



PLANNING AND ENVIRONMENTAL QUALITY COMMISSION

Regular PEQC Meeting Notice and Agenda

Website: www.cityofgardena.org

Tuesday, July 18, 2023 – 7:00 PM
1700 W. 162nd Street, Gardena, California

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

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

2. **ATTEND THE MEETING IN PERSON**

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

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

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

STANDARDS OF BEHAVIOR THAT PROMOTE CIVILITY AT ALL PUBLIC MEETINGS

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

Thank you for your attendance and cooperation.

1. **CALL MEETING TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **ROLL CALL**

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

4. **APPROVAL OF MINUTES**

4.A JUNE 20, 2023 MEETING
[23_06_20 PCMIN.pdf](#)

5. **ORAL COMMUNICATIONS**

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

6. **PUBLIC HEARING ITEMS**

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

Reconsideration of a 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 and finding the action exempt from the California Environmental Quality Act Pursuant to the Commonsense Exemption of CEQA Guidelines Section 15061(B)(3)

[Staff Report \(STHS\).pdf](#)

[A - City Attorney Memorandum .pdf](#)

[B - Resolution No. PC 13-23 with exhibit .pdf](#)

[Exhibit A - Draft Ordinance 1854.pdf](#)

[C - Public Hearing Notice .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 and making a determination that the Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17

[Staff Report \(ADU\).pdf](#)

[Attachment A - Planning Commission Resolution No. PC #11-23.pdf](#)

[Exhibit A - Draft Ordinance No. 1856.pdf](#)

[Attachment B - Public Hearing 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 7:00pm on August 1, 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.

Dated this 14th day of July 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 20, 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 20, 2023, in the Council Chambers at 1700 W. 162nd Street, Gardena, California.

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

1. **CALL MEETING TO ORDER**

The meeting was called to order at 7:00 PM

2. **ROLL CALL**

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

Absent: Commissioner Jules Kanhan

3. **PLEDGE OF ALLEGIANCE**

Commissioner Ronald Wright-Scherr lead the pledge of allegiance.

4. **APPROVAL OF MINUTES**

4.A JUNE 6, 2023 MEETING

[23_06_06 PCMIN](#)

A motion was made by Vice Chair Langley and seconded by Vice Chair Langley and seconded by Commissioner Sherman.

The motion was passed by the following roll call vote:

Ayes: Langley, Sherman, Wright-Scherr, Henderson

Noes:

5. **ORAL COMMUNICATIONS**

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

Planning Assistant, Kevin La, stated that South Coast Air Quality Management District submitted a public comment, prior to the Planning Commission meeting, and would like to remind cities and residents about their mobile app about local air quality conditions.

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](#)

Senior Planner, Amanda Acuna, gave the staff presentation on Zone Text Amendment #3-23, and explained that staff was bringing a revised draft ordinance back to the Planning Commission for reconsideration with the recommendations provided at the May 16, 2023, meeting. Ms. Acuna then stated that there was a public comment received from a Maria Wrightsman, prior to the meeting, and was made available to all Commissioners, and copies were provided in the back of the Council Chambers for the public's review.

Assistant City Attorney, Lisa Kranitz, reminded the Commission that the public hearing for this item was continued from the previous Planning Commission meeting, therefore, the hearing was still open, and those members should be given a right to comment before consideration from the Commission.

Maria Wrightsman, Yegor Kochifor, and Vera Pövetino each expressed their opposition to the proposed ordinance.

Commissioner Wright-Scherr spoke about the reasoning for the lottery system for short-term home-sharing rentals.

Ms. Kranitz clarified that the ordinance allows for an application period and if the total amount of applications received is less than 100, every applicant may have a home-sharing rental, but if there are more than 100 applications, all applications would be entered into a lottery.

Vice Chair Langley asked if the permit would be issued on an annual basis.

Ms. Kranitz answered yes that the draft ordinance established the permit would be valid for one year, however, added that the Commission could recommend that the permit be valid for a longer period of time.

Commissioner Wright-Scherr inquired if the ordinance would allow residents to rent out their backyards for certain events.

Ms. Acuna stated that the ordinance would only allow for overnight lodging accommodations and would not allow for the renting of residential properties for events or other types of commercial rentals not permitted in the residential zones.

Chair Henderson asked a question to Mr. Kochifor about his junior accessory dwelling unit (JADU) rental.

Mr. Kochifor expressed his concerns on being able to revert his JADU back to a regular bedroom within 90 days, to comply with the ordinance.

Chair Henderson closed the public hearing.

Ms. Kranitz clarified that in the event that an applicant was unable to obtain a permit in accordance with the ordinance, that person would still be able to rent a unit for long-term rental defined as 31 consecutive days or more.

Ms. Acuna explained the procedure of reverting a JADU.

Vice Chair Langley inquired how the State's department determines when a housing unit is counted towards the City's allocation.

Ms. Acuna stated that for the purposes of the California Department of Housing and Community Development (HCD), a unit is counted once a building permit has been issued.

Ms. Kranitz elaborated that HCD is also looking at the affordability of the accessory dwelling units (ADUs) and the types of tenants renting the ADUs. Ms. Kranitz added that HCD limited the number of ADUs that could be counted in the City's Housing Element to a formula they have created.

Community Development Director, Greg Tsujiuchi, reiterated that the number of ADUs that were projected in the Housing Element was for planning purposes only, and added that the City was able to report all new ADUs in its annual report to HCD.

Ms. Kranitz stated to the Commission, that they were asked to reconsider the revised Ordinance for a recommendation to the City Council.

Vice Chair Langley inquired about a scenario where an ADU was built for the purpose of an STR.

Mr. Tsujiuchi explained that if someone were to apply for an ADU or JADU, the intent would be for long-term rental per the ADU ordinance in the municipal code.

Ms. Kranitz added that after the relief is over, any existing or newly constructed ADUs or JADUs cannot be used to rent as an STR or for home-sharing.

Ms. Acuna stated that the City's municipal code currently prohibits STR for ADU and JADUs and this ordinance would not allow ADUs or JADUs to be home-shared. If there is an existing STR listing for an ADU or JADU, the property would be subject to the 90-day relief, as written by the draft ordinance.

Commissioner Wright-Scherr asked if there can be more than a year's permit timeframe.

Ms. Kranitz answered that the Planning Commission can recommend any time incrementation the permit will be valid for.

Chair Henderson asked the Commission if a 3-year permit validation would be sufficient or if there should be more time added.

Commissioner Wright-Scherr stated that he felt a 5-year permit would be sufficient.

Vice Chair Langley stated he was in favor of a 5-year permit time frame and asked how many applications the City will permit.

Ms. Acuna stated there will be a maximum of 100 applications for home-sharing.

Chair Henderson stated he was comfortable with 5 years and a max of 100 applications for home-sharing.

Ms. Kranitz stated that the Commission could make a motion to include this change in the draft ordinance. She then stated that staff was asking for direction from the Commission on whether the extension of time and relief request should be applied to those existing listings within ADUs and JADUs.

Chair Henderson answered that ADUs and JADUs should be treated like the other existing listings and should have an extension of 90 days but inquired if 90 days is enough time for properties with existing bookings.

Vice Chair Langley stated that a 6-month extension should be sufficient time for property owners who have existing bookings, but that the applicant should not book any new STRs during the extension period.

