



# PLANNING AND ENVIRONMENTAL QUALITY COMMISSION

## Regular PEQC Meeting Notice and Agenda

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

**Tuesday, June 20, 2023 – 7:00 PM**  
1700 W. 162nd Street, Gardena, California

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

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

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

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

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

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

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

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

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1. **CALL MEETING TO ORDER**

2. **ROLL CALL**

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

3. **PLEDGE OF ALLEGIANCE**

4. **APPROVAL OF MINUTES**

4.A JUNE 6, 2023 MEETING  
[23\\_06\\_06 PCMIN](#)

5. **ORAL COMMUNICATIONS**

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

6. **PUBLIC HEARING ITEMS**

6.A **ZONE TEXT AMENDMENT #3-23**

Recommendation to the City Council on adoption of an ordinance amending Title 18 and adding Chapter 5.76 to Title 5 of the Gardena Municipal Code relating to regulations for short term home sharing rentals

[Staff Report \(STHS\).pdf](#)  
[Attachment A - Resolution No. PC 10-23.pdf](#)  
[Revised Draft Ordinance No. 1854.pdf](#)

6.B **ZONE TEXT AMENDMENT #4-23**

Recommendation to the City Council on Ordinance No. 1856 making amendments to Chapter 18.13 of the Gardena Municipal Code relating to accessory dwelling units.

***Continuation to a future meeting date.***  
[Continuation\\_Memo.pdf](#)

6.C **ZONE TEXT AMENDMENT #5-23**

Recommendation to the City Council on Ordinance No. 1857 making amendments to Section 18.12.060 of the Gardena of the Gardena Municipal Code relating to relating to two-unit housing developments

[Staff Report \(SB 9\).pdf](#)  
[Attachment A - Resolution PC No. 12-23.pdf](#)  
[Ordinance No. 1857 \(SB 9\).pdf](#)  
[Attachment B - Public Notice.pdf](#)

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

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

9. **ADJOURNMENT**

The Planning and Environmental Quality Commission will adjourn to the next meeting at 7:00 PM on July 4, 2023.

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

Dated this 16th day of June 2023.

/s/ GREG TSUJIUCHI

Greg Tsujiuchi, Secretary

Planning and Environmental Quality Commission

**Regular PEQC Meeting Notice and Agenda of the  
Planning and Environmental Quality Commission  
Tuesday, June 6, 2023**

The Regular PEQC Meeting Notice and Agenda of the Planning and Environmental Quality Commission of the City of Gardena, California, was called to order at 7:00 PM on Tuesday, June 6, 2023, in the Council Chambers at 1700 W. 162nd Street, Gardena, California.

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

1. **CALL MEETING TO ORDER**

The meeting was called to order at 7:00 PM

2. **ROLL CALL**

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

3. **PLEDGE OF ALLEGIANCE**

Vice Chair Langley lead the pledge of allegiance.

4. **APPROVAL OF MINUTES**

4.A May 16, 2023 MEETING

[23\\_05\\_16 PCMIN.pdf](#)

A motion was made by Vice Chair Langley and seconded by Commissioner Kanhan to approve the minutes of the meeting on May 16, 2023.

The motion was passed by the following roll call vote:

Ayes: Langley, Wright-Scherr, Kanhan, Henderson

Noes:

Abstain: Sherman

5. **ORAL COMMUNICATIONS**

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

Senior Planner, Amanda Acuna, stated that there were two public comments received for non-agenda items prior to the Planning Commission meeting. The first comment was from a representative from the South Coast Air Quality Management District regarding the "Replace Your Ride" program and the second comment received was from Brandon Smith regarding the Normandie Crossing Specific Plan project. Copies of the comments have been provided to each Commissioner as well as members of the public.

## 6. **OTHER MATTERS**

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

Provide direction on regulations relating to Outdoor Dining for restaurant uses.  
[Staff Report \(Outdoor Dining\).pdf](#)

Ms. Acuna presented the staff report to the Planning Commission.

Commissioner Sherman inquired how many temporary outdoor dining on private property permits were applied for during the COVID-19 pandemic and how many of the applicants continue outdoor dining.

Ms. Acuna responded that 38 permits were issued for outdoor dining at eating establishments and as of April 2023, Code Enforcement had noted only seven establishments were observed at varying degrees of outdoor dining.

Commissioner Wright-Scherr asked if outdoor dining in the public right-of-way would be required to install physical barriers and if an accident were to happen, who would the liability fall to.

Ms. Acuna answered that there will be drafted regulations from staff that would include safety barrier provisions to prevent accidents. Part of the regulations would include a permit process to include a review and verify compliance with regulations.

Community Development Director, Greg Tsujiuchi, added that this meeting is not for Planning Staff to recommend regulations, but for the Planning Commission to provide Planning Staff with direction, and what is being presented are observations that Planning Staff has seen in other cities and would like to start discussions for outdoor dining regulations.

