

ORDINANCE NO. 1848

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA AMENDING TITLE 18 OF THE GARDENA MUNICIPAL CODE PRIMARILY RELATING TO THE ESTABLISHMENT OF HOUSING OVERLAYS AND DEVELOPMENT STANDARDS PERTAINING THERETO AND REVISING THE CITY'S ZONING MAP AND FINDING THE ADOPTION TO BE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3) and 15308

WHEREAS, under the Housing Accountability Act ("HAA;" Government Code § 65589.5), until the City has a compliant housing element, the City must approve affordable housing developments (the "Builder's Remedy") on parcels anywhere in the City without regard to land use designation, zoning, or development standards; and

WHEREAS, projects under the Builder's Remedy are likely to be submitted to the City prior to the certification of the EIR and adoption of the changes as the City has already received inquiry into projects on certain sites; and

WHEREAS, there are only a limited number of grounds on which the City can deny a Builder's Remedy project; and

WHEREAS, even if a housing element complies with all requirements of State law, it is not considered to be compliant until any required rezoning has taken place; and

WHEREAS, state law requires there to be consistency between the General Plan and zoning, which means that the new zones required by the housing element need to have a corresponding land use designation; and

WHEREAS, the City does not have any development standards for the new zones which are required to be adopted by the City's 6th Cycle Housing Element and would like to have them in place to provide some means of regulation; and

WHEREAS, newly enacted AB 2334 provides that if a maximum allowable density is not provided in dwelling-units-per-acre standard, realistic density may be estimated based on applicable objective standards and then density bonuses awarded above the realistic density; and

WHEREAS, the City is currently preparing an Environmental Impact Report ("EIR") to accompany all of the land use plan and zoning changes that are set forth in the City's Housing Element, as well as changes to other sites that also include properties that were not identified as Inventory Sites in the City's 6th Cycle Housing Element; and

WHEREAS, the City has qualified for \$1,979,262 in PLHA grants, which is funding for housing-related projects and programs that assist in addressing the unmet housing needs in the City; and

WHEREAS, HCD has recently informed the City that the City must adopt its housing element and complete the required rezoning by February 15, 2023 in order to receive its 2019 PLHA grant in the amount of \$329,877; and

WHEREAS, one of the program objectives HCD asked to have added to the City's Revised 6th Cycle Housing Element was to adopt an urgency ordinance implementing the housing overlay zones and rezoning for the inventory sites so that the sites would be available by April 15, 2023 and provide for ministerial approval; and

WHEREAS, at a special meeting held on January 31, 2023, the Planning Commission of the City of Gardena held a duly noticed public hearing on this matter, 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 City staff file a Notice of Exemption; and

WHEREAS, at a special meeting held on February 15, 2023, the City Council of the City of Gardena held a duly noticed public hearing on this matter, at which time it considered all evidence presented, both written and oral; and

WHEREAS, prior to adopting this Ordinance, the City Council adopted Resolution No. 6619 readopting the Revised 6th Cycle 2021 - 2029 Housing Element and Resolution No. 6620 amending the Land Use Plan of the City's General Plan and Urgency Ordinance No. 1847; and

WHEREAS, the City Council would also like to adopt the Ordinance as a non-urgency item as well;

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

SECTION 1. Findings.

- A. The foregoing recitals are true and correct.
- B. The adoption of the Zoning Map and changes to Title 18 are consistent with the City's General Plan. More specifically, these changes implement changes required by the Housing Element and the changes create consistency with the City's Land Use Plan.
- C. The changes set forth herein represent good land use practices which are required by the public necessity, convenience and the general welfare.

SECTION 2. Adoption of Zoning Map. The City Council hereby adopts the zoning map attached hereto as Exhibit A as the zoning map for the City.

BEGINNING OF TEXT AMENDMENTS

SECTION 3. The term “multiple-family” is hereby replaced with the term “multi-family” throughout the Gardena Municipal Code.

SECTION 4. Chapter 18.04, Definitions, is hereby amended by deleting all section numbers starting with section 18.04.010 and ending with section 18.04.495. Definitions shall be divided by lettering so that definitions beginning with the letter “A” fall under a heading reading “A Definitions,” definitions beginning with the letter “B” fall under a heading reading “B Definitions,” and so on.”

SECTION 5. Chapter 18.04, Definitions, of the Gardena Municipal Code is hereby amended by **ADDING** the following definitions to read as follows:

“Director” shall mean the Community Development Director or the Director’s designee.

“Studio unit” shall mean a dwelling unit with one room devoted to living, dining, and sleeping purposes, with a separate bathroom. The kitchen may be in the same room or in a separate room.

“Residential Mixed-Use Housing Project” shall mean a mixed-use development consisting of residential and commercial uses with at least two-thirds of the square footage designated for residential use.

SECTION 6. Section 18.08.010 of the Gardena Municipal Code is hereby amended to read as follows:

18.08.010 Zones established.

A. ~~In order to~~ To carry out the purposes and provisions of this title, the city is divided into ~~several zones, known as follows~~ the following zones:

- R-1 Single-family residential ~~zone~~
- R-2 Low-density multi-family residential ~~zone~~
- R-3 Medium density multi-family residential ~~zone~~
- R-4 High density multi-family residential ~~zone~~
- R-6 Very high density multi-family residential
- AMU Artesia mixed-use
- ~~M-U Mixed use overlay~~

- C-R Commercial residential ~~zone~~
- P Parking ~~zone~~
- O Official ~~zone~~
- C-P Business and professional office ~~zone~~
- H-B Home business ~~zone~~
- C-2 Commercial ~~zone~~
- C-3 General commercial ~~zone~~
- C-4 Heavy commercial ~~zone~~
- M-1 Industrial ~~zone~~
- M-2 General industrial ~~zone~~
- SP Specific plan zones as follows:
 - 1450 Artesia Specific Plan
 - ~~Artesia Corridor Specific Plan~~
 - Ascot Village Specific Plan
 - Carnelian Specific Plan
 - Cottage Place Specific Plan
 - Emerald Square Specific Plan
 - Gardena Transit Oriented Development Specific Plan
 - Gardena Village Specific Plan
 - Normandie Estates Specific Plan
 - Normandie Place Specific Plan
 - Redondo Village Specific Plan
 - Platinum Row Specific Plan

B. In addition, the City has established the following overlay zones to further carry out the purposes and provisions of this title:

- MUO Mixed-Use Overlay
- HO-3 Medium density 20 Overlay
- HO-4 High density 30 Overlay
- HO-5 High density 50 Overlay
- HO-6 Very high density 70 Overlay

SECTION 7. Section 18.08.015 is hereby **ADDED** to the Gardena Municipal Code to read as follows:

18.08.015 1450 Artesia Specific Plan

The 1450 Artesia Specific Plan zone is intended to be used for a mix of commercial and industrial uses. No development shall occur in this zone until a specific plan for the properties within this area is adopted by the City Council.

CHAPTER 18.12 – SINGLE-FAMILY RESIDENTIAL ZONE (R-1)

SECTION 8. Subsection L of Section 18.12.050 is hereby amended to read as follows and subsections M - Q are hereby deleted:

~~L. General provisions as set forth in the table found in section 18.42.010. Fences, Hedges, and Walls. The provisions of Section 18.42.070 shall apply;~~

~~M. Swimming Pool Areas. The provisions of Section 18.42.090 shall apply;~~

~~N. Projections Permitted in Required Yards. The provisions of Section 18.42.100 shall apply;~~

~~O. Protection of Intersection Visibility. The provisions of Section 18.42.110 shall apply;~~

~~P. Repealed.~~

~~Q. All new structures and additions to existing structures shall demonstrate compliance with residential design guidelines set forth in Chapter 18.42.~~

CHAPTER 18.14 – LOW DENSITY MULTI-FAMILY RESIDENTIAL ZONE (R-2)

SECTION 9. Section 18.14.020 of the Gardena Municipal Code is hereby amended to read as follows:

18.14.020 Uses permitted.

The following uses shall be permitted in the R-2 zone and other such uses the commission may deem to be similar to those listed and not detrimental to the public health, safety and welfare:

A. All uses permitted in the R-1 ~~zone, except single family dwellings; and~~

B. Single and two-family dwellings, subject to the design review provisions of Chapter 18.45.; and

~~C. Condominiums and stock cooperative apartments of up to two units.~~

SECTION 10. Subsections L-S of Section 18.14.050 of the Gardena Municipal Code are hereby amended to read as follows, so that the subsections now end with "N":

~~L. Fences: the provisions of Section 18.42.070 shall apply;~~

~~M. Refuse areas: the provisions of Section 18.42.130 shall apply;~~

~~N. Swimming pool areas: the provisions of Section 18.42.090 shall apply;~~

~~O. Projections permitted in required yards: the provisions of Section 18.42.100 shall apply;~~

~~P. Protection of intersection visibility: the provisions of Section 18.42.110 shall apply;~~

Q.L. Lot coverage:

1. a maximum of ~~fifty~~ 50 percent for interior lots and
2. a maximum of ~~seventy-five~~ 75 percent for corner lots;

R.M. Storage space: a minimum of ~~one hundred twenty~~ 120 cubic feet of storage space shall be provided for each dwelling unit with a minimum of two feet in any direction. Such space may be located in areas which include, but are not limited to, the garage, in an outside closet, or below stairways; and

N. General Provisions as set forth in the table found in section 18.42.010.

~~R. All new structures and additions to existing structures shall demonstrate conformance with residential design guidelines set forth in Chapter 18.42.~~

~~S. All new structures and additions to existing structures shall demonstrate conformance with residential design guidelines set forth in Chapter 18.42.~~

CHAPTER 18.16 – MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL ZONE (R-3)

SECTION 11. Section 18.16.020 of the Gardena Municipal Code is hereby amended to read as follows:

18.16.020 Uses permitted.

The following uses shall be permitted in the R-3 zone and other such uses as the commission may deem to be similar to those listed and not detrimental to the public health, safety and welfare:

A. All uses permitted in the R-1 and R-2 zones, ~~and multiple-family dwelling units, except single and two-family dwellings; and~~

B. Multi-family dwelling units, subject to the site plan review provisions of Chapter 18.44.

SECTION 12. Subsections D and E of Section 18.16.050 of the Gardena Municipal Code are hereby amended to read as follows, subsections L – P and R are hereby deleted,

subsection Q is relettered as subsection L and a new subsection M is added; except as amended, all other sections remain the same:

D. Density: a minimum density of 12 units per acre and a maximum of 17 units per acre. Fractional units shall be rounded upward if such fraction is at or above the five-tenths breakpoint. However, when the application of such density standard results in a fraction of a dwelling unit, such fraction, if below the five-tenths breakpoint, shall be rounded downward to the nearest whole number, and, if such fraction is at or above the five-tenths breakpoint, it shall be rounded upward to the nearest whole number;