Chair Henderson concurred with Vice Chair Langley's comment.

Mr. Tsujiuchi stated that it would be difficult for Code Enforcement to track new bookings during the extension period for each property with existing listings and that it would be more enforceable for the City to prohibit the STRs in the manner that the ordinance had been written.

A motion was made by Vice Chair Langley and seconded by Commissioner Wright-Scherr to approve Resolution No. PC 10-23, recommending that the City Council adopt Ordinance 1854, with modifications to permit issuance, timeframes for compliance, and applicability to extension.

The motion was passed by the following roll call vote:

Ayes: Langley, Wright-Scherr, Sherman, Henderson

Noes:

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](#)

Ms. Kranitz stated that this item will be reviewed at a later Planning Commission meeting and will be re-noticed to the public.

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 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](#)

Ms. Acuna presented staff's report on draft Ordinance No. 1857.

Chair Henderson opened the public hearing.

Chair Henderson questioned if a property has a split, will there have to be separate access into the rear property?

Ms. Acuna answered that the drafted ordinance only applied to Title 18 of the Municipal Code for two-unit developments and that subdivision of property was covered under Title 17 which included the requirement to establish an access easement for rear properties created through an urban lot split. Ms. Acuna added that any requirements to improve public rights-of-way would fall to the applicant.

Vice Chair Langley asked if this revision was coming from the State.

Ms. Kranitz stated that this is not a legislative amendment, but rather clarified language from HCD that there can be no more than four units on a property.

Chair Henderson closed the public hearing.

A motion was made by Vice Chair Langley and seconded by Commissioner Wright-Scherr to approve Resolution No. 12-23, recommending that the City Council adopt Ordinance No. 1857.

The motion was passed by the following roll call vote:

Ayes: Langley, Wright-Scherr, Sherman, Henderson

Noes:

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

Mr. Tsujiuchi presented upcoming city events to the commission: Virtual Planning Commissioner's Training on June 23rd from 9:00 AM to 4:30 PM at the Council Chambers; CEQA Scoping Meeting for 1450 Artesia Blvd. Specific Plan on June 22nd at 6:00 PM; Ice Cream with a Cop on June 24th from 11:00 AM to 12:45 PM at Rowley Park and from 1:15 PM to 3:00 PM at Arthur Johnson Park; The Willows Clean-Up event from June 26th to June 30th; and Dodger Day on July 6th with tickets available to purchase at the Nakaoka Center and Gardena busses drop off at Dodger Stadium the day of.

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

No commissioners had items to report.

9. **ADJOURNMENT**

Chair Henderson adjourned the meeting at 8:33 PM.

Respectfully submitted,

GREG TSUJIUCHI, SECRETARY
Planning and Environmental Quality Commission

DERYL HENDERSON, CHAIR
Planning and Environmental Quality Commission

CITY OF GARDENA
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION
STAFF REPORT

RESOLUTION NO. PC 13-23
ZONE TEXT AMENDMENT #3-23
AGENDA ITEM #6.A

DATE: July 18, 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: Reconsideration of a 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 and finding the action exempt from the California Environmental Quality Act Pursuant to the Commonsense Exemption of CEQA Guidelines Section 15061(B)(3)

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.

On June 20, 2023, the Planning Commission held the continued public hearing and adopted Resolution No. 10-23 recommending that the City Council adopt the draft of the Ordinance presented.

As staff was preparing the item for the City Council's July 11, 2023 meeting, the City Attorney's office became aware of two new cases on short-term rentals in relation to the Dormant Commerce Clause. A memo has been prepared by the City Attorney's office and attached hereto as Attachment A, with further information regarding the recent cases.

What is being asked of the Planning Commission is to reconsider the revised draft Ordinance and make a recommendation to the City Council.

NOTICING

The public hearing notice was published in the Gardena Valley News on July 6, 2023 (Attachment C). 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 No. PC 13-23 recommending that the City Council adopt Ordinance No. 1854.

ATTACHMENT

A – City Attorney Memorandum

B – Resolution No. PC 13-23 with exhibit

Exhibit A – Draft Ordinance 1854

C – Public Hearing Notice



To: Greg Tsujiuchi, Community Development Director
Amanda Acuna, Senior Planner

From: Lisa Kranitz, Assistant City Attorney

Date: July 7, 2023

Subject: Home Sharing Rental Ordinance – Revisions

On May 16, 2023, the Planning Commission held a public hearing on the draft Home Sharing Rental Ordinance and requested changes. On June 20, 2023, the Planning Commission held a continued public hearing and recommended approval. As staff was preparing the item for the City Council's July 11, 2023 meeting, the City Attorney's office became aware of two new cases on short-term rentals in relation to the Dormant Commerce Clause. The Dormant Commerce Clause of the Constitution prohibits a state or local law from discriminating against interstate commerce unless it advances a legitimate local purpose that cannot be adequately served by reasonable nondiscriminatory alternatives. An ordinance can violate the Dormant Commerce Clause even when it also discriminates against intrastate commerce.

As Gardena's draft ordinance provided that only a homeowner could have a home sharing rental, thereby excluding any one from outside of the state from owning a home and doing home sharing in Gardena, the City Attorney's office determined it was best to revise the Ordinance.

In revising the Ordinance to address this issue, we also reorganized the Ordinance. As this made redlining very difficult, the primary substantive changes are listed below. The yellow highlighted provisions in the Ordinance were changes requested by the Planning Commission.

- The primary change is in who can be a host of a home-share rental. Now, the following qualify:
 - An owner who lives on site and has owned the house for at least a year.
 - A tenant who lives on site where the owner has owned the house for at least a year, the tenant has lived there for at least a year, and the lease allows the tenant to do home sharing.

- An owner who does not live on site but has owned the house for at least a year when there is a tenant who has lived there for at least a year, and the lease allows the owner to do home sharing.

While this expands who may provide home-sharing, the time requirements help ensure that the people involved have a long-term interest in the community.

- As requested by the Planning Commission, the length of the permit will be for 5 years. If 100 permits are not applied for during the application period, the City can continue to issue permits during the 5 year period up to 100, but they will expire at the 5-year deadline.
- The need for Administrative Guidelines has been deleted as the few provisions that were in the Guidelines alone were incorporated into the Ordinance. The City Manager has the option to adopt Guidelines if needed, but at this time they are not necessary.
- A definition was added for a bedroom and the Ordinance now provides that only bedrooms may be rented with a maximum occupancy of 4 people per bedroom. This takes care of the problem of the previous draft that stated that only rooms originally designed as bedrooms could be rented as it did not account for remodels.
- A requirement was added for the host to provide a “Good Neighbor Policy” notice to guests that advises of such things as the need to be respectful of the neighborhood, rules for trash/recycling, and that noise levels are to be reduced between 10 p.m. to 7 a.m.
- Home sharing rental continue to only be allowed in the R-1 and R-2 zones and are prohibited on any property where there is an ADU, in either the primary residence or the accessory dwelling unit.

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 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 whether the City's prohibition on short-term rentals is valid without the use being specifically prohibited.

D. Since 2017, the City has specifically prohibited short-term rentals on properties which have an accessory dwelling unit (ADU), regardless of whether the short-term rental was of the ADU or the main residential structure.