Chair Henderson opened the public hearing.

Ms. Acuna directed the Commission back to Brandon Smith's public comment, which was received prior to the meeting, in favor of outdoor dining.

A Gardena restaurant owner gave their opinions that they are against allowing for an outdoor dining ordinance as they have seen negative results from existing outdoor dining permits during COVID-19 issuance.

Vice Chair Langley asked the restaurant owner if the current outdoor dining area near them is used for neighboring tenants, that have not applied for an outdoor dining permit, that there is no supervision for liability purposes, and if patrons had been served alcohol outdoors.

The restaurant owner confirmed that there is no supervision and alcohol had been served in the outdoor dining area. They added that the outdoor dining area was only meant to be temporary during COVID-19 but has continued to this day.

Commissioner Sherman inquired if other restaurants with an outdoor dining permit have the same issues.

The restaurant owner could not answer that question as they only have experience with their restaurant.

Ms. Acuna asked the Commission if they would like the outdoor dining access only for the subject establishment that applied for the outdoor dining permit and if there should be safety regulations if it is near other establishments.

Commissioner Wright-Scherr stated that Planning Staff should check the area for traffic and proximity to residential properties and is against applicants providing music in the outdoor areas.

Vice Chair Langley concurred with permitting outdoor dining areas and stated it was unfair if only two zones in the City are allowed by right to have outdoor dining where it is prohibited in other commercial zones.

Chair Henderson agrees to permit outdoor dining but with regulations including noise levels.

Ms. Acuna stated that there are current noise regulations and for properties in close proximity to residential, have stricter audible decibel allowances.

Commissioner Kanhan stated he was in favor of having outdoor dining, but not in parking lots.

Chair Henderson said that if properties are not conforming to the regulations of outdoor dining, then they should have the ability to apply for a special event permit to allow outdoor dining for those establishments. Chair Henderson also added there would still be safety regulations if they decide to pursue outdoor dining.

Ms. Acuna responded that applicants have applied for special events permits for various events that do require a physical barrier for safety, one of which would be a block party where they close a street from vehicle access.

Commissioner Wright-Scherr would want to add that trash receptacles in outdoor dining areas be added as part of the regulations.

Vice Chair Langley provided his observation that he had seen establishments that have outdoor dining in parking lots and gradually the establishments had a reduction in patrons as they would ultimately not be able to park if there are fewer parking spots available.

Mr. Tsujiuchi agreed with Vice Chair Langley's observation, as when COVID-19 restrictions were lifted, there were voluntary removals of outdoor dining to open the parking lot areas for cars only again.

Commissioner Sherman stated in favor of outdoor dining but had concerns about the impediment of walkability if, for example, a whole block was to have outdoor dining.

Ms. Acuna stated minimum regulations for ADA would need to be applied for the assurance of safety and walkability.

Commissioner Wright-Scherr liked the idea that new developments create dedicated shared outdoor dining areas where parking spaces are not taken away and Vice Chair Langley agreed.

Chair Henderson pointed out there might be potential problems for safety if outdoor dining is proposed in the public right-of-way and permanent structures are required as a safety buffer on the street.

Ms. Acuna stated that three Commissioners pointed out that they are not in favor of outdoor dining in parking lot areas.

Mr. Tsujiuchi elaborated that the Planning Staff can write standards of development of setbacks for outdoor dining in existing developments, but also for the commissioners to think about new developments and not just the existing outdoor dining situation the city has.

The Planning Commissioners stated various areas within the city that currently have outdoor dining and discussed possible future development standards to propose for the use of outdoor dining.

Mr. Tsujiuchi and the Commission discussed possible properties that are existing and can have outdoor dining with enough setbacks where mobility and walkability would not be an issue.

Chair Henderson responded to the idea of special event permits to allow for outdoor dining with restaurant uses that cannot meet the regulations.

Ms. Acuna replied with possible development standards for multi-tenant shopping centers where in total, a property will have common shared outdoor dining areas rather than every individual establishment having its own dedicated area.

Mr. Tsujiuchi reiterated the Commission does not want outdoor dining in parking lot areas and that there are two procedures discussed, one with a permanent permit for outdoor dining, and one for temporary outdoor dining where if properties cannot meet the minimum regulations, the applicants would be able to apply to allow outdoor dining for a certain number of days during the year.

Vice Chair Langley agreed with Mr. Tsujiuchi that outdoor dining should be permitted but also consider safety concerns and if an accident were to happen, liability should fall to the applicant.

Chair Henderson and Commissioner Wright-Scherr agreed that, as part of the permitting process, the applicants should sign a waiver of liability if they choose to have outdoor dining in the public right-of-way.

Vice Chair Langley raised the question if having pets should be part of the regulations and Commission Wright-Scherr added if there would be health concerns for having pets in outdoor dining areas.

