In addition to the height and setback requirements for each zone, changes in material, height, projections in the vertical and horizontal plane or similar façade changes are required on visible exterior walls.

- *The proposed dwellings include numerous offset planes with part of the second story pushed back at the bedroom above the garage, and the inclusion of a private deck and the pop-out entry porch to provide a variation in the vertical and horizontal planes. Changes in building material including stone veneer, smooth stucco, and wood are also included in the project.*

**2. Variance**

A variance application is required because the proposed development does not comply with the required common usable open space (see Table below). The code requires a total of 2,800 square feet of common open space for all eight units. However, the project plan proposes 2,198 square feet of common open space.

HGMC Section 18.40.040 R-3 – Intermediate Density Residential Zone

R-3 Standards	
Open space for multi-family projects, apartments, condominiums and condominium conversions	500 square feet per unit, consisting of:
- Common useable open space (tot lots, recreation areas and facilities, etc.)	350 square feet per unit
- Private useable open space (patios, balconies, terraces, etc.)	150 square feet per unit adjacent to unit, with a minimum dimension of 6 feet

Pursuant to the HGMC Section 18.40.040 R-3, a total of 350 square feet of common open space shall be provided for each residential unit and open space shall not be located within the required front, side, and rear setbacks. By code, the 8-unit apartment requires a total of 2,800 square feet of common open space.

Because of the required 5-foot dedication (5' x 132.75') along the property frontage (Hawaiian Ave), the applicant proposes a 25' building setback from the street property line, where the minimum front yard setback is 20 feet. This prevents the project to comply with the open space requirement. Although, the applicant manages to provide a total of 2,198 square feet of common open space for all eight units. However, it is still a 22 percent reduction from the requirement. Note that the project still complies with all other requirements by code, including the 20' rear yard setback. The applicant believes the project has ample space for the residents to enjoy. Although, the rear 20 foot setback cannot be counted toward the required open space, but residents can still use it for outdoor activities.

In evaluating the application, staff supports the request because the proposed 22 percent reduction or 2,198 square feet of required open space would still provide significant amount of recreation area for the residents. In addition, the project plans propose a 150 square feet of private balcony for each unit. Thus, in staff's view, allowing the applicant to reduce the required open space will not be result in a special circumstance as a result of the action of the applicant because of the required public right-of-way dedication. Furthermore, staff found that the proposed development will still provide sufficient open space for the occupants.

## **FINDINGS**

Pursuant to HGMC Section 18.100.100E, there are five (5) findings that must be adopted prior to the Planning Commission approving the Variance. A discussion of the findings follows:

1. **That the variance is consistent with the Hawaiian Gardens General Plan and other applicable City policies and regulations and that there would be no adverse impacts on the environment.**

Allowing the variance would result in a new development that preserves and enhances the residential neighborhood, which would be consistent with the City General Plan provisions that were developed to encourage residential construction that will be in harmony with the residential area. Especially Goal LU-2, Policies LU-2.2 and LU-2.3, which states: "Require the multi-family developments to incorporate site design features, including, but not limited to, open space, landscaping, communal courtyards, and outdoor furniture" and "Require the design of all residential development to utilize notches, balconies, roof lines, open spaces, setbacks, landscaping and other architectural accents that add visual interest to buildings and streetscape and avoid monotonous, flat facades. The new apartment project will offer design features that address the flat façade, lack of streetscape, while incorporate sufficient amount of common open space that includes outdoor BBQ and benches.

2. **That there are exceptional or extraordinary circumstances or conditions applicable to the subject property which do not apply generally to other properties in the same zone in which the project is located.**

An exceptional circumstance applies to the project site, which does not apply to properties or buildings in the vicinity. Unlike neighboring improvements, the site's existing and the proposed residential buildings are or will be placed in such a manner that precludes the development of common open space entirely, except as proposed. The constraint posed by the buildings' locations, buildings' setbacks, guest parking spaces supports the request to reduce the amount of required open space.