E. The City Council wishes to make clear that short-terms rentals of an entire home are not permitted in the City. The adoption of this ordinance is not meant to indicate that short-term rentals were previously allowed in the City.

F. Short term rentals can create problems in residential areas due to such things as the potential for increased traffic, noise, parking issues, and can cause a change to the residential character of the community which can also lead to safety concerns. The City desires to alleviate these impacts to residential neighborhoods caused by short-term rentals.

G. According to the most recent Regional Housing Needs Allocation which was incorporated into the City's 6th Cycle Housing Element, the City has a total need of 5,735 units, 55 percent of which are for very low, low and moderate income households.

H. Short term rentals impact the supply of long-term rental housing available in the City and increase the cost of housing. The City desires to preserve its available housing stock.

I. Home sharing, the renting of rooms in private homes by hosts for temporary occupancy while the host is present, can create a community benefit by expanding the number and type of lodging facilities available in the City, can assist homeowners and long-term tenants by providing additional income which may be used for living expenses as well as maintenance and upgrade of residential units, and can provide companionship for people living alone without taking rental units off of the market for long-term tenants.

J. Home sharing does not create the same adverse impacts as unsupervised short-term rentals when the home-shares are hosted by the owner or a qualifying resident who lives on site and is present to regulate guests' behavior.

K. Imposing time requirements for owners and tenants to have owned and lived in the property helps ensure that those individuals who are home sharing have a long-term interest in the community.

L. While home sharing can be conducted in harmony with surrounding uses, those activities must still be regulated through a permitting process with restrictions and operational regulations to ensure that public health, safety and general welfare are protected.

M. 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.

N. On June 20, 2023, the Planning Commission held the continued public hearing and adopted Resolution No. 10-23 recommending that the City Council adopt the draft of the Ordinance presented.

O. On July 18, 2023 staff returned the item to the Planning Commission for an additional duly, noticed public hearing due to state and federal cases that were decided and/or published after the prior Planning Commission which necessitated revisions to the Ordinance.

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 18th day of July 2023.

DERYL HENDERSON, CHAIR
PLANNING AND ENVIRONMENTAL
QUALITY COMMISSION

ATTEST:

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

I, Greg Tsujiuchi, Planning and Environmental Quality Commission Secretary of the City of Gardena, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Environmental Quality Commission of the City of Gardena at a regular meeting thereof, held the 18th day of July 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 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 and considers such uses to be prohibited in the City.

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

D. Since 2017, the City has specifically prohibited short-term rentals on properties which have an accessory dwelling unit (ADU), regardless of whether the short-term rental was of the ADU or the main residential structure.

E. The City Council wishes to make clear that short-terms rentals of an entire home are not permitted in the City. The adoption of this ordinance is not meant to indicate that short-term rentals were previously allowed in the City.

F. Short term rentals can create problems in residential areas due to such things as the potential for increased traffic, noise, parking issues, and can cause a change to the residential character of the community which can also lead to safety concerns. The City desires to alleviate these impacts to residential neighborhoods caused by short-term rentals.

G. According to the most recent Regional Housing Needs Allocation which was incorporated into the City's 6th Cycle Housing Element, the City has a total need of 5,735 units, 55 percent of which are for very low, low and moderate income households.

H. Short term rentals impact the supply of long-term rental housing available in the City and increase the cost of housing. The City desires to preserve its available housing stock.

I. Home sharing, the renting of rooms in private homes by hosts for temporary occupancy while the host is present, can create a community benefit by expanding the number and type of lodging facilities available in the City, can assist homeowners and long-term tenants by providing additional income which may be used for living expenses as well as maintenance and upgrade of residential units, and can provide companionship for people living alone without taking rental units off of the market for long-term tenants.

J. Home sharing does not create the same adverse impacts as unsupervised short-term rentals when the home-shares are hosted by the owner or a qualifying resident who lives on site and is present to regulate guests' behavior.

K. Imposing time requirements for owners and tenants to have owned and lived in the property helps ensure that those individuals who are home sharing have a long-term interest in the community.

L. While home sharing can be conducted in harmony with surrounding uses, those activities must still be regulated through a permitting process with restrictions and operational regulations to ensure that public health, safety and general welfare are protected.

M. 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.

N. On June 20, 2023, the Planning Commission held the continued public hearing and adopted Resolution No. 10-23 recommending that the City Council adopt the draft of the Ordinance presented.

O. On July 18, 2023 staff returned the item to the Planning Commission for an additional duly, noticed public hearing due to state and federal cases that were decided and/or published after the prior Planning Commission which necessitated revisions to the Ordinance.

P. At the close of the public hearing the Planning Commission adopted a resolution recommending that the City Council adopt the revised Ordinance amending Chapter 18.13.

Q. On August 22, 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.

R. 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 while taking into consideration constitutional requirements.

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 18.12.040 of the Gardena Municipal Code is hereby amended by adding new subsection B.

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

A. Short-term rentals;

B. Home sharing rentals.

SECTION 14. 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 15. 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 16. 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 alleviate nuisances, protect the character of the City's residential communities and stabilize the housing market by protecting the City's housing supply while at the same time allowing owners and residents to supplement their income, provide potentially more affordable accommodations, and providing the opportunity for companionship.

5.76.020 Definitions.

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

ADMINISTRATIVE GUIDELINES: Regulations approved by the City Manager 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.

BEDROOM: Any habitable space in a dwelling unit other than a kitchen, bathroom or living room that is intended for or capable of being used for sleeping, is at least 70 square feet in area with no dimension less than seven feet, has a window to the outside, is separated from other rooms by a door, and is accessible to a bathroom without crossing another bedroom.

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/her 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.

GUEST: A natural person who rents a home sharing rental.

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 guest's stay.

HOME SHARING RENTAL: A dwelling unit that is made available for home sharing. A home sharing rental is included in the definition of "hotel" for purposes of Chapter 3.16 of this Code.

HOME SHARING PERMIT (HSP): A permit issued in accordance with this Chapter.

HOME SHARING RENTAL: A dwelling unit that is made available for home sharing. A home sharing rental is included in the definition of "hotel" for purposes of Chapter 3.16 of this Code

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

HOSTING PLATFORM: A person or entity that participates in the home sharing rental business by providing booking services through which a host may offer a home sharing rental. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a host to advertise the home sharing rental 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 sharing rental 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 home sharing rental 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: Any person who, alone or with others, has legal or equitable title to a dwelling unit and has held such interest for a minimum of one year. A person whose interest in the property is solely that of a tenant, subtenant, lessee, or sublessee under an oral or written rental housing agreement shall not be considered an owner.

PERMIT PERIOD: A five-year period of time commencing on April 15, 2024 and ending on April 14, 2029 and every five-years thereafter commencing on April 15 of that year.

PERSON: A natural person or any legal entity.

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

QUALIFYING TENANT: A tenant who has lived at the home sharing rental for a minimum of one year.

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.

5.76.030 License, permits and taxes required.

A. No person may rent, offer to rent, or advertise a home sharing rental to another person without a valid business license. The business license must be renewed on a yearly basis.

B. No person may rent, offer to rent, or advertise a home sharing rental to another person without a valid home sharing 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) and the requirement to have a transient occupancy registration certificate. 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 Permit

The following persons are qualified to be a host of a Home Sharing Rental:

A. Home sharing permits shall only be granted to applicants who are the owners or qualifying tenant of the proposed home sharing rental as specified in this Chapter. A host may be issued only one home sharing permit within the City.

