

## **ORDINANCE NO. 1832**

### **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA AMENDING CHAPTER 18.40 OF THE GARDENA MUNICIPAL CODE RELATING TO REQUIRED PARKING AND LOADING TO PERMIT OFF-SITE PARKING, STREET PARKING, TANDEM, AND OTHER CONFIGURATIONS WITH A CONDITIONAL USE PERMIT IN CERTAIN CIRCUMSTANCES**

**WHEREAS**, Chapter 18.40 of the Gardena Municipal Code (GMC) is out of synch with the goals and policies of the General Plan, effectively making the over-supply of on-site parking, whether needed or not, the top policy of the City; and

**WHEREAS**, Land Use Goal 2 of the General Plan encourages the development of high-quality clean industrial uses, the types which are not generally identified in the list of permitted uses of zones, however, Chapter 18.40 of GMC prohibits all flexibility to accommodate any new or creative parking solutions, regardless of the suitability of the alternatives and the desirability of the use relative to existing or surrounding uses; and

**WHEREAS**, Land Use Policy 3.4 of the General Plan promotes the attraction commercial and industrial developments that are economically beneficial to the City, however, Chapter 18.40 of GMC causes the City to turn away new commercial and industrial land uses based solely on the inability to recognize a parking need that does not match existing categories; and

**WHEREAS**, Economic Development Policy 1.7 encourages the diversification of businesses to benefit the local economy, however, Chapter 18.40 allows for no flexibility in parking requirements to accommodate diverse uses outside the narrow list of uses identified in the zones, making this policy difficult to achieve; and

**WHEREAS**, Economic Development Policy 2.5 promotes clear research and development facilities, which are permitted uses in the industrial zones and require one space per 300 square feet of floor area. Chapter 18.40 allows for no flexibility in parking location while other uses in the zone require one space per 750 or 1,000 square feet, therefore making achieving Policy 2.5 nearly impossible without having adjacent vacant parking lots available; and

**WHEREAS**, staff desires to provide clarifying language that specifies administrative adjustment is the appropriate process for approval of off-site parking of 15% or less pursuant to 18.40.040, and conditional use permit for greater than 15%; and

**WHEREAS**, staff desires to provide an opportunity for the city, through a conditional use permit process, to consider unique circumstances of a commercial or

industrial use, its location, zone, planned operations, and other factors, to permit the inclusion of tandem and street parking among the required parking for the use; and

**WHEREAS**, Planning and Environmental Quality Commission held a noticed public hearings on this Ordinance on July 20 and August 17, 2021, at which times it considered all evidence presented; and

**WHEREAS**, after the close of the public hearings the Planning and Environmental Quality Commission recommended that the City Council adopt the Ordinance; and

**WHEREAS**, the City Council held a duly noticed public hearing on this Ordinance on September 14, 2021, at which time it considered all evidence presented; and

**WHEREAS**, the City Council believes the changes set forth herein represent good land use practices which are required by the public necessity, convenience and the general welfare;

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

SECTION 1. Section 18.40.010 of the Gardena Municipal Code is hereby amended to read as follows:

**18.40.010 Purpose.**

The purpose of this chapter is to establish minimum standards for the development of off-street parking facilities for the general welfare and convenience of the public utilizing the various land uses within the city; to establish the number of parking spaces required for various uses and accommodate anticipated demand; to promote compatibility between various uses so as to avoid the adverse impacts of vehicular traffic and parking congestion; and to protect property values by the provision of landscaping, walls, setbacks, and other amenities; and to allow limited flexibility when necessary to meet goals and policies of the General Plan.

SECTION 2. Section 18.40.060A and B of the Gardena Municipal Code is hereby amended to read as follows, all other sections remain the same:

**18.40.060 General development standards for parking areas.**

- A. ~~In no case shall any~~ No portion of a public street or alley right-of-way may be counted as part of the required parking spaces except as provided for in Section 18.40.080.
- B. Unless tandem parking is specifically allowed by the zone, tandem parking shall not be considered as satisfying the parking requirements of this chapter except as provided for in Section 18.40.080.