E. Dwelling unit size:

1. A minimum of 400 square feet per unit. one thousand square feet for three or more bedroom units,
2. ~~_____ A minimum of eight hundred square feet for two bedroom units,~~
3. ~~_____ A minimum of six hundred square feet for one bedroom units,~~
4. ~~_____ A minimum of four hundred square feet for bachelor/efficiency units,~~

52. No minimum dwelling unit size shall be required for an affordable housing unit where the applicant enters into an affordable housing agreement with the city to be recorded against the property to ensure continued affordability of all moderate, low, and very low income rental units for at least fifty-five years or where the applicant enters into an equity sharing agreement for all for-sale affordable housing units upon the same terms and conditions as in Section 18.43.045.D (D);

* * *

~~L. _____ Fences: the provisions of Section 18.42.070 shall apply;~~

~~M. _____ Refuse areas: the provisions of Section 18.42.130 shall apply;~~

~~N. _____ Swimming pool areas: the provisions of Section 18.42.090 shall apply;~~

~~O. _____ Projections permitted in required yards: the provisions of Section 18.42.100 shall apply;~~

~~P. _____ Protection of intersection visibility: the provisions of Section 18.42.110 shall apply;~~

Q1. Storage space: a minimum of ~~one hundred twenty~~ 120 cubic feet of storage space shall be provided for each dwelling unit with a minimum of two feet in any direction. Such space may be located in areas which include, but are not limited to, the garage, in an outside closet, or below stairways; and.

~~R. _____ All new structures and additions to existing structures shall demonstrate conformance with residential design guidelines set forth in Chapter 18.42.~~

M. General provisions as set forth in Section 18.42.010.

CHAPTER 18.18- HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE (R-4)

SECTION 13. Subsections E and J of Section 18.18.020 of the Gardena Municipal Code are hereby amended to read as follows, a new subsection K and N are added, subsections K and Q are relettered and L and M; except as amended, all other subsections remain the same:

E. Maximum density: the maximum permitted density shall be as follows set forth in this subsection; fractional units shall be rounded upward if such fraction is at or above the five-tenths breakpoint:

1. Twenty-five units per acre for lots less than one-half acre;
2. ~~Twenty-seven units per acre for lots between one-half acre and one acre;~~
and
32. Thirty units per acre for lots greater than one acre one-half acre or greater.

* * *

J. Usable open space: a minimum of ~~three hundred~~ 300 square feet of usable common or private open space shall be provided for each unit of all multi-family dwellings and condominiums in accordance with the minimum size requirements of Section 18.42.065;

K. Dwelling unit size:

1. A minimum of 400 square feet per unit.
2. No minimum dwelling unit size shall be required for an affordable housing unit where the applicant enters into an affordable housing agreement with the city to be recorded against the property to ensure continued affordability of all moderate, low, and very low income rental units for at least fifty-five years or where the applicant enters into an equity sharing agreement for all for-sale affordable housing units upon the same terms and conditions as in Section 18.43.045.D.

~~K~~L. Signs: the provisions of Chapter 18.58 shall apply;

~~L~~. ~~Fences: the provisions of Section 18.42.070 shall apply;~~

~~M~~. ~~Refuse areas: the provisions of Section 18.42.130 shall apply;~~

~~N~~. ~~Swimming pool areas: the provisions of Section 18.42.090 shall apply;~~

~~O. Projections permitted in required yards: the provisions of Section 18.42.100 shall apply;~~

~~P. Protection of intersection visibility: the provisions of Section 18.42.110 shall apply;~~

~~Q.M. Storage space: a minimum of one hundred twenty 120 cubic feet of storage space shall be provided for each dwelling unit with a minimum of two feet in any direction. Such space may be located in areas which include, but are not limited to, the garage, in an outside closet, or below stairways; and~~

~~R. All new structures and additions to existing structures shall demonstrate conformance with residential design guidelines set forth in Chapter 18.42.~~

~~N. General provisions as set forth in the table found in section 18.42.010~~

CHAPTER 18.18 A- VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE (R-6)

SECTION 14. Chapter 18.18A is hereby **ADDED** to the Gardena Municipal Code to read as follows:

**Chapter 18.18A
VERY HIGH DENSITY MULTI-FAMILY RESIDENTIAL ZONE (R-6)**

18.18A.010 Purpose.

The R-6 very high density multi-family residential zone is intended as the highest density residential district for apartments and condominiums.

18.18A.020 Uses permitted.

The following uses shall be permitted in the R-6 zone and other such uses as the Commission may deem to be similar to those listed and not detrimental to the public health, safety, and welfare:

A. All uses permitted in the R-1 and R-2 zones, except single and two-family dwellings; and

B. Multi-family residential developments, subject to the site plan review provisions of Chapter 18.44.

18.18A.030 Uses prohibited.

A. All uses not listed in Sections 18.18A.020 are deemed to be 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. Short-term rental of residential units.

18.18A.040 Development standards.

The development standards set forth herein shall apply and supersede any Zoning Code provision in this title to the contrary.

A. Lot dimensions:

1. Minimum lot width at street frontage: 50 feet;
2. No minimum or maximum lot depth.

B. Minimum lot area: 0.5 acres.

C. Yards: Minimum setbacks measured from property lines:

1. Front yard: 10 feet;
2. Side yard:
 - a. 5 feet for first two stories of a building;
 - b. 10 feet for corner lots (street side only);
 - c. 10 feet for stories above the second story.
3. Rear yard:
 - a. 15 feet if adjacent to R-1 or R-2 zoned property;
 - b. 5 feet in all other circumstances.
4. Garages may be constructed along the rear and side property lines when located in the rear one-third of the lot. Garages fronting on public streets shall maintain a minimum 20-foot yard setback.

D. Dwelling unit size:

1. A minimum of 400 square feet per unit.
2. No minimum dwelling unit size shall be required for an affordable housing unit where the applicant enters into an affordable housing agreement with the city to be recorded against the property to ensure continued affordability of all moderate, low, and very low income rental units for at least fifty-five years or where the applicant enters into an equity sharing agreement for all for-sale affordable housing units upon the same terms and conditions as in Section 18.43.045.D.

E. Distances between buildings on the same site: notwithstanding any other provision of this code to the contrary, the following shall apply:

Residential side to side	10 feet
Residential front to side	15 feet
Front to front with interior court	20 feet
Front to front with driveway between	30 feet
Residential to accessory structure	6 feet

F. Density:

1. Minimum density: 51 units per acre
2. Maximum density: 70 units per acre

G. Maximum building height:

1. 40 feet for any portion of a development that is within 20 feet of:
 - a. R-1 or R-2 zoned property; or
 - b. a property line abutting a collector or local street.
2. For the remaining portions of a development, maximum height is 75 feet.
3. An additional five feet of structural height without usable floor area is permitted for architectural projections in all areas.

H. Storage space: 80 contiguous cubic feet of private secure storage space shall be provided for each dwelling unit with a minimum dimension of 2 feet in any direction. Bicycle lockers satisfy this requirement, but bedroom closets and kitchen and bathroom cabinets do not.

I. Off-street parking: the provisions of Chapter 18.40 shall apply, with the following exceptions or additions:

1. Minimum residential parking requirements:
 - a. Studio units: 1 parking space per unit;
 - b. 1 and 2-bedroom units: 1.5 parking spaces per unit;
 - c. Units with more than 2 bedrooms: 2 parking spaces per unit.
 - d. Unless reduced or eliminated by applicable state law, units that are affordable to low-, very low-, or extremely low-income households, senior

housing, and special needs or supportive housing shall provide parking at the rates specified in Section 18.43.090.B.

- e. Guest Parking spaces required:
 - i. 0.25 space per unit in all residential and mixed-use developments unless reduced or eliminated by applicable state law;
 - ii. Guest spaces in a mixed-use project may not be tandem.
- 2. Tandem and mechanical parking:
 - a. Residential parking may be satisfied by tandem spaces where parking is assigned to a single residential unit. Two-level mechanical vehicle lifts are to be treated as tandem and subject to the same restrictions. Unassigned parking and parking assigned to different units may not be tandem;
 - b. Mechanical or robotic parking structures, other than two-level mechanical vehicle lifts, are permitted subject to the development standards applicable to residential structures in this chapter and Chapter 18.42;
- 3. Shared parking between commercial and residential guest spaces is permitted in mixed-use developments as follows:
 - a. Only guest parking spaces that are directly accessible to both commercial customers and residential visitors may be used as shared parking. The percentages below are applied only to guest parking that meets this criterion. "Directly accessible," as used here shall mean: 1) using the same curb cuts and driveways as the commercial parking; and 2) not being separated from commercial or residential pedestrian entry points by a wall, fence, gate, berm, or other similar barrier.
 - b. Commercial space developed as office: 75% of the guest parking spaces may also be counted toward required commercial parking;
 - c. Commercial space developed as retail: 50% of the guest parking spaces may also be counted toward required commercial parking;
 - d. Commercial space developed as a restaurant: 20% of the guest parking spaces may also be counted toward required commercial parking;
 - e. Commercial space developed for any use other than those listed above shall be considered retail for the purpose of this calculation;
 - f. If more than one type of commercial use is developed within the commercial space, shared parking shall be determined by the use with the

lowest sharing percentage. If circumstances indicate that a higher sharing percentage may be warranted, this may be allowed subject to the following:

- i. The applicant pays for a shared parking study to be commissioned by the City which shows that the number of spaces being provided is sufficient for shared parking use; and
- ii. A declaration of restrictions is recorded against the property which provides that there shall be no change in uses allowed without a subsequent parking study that verifies that the number of parking spaces provided is sufficient for shared parking use; and
- iii. The applicant complies with any conditions required by the parking study to ensure there is sufficient parking.
- iv. The Planning Commission shall approve shared parking under the process set forth in Chapter 18.44 for site plan review.

4. Bicycle Parking.

a. Long-term bicycle parking shall be provided at the rate of one space per every four residential units. Long-term spaces shall be covered, lockable enclosures with permanently anchored racks for bicycles, lockable bicycle rooms with permanently anchored racks, or lockable, permanently anchored bicycle lockers. This requirement shall not apply to any unit which has an enclosed two-car garage.

b. Short-term bicycle parking shall be provided at a rate of 5% of required visitor parking, with a minimum of one two-bike capacity rack. Such parking shall be by means of permanently anchored bicycle racks.