B. The following persons are qualified to be a host of a Home Sharing Rental:

1. An owner who lives on the premises and has owned the residence for a minimum of one year prior to the date of the application.

2. An owner who has owned the residence for a minimum of one year prior to the date of the application and who does not live on the premises but has a qualifying tenant and whose lease with the tenant specifies that the owner may use a designated bedroom or bedrooms for home sharing.

3. A qualifying tenant whose lease with the owner specifies that the tenant may use a designated bedroom or bedrooms for home sharing and the owner has owned the residence for a minimum of one year prior to the date of the application.

4. Ownership, including the length of ownership, shall be established by providing a copy of at least one document that identifies the full name or names of the applicant as owner and the address of the property. Examples of acceptable documents include recent copies of: a property tax bill, mortgage statement, and title report.

5. Primary residency for a host or qualifying tenant shall be established by providing two documents which associate the property as the place which is the base of their personal life activities. Examples of acceptable documents include the following when the name and address match that of the application and there is a date on at least one document establishing residency of one year: valid federal or state-issued photo identification card; passport or alien registration card; valid California voter registration card or status document; vehicle registration certificate; health insurance or vehicle insurance bills; pay stubs with name and address; original utility bills for water, gas or electric service.

C. Home sharing permits shall be valid for a five-year period commencing April 15 of one year and ending on April 14, five years later.

D. The City shall issue a maximum of 100 home sharing permits per five-year period. The application period shall be January 1 through February 15, commencing in calendar year 2024 and then every five years thereafter.

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

2. If there are less than 100 qualified applicants submitted during this time and additional home sharing permits are available, such permits may be issued on a first-come, first-served basis through the end rental permit period until 100 permits have been issued. Regardless of when a permit is issued during this time, it shall only be valid until the remainder of the rental permit period.

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

E. No home sharing permit shall be issued to a host who has previously had a home sharing permit revoked.

F. No home sharing permit shall be issued for a dwelling unit with a pending enforcement action by the City for violations of this Chapter or any provision of the Municipal Code, unless the approval is required to resolve the enforcement action.

5.76.050 Home Sharing Permit – Application and Renewal Procedures

A. Only a proposed host may apply for a home sharing permit.

B. An application for a home sharing 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, and telephone number of the host of the residence for which the permit is to be issued.

2. Whether the applicant is an owner or qualifying tenant.

3. Proof that the proposed home sharing rental is the primary residence of the owner, and if applicable, the qualifying tenant.

4. Proof that the owner has owned the proposed home share for at least a year and if applicable, that the qualifying tenant has resided in the proposed home share for at least a year.

5. An acknowledgment that the home sharing permit is only valid for the permit period of **five years and subject to renewals** which may be through a lottery system if there are more than the allowed number of users which apply.

6. An acknowledgment that the home sharing permit does not create a vested right, is non-transferable, does not run with the land and may not necessarily be renewed for successive five-year periods.

7. If the applicant is a property owner who will reside on site:

a. Proof that the proposed home share is the owner's primary residence;

b. Proof that the owner has owned the house for a minimum of 365 days prior to the date of the application.

8. If the applicant is an owner who will not reside on site but has a qualifying tenant:

a. Proof that the owner has owned the house for a minimum of 365 days prior to the date of the application;

c. Proof, other than a rental agreement, that the proposed home share is the qualifying tenant's primary residence;

d. Proof that the qualifying tenant has resided at the residence for a minimum of 365 days;

e. A copy of the lease naming the qualifying tenant and specifying that the owner can use the residence for a home share rental and designating which rooms can be used for such purposes.

9. If the applicant is a qualified tenant:

a. Proof that the owner has owned the house for a minimum of 365 days prior to the date of the application;

b. Proof, other than a rental agreement, that the proposed home share is the qualifying tenant's primary residence.

c. Proof that the qualifying tenant has resided at the residence for a minimum of 365 days;

d. A copy of the lease naming the qualifying tenant and specifying that the tenant can use the residence for a home share rental and designating which rooms can be used for such purposes;

10. An identification of the number of bedrooms to be home shared.

11. Such other information as required by the Administrative Guidelines or as the City Manager or his/her designee deems reasonably necessary to administer this Chapter.

12. All applications must be signed and notarized by the property owner and, if applicable, by the qualifying tenant.

C. An application for a home sharing permit and for each renewal must be accompanied by a fee established by resolution of the City Council.

D. Once an applicant has been notified that they will receive a home sharing permit for the following period, the applicant shall have 45 days to provide the City with the information listed below. Once the information is provided, the home sharing permit shall be issued.

1. Evidence that the host has applied for or obtained a business license for operating a home sharing rental.

2. Evidence that the host has applied for or obtained a transient occupancy registration certificate for the home sharing rental.

3. Proof of general liability insurance in the amount of \$1,000,000 combined single limit. Insurance must be kept up to date on a yearly basis and a copy of the policy must be provided to the City upon request in subsequent years of the rental period. 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.

E. Renewal applications shall be processed in the same manner as the original application and shall contain the same information.

F. It shall be the obligation of the host to notify the Community Development Department of any changes to the information provided in the application within 15 business days of such change.

5.76.060 Regulatory requirements.

Home sharing permits are subject to the following regulations and conditions:

A. The host must reside on-site in a bedroom, within the home sharing rental, during the time in which guests are present.

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 and may not be located on any property on which there is an accessory dwelling unit.

C. At all times the home sharing rental must be used solely for residential purposes.

D. Only bedrooms may be rented and occupancy shall be limited to a maximum of 4 people per bedroom.

E. The host must take responsibility for and actively prevent any nuisance activities that may take place as a result of home-sharing.

F. 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.

G. The host shall keep records of the vehicle license plate numbers of guests, which shall be provided to the City upon request.

H. 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.

I. The host shall post contact information on the property on a place that is visible and accessible to the public that provides the following information for the host: name, phone number, e-mail address. The notice shall also include the home sharing permit number. The notice shall be in a minimum 1-inch size font.

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

K. The property 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.

L. The host 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.

M. A home share 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.

N. The host must provide a Good Neighbor Policy notice to all guests that advises, at a minimum, the following:

1. The expectation that guests are expected to be respectful of neighbors and maintain the residential character of the neighborhood;

2. Parking requirements;

3. Rules for trash and recycling;

4. That the City noise provisions require noise levels to be reduced from 10 p.m. to 7 a.m.;

5. That upon a failure to vacate by the expiration of the occupancy term, guests may be deemed trespassers and may be subject to removal by relevant authorities;

6. That pursuant to Chapter 9.68 of the Municipal Code, if the police are called to address public peace, health, safety, or general welfare issues, guests may be responsible for the cost of the police response; and

7. That the rental may only be used for residential purposes and may not be used for weddings, parties of any kind, conferences, or similar events.

O. If there is a change to the information provided in the application which qualified the dwelling unit to be a home sharing rental, such change must be reported to the Community Development Department in accordance with Section 5.76.050F, the host must also remove all listings within 15 business days and cease operations of the home sharing rental.

P. 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, which shall be provided to the City upon request.

5.76.070 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;
3. That the host will be present at all times during the rental.