SECTION 3. Section 18.40.080 of the Gardena Municipal Code is hereby amended to read as follows:

**18.40.080 Additional standards for commercial and industrial parking areas.**

- A. Driveways for commercial and industrial parking areas shall be adequate to accommodate trucks utilizing the facility as set forth in this chapter and development standards for the zone.
- B. The ~~off-street~~ parking facilities required by this chapter shall be located on the same lot or parcel of land as the use they are intended to serve; provided, however, modifications to the location or layout of the parking may be made as specified herein. the community development director may grant an exception to the location requirement if:
  - 1. ~~With regard to private parking facilities, (a) all or a part of the substitute location~~On private property if it meets the following requirements:
    - a. ~~The property is within four hundred feet of~~conveniently located near the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and
    - b. The property is zoned and used for commercial or industrial uses; and
    - c. ~~The property~~substitute lot is in the same possession as the property containing the use it is to serve. Such possession may be by deed or by long-term lease approved by the city attorney as to form and content, or
  - 2. ~~In a With regard to~~public parking facility if it meets the following requirements:
    - a. There is a public parking facility owned or operated by the city, or any other public agency of which the city is a part, within five hundred feet of the principal use for which the parking is being provided, measured in walking distance along the way open to public pedestrian passage; and
    - b. ~~The~~the vehicle parking spaces located at said facility are made available to the general public and their use is not restricted to private owners, lessees, licensees or other parties; and
    - c. ~~The~~the vehicle parking spaces for which an exception is being claimed are to be used solely for employee parking of the person or business seeking the exception; and



- d. ~~the community development director finds that~~ There exists sufficient public parking spaces at said facility to satisfy the off-street parking requirements imposed by this code upon the lot or parcel of land under consideration.
3. Street parking may be counted toward the required parking if it meets the following requirements:
- a. There are circumstances related to the proposed use, operations, location, the surrounding uses, zone, infrastructure, or there are other factors identified that cannot be accommodated by the limitations of the parking requirements of this Title; and
  - b. That the granting of the conditional use permit will not be in conflict with the policies of the General Plan of the City; and
  - c. The proposed use and off-site parking, as conditioned, will not be materially detrimental to the public health, safety, and welfare or injurious to property and improvements in the vicinity of the subject property.
4. Tandem parking, including 2-level car lifts, to count as two required parking spaces in zones where it is otherwise restricted or prohibited, provided all the following findings are made:
- a. There are circumstances related to the proposed use, operations, location, unusual size or shape of the property, or are other factors identified that cannot be accommodated by the limitations of the parking requirements of this Title; and
  - b. Tandem parking is not being used for retail or restaurant required parking; and
  - c. The intended users of the tandem parking are the customers and employees of the tenant on the site. On multi-tenant properties, the applicant has demonstrated that the tandem parking is not being used (as tandem) by retail or restaurant establishments; and
  - d. That the allowance of the tandem parking is not in conflict with the policies of the General Plan; and
  - e. Tandem parking, as conditioned, will not be materially detrimental to the public health, safety, and welfare or injurious to property and improvements in the vicinity of the subject property.

5. Any arrangement of required parking that is not explicitly permitted by this chapter, including but not limited to, valet parking, mechanical vehicle storage, and shared parking:
- C. Any combination of on-site, off-site private or public property, and tandem parking may be used to meet the parking requirement of this chapter.
- D. The community development director may, at their discretion, require a parking analysis prepared by a qualified expert of the City's choosing to justify a decision or recommendation related to off-site parking requests. The community development director may also refer any application for off-site parking to the planning and environmental quality commission for their determination.
- E. Approval Authority:
  1. The community development director shall be the approval authority for any modification to the location, excluding street parking, for up to 15% of the required on-site parking through the administrative adjustment procedure set forth in Chapter 18.50, unless the request for modification is being processed concurrently with a development permit which requires planning commission approval.
  2. The planning commission shall be the approval authority for any modification to the location for more than 15% of the required on-site parking, where the request includes street parking, tandem parking, or is being processed concurrently with a development permit which requires planning commission approval, through a conditional use permit and subject to the provisions of Chapter 18.46.
- F. The community development director shall have continuing authority to review the status of vehicle parking at public parking facilities as set forth above. If, at a future date, the community development director determines that a public parking facility no longer provides sufficient parking spaces to satisfy the off-street parking requirements for a particular lot or parcel of land, the community development director may require the owner or operator of said lot or parcel of land to provide an alternative means of satisfying off-street parking requirements, which means may include (a) providing off-street parking on the same lot or parcel of land, (b) providing off-street parking at a substitute location, as set forth in subsections (B)(1) above, or (c) providing off-street parking at another public parking facility, as set forth in subsection (B)(2) above.
- G. Accessible parking spaces shall meet all state accessibility standards, as set forth in the California Building Code.