J. Usable open space: a minimum of 150 square feet of usable common or private open space shall be provided for each unit of all multi-family dwellings in accordance with the requirements of Section 18.42.065; and

K. General provisions as set forth in Section 18.42.010.

CHAPTER 18.19 – MIXED USE OVERLAY ZONE (MUO)

SECTION 15. The initial paragraph in Section 18.19.020 of the Gardena Municipal Code is hereby amended to read as follows:

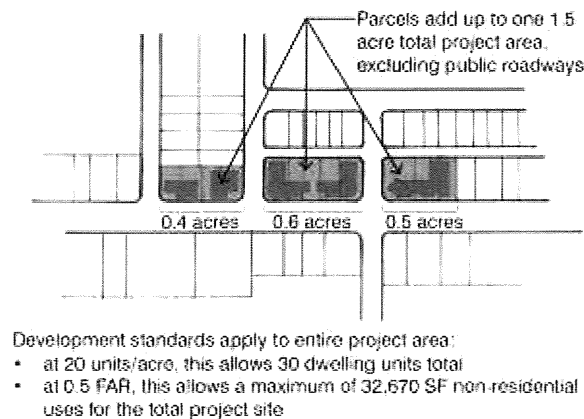
With application of the mixed use overlay zone, the city seeks to take advantage of development opportunities in key areas of the city, each of which faces unique opportunities and constraints. A description of the desired purpose for four of these areas is described in this section to provide guidance for those seeking to construct mixed use

development in such areas. In cases of conflict between the areas described below and the zoning map, the zoning map shall prevail.

SECTION 16. Subsection B, C, D and J of Section 18.19.060 of the Gardena Municipal Code are hereby amended to read as follows, Subsection N is deleted and a new subsection N and O are added to read as follows; except as amended all other sections remain the same:

B. Minimum project area:

1. One-half acre minimum., ~~with the following exceptions:~~
 - a. ~~Parcels that cannot be consolidated to satisfy the minimum project area because they are bordered on all sides by property that is not zoned with the mixed use overlay zone;~~
 - b. ~~Parcels that cannot be consolidated because they are bordered on three or more sides by roadways;~~
 - c. ~~Parcels that cannot be consolidated because adjacent property is not zoned with the mixed use overlay; or~~
 - d. ~~Other circumstances prevent the consolidation of parcels to meet this requirement.~~
2. Lots across separated by public roadways may be consolidated to create larger project areas.
3. The community development director must be consulted before the review of projects that cause an orphaned parcel condition. An orphaned parcel condition exists if the group of consolidated parcels that comprise the minimum project area of 0.5 one acre results in an adjacent isolated or orphaned parcel that will be unable to meet the minimum project area. The involvement of the community development director ensures that adequate effort has been made to negotiate between the project and adjacent orphaned parcel. In addition, in the event that the orphaned parcel is not included in the adjacent development for reasons such as its recent date of development, the involvement of the community development director will ensure that compatibility exists between the orphaned parcel's existing condition and the adjacent project's current development.



C. Density and intensity:

1. Floor area ratio (FAR): nonresidential intensity shall be a maximum of 0.5 FAR as calculated over the portion of the project area devoted to such use, including when such use is part of a vertical development.
2. For mixed use projects approved after August 1, 2012, the minimum permitted residential density shall be twenty units per acre for any residential development. This subsection shall not apply to the expansion of any existing use.
3. Residential by itself or as part of a mixed use project: the maximum residential density shall be as follows, calculated over the portion of the project area devoted to residential such use, including when ~~such use is~~ part of a vertical development:
 - a. Twenty-five units per acre maximum for sites less than one-half acre;
 - b. Thirty ~~Twenty-five~~ units per acre maximum for sites at least one-half acre but less than one acre.; ~~and~~
 - c. ~~Thirty units per acre maximum for all sites of one acre or greater.~~
4. Projects may develop both the maximum FAR for nonresidential development and maximum density for residential development within the same project area, provided all other standards in this section are met.
5. Site coverage: eighty percent.

D. Dwelling unit size:

1. A minimum of ~~one thousand~~ 400 square feet per unit. ~~for three or more bedroom units;~~
2. ~~A minimum of eight hundred square feet for two bedroom units;~~

~~3. A minimum of six hundred square feet for one bedroom units;~~

~~4. A minimum of four hundred square feet for bachelor/efficiency units;~~

25. No minimum dwelling unit size shall be required for an affordable housing unit where the applicant enters into an affordable housing agreement with the city to be recorded against the property to ensure continued affordability of all moderate, low, and very low income rental units for at least fifty-five years or where the applicant enters into an equity sharing agreement for all for-sale affordable housing units upon the same terms and conditions as in Section 18.43.045.D.

* * *

J. Usable open space:

1. Residential uses: a minimum of ~~one hundred fifty~~ 150 square feet of outdoor usable common or private open space shall be provided per dwelling unit in accordance with the ~~minimum size~~ requirements of Section 18.42.065.

* * *

~~N. Service, trash and loading areas, and mechanical equipment:~~

~~1. Service and loading areas shall be oriented away from public view and provided with ornamental screening;~~

~~2. Exterior on-site facilities and mechanical equipment, including sewer, gas, water, electric, telephone, and communications equipment, shall be installed underground where feasible. Transformers and other mechanical equipment that must be above ground shall be screened in accordance with Section 18.42.140, and incorporated into the landscape wherever possible;~~

~~3. Trash enclosures shall be screened in accordance with Section 18.42.130. In addition, they shall be enclosed within the building envelope or architecturally integrated with the overall design theme of the development. Trash enclosures should be planted with vines if located adjacent to or within a landscaped area.~~

N. Signs: the provisions of Chapter 18.58 shall apply; and

O. General provisions as set forth in the table found in section 18.42.010.

SECTION 17. Section 18.19.080 is hereby **ADDED** to the Gardena Municipal Code read as follows:

18.19.080 Phasing of mixed-use developments.

New mixed-use projects shall include construction of both the residential and non-residential parts concurrently.

CHAPTER 18.19A - ARTESIA MIXED USE (AMU)

SECTION 18. Chapter 18.19A is hereby **ADDED** to the Gardena Municipal Code to read as follows:

**Chapter 18.19A
ARTESIA MIXED USE (AMU)**

18.19A.010 Purpose.

The Artesia mixed-use zone is intended for a mix of commercial space and restaurants with medium density and live-work style residential units. The Artesia mixed-use zone is different from other mixed-use opportunities in the City (primarily overlays) in that it is designed to feature commercial and restaurant uses along the Artesia Boulevard frontage, along with some live-work units; while strictly residential units are clustered along the Dominguez Channel. Live-work units fill the space between the commercial and residential units.

18.19A.020 Definitions.

For the purposes of this chapter, the following words shall have the meanings described below:

“Main Street” means that private street running east-west that roughly bisects the AMU zone into north and south halves.

“Service businesses generally based on-site” provide a service directly to the customer at the business premises. Examples include but are not limited to: copying and shipping; notary public; barber; small item repair; tailor and alterations; dry cleaner; financial advising and banking; tutoring; childcare; and indoor playgrounds.

“Service businesses generally conducted off-site” provide a base of operations and limited customer interaction at the business location while the core of the business activity is performed remotely. Examples include but are not limited to: plumbing; mobile pet grooming; windshield repair; private investigation; pool service; house painting; and wedding planning.

“Studio uses” include but are not limited to: martial arts; art and design, including digital formats; post production; photography; sound recording; physical therapy, and yoga.

18.19A.030 Uses permitted.

The following uses shall be permitted by-right in the Artesia mixed-use zone provided they are not listed as requiring a conditional use permit (18.19A.040) or prohibited (18.19A.050):

- A. Residential—permitted only south of Main Street:
 - 1. Multi-family dwellings
 - 2. Single-family attached dwellings (townhomes)
 - 3. Transitional housing, subject only to those restrictions that apply to other residential dwellings of the same type in this zone
 - 4. Supportive housing, subject only to those restrictions that apply to other residential dwellings of the same type in this zone
 - 5. ADUs and JADUs subject to the provisions of Chapter 18.13
- B. Commercial—permitted only north of Main Street:
 - 1. Retail stores up to 5,000 square feet
 - 2. Restaurants
 - 3. Service businesses generally based on-site
 - 4. Studio uses
- C. Live-work—permitted in live-work-style units only adjacent to Main Street and subject to a home occupation permit:
 - 1. Professional, administrative, and business offices
 - 2. Retail stores
 - 3. Service businesses generally based on-site
 - 4. Service businesses generally conducted off-site
 - 5. Studio uses

18.19A.040 Uses permitted subject to a conditional use permit.

The following uses may be permitted in the AMU zone subject to the issuance of a conditional use permit in accordance with the procedure set forth in Chapter 18.46:

- A. Commercial—permitted only north of Main Street:

1. Retail stores over 5,000 square feet.
2. Medical offices, including urgent care facility
- B. Live-work:
 1. Restaurants
 2. Catering services
- C. Establishments selling or serving alcoholic beverages for consumption on or off the premises

18.19A.050 Uses prohibited.

All uses not listed in Sections 18.35.030 and 18.35.040 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
- B. Commercial:
 1. Any commercial uses other than live-work south of Main Street
 2. Fitness and training facilities
- C. Live-work:
 1. Industrial uses
 2. Wholesaling and warehousing
 3. Outdoor sales
 4. Adult-oriented businesses as defined by Section 18.62.020.G

18.19A.060 Property development standards.

The property development standards set forth in this section shall apply to all land and buildings in the AMU zone.

- A. Lot area: 0.5 acres.
- B. Lot dimensions: minimum lot width of 92 feet. No minimum or maximum lot depth.

- C. Density: 18 dwelling units per acre maximum.
- D. Building height: 3 stories and 45 feet maximum.
- E. Setbacks and building separation—minimum requirements:
 - 1. Street front: 22 feet.
 - 2. Sides and rear abutting property lines: 5 feet.
 - 3. Commercial building to commercial building: 15 feet.
 - 4. Commercial building to residential building: 15 feet.
 - 5. Live-work building to residential building: 10 feet.
 - 6. Live-work building to live-work building: 10 feet.
 - 7. Residential building to residential building: 10 feet.
- F. Parking:
 - 1. Residential and live-work: 2 spaces per unit plus 0.5 per unit for guest parking.
 - 2. Commercial: 1 space per every 175 gross square feet.
- G. Open Space:
 - 1. Commercial: 10% of commercial gross square feet.
 - 2. Live-work: 100 square feet per unit.
 - 3. Residential: 150 square feet per unit.
- H. General provisions set forth in Section 18.42.010.

18.19A.070 Design criteria.

The design standards set forth in this section shall be used to review site plans, building plans and use permits for all development within the AMU zone and the residential design criteria in section 18.42.190. In the case of conflicting design criteria, this Section shall prevail.