C. In the event a home sharing 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 home sharing permit revoked pursuant to this Chapter.

5.76.080 Ban, termination, and revocation.

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 host shall be permanently banned from operating a home sharing rental within the City.

B. Automatic Termination. A home sharing permit shall automatically terminate upon a change of circumstances that would have led to a denial of the home sharing permit in the first instance.

C. Revocation. A home sharing permit may be revoked for non-compliance with any provision of a home sharing permit or this Code after receiving a written Notice

of Violation which has become final or for violations of this Code at the location of the home sharing rental. A written Notice of Violation is not required in cases where the violation causes an immediate threat to the health and safety of the guests or other occupants of the home sharing rental or to any surrounding neighbors.

D. Any regulatory actions taken hereunder shall be in writing and issued by the Community Development Director. Such actions shall be appealable pursuant to Chapter 1.12 of the Gardena Municipal Code. This shall not apply to any administrative citation issued pursuant to chapter 1.20 of this Code.

5.76.090 Registry.

All hosts 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.

5.76.100 Administrative Guidelines.

The City Manager or his designee may promulgate administrative guidelines, which may include, but are not limited to, application requirements, permit conditions, reporting requirements, inspection frequencies, enforcement procedures, advertising restrictions, disclosure requirements, to implement the provisions of this Chapter. No person shall fail to comply with any such regulation once it is incorporated into the Administrative Guidelines.

5.76.110 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 host 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 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 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 5.76.090 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.

5.76.120 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 home sharing rental permit.

B. It is unlawful to offer, operate, maintain, authorize, aid, facilitate or advertise the home sharing 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 unit 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.)

5.76.130 Enforcement; penalties.

A. Any person, including a guest, 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 as well as criminal citations.

B. If the property upon which a home share unit is located is the subject or the site of three final violations of any of the provisions of this Chapter, or of Chapters 8.36 (Noise), 8.64 (Real Property Nuisance), or 9.68 (Unruly Gatherings), Title 15 relating to violation of building codes, or any combination thereof, the home sharing 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. 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.

5.76.140 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 17. 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 **180** days after the effective date to cease all operations. 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 18. 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 90th 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 in an amount determined by resolution of the City Council 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 vehicles or trailers being used as short-term rentals.

SECTION 19. 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 20. 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 21. 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 22. 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 30, 2023

Publication Date: July 6, 2023

CITY OF GARDENA
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT on Tuesday, July 18, 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:** Reconsideration of an Ordinance of the City Council of the City of Gardena amending Title 18 and adding Chapter 5.76 to Title 5 Relating to Short Term Home Sharing Rentals, and finding the action exempt from the California Environmental Quality Act Pursuant to the Commonsense Exemption of CEQA Guidelines Section 15061(B)(3). The Planning Commission is being asked to reconsider additional changes being recommended by staff.

Project Location: Citywide

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

The related materials will be on file and open for public inspection on the City's website at <https://www.cityofgardena.org/community-development/planning-projects/> no later than July 14, 2023. You will have the opportunity to speak during the hearings. Written comments and documentation may be submitted by email to publiccomment@cityofgardena.org. Alternatively, comments may be mailed to City of Gardena, at 1700 W. 162nd Street, Gardena, California 90247.

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

Amanda Acuna
Senior Planner

CITY OF GARDENA
PLANNING AND ENVIRONMENTAL QUALITY COMMISSION

STAFF REPORT
ZONE TEXT AMENDMENT #4-23
RESOLUTION NO. PC 11-23
AGENDA ITEM # 6.B

DATE: July 18, 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. 1856 making amendments to 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

BACKGROUND

State laws regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) have been continually amended by the State legislature for several years. There were two primary bills passed that have impacted accessory dwelling units. AB 2221 and SB 897 made modifications to the statewide regulations for ADU and JADU development standards and controls that included increasing the maximum allowable height, requiring that local ordinances only impose objective development standards, and limiting front yard setback requirements where construction of certain ADUs is otherwise infeasible. Additionally, the City's 2021-2029 Housing Element includes a housing program to consider increasing the size of an ADU with more than one bedroom from 1,000 to 1,200 square feet to further facilitate ADU development.

The adoption of the proposed ordinance (Exhibit A to Attachment A) would ensure that the City has in place minimum ADU development standards and controls that are consistent with the State law. The Planning Commission is being asked to make a recommendation to the City Council on these proposed amendments to the development standards for ADUs.

ANALYSIS

Between the two bills, the following provisions would apply:

- Only objective standards may be imposed.
- Clarifies that ADUs may be constructed in detached garages.
-
- The construction of an ADU cannot trigger the installation of fire sprinklers in the primary unit, even if it is a multifamily structure and even if the mandatory provisions of § 65852.2(e) are being utilized.
- If an application for an ADU is denied, the permitting agency must return a full set of comments within 60 days outlining defective/deficient items and a description of how the application can be remedied, even if the city has not adopted an ordinance implementing § 65852.2.
- A demolition permit for a detached garage is to be reviewed with the ADU application and issued at the same time. Additionally, the ordinance cannot require that the applicant provide any written notice or post a placard for demolition of a detached garage unless the property is in an architecturally and historically significant historic district.
- Clarifies that no owner-occupant requirement can be placed on any ADU permitted between January 1, 2020 and January 1, 2025 and no such requirement can be imposed on an ADU before January 1, 2025. The city may prohibit short-term rentals.
- Clarifies that front setbacks cannot be applied to an attached or detached ADU if it would prohibit construction of an ADU that is at least 800 square feet with 4-foot side and rear yard setbacks.
- Increases height requirements that the city must allow as follows, including if the mandatory provisions of Section 18.13.050 are being used:
 - 16 feet for a detached ADU with an existing or proposed single or multifamily dwelling unit
 - 18 feet for a detached ADU with an existing or proposed single family or multifamily dwelling unit within ½ mile walking distance of a major transit stop or high-quality transit corridor. Plus, an additional two feet to accommodate roof pitch to align with roof pitch of primary dwelling unit.
 - 18 feet for a detached ADU with an existing or proposed multifamily, multistory dwelling.
 - 25 feet or the height limit of the zone which applies to the primary dwelling, whichever is lower, for an ADU that is attached to a primary dwelling.
 - In addition to the height requirements set forth by state law, the City is also proposing that an ADU may be built on top of a garage provided that it does not exceed 25' and the garage is maintained for parking.
- Adds an additional situation when parking cannot be required for ADUs – when a permit application is submitted with a permit application to create a new single-

family or multifamily dwelling on the same lot.

- ADU applications cannot be denied due to the need to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the ADU construction.
- Clarifies that the mandatory provisions can be used to allow two ADUs on a lot when a multifamily dwelling is being proposed.
- Clarifies that an ADU is allowed under the mandatory provisions with an existing multifamily dwelling with a side or rear setback of less than four feet without correction of the setback.

Housing Program 4.5 of the City's Housing Element states that the City would consider allowing for ADUs to have a maximum size of 1,200 square feet (-sf). The current Zoning Code allows for ADUs that are either a studio or one-bedroom unit to have a maximum size of 850-sf; two or more bedroom units allow up to 1,000-sf. The City's code previously allowed for ADUs up to 1,200-sf. The Planning Commission is being asked to make a recommendation on the maximum allowed size for ADUs. More specifically, the following should be considered by the Planning Commission:

- Should the City retain the current size limit of 850-sf. for a studio or one bedroom?
- Should the City increase the size of an ADU for 2+ bedrooms from 1,000 to 1,200-sf?
- If the answer to the above is "no," should the City add a provision for discretionary review before the Planning Commission to allow an ADU to be increased to 1,200-sf. in size?

