

ORDINANCE NO.1846

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, ADDING CHAPTER 15.52 TO TITLE 15, BUILDINGS AND CONSTRUCTION, OF THE GARDENA MUNICIPAL CODE RELATING TO THE PROTECTION OF PROPERTY DURING DEMOLITION

WHEREAS, the City Council of the City of Gardena desires to provide protection of persons and property during demolition of nearby structures;

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

SECTION 1. Chapter 15.52 is hereby added to the Gardena Municipal Code to read as follows:

15.52

PROTECTION OF PERSONS AND PROPERTY DURING DEMOLITION

15.52.010 Purpose.

The purpose of this chapter is to provide protection for persons and property during demolition activity of nearby structures.

15.52.020 Screening.

At the outset of demolition activities or at the otherwise earliest time it is feasible in the opinion of the Building Official, a protective screen shall be erected to the satisfaction of the Building Official between the demolition site and immediately adjoining properties, unless the Building Official determines that erection of a screen is not feasible or would serve no practical purpose.

15.52.030 Notice.

A. Prior to the commencement of any demolition of structures that requires a building permit, including the demolition of exterior walls or roofs, excavation that requires shoring or sandblasting, the owner or contractor shall provide notice by mail or personal delivery to the property owners and occupants located within one hundred (100) feet of the demolition site that demolition will occur. Said notice shall be provided in person to the affected property owners and occupants at least seven (7) days prior to any demolition taking place. If notice is mailed, it shall be sent no later than ten (10) days prior to any demolition taking place. The notice shall contain the following information:

1. Address where demolition will occur;
2. Date(s) and approximate times demolition will occur;

3. Name, address, telephone number and state license number of contractor;
4. Name, address and telephone number of the owner of the property on which demolition is to occur.

B. In addition to providing mailed notice, the same information shall be posted on the job site in a location that is accessible to the public on a sign that is a minimum of 2 feet by 3 feet with lettering at least 1-inch in size.

C. If the owner or the contractor fails to provide the required notice, the Building Official shall have the authority to stop the work until the notice is provided, in addition to any other remedies provided by this Code.

D. For purposes of this Chapter, demolition activity does not include reroofing of structures.

15.52.040 Damage to Property.

A. The Building Official shall have the authority to stop the demolition work at any time that in his or her opinion said demolition work has caused, is causing, or is about to cause, damage to adjacent or nearby properties. Said work shall not recommence until the time that the necessary corrections have been made so that no further damage will occur to the affected property, unless the Building Official determines that the damage will be corrected as provided in subsection B below, and written approval is obtained from the Building Official that said work can recommence.

B. If demolition work causes damage to adjacent or nearby properties, the Building Division shall withhold inspections of said work and stop work until (i) the damage to the affected property is repaired or repair work has commenced and is continued to be performed with due diligence until completed, or (ii) the affected property owner is compensated the cost of repair, or (iii) a documented agreement satisfactory to the Building Official is executed to assure repair of the damage at a more appropriate phase of the demolition. If there is a bona fide dispute between the owner of the damaged property and the party alleged to have caused said damage as to the cause of the damage, the method or scope of repair or the cost of the repair, work may resume and inspections provided only if the party performing the demolition work posts a bond with the City in an amount that the Building Official reasonably determines is sufficient to pay the cost of repair. Where there exists a bona fide dispute, the issues in contention are a civil matter beyond the authority of the City to resolve.

C. The bond called for in subsection B above shall be approved as to form by the City

Attorney and held by the City until the dispute is resolved between the parties or by a court of competent jurisdiction. In the event that the aggrieved party does not submit proof to the City that an action has in fact been filed within one (1) year after the issuance of the Certificate of Occupancy, then the City shall, unless good cause is shown, release the bond. The City shall provide thirty (30) days' written notice to the aggrieved party of its intent to release the bond.

SECTION 2. CEQA. 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. This Ordinance enacts procedure and does not change the density, intensity, or allowed uses or would have other effects on the environment. 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 requirements 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 pursuant to CEQA Guidelines sections 15061(b)(3) and 15305.

SECTION 3. 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 4. This Ordinance shall take effect on the thirty-first day after passage.

SECTION 5. 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 10th day of January, 2023.


TASHA CERDA, Mayor

ATTEST:


MINA SEMENZA, City Clerk

APPROVED AS TO FORM:


LISA E. KRANTZ, 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. 1846** 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 **10th day of January 2023**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS TANAKA AND HENDERSON, MAYOR PRO TEM
 FRANCIS, COUNCIL MEMBER LOVE, AND MAYOR CERDA

NOES: NONE

ABSENT: NONE

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

(SEAL)