- A. Site design: the following principles intend to establish an engaging street edge defined by the orientation and placement of buildings fronting major streets.

1. Building orientation: buildings and major pedestrian entrances must be oriented towards centers of activity, specifically, a primary street frontage or public plaza.

- a. All primary ground-floor common entries or individual dwelling unit entries fronting on public or private streets must be oriented to the street, not to the interior or to a parking lot.

- b. Entrances at building corners may be used to satisfy this requirement.

2. Setback encroachments: restaurant facilities and retail may encroach into the street setback as permitted by the City under an approved encroachment permit up to a maximum of eight feet from the building frontage, provided at least four feet of unobstructed walkway is maintained.

B. Architecture: the following principles intend to promote quality design.

1. Siding materials: plain concrete block, plain concrete, plywood, sheet pressboard, or vinyl panels are prohibited. Siding should be of high quality materials that weather well over time;

2. Color: colors must include a base color and two or more accent colors for each building. Colors must be selected from the approved color palette adopted by resolution of the City Council;

3. Multiple story structures: each subsequent story above the second story shall be set back from the story below by a minimum of eight feet. Architectural features, private open spaces, and patios may encroach up to fifty percent into the multiple story setback area, up to the wall face of the lower story;

4. Building facade: street-facing facades must be architecturally enhanced through the use of the architectural features listed below:

- a. Maximum total wall plane without windows or entrances (on any facade) should not exceed thirty percent of the first story wall;

- b. A minimum of 60 percent of the street-facing facade between two feet and eight feet in height must be comprised of clear windows that allow views of indoor space or product display areas;

5. Architectural details listed below must adhere to the following:

- a. Architectural projections, such as bays, dormer windows, sun-control devices, un-roofed porches, cornices, belt courses and appendages such as water tables, sills, capitals, and bases, may encroach into the required setback by up to eighteen inches:

- b. Balconies and porches are encouraged to create distinction between units, but are not required,
 - c. Awnings, if used, must be broken into segments that mirror the door and window openings beneath them,
 - d. Canopy posts may not be placed within the public right-of-way;
6. Window placement shall reflect the use:
- a. For commercial uses, large windows shall front onto major pedestrian thoroughways to promote exposure and visibility,
 - b. For residential uses, windows shall face away from loading areas, docks, and trash storage areas.
7. A lighting plan is required for any new construction pursuant to section 18.42.150 and 18.42.190.H.

SECTION 19. Section 18.20.050.A.7 of the Gardena Municipal Code is hereby amended to read as follows:

7. Other Standards. To the extent not otherwise addressed in this chapter, the provisions of Chapter 18.42 as shown in the table in Section 18.42.010 shall also apply to multi-family residential and residential mixed-use housing projects.

CHAPTER 18.21 - HOUSING OVERLAYS (HO-3, HO-4, HO-5, AND HO-6)
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SECTION 20. Chapter 18.21 (Housing overlays (HO-3, HO-4, HO-5, and HO-6)) of the Gardena Municipal Code is hereby **ADDED** as follows:

Chapter 18.21
HOUSING OVERLAYS (HO-3, HO-4, HO-5, AND HO-6)

18.21.010 Housing overlays.

Gardena has few vacant or underutilized properties within the existing residential zones to accommodate residential growth without fundamentally changing residential land use policy. To accommodate residential demand, housing overlays are created that are placed over commercial- and industrial-zoned properties that are considered viable for housing development. The overlays provide for four density categories progressing from 12-20 units/acre to 51-70 units/acre. The overlays are designated HO-3 through HO-6 with HO-3 representing the overlay with the lowest density and HO-6 the highest density.

18.21.020 Superimposed nature of housing overlays.

Land classified in the housing overlays shall also be classified in one or more underlying commercial or industrial zones. Property so classified shall be identified on the zoning map by both the underlying zone and the housing overlay. The regulations set forth in this chapter shall be in addition to those regulations in other chapters of this title. In the event of conflict between the provisions of the applicable housing overlay and the underlying zone, Chapter 18.42 (General provisions), the provisions of the housing overlay shall prevail when residential uses are part of the development. If the housing overlay is silent on any development standard, the controlling development standards shall be in the following order: housing overlay, 18.42 (General provisions); and then the underlying zone.

18.21.030 Permitted uses in housing overlays.

The following uses shall be permitted in the housing overlays:

A. Residential developments and residential mixed-use housing projects that comply with the residential design criteria of Section 18.42.190, subject to the density and development standards of the applicable overlay, and subject to the site plan review provisions of Chapter 18.44.

B. Mixed residential and commercial developments are permitted in commercial zones only. Industrial-residential mixed-use is not permitted.

1. Commercial uses in mixed-use developments are permitted, conditionally permitted, or prohibited in the same way they are permitted in the underlying zone. All conditions and limitations on the use within the underlying zone apply to the commercial portion of the development;
2. Residential portion of mixed-use follows development standards of the applicable overlay.

C. Transitional and supportive housing are permitted subject only to those restrictions that apply to other residential dwellings of the same type within the overlay.

D. Commercial and industrial uses permitted in the underlying zone are subject to the provisions of the underlying zone only.

18.21.040 Prohibited uses in housing overlays.

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

A. Short-term rentals.

18.21.050 Development standards for all housing overlays.

The property development and design standards set forth in this section shall apply to land and buildings within the HO-3, HO-4, HO-5, and HO-6 for a residential or mixed-use project. In the event of a conflict with standards or requirements within other chapters of this title, the provisions in this section shall prevail.

A. Lot dimensions:

1. Minimum lot width at street frontage: 50 feet;
2. No minimum or maximum lot depth.

B. Minimum lot area:

1. In HO-3, HO-4, and HO-5: 5,000 square feet;
2. In HO-6: 0.5 acres.

C. Yards: Minimum setbacks measured from property lines:

1. Front yard: 10 feet;
2. Side yard:
 - a. 5 feet for first two stories of a building;
 - b. 10 feet for corner lots (street-facing side only);
 - c. 10 feet for stories above the second floor.
3. Rear yard:
 - a. 15 feet if adjacent to R-1 or R-2 zoned property;
 - b. 5 feet in all other circumstances.
4. Minimum distances between buildings on the same site: notwithstanding any other provision of this code to the contrary, the following shall apply:

Between residential, commercial, and mixed-use	10 feet
Residential side to side	10 feet
Residential front to side	15 feet
Front to front with interior court	20 feet
Front to front with driveway between	30 feet
Residential to accessory structure	6 feet

D. Maximum building height:

1. In all housing overlays, 40 feet for any portion of a structure that is within 20 feet of:
 - a. R-1 or R-2 zoned property; or
 - b. a property line abutting a collector or local street.
2. For the remaining portions of a structure, the maximum height is as follows:
 - a. HO-3:
 - i. 40 feet and 3 stories for residential only structures;
 - ii. 55 feet and 4 stories for mixed-use structures with ground floor commercial.
 - b. HO-4:
 - i. 55 feet and 4 stories for residential only structures;
 - ii. 65 feet and 5 stories for mixed-use structures with ground floor commercial.
 - c. HO-5:
 - i. 65 feet and 5 stories for residential only structures;
 - ii. 75 feet and 6 stories for mixed-use structures with ground floor commercial.
 - d. HO-6:
 - i. 75 feet and 6 stories for residential only structures;
 - ii. 85 feet and 7 stories for mixed-use structures with ground floor commercial.
3. An additional five feet of structural height without usable floor area is permitted for architectural projections in all overlay zones.

E. Density and intensity: For developments involving residential alone or as part of a mixed-use project, the minimum and maximum residential densities are as follows:

	minimum density (du/acre)	maximum density (du/acre)
HO-3	12	20
HO-4	21	30

HO-5	31	50
HO-6	51	70

F. Minimum unit size:

1. 400 square feet;
2. No minimum dwelling unit size shall be required for an affordable housing unit where the applicant enters into an affordable housing agreement with the city to be recorded against the property to ensure continued affordability of all moderate, low, and very low income rental units for at least fifty-five years or where the applicant enters into an equity sharing agreement for all for-sale affordable housing units upon the same terms and conditions as in Section 18.43.045.D.

G. Usable open space: A minimum of 150 square feet of outdoor usable common or private open space shall be provided per dwelling unit in accordance with the requirements of Section 18.42.065.

H. Off-street parking: the provisions of Chapter 18.40 shall apply, with the following exceptions or additions:

1. Minimum residential parking requirements:
 - a. Studio units: 1 parking space per unit;
 - b. 1 and 2-bedroom units: 1.5 parking spaces per unit;
 - c. Units with more than 2 bedrooms: 2 parking spaces per unit.
 - d. Unless reduced or eliminated by applicable state law, units that are affordable to low-, very low-, or extremely low-income households, senior housing, and special needs or supportive housing shall provide parking at the rates specified in Section 18.43.090.B.
2. Tandem and mechanical parking:
 - a. Residential parking may be satisfied by tandem spaces where parking is assigned to a single residential unit. Two-level mechanical vehicle lifts are to be treated as tandem and subject to the same restrictions. Unassigned parking and parking assigned to different units may not be tandem;
 - b. Mechanical or robotic parking structures that accommodate three or more vehicles are permitted subject to the development standards applicable to a residential structure;

3. Parking for residential units on lots less than 10,000 square feet shall be directly accessible to the street system via an alley, if available, otherwise as follows:
 - a. Local street, if available;
 - b. If no alley or local street is available, then a collector street;
 - c. If no alley, local or collector street is available, then an arterial.
4. Residential lots of 10,000 square feet or greater shall not provide direct vehicular access to an alley. Parking shall be directly accessible to the street system via a local street, if available, otherwise as follows:
 - a. If no local street is available, then a collector street;
 - b. If no local or collector street is available, then an arterial.
5. Parking for commercial and guest parking shall be directly accessible to the street system via an arterial, if available, otherwise as follows:
 - a. Collector street, if available;
 - b. If no arterial or collector streets are available, then a local street.
6. Guest Parking spaces required:
 - a. 0.25 space per unit in all residential and mixed-use developments unless reduced or eliminated by applicable state law;
 - b. Guest spaces in a mixed-use project may not be tandem.
7. Shared parking between commercial and residential guest spaces is permitted in mixed-use developments as follows:
 - a. Only guest parking spaces that are directly accessible to both commercial customers and residential visitors may be used as shared parking. The percentages below are applied only to guest parking that meets this criterion. "Directly accessible," as used here shall mean: 1) using the same curb cuts and driveways as the commercial parking; and 2) not being separated from commercial or residential pedestrian entry points by a wall, fence, gate, berm, or other similar barrier.
 - b. Commercial space developed as office: 75% of the guest parking spaces may also be counted toward required commercial parking;
 - c. Commercial space developed as retail: 50% of the guest parking spaces may also be counted toward required commercial parking;

- d. Commercial space developed as a restaurant: 20% of the guest parking spaces may also be counted toward required commercial parking;
- e. Commercial space developed for any use other than those listed above shall be considered retail for the purpose of this calculation;
- f. If more than one type of commercial use is developed within the commercial space, shared parking shall be determined by the use with the lowest sharing percentage. If circumstances indicate that a higher sharing percentage may be warranted, this may be allowed subject to the following:
 - i. The applicant pays for a shared parking study to be commissioned by the City which shows that the number of spaces being provided is sufficient for shared parking use; and
 - ii. A declaration of restrictions is recorded against the property which provides that there shall be no change in uses allowed without a subsequent parking study that verifies that the number of parking spaces provided is sufficient for shared parking use; and
 - iii. The applicant complies with any conditions required by the parking study to ensure there is sufficient parking.
 - iv. The Planning Commission shall approve shared parking under the process set forth in Chapter 18.44 for site plan review.