Chair Henderson asked Planning Staff if food establishments could serve alcohol if they have an Alcoholic Beverage Control license.

Ms. Acuna answered that any establishment that has an approved Conditional Use Permit for on-site consumption may be able to serve alcohol outside, but will have to contact Alcoholic Beverage Control, meet their minimum regulations, and modify their license for the outdoor serving of alcohol.

Vice Chair Langley added that having early closing hours for the outdoor dining should be considered.

Chair Henderson wished to eventually have an active street similar to a downtown corridor street in other cities.

Planning Assistant, Kevin La, asked the Commissioners if they would want to add a renewal system for outdoor dining.

Commission Wright-Scherr mentioned that was a good idea in case any violations are recorded against a business.

Mr. Tsujiuchi stated a renewal system would work best with the outdoor dining permit.

Vice Chair Langley would like to add a revocation process if a business cannot follow regulations over repeated offenses and/or violations.

Chair Henderson closed the public hearing.

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

Ms. Acuna advertised a virtual Planning Commissioner Training on June 23<sup>rd</sup> and if any Commissioners wish to attend let Planning Staff know.

Mr. Tsujiuchi presented upcoming city events to the commission: Coffee with a Cop on June 7<sup>th</sup> from 9:00 AM to 11:00 AM at Starbucks; Budget Forum on June 7<sup>th</sup> starting at 6:00 PM at the Nakaoka Center; and Ice Cream with a Cop on June 24<sup>th</sup> from 11:00 AM to 12:45 PM at Rowley Park and from 1:15 PM to 3:00 PM at Arthur Johnson Park.

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

Vice Chair Langley stated his observation that the shooting range at Arthur Johnson Park does not cosmetically match with the park and surrounding properties.

Chair Henderson wanted to know the status of different projects in the city, a Conditional Use Permit in Tozai Plaza and a gas station on Western Avenue and West 153<sup>rd</sup> Street.



9. **ADJOURNMENT**

Chair Henderson adjourned the meeting at 8:28 PM.

Respectfully submitted,

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GREG TSUJIUCHI, SECRETARY  
Planning and Environmental Quality Commission

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DERYL HENDERSON, CHAIR  
Planning and Environmental Quality Commission

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

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

DATE: June 20, 2023

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

FROM: Greg Tsujiuchi, Community Development Director

PREPARED BY: Amanda Acuna, Senior Planner

APPLICANT: City of Gardena

LOCATION: Citywide

REQUEST: Recommendation to the City Council on adoption of an ordinance amending Title 18 and adding Chapter 5.76 to Title 5 of the Gardena Municipal Code relating to regulations for short term home sharing rentals.

**BACKGROUND**

On May 16, 2023, the Planning Commission held a public hearing on consideration of an ordinance establishing regulations for short term home sharing rentals. At that time the Planning Commission provided further direction to staff for recommended changes and continued the public hearing to June 20, 2023.

What is being asked of the Planning Commission is to make a recommendation to the City Council on the Ordinance with the revised changes for allowing short-term home sharing rentals.

**ANALYSIS**

At the May 16<sup>th</sup> meeting the Commission asked that there be a requirement for properties requesting to have short-term home sharing rentals to have a minimum of two parking spaces on site per dwelling unit, which would not necessarily have to be in an enclosed garage. Additionally, the Commission requested that a 90 day timeframe be established for those properties with existing short-term rentals to be come into compliance with the new regulations. Lastly, the Commission recommended that a request for relief process be included in the Ordinance. The Planning Commission is being asked whether the extension of time and relief request should be applied to those existing listings within an

Accessory Dwelling Units (ADUs), as highlighted in yellow in the attached Ordinance. All changes are shown in redline.

### **RECOMMENDATION**

Staff recommends the Planning and Environmental Quality Commission to:

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

### **ATTACHMENT**

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

## RESOLUTION NO. PC 10-23

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

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

#### SECTION 1. RECITALS.

- A. Due to close proximity to entertainment venues such as SoFi Stadium, Los Angeles International airport, Fortune 500 companies, beaches, and other Southern California tourist destinations, the City of Gardena has become a popular location for alternative short term lodging.
- B. The City of Gardena has never specifically allowed short term rental lodging as an allowed use.
- C. Recent case law calls into question as whether the City's prohibition on short term rentals is valid without the use being specifically prohibited.
- D. The City Council wishes to make clear that short terms rentals of an entire home are not permitted in the City.
- E. Short term rentals can create concerns in residential areas due to the potential for increased traffic, noise, and a change to the residential community.
- F. Short term rentals impact the supply of long-term rental housing available in the City and increase the prices of housing.
- G. The renting of rooms in private homes by owners for temporary occupancy while the owner is present can create a community benefit by expanding the number and type of lodging facilities available in the City, can assist homeowners by providing revenue which may be used for maintenance and upgrade of residential units, and can provide companionship for people living alone without taking other rental units off of the market.
- H. An effective way to minimize problems that are or could be associated with short term rentals is by allowing a home sharing program through a permitting process with restrictions and operational regulations.
- I. On May 16, 2023, the Planning Commission of the City of Gardena held a duly noticed public hearing on the draft Ordinance at which time it considered all evidence,

both written and oral after which the Planning Commission provided further direction to staff for recommended changes and continued the public hearing to June 20, 2023.