3. **That the granting of the Variance will not constitute a grant of special privilege inconsistent with the limitations on other properties in the same zone with similar constraints.**

The variance is needed to permit the construction of an 8-unit apartment complex on the project site. If the variance request is denied, the denial could cause an unnecessary hardship on the property owner, and the loss of substantial property rights, by not being able to construct the project in the R-3 zone, so as to meet the requirements for open space, as found in the Hawaiian Gardens Municipal Code.

4. **That the Variance is made on the basis of a hardship condition and not as a matter of convenience or cost.**

The proposed 2,198 square feet common open space will provide sufficient space for the tenants to enjoy. It is staff's opinion that the 22 percent open space reduction is a reasonable since the project meets or exceeds all other development standards. In addition, the variance is minimal in that the request enables the applicant to satisfy the project's open space requirements, but also adhere to the rest of the affected site's development standards.

5. **That the granting of the Variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.**

With the majority of the common open space located in the middle of the property, there will be sufficient recreation area available to allow the occupants to enjoy outdoor activities. The residents can still use the rear 20' setback for outdoor activities but will it not be used for common recreation open space. Conditions of approval have been added which would prohibit the applicant/tenant to utilize the rear 20' setback to satisfy the code requirement.

## **ENVIRONMENTAL ANALYSIS**

Staff has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA). Upon completion of this review, staff determined that this request is categorically exempt from CEQA, pursuant to Guideline Section No. 15305 (Class 5, Minor Alterations in Land Use Limitations). Categorical Exemptions are

projects, which have been determined not to have a significant effect on the environment and have been exempted from the requirements of the CEQA. It is staff's opinion that the request to reduce the required common open space will not result in any changes in land use or density; thereby qualifying for the Class 5 exemption.

## **CONCLUSION**

Staff believes that the proposed project provides for an architecturally pleasing development, encompassing a traditional looking home that is well balanced and provides an upgrade to the overall streetscape along Hawaiian Avenue. As such, staff recommends that the Planning Commission adopt Resolution No. 2019-002 approving Case Number PLNG2019-0001DRB and adopt Resolution No. 2019-003 approving Case Number PLNG2019-0004VAR, subject to the conditions of approval.

### Attachments:

1. Planning Commission Resolutions No. 2019-002 and No. 2019-003
2. Attachment "A" – Conditions of Approval
3. Standard List of Conditions
4. Project Plans

**VIRTUAL/TELECONFERENCE  
REGULAR MEETING**

**CITY OF HAWAIIAN GARDENS  
PLANNING COMMISSION**

**WEDNESDAY, JULY 8, 2020 AT 6:00 P.M.**

**CALL TO ORDER**

The regular meeting of the Planning Commission of the City of Hawaiian Gardens was called to order by Chair member Winford on Wednesday, July 8, 2020 at 6:08 PM via ZOOM video conferencing, City Council Chambers, 21815 Pioneer Boulevard, Hawaiian Gardens, California.

**FLAG SALUTE**

The Flag Salute was led by the Planning Commission.

**ROLL CALL  
VIA TELECONFERENCE:**

<b>PRESENT:</b>	Chair Member Vice Chair Member Commissioner Commissioner	Grant Winford Priscilla Kwan Anna Rodriguez Donna Schultze
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<b>ABSENT:</b>	Commissioner	Sammy So
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Jamie Donaldson, Planning Secretary, announced a quorum.

**EXCUSED ABSENCE OF COMMISSIONER SO**

Vice Chair member Kwan made a motion to excuse Commissioner So, seconded by Commissioner Schultze, and approved by roll call vote.

AYES:	Winford, Kwan, Rodriguez, Schultze
NOES:	None
ABSENT:	So
ABSTAIN:	None

Motioned carried, 4-0-1. Commissioner So was absent.

**1. AGENDA ORGANIZATION**

No changes.

**2. ORAL COMMUNICATIONS**

No one addressed the Planning Commission.

**3. PUBLIC HEARING(S)**

None.

**4. CONSENT CALENDAR**

The Planning Commission, upon approval of the Consent Calendar will waive full reading and declare that said titles which appear on the public agenda shall be determined to have been read by title and further reading waived.