NOTICING

The public hearing notice was published in the Gardena Valley News on July 6, 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 11-23 recommending that the City Council adopt Ordinance No. 1856 with input on the size of ADUs.

ATTACHMENTS

A – Planning Commission Resolution No. PC #11-23

Exhibit A – Draft Ordinance No. 1856

B – Public Hearing Notice

RESOLUTION NO. PC 11-23

A RESOLUTION OF THE PLANNING AND ENVIRONMENTAL QUALITY COMMISSION OF THE CITY OF GARDENA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL APPROVE ORDINANCE NO. 1856 AMENDING CHAPTER 18.13 OF THE GARDENA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS

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

SECTION 1. RECITALS.

A. State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) has been continually amended by the State legislature.

B. The City of Gardena wishes to amend its provisions on ADUs and JADUs to be compliant with State law.

C. Updating the city's ADU laws was a program in the 6th Cycle Housing Element.

D. A public hearing was duly noticed for the Planning Commission on June 20, 2023, at which time the hearing was continued.

E. On July 18, 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 Chapter 18.13 of the Gardena Municipal Code relating to accessory dwelling units. 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 18th day of July 2023.

DERYL HENDERSON, CHAIR
PLANNING AND ENVIRONMENTAL
QUALITY COMMISSION

ATTEST:

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

I, Greg Tsujiuchi, Planning and Environmental Quality Commission Secretary of the City of Gardena, do hereby certify that the foregoing Resolution was duly adopted by the Planning and Environmental Quality Commission of the City of Gardena at a regular meeting thereof, held the 18th day of July 2023, by the following vote:

AYES:
NOES:
ABSENT:

Attachments:

Exhibit A –Ordinance No. 1856

ORDINANCE NO. 1856

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, AMENDING CHAPTERS 18.04 AND 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

WHEREAS, State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) has been continually amended by the State legislature; and

WHEREAS, the City of Gardena wishes to amend its provisions on ADUs and JADUs to be compliant with State law; and

WHEREAS, updating the city's ADU laws was a program in the 6th Cycle Housing Element; and

WHEREAS, a public hearing was duly noticed for the Planning Commission on June 20, 2023, at which time the hearing was continued; and

WHEREAS, a new public hearing was noticed for July 18, 2023 before the Planning Commission; and

WHEREAS, on July 18, 2023 the Planning Commission held a duly noticed public hearing at which time it considered all evidence presented, both written and oral; and

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

WHEREAS, on XXX, 2023, the City Council held a duly noticed public hearing at which time it considered all evidence presented, both written and oral;

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

SECTION 1. Chapter 18.04 of the Gardena Municipal Code is hereby amended to read as follows:

Chapter 18.04 Definitions

J Definitions.

“Junior accessory dwelling unit” shall mean a unit that is no more than five hundred square feet and contained entirely within a single-family dwelling, ~~not~~ including an attached garage or other attached accessory structure.

SECTION 2. Chapter 18.13 of the Gardena Municipal Code is hereby amended to read as follows:

CHAPTER 18.13

ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

18.13.010 Purpose.

A. In enacting this section, it is the intent of the city to encourage the provision of accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Accessory dwelling units provide housing for extended family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create accessory dwelling units can benefit from added income, and an increased sense of security. Allowing accessory dwelling units in zones allowing residential uses provides needed additional rental housing. This ~~section~~ chapter provides the requirements for the establishment of accessory dwelling units consistent with California Government Code Sections 65852.2 and 65852.22 ~~65852.2 and 65852.22~~.

B. For purposes of this chapter, “primary dwelling” shall mean as follows:

1. In the case of a single-family residential zone, the an-existing single-family residential dwelling, or the larger of two proposed units, is considered to be the “primary residence.”

2. In the case of any other residential or mixed-use zone in which a single-family dwelling exists on the property, the existing dwelling.

3. In the case of multi-family or mixed-use zone which allows a residential use, the existing or proposed multi-family units.

C. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with state law, the mandatory requirement of state law shall control, but only to the extent legally required.

18.13.020 Applications – Junior and accessory dwelling units.

A. Applications for junior and accessory dwelling units shall be ministerially processed within ~~sixty-60~~ days of receipt of a complete application and approved if they meet the requirements of this chapter.

1. If the application is submitted in conjunction with an application for a new single-family or multi-family dwelling, the application for the junior or accessory dwelling unit shall not be acted upon until the application for the new single-family or multi-family dwelling is approved, but thereafter shall be ministerially approved if it meets all requirements within ~~sixty-60~~ days.

2. If the application is denied, the cCity shall return a full set of comments in writing to the applicant with a list of items that are defective or deficient with a description of how the application can be remedied by the applicant. These comments shall be provided to the applicant within 60 days of a complete application.

3. If a detached garage is to be replaced with an accessory dwelling unit, the demolition permit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

42. The city shall grant a delay if requested by the applicant.

B. All applications for junior and accessory dwelling units shall be accompanied by an application fee.

C. Junior and accessory dwelling units shall be subject to applicable inspection and permit fees.

D. Neither an application for a junior nor an accessory dwelling unit shall be denied due to the need to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the unit.

18.13.030 Zones/Locations allowed.

A. Accessory dwelling units shall be allowed on all legally existing residentially zoned lots where a single-family dwelling exists or has been proposed. ~~in accordance with Section.~~

B. Accessory dwelling units shall only be allowed on all legally existing residentially zoned lots where ~~an existing~~ multifamily structure exists or has been proposed in accordance with Section 18.13.060.

C. Accessory dwelling units shall only be allowed on all legally existing mixed-use zoned lots where ~~an existing~~ single-family or multifamily dwelling exists or has been proposed in accordance with Section 18.13.060.

D. Nothing herein is meant to override the provisions of conditions, covenants, and restrictions for a housing development project relating to accessory dwelling units to the extent such restrictions comply with state law.

E. An accessory dwelling unit may be constructed in a detached garage.

18.13.040 General requirements.

A. Number. Unless otherwise allowed by Section 18.13.060(A), only one accessory dwelling unit may be allowed per residential lot.

B. Accessory dwelling units shall not be sold separately from the primary residenceprimary dwelling, except to the extent that the sale meets the requirements of Government Code section 65852.26 with regard to a qualified nonprofit corporation.

C. Neither the accessory dwelling unit nor any other residence located on the property, nor any part thereof, the primary residence shall be rented out for less than ~~thirty-one~~31 consecutive calendar days. ~~A covenant shall be recorded to this effect in a form approved by the city attorney.~~

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

E. Impact Fees.

1. No impact fee shall be imposed on any accessory dwelling unit less than 750 ~~seven hundred fifty~~ square feet in size.

2. For accessory dwelling units 750 ~~seven hundred fifty~~ square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the ~~primary residence~~primary dwelling.

3. All applicable public service and applicable recreation impact fees shall be paid prior to occupancy in accordance with Government Code Sections 66000 et seq. and 66012 et seq.