8. Bicycle Parking.

- a. Long-term bicycle parking shall be provided at the rate of one space per every four residential units. Long-term spaces shall be covered, lockable enclosures with permanently anchored racks for bicycles, lockable bicycle rooms with permanently anchored racks, or lockable, permanently anchored bicycle lockers. This requirement shall not apply to any unit which has an enclosed two-car garage.
 - b. Short-term bicycle parking shall be provided at a rate of 5% of required visitor parking, with a minimum of one two-bike capacity rack. Such parking shall be by means of permanently anchored bicycle racks.
- I. Signs: the provisions of Chapter 18.58 shall apply;
 - J. Storage space: A minimum of 80 contiguous cubic feet of private secure storage space shall be provided for each dwelling unit with a minimum dimension of 2 feet in any direction. Bicycle lockers satisfy this requirement, but bedroom closets and kitchen and bathroom cabinets do not; and
 - K. General provisions as set forth in the table found in section 18.42.010; and

18.21.060 Building separation within a project.

- A. Between a residential and commercial or mixed-use building: 15 feet;
- B. Between residential buildings: 10 feet.

18.21.070 Phasing of mixed-use developments.

New mixed-use projects shall include construction of both the residential and non-residential parts concurrently.

CHAPTER 18.40 – OFF-STREET PARKING AND LOADING

SECTION 21. Subsections I, J, and O of Section 18.40.060 of the Gardena Municipal Code are hereby amended to read as follows; except as amended, all other sections remain the same:

I. Drainage and paving.

1. Drainage from parking lots to the public rights-of-way shall be filtered through a City approved filter system. The filter shall be located on the development property and maintained by the property owner.

2. The applicant shall be responsible for the construction of all on-site drainage facilities and provide a drainage plan. This will include Low Impact Development (LID) referring to systems and practices that use or mimic natural processes that result in the infiltration, evapotranspiration or use of Stormwater in order to protect water quality.

3. The applicant shall demonstrate compliance with the Construction Stormwater Program of the State Water Resources Board and the applicant must implement Best Management Practices, to the satisfaction of the Building Official, during construction to prevent construction materials and soil from entering the storm drain.

4. Parking areas shall be graded to drain and shall be paved with not less than two inches finished thickness of asphaltic pavement laid on not less than four inches of base material, or not less than four inches of finished thickness of Portland cement concrete.

J. Patrons or employees of an occupant of a commercial or industrial building shall not be charged for the use of parking spaces designated toward providing the minimum parking requirements. The provisions of this subsection shall be inapplicable to any project whose minimum parking requirements are in whole or in part met by public parking provided by the Gardena Parking Authority pursuant to Section 18.40.110.

* * *

O. Screening of parking facilities

1. A ~~thirty~~30 to ~~forty-two~~42 inch masonry/ or other decorative wall, landscape screen or landscaped berm shall be provided between the property line and surface parking spaces-lots located along street frontages, and between driveway aisle and parking spaces, which face main entrances to new, expanded or reconfigured parking facilities.

2. Such walls or landscape berms shall be set back from the property line and the area between the property line and wall or berm shall be landscaped. The height of the wall or berm shall be measured from the finished grade of the parking space;

3. Parking structures and all mechanical vehicle lifts shall be screened as follows:

a. Parking structures that do not have solid walls facing the property lines shall incorporate screening on those sides by means of metal mesh or slats that are no less than 50% solid material.

b. Mechanical vehicle lifts must be screened by the walls of a structure.

SECTION 22. Subsections A and B of Section 18.40.090 of the Gardena Municipal Code are hereby amended to read as follows:

18.40.090 Landscape regulations for parking areas.

A. Landscape plans for parking areas shall be submitted in accordance with Section 18.42.075A,B and landscape shall be maintained in accordance with Section 18.42.075D,F.

B. ~~For commercial and industrial developments,~~ The amount of landscaping required shall be not less than five percent of the total paved area utilized for driveways and open parking areas. Said landscaping shall be evenly distributed throughout the parking areas wherever feasible. Any unused space resulting from the design of the parking spaces shall be landscaped. This requirement does not apply to indoor parking areas.

CHAPTER 18.42 – GENERAL PROVISIONS

SECTION 23. Section 18.42.010 of the Gardena Municipal Code is hereby amended to read as follows:

Section 18.42.010 Scope.

A. The general provisions set forth in this chapter shall apply to development regulated by this title.

B. Development standards for residential, mixed-use, and overlay zones apply as set forth below.

Table 18.42 - 1

	R-1	R-2	R-3	R-4	R-6	MUO	AMU	C-R	HO
18.42.065 – Open Space – Residential uses	-	A	A	A	A	A	-	A	A
18.42.070 – Fences and walls	A	A	A	A	A	A	A	A	A
18.42.075 – Landscape regulations	-	A	A	A	A	A	A	A	A
18.42.080 – Setbacks for streets/alleys	A	A	A	A	A	A	-	A	A
18.42.085 – Commercial/Industrial setbacks	-	-	-	-	-	-	-	-	-
18.42.090 – Swimming pool	A	A	A	A	A	A	A	A	A
18.42.095 – Residential design	A	-	-	-	-	-	-	-	-
18.42.100 – Permitted projections	A	A	A	A	A	A	A	A	A
18.42.110 – Intersection visibility	A	A	A	A	A	A	A	A	A
18.42.120 – Residential design criteria	-	A	A	A	A	A	A	A	A
18.42.130 – Refuse enclosures	-	-	A	A	A	A	A	A	A
18.42.140 – Utilities and mechanical equipment	-	A	A	A	A	A	A	A	A
18.42.150 – Security and lighting plan	-	A	A	A	A	A	A	A	A
18.42.160 – Reverse vending machines	-	-	-	-	-	-	-	-	-
18.42.170 – Pedestrian amenities	-	-	A	A	A	A	A	A	A
18.42.180 – Display of addresses	A	A	A	A	A	A	A	A	A
18.42.190 – Pet relief area	-	-	A	A	A	A	-	A	A
18.42.200 – Pre-permit requirements	-	A	A	A	A	A	A	A	A
18.42.210 – Post-permit requirements	-	A	A	A	A	A	A	A	A

“-” means not applicable; “A” means the standard applies

SECTION 24. Section 18.42.065 of the Gardena Municipal Code is hereby amended to read as follows:

18.42.065 Open space - Residential uses.

A. Open space may be either private or common.

1. "Private open space" must be directly accessible from the individual dwelling unit and may be in the form of patios, decks, balconies, and roof decks.
2. "Common open space" must be accessible to all residents and may include plazas, courtyards and paseo areas. "Open space" shall not include: sidewalks; parking areas; garages; driveways; turning aisles; storage areas; refuse areas; or areas inaccessible to residents.

B. Dimensions.

1. All common areas shall have a minimum continuous area of 150 ~~one hundred fifty~~ square feet and no dimension less than eight feet in any zone;
2. Except for balconies, patios, and decks, private open space in the ~~R-2, R-3 and R-4~~ zones shall have a minimum continuous area of one hundred fifty 150 square feet and no dimension less than eight feet;
3. ~~Except for balconies, patios, and decks, private open space in the MUO or C-R zone shall not have any dimension less than eight feet;~~
43. Private balconies, patios, and decks shall have a minimum area of ~~forty~~ 40 square feet and no dimension less than four feet.

C. ~~Landscaping. All usable open space, excluding private balconies, patios, decks, designated common game areas, and fenced private swimming pool areas, shall be landscaped. Common swimming pool areas may be landscaped if feasible. Not less than 10 percent of the area devoted to outdoor open space must be planted and irrigated pursuant to Section 18.42.075.~~

D. An outdoor swimming pool, jacuzzi, or hot tub (including surrounding decks or walkways) may be substituted for up to 50 percent of open space.

DE. Indoor Areas. Indoor areas improved and designated for the leisure and recreational use of all the residents may contribute to a maximum of ten percent of the usable open space requirement. Indoor common recreation or gathering spaces may be counted as common space if it is immediately adjacent to and accessible from a common area and does not exceed 25 percent of the total required common open space.

SECTION 25. Subsections A and C of Section 18.42.070 of the Gardena Municipal Code are hereby amended to read as follows; all other provisions remain the same:

18.42.070 Fences, ~~hedges~~ and walls.

For purposes of this section the term “fence” includes a “wall”

A. Height.

1. Residential Uses. A fence, ~~hedge or wall~~ not more than eight ~~seven~~ feet in height may be located along the side or rear property lines.

2. Residential front yard fences shall be composed of only the following materials: wood, wrought iron, tubular steel, stone, brick, stucco, or decorative block such as slump stone or split-faced block. If the fence consists of wrought iron or tubular steel, it shall be interspersed with stone, brick, stucco, or decorative block at a minimum of every eight feet for aesthetic reasons.

a. Driveway gates shall be set back at least a minimum of twenty feet from front or corner side yards.

b. Driveway gates abutting alleys shall be located at least a minimum of twenty-five feet from the opposite side of the alley.

c. Except as provided by subsection A.2.d of this section, fences and hedges, in the front yard setback shall have a maximum height of three and one-half feet for interior lots and three feet for corner lots in the required front yard setback area. Fences in the front yard beyond the setback shall not exceed ~~seven~~ eight feet in height.

d. In cluster developments that provide perimeter fencing, fences in the front yard setback may be up to ~~seven~~ eight feet in height provided the following requirements are met:

i. The fence shall consist of wrought iron or tubular steel and shall be interspersed with stone, brick, stucco, or decorative block at a minimum of every eight feet for aesthetic reasons; and

ii. There is a minimum of five feet of landscaping between the front of the fence and the back of the sidewalk area closest to the fence.