4b. RESOLUTION NO. 2020-016

ALLOW A ONE-YEAR EXTENSION OF THE PREVIOUSLY APPROVED CONDITIONAL USE PERMIT AND DESIGN REVIEW, FOR A PATIO ADDITION AND REMODEL OF AN EXISTING RELIGIOUS FACILITY (TEMPLE GAYATRI), ON PROPERTY LOCATED AT 22116 PIONEER BOULEVARD, CIT OF HAWAIIAN GARDENS, CA 90716.

PLANNING COMMISSION ACTION: Adopt Resolution No. 2020-016

4b. APPROVAL OF THE MINUTES OF THE SPECIAL PLANNING COMMISSION MEETING OF APRIL 22, 2020

PLANNING COMMISSION ACTION: Receive and File

It was moved by Commissioner Schultze, seconded by Commissioner Rodriguez, and approved by roll call vote to adopt the Consent Calendar as presented.

AYES: Winford, Kwan, Rodriguez, Schultze  
NOES: None  
ABSENT: So  
ABSTAIN: None

Motioned carried, 4-0-1. Commissioner So was absent.

**5. ORAL STAFF REPORTS**

Joseph Colombo, Community Development Director, reported that Brenda Becerra is retiring, and her duties have been absorbed by Jamie Donaldson, causing some transition and changes with the Planning Commission. Both Joseph

Colombo and Chair Member Winford thanked Brenda Becerra for her service, and welcomed Jamie Donaldson to the Planning Commission meetings.

## 6. COMMISSIONER REPORTS

Vice Chair member Kwan recapped the food giveaway by Lucie Colombo on June 10<sup>th</sup>, and gave applause to all staff, volunteers, and Fire Station 34 that helped out. She thanked Commissioner Rodriguez for her help with the graduation parade, and all the staff that helped make that happen. She then discussed the fireworks in the City, saying it is like a warzone and hoping there is more discussion about them in the next Council meeting. Lastly, she asked about dining in the City during COVID-19. Joseph Colombo, Community Development Director, clarified that indoor dining is closed, and outdoor dining or retail is allowed in the City with a no-fee permit application.

Patrick Donegan, Deputy City Attorney, noted for the general public that COVID-related orders are ever-changing, and the public should not hesitate to call the City at any time to confirm if anything may have changed.

Commissioner Schultze stated she is happy to see Don Ruben's moving forward, and expressed her disappointment in the closure of 24 Hour Fitness. Joseph Colombo, Community Development Director, indicated a new fitness center, "EOS Fitness", will be taking over the location.

Commissioner Rodriguez thanked staff for the food drives and the graduation parade, and the radio station that helped broadcast the parade. She expressed concern about the closure of Kelly OK Tires, and wondered if they City can help with all the business closures. Commission Schultze explained that the property for Kelly OK Tires was sold and the previous business owner is looking for a new location in the City. Commissioner Rodriguez asked what the City could do to help with high rent fees throughout the City. Joseph Colombo, Community Development Director, addressed her concerns.

Chair Member Winford stated that a way we can all help is to support local businesses. He mentioned that we should encourage City Councilmembers to continue to look at ways to reduce the wild and crazy fireworks, so that it may be addressed by next year. He also inquired about items that were previously approved, and if they were on track. Joseph Colombo, Community Development Director, addressed his inquiry. He also reported that residential and small developments are still happening, and the office is still relatively busy.

Vice Chair member Kwan mentioned the fireworks again, and the origin of illegal fireworks. She then inquired about the new EOS Fitness facility, and if there was

a limit to the number of fitness centers the City will allow. Joseph Colombo, Community Development Director, addressed her inquiry. Vice Chair member Kwan also thanked the webmaster for his work on the new website, and verified that we are providing information for small businesses on the website.

**7. ADJOURNMENT**

Commissioner Schultze made a motion to adjourn the meeting at 6:43 PM, seconded by Vice Chair member Kwan to the next scheduled meeting of July 22, 2020. Carried by voice vote.

Respectfully submitted:

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Jamie Donaldson, Planning Secretary

**APPROVED:**

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**Grant Winford, Chairperson**

ATTEST:

\_\_\_\_\_  
Jamie Donaldson, Planning Secretary