J. On June 20, 2023, the Planning Commission held the continued public hearing on the draft Ordinance at which time it considered all evidence, both written and oral.

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

The Planning Commission hereby recommends that the City Council adopt the Ordinance attached hereto as Exhibit A making changes to amend Title 18 and add Chapter 5.76 to Title 5 relating to short term home sharing rentals. For all of the reasons set forth in the reasoning provided by staff, the Planning Commission believes that these changes represent good land use practices which are required by public necessity, convenience and the general welfare.

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of June 2023.

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DERYL HENDERSON, CHAIR  
PLANNING AND ENVIRONMENTAL  
QUALITY COMMISSION

ATTEST:

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

I, Greg Tsujiuchi, Planning and Environmental Quality Commission Secretary of the City of Gardena, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Environmental Quality Commission of the City of Gardena at a regular meeting thereof, held the 20th day of June 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

Attachments:  
Exhibit A – Draft Ordinance No. 1854

**ORDINANCE NO. 1854**

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

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

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

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

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

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

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

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

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

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

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

I. On May 16, 2023, the Planning Commission of the City of Gardena held a duly noticed public hearing and considered all evidence presented, both written and oral, after which the Planning Commission provided further direction to staff for recommended changes and continued the public hearing to June 20, 2023.

J. On June 20, 2023, the Planning Commission held the continued public hearing and adopted Resolution No. XXX recommending that the City Council adopt this Ordinance.

K. On July 11, 2023, the City Council of the City of Gardena held a duly noticed public hearing and considered all evidence presented, both written, after which it introduced this Ordinance.

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

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

**18.04.232 Home sharing rental.**

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

**18.04.417 Short term rental.**

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

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

**Chapter 18.06**

**NEW AND EXISTING USES/SPECIFIC PLAN PROHIBITIONS**

**18.06.010 New construction and new uses.**

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

or use of premises located in any zone described in this chapter contrary to the provisions of this title.

**18.06.020 Specific Plans – uses prohibited.**

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

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

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

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

**18.12.040 Uses prohibited.**

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

B. Short term rentals.

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

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

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

**18.14.040 Uses prohibited.**

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

B. Short term rentals; and



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

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

**18.16.040 Uses prohibited.**

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

B. Home sharing rentals; and

C. Short term rentals.

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

**18.18A.030 Uses prohibited.**

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

B. The following uses are expressly prohibited:

1. Home sharing rentals; and

2. Short term rentals.

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

**18.19.050 Uses prohibited.**

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

B. Home sharing rentals; and

C. Short term rentals.

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

**18.19A.050 Uses prohibited.**

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

A. Residential:

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

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

**18.20.040 Uses prohibited.**

L. Home sharing rentals;

M. Short term rentals; and

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

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

**18.28.040 Uses prohibited.**

L. Home sharing rentals;

M. Short term rentals; and

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

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

**18.21.040 Prohibited uses in housing overlays.**

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

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

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

**CHAPTER 5.76**

**HOME SHARING RENTALS**

**5.76.010 Purpose.**

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

**5.76.020 Definitions.**

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

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

**BOOKING:** A reservation for home sharing.

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

**DIRECTOR:** The Director of Community Development or his designee.

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

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

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

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

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

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

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

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

PERSON: A natural person.

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

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

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

**5.76.030 License, permits and taxes required.**

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

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

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

#### **5.76.040 Home sharing rental permit - applications.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **5.76.050 Regulatory requirements.**

Rental Permits are subject to the following regulations and conditions:

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

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

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

D. There must be a minimum of two parking spaces on site per unit, which need not be in an enclosed garage. Parking must meet the requirements of Chapter

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

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

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

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

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

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

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

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

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

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

#### **5.76.060 Advertising**

- A. The Host is responsible for the content of all advertising with respect to the home sharing rental.
- B. All advertising shall contain the following information:
  - 1. The City-issued registration number
  - 2. The applicable maximum occupancy per bedroom.
- C. In the event a Host's Rental Permit is revoked, the Host must remove all listings within 48 hours.
- D. The Director may request a hosting platform to remove a listing for any unpermitted home sharing or short-term rental unit or for any home share unit that had its Rental Permit revoked pursuant to this Chapter.