3. Nonresidential Uses. A fence, ~~hedge or wall~~ not more than eight feet in height may be located along the side or rear property lines. A fence or hedge ~~or wall~~ shall have a maximum height of three and one-half feet for interior lots and three feet for corner lots in the required front yard setback area when such setback is required pursuant to the provisions of this code.

a. Nonresidential fences shall be composed of only the following materials: wrought iron, tubular steel, stone, brick, stucco or decorative block such as slump stone or split-faced block.

- b. Nonresidential fences ~~and walls~~ located on street frontages shall have a minimum three-foot landscape setback.
- 4. Nonresidential Parking Lot Abutting Residential Zone. Wall enclosure requirements shall be as follows:
 - a. Where a commercial or industrial parking lot abuts property in a residential zone, a decorative masonry wall at least eight feet in height shall be constructed along the abutting property line. Such walls shall uniformly step down to a height of three and one-half feet within the required front yard setback area of the adjacent property.
 - b. Where a commercial or industrial parking lot is adjacent to a street or highway, a decorative masonry wall three feet in height or a landscape hedge shall be constructed to serve as a visual screen.

* * *

C. Measurement of Fences. When a fence, wall or landscaping treatment of a specified height is required as a condition of approval to a development request, and there is substantial difference in the finished grade on either side of such fence, the height shall be measured from a grade on the higher side ~~as determined by the community development director in order to protect the safety and general welfare of affected property owners.~~

SECTION 26. Section 18.42.075 (Landscape regulations) of the Gardena Municipal Code is hereby amended as follows; all other sections remain the same:

18.42.075 Landscape regulations.

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

1. "High water use plants" means plants listed as "high" water use on the WUCOLS plant list for Region 3. The list can be found at:

<https://ucdavis.app.box.com/s/sunee4loougi2cmnfegqmbax1mpvmyv0>.

2. "Water efficient" means using plants listed as "low" or "very low" water use on the WUCOLS plant list for Region 3. The list can be found at:

<https://ucdavis.app.box.com/s/sunee4loougi2cmnfegqmbax1mpvmyv0>.

3. "WUCOLS" is Water Use Classification of Landscape Species published by California Center for Urban Horticulture, University of California, Davis and can be found at:

<http://ucanr.edu/sites/WUCOLS/>.

AB. A complete landscaping plan shall accompany site development plans for all newly constructed or expanded buildings or structures in all the multi-family residential, commercial, and industrial zones. This requirement shall not apply to the following:

1. A change in use, involving no addition or alterations to buildings or parking layout;
2. An addition to or alteration of any building or structure required by other provisions of this code or state laws;
3. An addition to or alteration of any building or structure, which does not exceed five hundred square feet.

BC. The landscaping plan shall include:

1. The botanical and common names of the plants ~~listed alphabetically~~ with a key ~~number assigned~~ to each plant so it can easily be located on the plan;
2. The size and quantity of the plants;
3. The spacing and design of landscape material.

CD. For commercial and industrial developments, the amount of landscaping required in parking areas and size of planting materials shall be as set forth in Section 18.40.090.

E. Plants

1. At least 75% of plantings must be water efficient plants and not more than 5% may be high water use plants or turf grass. California native plants are encouraged, but plants native to other Mediterranean climates (including South Africa and Australia) are permitted.
2. Trees must be a minimum of 24 inch box size. Shrubs must be a minimum of 1 gallon size.
3. Landscaping shall be placed to not obstruct pedestrian pathways when the plants reach mature size.

DE. Landscape maintenance requirements shall be as follows:

1. An automatic sprinkler or irrigation system shall be installed and permanently maintained in working order.
 - a. The system must include controllers that utilize either evapotranspiration or soil moisture sensor data utilizing non-volatile memory.
 - b. Metal cages, painted green, shall be used to protect irrigation check valves and controllers.

- c. All above ground piping, such as double detector check valves, shall be placed behind the front setbacks and shall be screened with landscaping and painted green.
- d. Protective bollards shall be of a decorative type and/or painted green where appropriate.
- 2. All landscaping shall be permanently maintained in thriving condition.
- 3. Lawn and ground covers shall be trimmed or mowed regularly. All planted areas shall be kept free of weeds and debris.
- 4. Adjustments, replacements, repairs and cleaning of plant material shall be a part of the regular maintenance.
- 5. Stakes, guys, and ties on trees shall be checked regularly for correct function. Ties shall be adjusted to avoid creating abrasion or girding on trunks or branches.

G. Non-planted areas:

- 1. Seating areas, fire pits, patios, and shade structures, etc., may be substituted for up to 50% of the planted area requirement. These areas may be paved with brick or stone pavers, decomposed granite, raised wood or artificial wood platforms, or decorative concrete pavers.
- 2. Poured concrete and asphalt are not permitted except to provide accessible pathways and courts for sports such as tennis and basketball.
- 3. Hardscape, such as stone, gravel, decomposed granite, and pavers, may be use in front and side setbacks as follows:
 - a. Hardscape may not exceed 50% of the required setback area;
 - b. Hardscape in required open space shall not exceed 90% of the total open space area;
 - c. All hardscape in the front setback area must be buffered from the public right-of-way by a minimum four foot landscaped strip that must be:
 - i. Planted with living plant materials pursuant to subsection E above; and;
 - ii. Be irrigated pursuant to subsection F above;
- 4. Sculptures, shade structures, fountains, and other constructed or erected features are limited to not more than 20% of the front yard or more than 50% of required open space;

5. Water features: Except for birdbaths, only recirculating water features may be used.

SECTION 27. Section 18.42.120 of the Gardena Municipal Code is hereby amended to read as follows:

18.42.120 Distance between buildings Residential design criteria.

~~Zones in which tall buildings are permitted: In all zones where buildings of three or more stories in height are permitted, the requirements for space between buildings on the same site shall be increased two and one-half feet for each story, or fraction thereof, above the second story.~~

A. Multi-family site design:

1. In residential zones:

- a. Multi-family buildings with ground floor units fronting a street shall have the pedestrian entrances to those units facing the street; or
- b. Where a courtyard is provided with units on at least two sides, the main pedestrian entrances may all face the courtyard provided there is direct pedestrian access to the courtyard from the public right-of-way;
- c. For townhomes and apartments not fronting on a public street, the main pedestrian entrances, private or common, shall be oriented toward walkways within the development.

2. In commercial zones:

- a. Ground floor residential units need not have their primary pedestrian entrances facing the street;
- b. On a corner lot, units fronting on a secondary street may provide the primary pedestrian entrances facing that street;
- c. For mixed use developments, the primary residential pedestrian entrances may not be shared with commercial unit entrances.

B. Massing and articulation.

1. Buildings shall have major massing breaks at a minimum of every 25 feet along any street frontage by stepping back upper floors (above second floor) by 10 feet for a minimum of 50% of the facade width.
2. Variations in wall plane (projection or recess) of a minimum of 2 feet are required for a minimum of 25 percent of all facades of first and second stories.

3. Entries must be recessed or under a roof projection, such as a transom or porch, with a minimum area of 24 square feet. Fabric awnings do not satisfy this requirement.

4. Vertical ornamental elements, such as pilasters, if used, must protrude a minimum of 4 inches from the wall surface and extend from the ground or floor to the full height of the wall segment to which it is attached.

C. Exterior surfaces

1. On all exterior structure, wall, and fence surfaces, except those noted in Subsection 2 below, at least two exterior surface materials and colors are required on each building elevation and are limited to:

- a. Stucco (smooth or rough);
- b. Stone or brick veneer;
- c. Wood (or equivalent), fiber cement, or metal cladding (siding), horizontal or vertical orientation;
- d. Metal, provided they have a non-reflective coating or have the property of being non-reflective;
- e. Other materials, provided they do not cover more than 25% of building elevations facing public streets. These materials include, but are not limited to, tile, and decorative concrete blocks—which are blocks that are textured or colored other than unstained concrete.

2. The following structure surfaces are exempt from Subsection C.1 above:

- a. Metal mesh or slats may be used on the entire surface or parking structures; and
- b. Glass.

3. Prohibited exterior materials include the following:

- a. Concrete masonry units (CMU);
- b. Aluminum, galvanized steel, or corrugated metal panels;
- c. Plywood and T1-11 siding;
- d. Vinyl or plastic panels;
- e. Mirrored glass;
- f. Glossy tiles.

4. Exterior colors: for all structures, including buildings, walls, and fences, the following shall apply:

- a. Colors must include a base color and at least one accent or trim color for each building.
- b. Only colors on the approved exterior color palette list, as adopted by City Council resolution, are permitted by-right, except as set forth below. Accent or trim colors that are not included on the approved color palette list are allowed provided they do not exceed 15 percent of the total surface area on each elevation of the building.
- c. Stone veneer, approved metals, and wood, both stained and unstained, are not subject to the exterior palette list;

D. Roofs.

1. Rooflines shall be vertically articulated at a minimum of every 48 feet along the street frontage through one of the following techniques:

- a. A change in wall or roof height of a minimum 2 feet;
- b. A change in roof form; or
- c. The inclusion of dormers, gables, or parapets

2. Materials for sloped roofs may be one of the following:

- a. Composition shingles;
- b. Flat concrete tiles;
- c. Curved terracotta tiles;
- d. Glazed tiles; or
- e. Standing seam metal.

3. Eaves

- a. Minimum projection from walls is 8 inches;
- b. Maximum projection from walls is 24 inches.

4. Flat roofs must have a minimum 3-foot parapet wherever it meets an exterior wall.

E. Main entry. Main entry doors must be recessed by a minimum of 4 inches or be surrounded by molding at least 3.5 inches wide and projecting from the wall not less than

3/4 of an inch. Side lights, transoms, pilasters, and other decorative entry features must also be recessed or trimmed in the same manner as the door.

F. Windows.

1. All windows must be recessed by a minimum of 4 inches or be surrounded by molding at least 3.5 inches wide and projecting from the wall not less than 3/4 of an inch.
2. Window frames must be wood, vinyl, or equivalent. Aluminum framed windows are prohibited.

G. Trellises

1. Attached and detached trellises are permitted provided any posts, brackets, or other supporting elements do not encroach into setbacks;
2. The top horizontal elements may project into setback areas not more than 18 inches.
3. Plants that are supported by a trellis may not extend more than the top horizontal elements if adjacent to a property line.