- DG.** Company vehicles: One parking space shall be provided for each company vehicle operated by a commercial or industrial business. The parking shall be in addition to all other required parking.

SECTION 4. Section 18.40.100 of the Gardena Municipal Code is hereby amended to read as follows:

**18.40.100 Required off-street loading spaces.**

- A. ~~For all c~~ Commercial and industrial uses ~~shall be required to have, one~~ off-street loading spaces ~~as provided below: shall be provided for each twenty thousand square feet of gross floor area; however, this requirement shall not apply to buildings or structures with a gross floor area less than seven thousand five hundred square feet.~~
1. ~~0 – 7,499 square feet gross floor area – no spaces required.~~
  2. ~~7,500 – 20,000 square feet gross floor area - one space.~~
    - a. ~~Uses that receive and ship deliveries primarily or entirely through parcel delivery or postal service may request that the off-street loading space requirement be waived or modified. Modifications may include, but are not limited to, reduction in size, dual use as parking space if deliveries are scheduled during closed hours only, and shared loading spaces with other uses in multi-tenant centers.~~
    - b. ~~The approval authority for such waiver or modification shall be the Community Development Director unless the request for modification is being processed concurrently with a development permit which requires planning commission approval, in which case it shall be processed concurrently with the development permit requiring planning commission approval.~~
    - c. ~~The property owner shall be required to record a declaration of restrictions limiting future uses to similarly restricted uses or provide the required loading space.~~
  3. ~~20,001+ square feet of gross floor area – one space for every 20,000 square feet or portion thereof.~~
- B. Each off-street loading space shall be not less than twelve feet in width and forty feet in length, with a minimum height clearance of fourteen feet, and shall be so arranged that it will not impede traffic circulation within the parking area and will not block parking stalls.
- C. Off-street loading spaces shall be permanently and clearly marked with paint or other easily distinguishable material.

- D. Loading spaces shall be designed so as to permit vehicular and truck traffic to move into and out of the loading spaces without the backing of any truck into or upon parking spaces, a secondary or major arterial street. An alley may be used as a turning radius into and out of a loading stall.

SECTION 5. CEQA Compliance. This Ordinance is categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. None of the changes to the parking standards set forth above would change the density, intensity, or allowed uses or would have other effects on the environment. Parking is no longer an impact that is analyzed under CEQA. For these same reasons, the Ordinance also qualifies for an exemption under CEQA Guidelines section 15305 (Class 5) for minor alterations in land use limitations in areas with an average slope of less than 20%. No part of Gardena has a slope in excess of 20%. The changes are not for any specific project and therefore will not impact any environmental resource of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources. Because this is an ordinance pertaining to citywide development standards there will not be any significant effects on the environment due to unusual circumstances. As such, staff is directed to file a Notice of Exemption.

SECTION 6. 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 7. 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 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 8. Effective Date. This ordinance shall become effective on the thirty-first date after passage.

Passed, approved, and adopted this 28th day of September, 2021.

  
TASHA CERDA, Mayor

ATTEST:

  
*for* MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

  
LISA E. KRANITZ, Assistant City Attorney



STATE OF CALIFORNIA                    )  
COUNTY OF LOS ANGELES            ) ss:  
CITY OF GARDENA                        )

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1832** was duly passed and adopted by the City Council of said City of Gardena, approved and signed by the Mayor of said City, and attested by the City Clerk, all at a special meeting of said City Council held on the **28<sup>th</sup> day of September 2021**, and that the same was so passed and adopted by the following roll call vote:

AYES:     COUNCIL MEMBERS HENDERSON AND KASKANIAN, MAYOR PRO TEM  
          TANAKA, AND MAYOR CERDA

NOES:     COUNCIL MEMBER FRANCIS

ABSENT: NONE

*for* Becky Romero  
City Clerk of the City of Gardena, California

(SEAL)