**5.76.070 Ban and automatic termination.**

- A. Ban.
  - 1. If the Director determines that there is fraud on any application, the applicant shall be permanently banned from operating a home sharing rental within the City.
  - 2. If there are three sustained complaints, whether criminal, civil, or administrative, within a 12 month period against a host, the Rental Permit shall be revoked and the Host shall be permanently banned from operating a home sharing rental within the City.
- B. Automatic Termination. A Rental Permit shall automatically terminate upon a change of circumstances relating to a change of property ownership as defined in Revenue and Taxation Code section 60 *et seq.* or a change in the Unit qualifying as the Host's primary residence, or the Host failing to reside in the Unit.

**5.76.080 Registry.**

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

**5.76.090 Hosting Platform Responsibilities.**

A. Unless an alternative arrangement is authorized by the Administrative Guidelines, a hosting platform shall be responsible for collecting all transient occupancy taxes applicable to bookings completed through the hosting platform and for remitting the same to the City. The hosting platform shall be considered an agent of the owner for purposes of such transient occupancy tax collections and remittance responsibilities as set forth in Chapter 3.16 of this Code.



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

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

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

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

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

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

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

#### **5.76.100 Prohibitions.**

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

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

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

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

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

**5.76.110 Enforcement; penalties.**

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

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

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

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

**5.76.120 Remedies not exclusive.**

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

**SECTION 16.** Effective Date.

A. This Ordinance shall take effect on the thirty-first day after passage.

B. Notwithstanding subsection A, short term rentals that were in effect on the date of adoption of this Ordinance shall have until 90 days after the effective

date to cease all operations. **This extension shall not apply to any property that has an accessory dwelling unit.** This extension shall not apply to any vehicle or trailer which is being used as a short term rental.

C. For any short-term lodging rental remaining in operation beyond a reservation that commences on the effective date of this Ordinance, the host shall be required to obtain a business license from the City and pay the Transient Occupancy Tax in accordance with Chapter 3.16 of the Gardena Municipal Code.

#### **SECTION 17. Relief.**

A. The Owner of any residence being used for a short-term lodging rental may appeal the termination of the use pursuant to the following administrative procedure:

1. No later than 45 days after the adoption date, the Owner or other person with an interest in the property may file a written request for relief ("Request") to the Community Development Director. The Request shall state all reasons, including but not limited to alleged abridgements of the appellant's constitutional rights, and why the prohibition should not be made effective as set forth in Section 16 of this Ordinance on the 90<sup>th</sup> day after effective date extension and relief.
2. Within 30 calendar days of filing the Request, the matter shall be set for hearing before a hearing officer.
3. Within 10 business days after the conclusion of the hearing, the hearing officer shall certify the findings and issue a written decision to the Owner and the City. The decision of the hearing officer shall be final, subject to judicial review pursuant to Section 1094.5 of the California Code of Civil Procedure and further subject to the time limits for seeking such review pursuant to Section 1094.6 of the Code of Civil Procedure.
4. The cost of the hearing officer shall be paid for by the Owner. The Owner shall be required to submit a deposit of \$XXX with the Request.
5. The City shall take no enforcement action toward requiring termination of the short-term lodging rental use pending the final decision of the hearing officer.

B. There are no appeal rights regarding accessory dwelling units, including junior accessory dwelling units, as the prohibition is a declaration of existing law.

C. There are no appeal rights regarding vehicles or trailers being used as short term rentals.

**SECTION 18.** General Plan Consistency. Adoption of this Ordinance is consistent with the City's General Plan. Specifically, the Ordinance implements Land Use Goal 1 and policies 1.1 and 1.2 by preserving and protecting single-family and low/medium-density residential neighborhoods as it helps create safe neighborhoods and protects the neighborhoods from incompatible uses of areas becoming commercial districts. The Ordinance also promotes policy 1.10 by insuring there will be adequate off-street parking. The Ordinance promotes Noise Goal 2 by incorporating noise considerations into land use planning decisions. By preventing entire homes from being rented as short term rentals, the Ordinance also promotes Housing Element Goal 1.0 by maintaining and enhancing the stability of the of the City's housing stock. Lastly, adoption of the Ordinance helps promote and retain the business community by increasing the customer base of people who will make use of City businesses.

**SECTION 19.** CEQA. Pursuant to the provisions of the California Environmental Quality Act ("CEQA"), Public Resources Code § 21000 *et seq.* and the CEQA Guidelines, staff has determined that the Ordinance does not qualify as a project as defined in CEQA Guidelines section 15378, and there is no potential for the adoption of the Ordinance to result in a physical change in the environment and therefore is not subject to CEQA. Even if the Ordinance were subject to CEQA, it would be exempt under the common sense exemption of Guidelines section 15061(b)(3) as there is no possibility that the activity may have a significant effect on the environment. Adoption of the Ordinance is also exempt under Guidelines section 15308 as an action to creating a regulatory process to protect the environment. Staff is directed to file a Notice of Exemption.