H. Lighting. In addition to the development standards of 18.42.150, the following design criteria apply to all Multi-Family residential developments:

1. All exterior light bulbs and LEDs must be enclosed on the top and sides when mounted to the side of a building, a pole, or other structure. The enclosing material may be glass, plastic, or metal, except that;
 - i. Suspended light strings may have exposed bulbs; and
 - ii. Holiday lights are exempt from this subsection.
2. All exterior lighting fixtures on the same building shall be of the same manufacturer and shall be of the same design, materials, and color. Size may vary if design, materials, and color are consistent.
3. All pole- or bollard-mounted lighting must be of the same manufacturer and of the same size, design, materials, and colors.
4. All light poles, standards, and fixtures shall not exceed a height of 16 feet measured from finished grade. The maximum 16 feet in height shall include all elements of the light, such as pole and light fixture combined.

I. Balconies, porches, and other projections.

1. All projections into the setback areas are subject to the restrictions found in Section 18.42.100.

2. Awnings, if used, must be broken into segments that mirror the door and window openings beneath them.

SECTION 28. Section 18.42.130.A of the Gardena Municipal Code is hereby amended to read as follows:

18.42.130 Refuse Enclosures.

A. Residential.

1. All trash containers shall be stored so they are not visible from the public right-of-way.
2. For all multi-family dwellings ~~in excess of four units, refuse enclosures shall be provided as required by Chapter 8.20~~ that do not use individual trash containers, trash, recycling, organic waste, and green waste bins or dumpsters shall comply with one of the following:
 - a. The enclosures are located on the rear half of the property, housed in covered enclosures with an opaque gate that screens the trash receptacles and the enclosures shall be constructed of the same wall material and color as the nearest building within the development; or
 - b. The enclosures are to be housed in a non-required parking area within a parking structure; or
 - c. The enclosures are to be enclosed within a building envelope;
3. Stand-alone trash enclosure structures located adjacent to or within a landscaped area shall be planted with climbing vines to cover adjacent exterior surfaces.

SECTION 29. Section 18.42.140 of the Gardena Municipal Code is hereby amended to read as follows:

18.42.140 Enclosure of Utilities and mechanical equipment.

- A. Utilities that service the site shall be undergrounded from the point of connection to the utility to the structures or meters for the units. This includes utilities servicing the property through pipes, wires, or cables.
- B. All mechanical equipment, plumbing lines, heating and cooling units and storage tanks and ductwork, roof or ground mounted, shall be incorporated into the building envelope. ~~When that is not feasible, all such items or~~ shall be screened on all sides with solid material as follows so that no part of the equipment is above the enclosure or

screening; architecturally compatible with the main structure or when located at ground level, may be screened with landscaping

1. Ground-mounted equipment shall be screened with the same material and colors as the building it serves. Alternatively, when located at ground level, the equipment may be screened with landscaping.

2. Roof-mounted equipment shall be screened with either the same material and colors as the building it serves, wood, or metal. Vertical slats may be used such that no more than 20 percent of the screening material is open for air circulation. All screening must be painted to exactly match the closest painted surface of the building it serves and must be a color from the approved color palette. Such screening shall be maintained at all times.

SECTION 30. Section 18.42.150 of the Gardena Municipal Code is hereby amended to read as follows:

18.42.150 Security and lighting plan.

Complete security and lighting plans shall accompany all site development plans for multi-family development of four or more units and commercial and industrial developments to ensure that safety and security issues are addressed in the design of the development.

A. Intensity

1. Lighting plans for commercial and industrial developments shall demonstrate an average of two footcandles with no single point less than one footcandle for all public/common areas;

B2. Lighting plans for multi-family developments shall demonstrate an average of one footcandle for all public/ and common areas.

B. All entries, parking areas, trash enclosures, active outdoor areas, and pedestrian pathways shall include dusk to dawn lighting for safety and security.

C. Security lighting shall not be directed beyond the property lines.

SECTION 31. Section 18.42.170 of the Gardena Municipal Code is hereby amended to read as follows:

18.42.170 Pedestrian amenities.

A. Pedestrian access via walkways that are at least ~~forty-four~~48 inches wide shall be delineated by decorative material, pavers or stamped concrete for each new residential unit except as described in B below. The delineated walkways are required to provide primary access to each unit from the public right-of-way;

B. Pathways to accessible units as well as pathways that connect such units to common areas, such as mailboxes, lobbies, amenities, disposal facilities, and parking areas shall have smooth concrete surfaces.

SECTION 32. Sections 18.42.190 through 18.42.210 are hereby **ADDED** to the Gardena Municipal Code to read as follows:

18.42.190. Pet relief areas

A. Multi-family developments of 10 units or more and where pets are permitted shall provide a pet relief area subject to the following standards. In buildings where residents cannot keep pets, this section is not applicable;

B. Location: Pet relief areas must be outside in an area that is accessible to all resident pets of the building and not less than 15 feet from public sidewalks and not less than 10 feet from any building entrances;

C. Size: the pet relief area shall be a minimum of 40 square feet for developments of 10-40 units and 60 square feet for larger developments;

D. Ground material: Ground surface material should be pea gravel or artificial turf;

E. Screening: Area shall be screened from adjoining spaces by a minimum three foot wall or hedge;

F. Amenities: At least one post, a minimum two feet high, preferably shaped like a fire hydrant, shall be provided in the pet relief area;

G. Cleaning supplies: The pet relief area shall be supplied with disposal bags, a trash bin, and a water connection for a hose.

18.42.200 Pre-permit requirements.

A. The applicant shall submit a Final Geotechnical Investigation for City review and approval and comply with its recommendations and any revisions deemed necessary by the City's Building Official.

B. Air quality. The project shall comply with the objective standards of the South Coast Air Quality Management District (SCAQMD) Rule 403 for fugitive dust control, rule 1113 for architectural coatings, Rule 1403 for asbestos containing materials, and regulation XIII for new on-site nitrogen oxide emissions.

C. The applicant shall prepare construction and demolition waste recycling plans for review and approval by the Building Division. Applicant shall enroll in the city's waste diversion program.

D. Prior to building permit issuance, the applicant is required to demonstrate to the Building Division that the HVAC units, if used, that are proposed to be installed on the site comply with the Chapter 8.36 (noise ordinance).

E. Prior to approval of grading plans or prior to issuance of grading and building permits, the following noise reduction techniques shall be included in the construction plans or specifications:

1. Construction contracts specify that all construction equipment, fixed or mobile, shall be equipped with properly operating and maintained mufflers and other state required noise attenuation devices.

2. The project applicant shall demonstrate to the satisfaction of the City's Building Official that construction noise reduction methods shall be used where feasible, including shutting off idling equipment.

3. During construction, equipment staging areas shall be located such that the greatest distance is between the staging area noise sources and noise-sensitive receptors.

4. Per Gardena Municipal Code Section 8.36.080, construction activities shall not occur during the hours of 6:00 p.m. and 7:00 a.m. on weekdays; between the hours of 6:00 p.m. and 9:00 a.m. on Saturday; or any time on Sunday or a Federal holiday.

F. The applicant shall submit a sewer capacity study for all projects in accordance with the Department of Public Works policy as posted on the City's website.

G. For all new residential construction and all construction involving grading or other ground disturbance below a depth of 12 inches, a Phase I Environmental Site Assessment is required and all recommendations in the report adhered to.

18.42.210 Post-permit requirements.

A. Development Impact Fees.

The applicant shall be required to pay all residential development impact fees as posted on the City's website.

B. Mitigation Measures.

The applicant shall be required to comply with all applicable mitigation measures set forth in a mitigation monitoring program for the City's General Plan or any element thereof as posted on the City's website.

C. Paleontological resources.

1. Prior to commencement of ground-disturbing activities a qualified vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall develop Worker Awareness and Environmental Program (WEAP) Training for construction personnel. This training shall be presented to construction personnel and include what fossil remains may be found within the Project area and policies and procedures that must be followed in case of a discovery. Verification of the WEAP Training shall be provided to the Gardena Community Development Department.

2. If fossils or fossil bearing deposits are encountered during ground-disturbing activities, work within a 25-foot radius of the find shall halt and a professional vertebrate paleontologist (as defined by the Society for Vertebrate Paleontology) shall be contacted immediately to evaluate the find. The paleontologist shall have the authority to stop or divert construction, as necessary. Documentation and treatment of the discovery shall occur in accordance with Society of Vertebrate Paleontology standards. The significance of the find shall be evaluated pursuant to the State CEQA Guidelines. If the discovery proves to be significant, before construction activities resume at the location of the find, additional work such as data recovery excavation may be warranted, as deemed necessary by the paleontologist.

D. Cultural resources.

1. If Native American or tribal cultural resources are found on the site, the applicant shall enter into a cultural resources treatment agreement with a local Native American tribe traditionally and culturally affiliated with Gardena that is acknowledged by the Native American Heritage Commission, which shall address the following:

- a. Treatment and disposition of cultural resources;
- b. Designation, responsibilities, and participation of professional tribal monitors during grading, excavation and ground disturbing activities;
- c. Project grading and development scheduling;
- d. Terms of compensation for the tribal monitors;
- e. Treatment and final disposition of any cultural resources, sacred sites, and human remains discovered on site;
- f. Tribal monitor's authority to stop and redirect grading in order to evaluate the significance of any potential resources discovered on the property, and to make recommendations as to treatment; and
- g. The applicant's agreement to relinquish ownership of all cultural resources, including all archaeological artifacts that are found on the project

area, to the tribe for proper treatment and disposition; and the applicant's agreement that all tribal sacred sites are to be avoided and preserved.

2. Human remains.

a. In compliance with state law, if human remains are unearthed, the project developer, pursuant to state health and safety code section 7050.5, will contact the county coroner and ensure no further disturbance occurs until the county coroner has made the necessary findings as to origin and disposition pursuant to public resources code section 5097.98.

b. If the remains are determined to be of Native American descent, the Native American Heritage Commission (NAHC) must be notified within 24 hours.

E. Migratory bird protection. Construction, grubbing, brushing, or tree removal shall be conducted outside of the state identified nesting season for migratory birds (typically March 15 through September 1, if possible). If construction is conducted during nesting season, a Pre-construction Nesting Bird Survey shall be conducted within and immediately adjacent to the project site by a qualified professional biologist no more than seven days prior to the beginning of any project-related physical activity that is likely to impact migratory birds. If active nests are found during the Pre-Construction Nesting Bird Survey, a Nesting Bird Plan (NBP) shall be prepared by a qualified biologist and implemented during construction. At a minimum, the NBP shall include guidelines for addressing active nests, establishing buffers, monitoring, and reporting. The size location and duration of all buffer zones, if required, shall be based on the nesting species, nesting sage, nest location, its sensitivity to disturbance, and intensity and duration of the disturbance activity. The buffers shall be maintained until the breeding season has ended or until a qualified professional biologist has determined that the birds have fledged and are no longer reliant upon the nest or parental care for survival.