4. For purposes of this section, "impact fee" shall have the same meaning as set forth in Government Code Section 65852.2(f).

F. Accessory dwelling units shall not count in determining density or lot coverage and are considered a residential use consistent with the existing general plan and zoning designation for the lot.

G. Enforcement. Until January 1, 2030, the city shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an accessory dwelling unit that provides substantially as follows:

You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the Community Development Director. If the City determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

This subsection G. only applies to accessory dwelling units built before January 28¹, 2020.

H. A deed restriction shall be required to be recorded against the property on which an accessory dwelling unit is constructed, which restriction shall run with the land. The deed restriction shall provide for the following:

1. A prohibition on the sale of accessory dwelling unit separate from the sale of the primary dwelling(s), except as provided in Government Code section 65852.26;

2. A restriction that prohibits the accessory dwelling unit from being enlarged beyond that which is permitted by Chapter 18.13 of the Gardena Municipal Code;

3. A restriction from renting either the accessory dwelling unit or the primary dwelling(s) or any portions thereof for less than thirty-one consecutive, calendar days;

4. A statement that the deed restrictions may be enforced against future purchasers.

5. A statement that the City shall be entitled to all legal and equitable remedies available under the law upon the default of any covenant in the deed restriction.

6. A statement that the prevailing party shall be entitled to reimbursement of its reasonable attorneys' fees and costs.

18.13.045 Design guidelines.

The following criteria are not mandatory, but represent good planning practices to consider in building an ADU.

A. An accessory dwelling unit, whether attached or detached, should be consistent in architectural style, materials, colors, and appearances with the existing or proposed dwelling and the quality of the materials should be the same or exceed that of the primary residence.

B. Window placement should be sensitive to maintaining privacy between the accessory dwelling unit and the primary residence and neighboring residences.

C. To the maximum extent feasible, the accessory dwelling unit shall not alter the appearance of the single family dwelling.

18.13.050 Development regulations.

A. Accessory dwelling units shall be required to comply with the objective development standards of the underlying zoning district and the applicable provisions of Chapter 18.42 unless superseded by a provision of this chapter.

An attached or detached accessory dwelling unit shall be located behind the front yard setback, unless the accessory dwelling unit is being constructed in the exact location and to the same dimensions as a previously existing approved accessory structure, including an attached or detached garage.

B. Design.

1. An accessory dwelling unit, whether attached or detached, shall be consistent in architectural style, materials, colors, and appearances with the existing or proposed dwelling and the quality of the materials shall be the same or exceed that of the primary residence.

2. Window placement shall be sensitive to maintaining privacy between the accessory dwelling unit and the primary residence and neighboring residences.

~~B. 3.~~ An accessory dwelling unit shall have a separate entrance from the ~~primary residence~~primary dwelling which shall be located on a different plane than the entrance for the ~~primary residence~~primary dwelling in the case of a single-family dwelling.

~~4. To the maximum extent feasible, the accessory dwelling unit shall not alter the appearance of the single-family dwelling.~~

C. No passageway as defined in Government Code Section 65852.2(i) shall be required for the construction of an accessory dwelling unit.

D. Accessory dwelling units shall comply with all applicable building code requirements with the exception that fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the ~~primary residence~~primary dwelling and the construction of an accessory dwelling unit shall not trigger a requirement for sprinklers to be installed in the primary dwelling.

E. Size.

1. The floor area of an attached or detached accessory dwelling unit shall not exceed ~~eight hundred fifty~~850 square feet for a studio or one bedroom or ~~one thousand~~1,000 square feet for a unit that contains more than one bedroom.

2. The minimum size of an accessory dwelling unit is one hundred fifty square feet.

3. ~~Except for front yard setback requirements,~~The development standards of this section shall be waived in order to allow an accessory dwelling unit that is 800~~eight hundred~~square feet, does not exceed the height requirements set forth in subsection F. below, and at least sixteen feet in height with has a minimum of four-foot side and rear yard setbacks.

F. Setbacks. Except as specified below, an accessory dwelling unit shall be required to comply with the setback requirements of the zone in which the unit is to be located.

1. No setback shall be required for an existing living area, or a legally existing accessory structure, including a garage, that is converted to an accessory dwelling unit or a new accessory dwelling unit constructed in the same location and built to the same dimensions as the existing structure.

2. No setback greater than four feet shall be required for side and rear yard setbacks for all other accessory dwelling units not covered by subsection (F)(1) of this section.

3. An attached or detached accessory dwelling unit shall be at least six feet from all other buildings on the lot or on any adjacent lot.

4. An attached or detached accessory dwelling unit shall be located behind the front yard setback, unless the accessory dwelling unit is being constructed in the exact location and to the same dimensions as a previously existing approved accessory structure, including an attached or detached garage. This requirement shall be waived to the extent that it prohibits an accessory dwelling unit of 800 square feet from being built with four foot side and rear yard setbacks in compliance with all other development standards.

5. No portion of an accessory dwelling unit may encroach into any public or private easement such as a utility easement unless the easement holder has provided written permission to construct the accessory dwelling unit in the manner proposed. To establish a rebuttable presumption of compliance with this requirement, the applicant may provide a written declaration under penalty of perjury affirming compliance with this requirement. The declaration shall be in a form acceptable to the City Attorney.

~~G. Height. Unless an accessory dwelling unit is being built above a garage or attached to a single family dwelling, the height of an attached or detached accessory dwelling unit shall not be any higher than the primary residence and in no event shall the height exceed twenty-five feet. The height of an accessory dwelling unit shall be as follows:~~

~~_____1. A height of 16 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit.~~

~~_____2. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed single family or multifamily dwelling unit that is within ½ mile walking distance of a major transit stop or a high-quality transit corridor. An additional 2 feet shall be allowed if required to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.~~

~~_____3. A height of 18 feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.~~

~~_____4. A height of 25 feet or the height limit of the applicable zone that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling unit or built above an existing garage. In no event shall the accessory dwelling unit exceed 2 stories.~~

~~_____5. An accessory dwelling unit may be built on top of a garage provided that the garage is maintained for parking and the total height of the structure does not exceed 25 feet. If an accessory dwelling unit is built pursuant to this provision, a declaration shall be recorded that the garage must be maintained for parking.~~

H. Parking.

1. Parking shall be required at the rate of one space for each accessory dwelling unit. No parking spaces shall be required for an accessory dwelling unit created within an existing living space.
2. Parking spaces may be provided through tandem parking on an existing driveway; provided, that such parking does not encroach into the public sidewalk.
3. Parking spaces for accessory dwelling units may be provided in paved portions of setback areas; provided, that the amount of paving does not exceed the total amount of paving and hardscaped areas that are otherwise allowed by this title.
4. When a garage, carport, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, such parking spaces need not be replaced.
5. Tandem parking and parking in setback areas shall not be allowed if the community development director makes specific findings that such parking is not feasible based upon specific site or regional topographical, or fire and life safety conditions.
6. Notwithstanding any other provision of this subsection H of this section, no parking shall be required for the accessory dwelling unit if any of the following conditions apply:
 - a. The accessory dwelling unit is located within one-half mile walking distance of a public transit stop;
 - b. The accessory dwelling unit is located within an architecturally and historically significant district;
 - c. The accessory dwelling unit is part of the existing ~~primary residence~~primary dwelling or an existing accessory structure;
 - d. When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit; ~~or~~
 - e. When there is a car share vehicle located within one block of the accessory dwelling unit; or
 - f. When a permit application for an accessory dwelling unit is submitted with a permit applications to create a new single- or multi-family dwelling on the same

lot, provided the ADU or parcel satisfies any other criteria listed in this paragraph.