**SECTION 20.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**SECTION 21.** Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

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

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

ATTEST:

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

APPROVED AS TO FORM:

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



# MEMORANDUM

DEPARTMENT of COMMUNITY DEVELOPMENT

TO: Planning and Environmental Quality  
Commission

DATE: June 20, 2023

FROM: Amanda Acuna, Senior Planner

REF:

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The Planning Commission is being asked to continue this item regarding the consideration of a draft ordinance making amendments to Chapter 18.13 of the Gardena Municipal Code relating to accessory dwelling units, to a future meeting date.

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

STAFF REPORT  
ZONE TEXT AMENDMENT #5-23  
RESOLUTION NO. PC 12-23

AGENDA ITEM # 6.B

DATE: June 20, 2023

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

FROM: Greg Tsujiuchi, Community Development Director

PREPARED BY: Amanda Acuna, Senior Planner

APPLICANT: City of Gardena

LOCATION: Citywide

REQUEST: Recommendation to the City Council on Ordinance No. 1857 making amendments to Section 18.12.060 of the Gardena of the Gardena Municipal Code relating to relating to two-unit housing developments

**BACKGROUND**

On September 16, 2021, the Governor approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split. SB 9 took effect on January 1, 2022, and on January 11, 2022, the City Council adopted Ordinance No. 1838 to implement SB 9. Since the adoption of SB 9 there have been clarifications by the State on the requirements involving two-unit housing developments.

The draft Ordinance has been prepared to amend the City's Zoning Code to clarify these provisions set forth in the statute. Additionally, the Ordinance includes new objective design standards for new housing units developed pursuant to SB 9.

The Planning Commission is being asked to make a recommendation on Ordinance No. 1857 to the City Council.

**ANALYSIS**

Two-unit developments are only permitted in the Single-Family Residential (R-1) zone. Therefore, Ordinance No. 1857 would amend Chapter 18.12 of the Gardena Municipal Code to provide clarification to terms definitions, allowance for demolition of existing structures, required lot area size, minimum units sizes, height requirements, required setbacks, and clarification to other development requirements.

State law only allows for local agencies to apply objective standards, which includes design standards, to units developed under SB 9, if it does not physically preclude the development. Table 1 shows the proposed objective design standards for two-unit developments as drafted in Ordinance No. 1857.

**Table 1 – Objective Design Standards**

<b>Criteria</b>	<b>Requirement</b>
Scale and massing	On lots of at least 50 feet in width, all two-story residential structures must have upper floor exterior walls on the front and at least one side stepped back at least 5 feet from the ground story exterior walls.
Architectural Detailing	At least two distinct exterior surface treatments and at least two exterior colors are required.
Rooflines	Flat roofs are permitted only on two-story residential buildings and must include parapets.
Garages, Driveways and Parking	1.) A garage attached to a single-family house or duplex that faces the front of the property must be set back at least five feet from the front-facing wall of the house. 2.) All garages facing streets, but not those facing alleys, must be set back at least 20 feet from the sidewalk, and if there is no sidewalk, 24 feet from the curb.
Walls and Fences	Walls and fences in residential zones may be constructed of a variety of materials, but chain link fencing, barbed wire, razor wire, and electrified fences are explicitly prohibited.



## **NOTICING**

The public hearing notice was published in the Gardena Valley News on June 8, 2023 (Attachment B). A copy of Proof of Publication and Affidavit of Mailing are on file in the office of the Community Development Department Room 101, City Hall and are considered part of the record.

## **RECOMMENDATION**

Staff recommends the Planning and Environmental Quality Commission to:

- 1) Open the public hearing;
- 2) Receive testimony from the public; and
- 3) Adopt Resolution PC 12-23 recommending that the City Council adopt Ordinance No. 1857.

## **ATTACHMENTS**

A – Planning Commission Resolution No. PC 12-23

Exhibit A –Ordinance No. 1857

B – Public Hearing Notice

**RESOLUTION NO. PC 12-23**

**A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE NO. 1857 AMENDING SECTION 18.12.060 RELATING TO TWO-UNIT HOUSING DEVELOPMENTS**

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

SECTION 1. RECITALS.

A. On September 16, 2021, the Governor approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split.

B. SB 9 took effect on January 1, 2022.

C. SB 9 allows local agencies to impose objective zoning, subdivision, and design standards.

D. On January 11, 2022, the City Council of Gardena adopted Ordinance No. 1838 to implement SB 9.

E. There have been clarifications to SB 9 since the time of adoption which the City wishes to implement.

F. On June 20, 2023, the Planning Commission of the City of Gardena held a duly noticed public hearing on the draft Ordinance at which time it considered all evidence, both written and oral.