CHAPTER 18.44 – SITE PLAN REVIEW

SECTION 33. Section 18.44.010.E of the Gardena Municipal Code is hereby amended to read as follows:

18.44.010 When required.

E. All new multifamily development of four units or more, unless subject to Design Review pursuant to Chapter 18.45;

SECTION 34. Section 18.44.030. is hereby amended to read as follows.

18.44.030 Findings and factors for approval.

A. A site plan shall be approved, or conditionally approved, subject to the following findings:

1. The physical location, size, massing, setbacks, pedestrian orientation, and placement of proposed structures on the site and the location of proposed uses within the project are consistent with applicable standards; ~~only after finding that the proposed development and the physical design of the~~
2. The development ~~is~~ are consistent with the intent and general purpose of the general plan and provisions of the municipal code;;
3. The health and safety services (police and fire) and public infrastructure are sufficient to accommodate the new development;
4. The project is compatible with the surrounding sites and neighborhoods; and
5. The project has been determined to be exempt from the California Environmental Quality Act or the appropriate environmental document has been completed and required findings have been made. ~~and will not adversely affect the orderly and harmonious development of the area and the general welfare of the city; otherwise such plans shall be disapproved.~~

B. In addition to all other applicable zoning and development requirements and policies, the following factors shall also be considered in determining whether the site plan shall be approved:

1. The dimensions, shape and orientation of the parcel;
2. The placement of buildings and structures on the parcel;
3. The height, setbacks, bulk and building materials;
4. The distance between buildings or structures;
5. The location, number and layout of off-street parking and loading spaces;
6. The internal vehicular patterns and pedestrian safety features;
7. The location, amount and nature of landscaping;
8. The placement, height and direction of illumination of light standards;
9. The location, number, size and height of signs;
10. The location, height and materials of walls, fences or hedges;

11. The location and method of screening refuse and storage areas, roof equipment, pipes, vents, utility equipment and all equipment not contained in the main buildings of the development;

~~12. Repealed; and~~

12. For residential developments, the above factors shall be considered satisfied if the project meets the objective criteria relating to those items set forth in the zone and the applicable general provisions, including residential design criteria, contained in Chapter 18.42 for residential developments subject to this Chapter; and

13. For non—residential development, such other information which the community development director or commission may require to make the necessary findings that the provisions of this code are being complied with.

C. The community development director may make minor modifications to an approved site plan in order to resolve conflicts due to site conditions, building, fire, utility and similar requirements.

CHAPTER 18.45 – DESIGN REVIEW

SECTION 35. Chapter 18.45 (Design Review) of the Gardena Municipal Code are hereby ADDED as follows:

Chapter 18.45 DESIGN REVIEW

18.45.005 Purpose.

Design review is a ministerial process that is not subject to the California Environmental Quality Act. The purpose of design review is to ensure that a project meets the applicable objective standards while at the same time encouraging affordable housing.

18.45.010 Where Applies.

Design review applies to:

A. All two-family dwellings;

B. Any new housing project of two or more units, including a residential mixed-use housing project as defined in Chapter 18.04, or transitional or supportive housing where either 20 percent of the total units or sold or rented to lower income households or 100 percent are sold or rented to personas and families of moderate income or middle income as those terms are further defined in Government Code section 65915. For purposes of

determining the 20 percent, the calculation is based on the number of units prior to the award of any density bonus units that may be requested.

18.45.020 Review

A. Whenever design review is required and prior to issuance of a building permit, a project's design shall be approved pursuant to the following criteria:

1. The provisions of this chapter; and
2. All applicable and objective standards contained in Chapter 18.42; and
3. All applicable and objective development standards in the zone in which the development occurs.

B. Any modifications to the design aspects made after planning commission approval shall be grounds for a building permit plan check to be denied. This may be remedied in one of the following ways:

1. The plans may be revised to conform to the design review approval; or
2. A design review modification may be approved by the planning commission pursuant to 18.45.030.G;

C. If a development project involves discretionary permits as well as design review, the design review hearing shall be concurrent with said discretionary permits.

18.45.030 Procedure

The procedure for design review shall be as follows:

A. **Filing of Applications.** An application for design review shall be filed by the property owner, the property owner's representative, or other person having the right to the possession of the land for which design approval is sought. Such application shall be filed with the community development department on forms provided by the department. As a part of the application, the applicant shall submit copies of the site plan, all building elevations drawn to scale, and either color renderings or specifications of exterior colors and materials that will be used. A color and materials board that displays exact colors to be used as well as samples of exterior finishes must also be submitted.

B. **Filing Fees.** The applicant shall pay to the city a filing fee established by City Council resolution for the purpose of defraying the costs incurred by the city in processing the design review application.

C. **Review.**

1. An application shall be reviewed for completeness.

2. Staff shall provide a review for consistency within the time frames provided for by state law. If an application is determined not to be consistent, the city shall notify the applicant in writing, identifying the provisions for which the application is non-conforming along with an explanation of the reasons it considers the project to be inconsistent or not in compliance with the objective provisions.

D. The Director shall approve all designs that meet the applicable objective development standards of the applicable zone and Chapter 18.42 for the single-family residential, and low-density multi-residential zones.

E. The planning commission shall hold a noticed public hearing and approve designs that meet the applicable objective development standards of the applicable zone and Chapter 18.42 for all other projects subject to this Chapter.

1. Notice of hearings shall be given in accordance with Government Code Section 65091.

2. Notice shall be mailed to property owners and occupants within 300 feet of the project site.

F. The decision of the planning commission shall be rendered in writing. Decisions shall be final unless appealed or called for review.

G. Any modification to an approved design review must be approved by the planning commission in the same manner as a new design review application. However, only the changes from the previously approved design review will be considered at a modification hearing,

1. In the event that any modifications are found by the planning commission to not be compliant with the objective standards, the original approval will remain in force for those modifications;

2. In such case, applicants shall be provided the opportunity to revise all modifications to make them compliant with objective standards and the hearing shall be continued until this is achieved or the modification application is withdrawn;

3. When a modification application is continued and no revisions are submitted to the community development department for 90 days, the modification application shall be deemed by the planning commission at the next regularly scheduled meeting to be abandoned;

a. An abandoned application shall be considered equivalent to a withdrawn application and no further continuances of the hearing are required;

b. The applicant shall be notified in writing not less than 15 days prior to the 90 day expiration of a modification application;

- c. Any subsequent modifications after a modification application is deemed abandoned shall be a new modification application.
4. After modifications are approved, any further modification requests shall be considered a new modification application.
5. Notwithstanding the above, the Director may approve a change of color to another approved color.

18.45.050 Appeals.

Any aggrieved person may appeal the decision of the commission to the city council. Such appeal shall be filed in writing with the city clerk within ten days after the date of the decision by the commission. Upon the receipt of such an appeal and the payment of filing fees established by the city council, the city clerk shall place the matter for consideration on the city council's agenda of the first regular meeting of the city council following ten days' written notice to the appellant and/or applicant and property owners and residents within ~~three hundred~~ 300 feet of the boundaries of the project site. The city council shall approve the design review if it finds that the project meets the objective standards.

END OF TEXT AMENDMENTS

SECTION 36. Overlay on Housing Element Inventory Sites.

The City's Housing Element identified approximately 468 parcels that were identified as Inventory Sites which were to receive an housing overlay to accommodate the City's Regional Housing Needs Allocation. The parcels shown on Exhibit A are listed on Exhibit B are all rezoned to receive housing overlays as shown on said Exhibit.

SECTION 37. Rescission of Artesia Corridor Specific Plan.

A. The Artesia Corridor Specific Plan is hereby rescinded. The properties within the Artesia Corridor shall be rezoned from Artesia Corridor Specific Plan to the following as more specifically described on Exhibit B:

AREA	ZONING
1	Artesia Corridor Specific Plan → General Commercial (C-3)
2	Artesia Corridor Specific Plan → Very High Density Residential (R-6)
3/4	Artesia Corridor Specific Plan → Artesia Mixed-Use
4/5	Artesia Corridor Specific Plan → 1450 Artesia Specific Plan
6	Artesia Corridor Specific Plan → Official (O)

SECTION 38. No Net Loss. Government Code section 65863 provides that the City may not change a land use designation or zoning ordinance to a less intensive use unless the

city concurrently changes development standards, policies and conditions applicable to other parcels to ensure there is no net loss in residential capacity. The eastern portion of Area 4 of the Artesia Corridor Specific Plan would have allowed for approximately 40 housing units to be built. With the change of zoning to 1450 Artesia Specific Plan, residential uses will not be allowed in this area. The loss of residential units in this area is more than made up for by the rezoning of Area 2 of the Specific Plan to the Very High Density Multi-Family (R-6) zone which will allow 51-70 dwelling units per acre.

SECTION 39. CEQA Compliance. This Ordinance is categorically exempt from CEQA based on the following:

CEQA Guidelines section 15308 provides a categorical exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection. So long as the City fails to have a compliant Housing Element, it has virtually no control over development in the City and loses its ability to obtain funding to help with future planning. Additionally, until the City adopts development standards for these new zones, there will be no limits on what can be built in these new zones, with the minor exception of the density standards set forth in the General Plan. Further, the City loses its ineligibility for certain funding until the inventory properties are rezoned. Therefore, the rezoning of the Inventory Sites and adoption of the new development standards fall within this exemption. None of the exceptions to the exemption which are set forth in Section 15300.2 of the Guidelines apply.

CEQA Guidelines 15061(b)(3) provides a common sense exemption for actions where it can be seen with certainty that there will not be an effect on the environment. Under existing law, if there is an inconsistency between the general plan and zoning, a developer may build to the density allowed in the general plan. Therefore, rezoning properties to be consistent with the higher density land use designation has no effect because those properties may already be built out to what is allowed under the new zoning.

Additionally, the common sense exemption applies to the rezoning of the properties of the Areas 1, 3, 4, 5 and 6 of the Artesia Corridor Specific Plan.

SECTION 40. 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 41. 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 42. Effective Date. This ordinance shall take effect on the 31st day after passage.

Passed, approved, and adopted this 28th day of February, 2023.

Tasha Cerda

TASHA CERDA, Mayor

ATTEST:

Mina Semenza

MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

Carmen Vasquez

CARMEN VASQUEZ, City Attorney

Exhibit A – Zoning Map (in 5 sections)
Exhibit B – Parcel List

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. 1848** 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 **28th day of February 2023**, and that the same was so passed and adopted by the following roll call vote:

AYES: COUNCIL MEMBERS TANAKA AND HENDERSON, AND MAYOR CERDA

NOES: MAYOR PRO TEM FRANCIS

ABSENT: COUNCIL MEMBER LOVE

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

(SEAL)