I. Utilities.

1. All utility installations shall be placed underground.
2. For an accessory dwelling unit contained within an existing single-family dwelling, or an existing accessory structure meeting the requirements of Section 18.13.060(A)(1), the city shall not require the installation of a new or separate utility connection between the accessory dwelling unit and the utility or impose a connection fee or capacity charge. Such requirements and charges may be imposed when the accessory dwelling unit is being proposed within a new single-family dwelling.
3. For all other accessory dwelling units other than those described in subsection (I)(2) of this section, the city shall require a new or separate utility connection between the accessory dwelling unit and the utility and shall charge a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit based on the size or number of plumbing fixtures.

J. The number of curb cuts allowed shall be governed by the underlying zoning regulations.

K. An applicant may ~~apply for an administrative site plan review by the community development director pursuant to Sections 18.44.020(C) and (D) in order to~~ turn an existing single-family dwelling into the accessory dwelling unit and develop a new primary residence elsewhere on the lot if both structures meet. ~~In such case the existing single-family dwelling must meet~~ all requirements of this chapter and the R-1 zone relating to accessory dwelling units, including size limitations.

L. Affordability information (RHNA). Applicants shall provide the city with all information reasonably requested by the city to allow the city to classify the ADU by income category for the city's annual housing report.

18.13.060 Mandatory approvals.

A. Notwithstanding any other provision of this chapter, the city shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone. ~~For new construction, if the unit is attached or detached, it shall be located behind the front yard setback line in a single-family zone:~~

1. One accessory dwelling unit and one A-junior or accessory dwelling unit within the existing or proposed space of a single-family dwelling or accessory structure.

a. An expansion of up to one hundred fifty150 square feet shall be allowed in an accessory structure solely for the purposes of accommodating ingress and egress.

b. The junior or accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.

c. The side and rear setbacks shall be sufficient for fire and safety.

d. If the unit is a junior accessory dwelling unit, it shall comply with the requirements of Section 18.13.070.

2. One new detached accessory dwelling unit with minimum four-foot side and rear yard setbacks on a lot with an existing or proposed single-family dwelling; provided, that the unit shall not be more than eight hundred800 square feet and shall not exceed sixteen feet in height the height requirements set forth in subsection FG.1 - 3, above.

a. A junior accessory dwelling unit may be developed in conjunction with this type of detached accessory dwelling unit, provided it complies with the requirements of subsection A.1, above-of this section.

3. On a lot with a multifamily dwelling structure, up to twenty-five25 percent of the total multifamily dwelling units, but no less than one unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, provided that each unit complies with state building standards for dwellings.

4. On a lot with a multifamily dwelling structure, up to two detached units; provided, that neither unit exceeds the height requirements set forth in subsection FG.1 -3, above, is greater than sixteen feet in height and has at least four-foot side and rear yard setbacks.

B. For those junior/or accessory dwelling units which require mandatory approval, the city shall not require the correction of legal, nonconforming zoning conditions.

C. The owner/occupancy- deed restriction requirements of Section 18.13.040.D shall apply to units approved under this section.

18.13.070 Junior accessory dwelling units.

A. One junior accessory dwelling unit shall be allowed in an existing or proposed single-family dwelling, including in an attached garage. A junior accessory dwelling unit may be allowed on the same lot as a detached accessory dwelling unit where the detached accessory dwelling unit is no larger than eight-hundred800 square feet and no taller than sixteen-feetthe height allowed pursuant to section 18.13.060F.1-3.

B. The junior accessory dwelling unit shall be required to contain at least an efficiency kitchen which includes a sink, cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

C. The junior accessory dwelling unit shall be required to have a separate entrance from the ~~primary residence~~primary dwelling which shall be located on a different side of the home than the front door of the ~~primary residence~~primary dwelling.

D. The junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-family residence and shall have direct access to the single-family residence from the interior of the dwelling unit.

E. No additional parking shall be required for a junior accessory dwelling unit.

F. Junior accessory dwelling units shall be required to comply with applicable building standards, except that fire sprinklers shall not be required if they were not required for the single-family residence.

G. The city shall not require the correction of a legal nonconforming zoning condition as a requirement for the junior accessory dwelling unit.

H. A deed restriction shall be required to be recorded on the ~~The owner of~~ property on which a junior accessory dwelling unit is constructed, which shall be required to record a deed restriction which shall run with the land, ~~and file a copy with the city~~. The deed restriction shall provide for the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence;
2. A restriction that prohibits the junior accessory dwelling unit from being enlarged beyond five hundred square feet;

3. A restriction from renting either the junior accessory dwelling unit or the single-family dwelling or any part thereof for less than ~~thirty-one~~31 consecutive, calendar days;

4. A restriction that the owner resides in either the single-family dwelling or the junior accessory dwelling unit. Notwithstanding the foregoing:

a. The owner may rent both the single-family dwelling and junior accessory dwelling unit to one party with a restriction in the lease that such party may not further sublease any unit or portion thereof; and

b. This restriction shall not apply if the owner of the single-family dwelling is a governmental agency, land trust, or housing organization; and

5. A statement that the deed restrictions may be enforced against future purchasers.

6. A statement that the City shall be entitled to all legal and equitable remedies available under the law upon the default of any covenant in the deed restriction.

7. A statement that the prevailing party shall be entitled to reimbursement of its reasonable attorneys' fees and costs.

I. For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

SECTION 3. This Ordinance is statutorily exempt from CEQA pursuant to Public Resources Code section 21080.17 which provides CEQA does not apply to the adoption of an ordinance to implement ADU law.

SECTION 4. 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 5. This Ordinance shall take effect on the thirty-first day after passage.

SECTION 6. 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.

SECTION 7. The Community Development Department shall send a copy of this Ordinance to the Department of Housing and Community Development within 60 days of adoption as required by Government Code section 65852.2.

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 30, 2023

Publication Date: July 6, 2023

CITY OF GARDENA
NOTICE OF PUBLIC HEARING

PUBLIC NOTICE IS HEREBY GIVEN THAT on Tuesday, July 18, 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:** Reconsideration of an Ordinance of the City Council of the City of Gardena amending Title 18 and adding Chapter 5.76 to Title 5 Relating to Short Term Home Sharing Rentals, and finding the action exempt from the California Environmental Quality Act Pursuant to the Commonsense Exemption of CEQA Guidelines Section 15061(B)(3). The Planning Commission is being asked to reconsider additional changes being recommended by staff.

Project Location: Citywide

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

The related materials will be on file and open for public inspection on the City's website at <https://www.cityofgardena.org/community-development/planning-projects/> no later than July 14, 2023. You will have the opportunity to speak during the hearings. Written comments and documentation may be submitted by email to publiccomment@cityofgardena.org. Alternatively, comments may be mailed to City of Gardena, at 1700 W. 162nd Street, Gardena, California 90247.

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

Amanda Acuna
Senior Planner