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

The Planning Commission hereby recommends that the City Council adopt the Ordinance attached hereto as Exhibit A making changes to amend Section 18.12.060 of the Gardena Municipal Code relating to two-unit housing development. For all of the reasons set forth in the reasoning provided by staff, the Planning Commission believes that these changes represent good land use practices which are required by public necessity, convenience and the general welfare.

PASSED, APPROVED, AND ADOPTED this 20<sup>th</sup> day of June 2023.

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DERYL HENDERSON, CHAIR  
PLANNING AND ENVIRONMENTAL  
QUALITY COMMISSION

ATTEST:

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

I, Greg Tsujiuchi, Planning and Environmental Quality Commission Secretary of the City of Gardena, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Environmental Quality Commission of the City of Gardena at a regular meeting thereof, held the 20th day of June 2023, by the following vote:

AYES:  
NOES:  
ABSENT:

Attachments:

Exhibit A –Ordinance No. 1857

**ORDINANCE NO. 1857**

**AN ORDINANCE OF THE CITY OF GARDENA, CALIFORNIA,  
AMENDING SECTION 18.12.060 RELATING TO TWO-UNIT HOUSING  
DEVELOPMENTS AND MAKING A DETERMINATION THAT THE  
ORDINANCE IS EXEMPT FROM CEQA PURSUANT TO THE TERMS OF  
SB 9**

**WHEREAS**, on September 16, 2021, the Governor approved Senate Bill 9 (SB 9, Chapter 162) relating to the creation of two residential units per lot which requires local agencies to ministerially approve housing development containing no more than two residential units per lot and ministerially approve an urban lot split; and

**WHEREAS**, SB 9 took effect on January 1, 2022; and

**WHEREAS**, SB 9 allows local agencies to impose objective zoning, subdivision, and design standards; and

**WHEREAS**, on January 11, 2022, the City Council of Gardena adopted Ordinance No. 1838 to implement SB 9; and

**WHEREAS**, there have been clarifications to SB 9 since the time of adoption which the City wishes to implement; and

**WHEREAS**, on XXX the Planning Commission held a duly noticed public hearing on this matter and after considering all evidence presented, both written and oral, at the close of the public hearing the Planning Commission adopted Resolution No. XX recommending that the City Council adopt this Ordinance; and

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

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

**SECTION 1.** Section 18.12.060 is hereby amended to read as follows:

**Section 18.12.060 Two -unit housing development**

A. For purposes of this section, the following definitions shall apply:

1. "Housing development" shall mean a development with no more than two primary units on a single lot within a single-family zone that meets the

requirements of this section. The two units may consist of two new units or one new unit and one existing unit.

2. "Primary unit" shall mean a residential unit that is not otherwise classified as an accessory dwelling unit or junior accessory dwelling unit pursuant to Government Code sections 65852.2(j) and 65852.22.
3. "Unit" shall mean a primary dwelling unit, but shall not include, a junior accessory dwelling unit, or any unit created pursuant to this section.
4. "Urban lot split" shall have the same meaning as set forth in Section 17.08.270.

B. The city shall ministerially approve a housing development containing no more than two primary units if it meets the following requirements:

1. The parcel is not located in any of the following areas and does not fall within any of the following categories:
  - a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.
  - b. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.
  - c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city's building department.
  - d. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with

any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

- i. The site has been subject to a Letter of Map Revision prepared by FEMA and issued to the city; or
  - ii. The site meets FEMA requirements necessary to meet minimum flood plain management criteria of the National Flood Insurance Program as further spelled out in Government Code section 65913.4(a)(6)(G)(ii);
- e. A regulatory floodway as determined by FEMA in any of its official maps, published by FEMA unless the development has received a no-rise certification in accordance with Section 60.3(d)(3) of Title 44 of the Code of Federal Regulations. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site.
- f. Habitat for protected species identified as candidate, sensitive, or species of special status by state or federal agencies, fully protected species, or species protected by the federal Endangered Species Act of 1973 (16 U.S.C. Sec. 1531 et seq.), the California Endangered Species Act (Chapter 1.5 (commencing with Section 2050) of Division 3 of the Fish and Game Code), or the Native Plant Protection Act (Chapter 10 (commencing with Section 1900) of Division 2 of the Fish and Game Code).
2. The housing development does not require demolition or alteration of any of the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income;
  - b. Housing on a parcel or parcels on which an owner of residential real property exercised rights under Government Code section 7060 et seq. to withdraw accommodations from rent or lease within 15 years before the date of the application; or
  - c. Housing that has been occupied by a tenant in the last three years.

3. Unless demolition or alteration is prohibited pursuant to subsection B.2 above, a housing unit may be demolished if it has not been occupied by a tenant in the last three years.

C. Standards and Requirements. Notwithstanding any other provisions of the municipal code to the contrary, the following requirements shall apply in addition to all other objective standards applicable to this zone:

1. Setbacks.

- a. No setback shall be required for an existing structure, or a structure constructed in the same location and within the same dimensions as an existing structure.

