

ORDINANCE NO. 1857

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

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

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

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

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

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

WHEREAS, on June 20, 2023, the Planning Commission held a duly noticed public hearing on this matter and after considering all evidence presented, both written and oral, at the close of the public hearing the Planning Commission adopted Resolution No. 12-23 recommending that the City Council adopt this Ordinance; and

WHEREAS, the City Council held a duly noticed public hearing on this Ordinance on July 11, 2023 at which time it considered all evidence presented, both written and oral;

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

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

Section 18.12.060 Two -unit housing development

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

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

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

2. ~~“Primary unit” shall mean a residential unit that is not otherwise classified as an accessory dwelling unit or junior accessory dwelling unit pursuant to Government Code sSections 65852.2(j) and 65852.22.~~

2.3. ~~“Unit” shall mean a any primary dwelling unit, but shall not include including but not limited to a primary dwelling unit, an accessory dwelling unit or, a junior accessory dwelling unit, or any unit created pursuant to this section.~~

3.4. ~~“Urban lot split” shall have the same meaning as set forth in Section 17.08.270.~~

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

1. The parcel is not located in any of the following areas and does not fall within any of the following categories:

a. A historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code, or within a site that is designated or listed as a city landmark or historic property or district pursuant to a city ordinance.

b. A hazardous waste site that is listed pursuant to Section 65962.5 or a hazardous waste site designated by the Department of Toxic Substances Control pursuant to Health and Safety Code Section 25356, unless the State Department of Public Health, State Water Resources Control Board, or Department of Toxic Substances Control has cleared the site for residential use or residential mixed uses.

c. A delineated earthquake fault zone as determined by the State Geologist in any official maps published by the State Geologist, unless the development complies with applicable seismic protection building code standards adopted by the California Building Standards Commission under the California Building Standards Law and by the city’s building department.

d. A special flood hazard area subject to inundation by the 1 percent annual chance flood (100-year flood) as determined by the Federal Emergency Management Agency (FEMA) in any official maps published by FEMA. If an applicant is able to satisfy all applicable federal qualifying criteria in order to provide that the site satisfies this subparagraph and is otherwise eligible for streamlined approval under this section, the city shall not

deny the application on the basis that the applicant did not comply with any additional permit requirement, standard, or action adopted by the city that is applicable to that site. A development may be located on a site described in this subparagraph if either of the following are met:

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

- 3. Unless demolition or alteration is prohibited pursuant to subsection B.2 above, up to 25 percent of the existing exterior structural walls may be demolished a housing unit may be demolished if it has not been occupied by a tenant in the last three years.

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

- 1. Setbacks.
 - a. No setback shall be required for an existing structure, or a structure constructed in the same location and within the same dimensions as an existing structure.
 - b. Except for those circumstances described in ~~this subsection (C).1.a~~ above, the setback for side and rear lot lines shall be four feet.
 - c. The front setback shall be twenty feet on a lot that fronts on a street, except on lots where the street-facing side (width) is longer than the depth, in such case the setback from the street-facing lot line shall be ten feet.
 - d. For landlocked parcels side yard setbacks shall apply to all property lines.
- 2. The applicant shall provide easements for the provision of public services and facilities as required.
- 3. One parking space per unit shall be required on the lot unless the parcel is located within one-half mile walking distance of either a high-quality transit corridor as defined by Public Resources Code Section 21155(b) or a major transit stop as defined in Public Resources Code Section 21064.3. The parking space need not be covered, but tandem parking ~~between~~ shared by separate units shall not be allowed.
- 4. On landlocked lots, a residential structure shall maintain a separation of eight feet to all other habitable structures from its front-facing facade.

Front-facing facade shall be defined for this purpose as the building side most closely parallel to the plane of the main entrance doorway.
- 5. Lot coverage shall not exceed seventy-five percent.

D. Design criteria for new structures.

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

1. Scale and massing. On lots of at least 50 feet in width, all two-story residential structures must have upper floor exterior walls on the front and at least one side stepped back at least 5 feet from the ground story exterior walls.

2. Architectural Detailing. At least two distinct exterior surface treatments and at least two exterior colors are required.

3. Rooflines. Flat roofs are permitted only on two-story residential buildings and must include parapets.

4. Garages, Driveways and Parking.

a. A garage attached to a single-family house or duplex that faces the front of the property must be set back at least five feet from the front-facing wall of the house.

b. All garages facing streets, but not those facing alleys, must be set back at least 20 feet from the sidewalk, and if there is no sidewalk, 24 feet from the curb.

5. Walls and Fences. Walls and fences in residential zones may be constructed of a variety of materials, but chain link fencing, barbed wire, razor wire, and electrified fences are explicitly prohibited.

DE. Limitations on City Actions.

1 The city shall not impose any zoning or design standards that would have the effect of physically precluding the construction of two units on a lot or that would result in a unit size of less than ~~eight hundred~~800 square feet.

2 The city shall not deny an application solely because it proposes adjacent or connected structures; provided, that all building code safety standards are met, and they are sufficient to allow a separate conveyance.

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

1. That the uses shall be limited to residential uses.

2. That the rental of any unit created pursuant to this section shall be for a minimum of thirty-one days.

3. That the maximum number of units to be allowed on the parcels is two, not including ~~but not limited to~~ units otherwise allowed pursuant to density bonus provisions, accessory dwelling units, junior accessory dwelling units, or units allowed pursuant to Section 17.08.270.

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

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

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

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

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

Passed, approved, and adopted this 25th day of July, 2023.



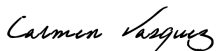
TASHA CERDA, Mayor

ATTEST:



MINA SEMENZA, City Clerk

APPROVED AS TO FORM:



Carmen Vasquez, City Attorney

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

I, **MINA SEMENZA**, City Clerk of the City of Gardena, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance being **Ordinance No. 1857** 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 **25th day of July 2023**, and that the same was so passed and adopted by the following roll call vote:

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

NOES: NONE

ABSENT: NONE

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

(SEAL)