- b. Except for those circumstances described in subsection C.1.a above, the setback for side and rear lot lines shall be four feet.

- c. The front setback shall be twenty feet on a lot that fronts on a street, except on lots where the street-facing side (width) is longer than the depth, in such case the setback from the street-facing lot line shall be ten feet.

- d. For landlocked parcels side yard setbacks shall apply to all property lines.

2. The applicant shall provide easements for the provision of public services and facilities as required.

3. One parking space per unit shall be required on the lot unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code Section 21155(b) or a major transit stop as defined in Public Resources Code Section 21064.3. The parking space need not be covered, but tandem parking shared by separate units shall not be allowed.

4. On landlocked lots, a residential structure shall maintain a separation of eight feet to all other habitable structures from its front-facing facade.

Front-facing facade shall be defined for this purpose as the building side most closely parallel to the plane of the main entrance doorway.

5. Lot coverage shall not exceed seventy-five percent.

D. Design criteria for new structures.

Notwithstanding the provisions of Section 18.42.095, all two-unit housing developments shall be required to demonstrate compliance with the following design criteria:

1. Scale and massing. On lots of at least 50 feet in width, all two-story residential structures must have upper floor exterior walls on the front and at least one side stepped back at least 5 feet from the ground story exterior walls.
2. Architectural Detailing. At least two distinct exterior surface treatments and at least two exterior colors are required.
3. Rooflines. Flat roofs are permitted only on two-story residential buildings and must include parapets.
4. Garages, Driveways and Parking.
  - a. A garage attached to a single-family house or duplex that faces the front of the property must be set back at least five feet from the front-facing wall of the house.
  - b. All garages facing streets, but not those facing alleys, must be set back at least 20 feet from the sidewalk, and if there is no sidewalk, 24 feet from the curb.
5. Walls and Fences. Walls and fences in residential zones may be constructed of a variety of materials, but chain link fencing, barbed wire, razor wire, and electrified fences are explicitly prohibited.

E. Limitations on City Actions.

- 1 The city shall not impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than 800 square feet.
- 2 The city shall not deny an application solely because it proposes adjacent or connected structures; provided, that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

F. An applicant for a second house on a lot shall be required to sign an affidavit in a form approved by the city attorney to be recorded against the property stating the following:

1. That the uses shall be limited to residential uses.
2. That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.
3. That the maximum number of units to be allowed on the parcels is two, including but not limited to units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Section 17.08.270.



G. The city may deny the housing development if the building official makes a written finding, based upon a preponderance of the evidence, that the proposed housing development project would have a specific, adverse impact, as defined and determined in Government Code Section 65589.5(d)(2), upon the public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.

**SECTION 8.** Adoption of this ordinance is not a project under CEQA pursuant to the provisions of SB 9.

**SECTION 9.** This Ordinance shall take effect on the thirty-first day after passage and at such time Ordinance No. 1857 shall be of no further force or effect.

**SECTION 10.** Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance, or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, clause or phrase be declared unconstitutional.

**SECTION 11.** Certification. The City Clerk shall certify the passage of this ordinance and shall cause the same to be entered in the book of original ordinances of said City; shall make a minute passage and adoption thereof in the records of the meeting at which time the same is passed and adopted; and shall, within fifteen (15) days after the passage and adoption thereof, cause the same to be published as required by law, in a publication of general circulation.

Passed, approved, and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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

APPROVED AS TO FORM:

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

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

**DATE:** June 6, 2023

**Publication Date: June 8, 2023**

CITY OF GARDENA  
NOTICE OF PUBLIC HEARING

**PUBLIC NOTICE IS HEREBY GIVEN THAT on Tuesday, June 20, 2023, at 7:00 p.m.,** the Planning Commission of the City of Gardena will conduct a public hearing to consider the following:

1. **REQUEST:** Consideration of an Ordinance amending Chapter 18.13 of the Gardena Municipal Code relating to Accessory Dwelling units and making a determination that the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17

**Project Location: Citywide**

2. **REQUEST:** Consideration of an Ordinance amending Sections 17.08.270 and 18.12.060 relating to two-unit housing developments and making a determination that the Ordinance is exempt from CEQA pursuant to the terms of Senate Bill 9.

**Project Location: Citywide**

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

The related materials will be on file and open for public inspection on the City's website at <https://www.cityofgardena.org/community-development/planning-projects/> no later than June 16, 2023. You will have the opportunity to speak during the hearings. Written comments and documentation may be submitted by email to [publiccomment@cityofgardena.org](mailto:publiccomment@cityofgardena.org). Alternatively, comments may be mailed to City of Gardena, at 1700 W. 162<sup>nd</sup> Street, Gardena, California 90247.

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

Amanda Acuna  
Senior Planner