

ORDINANCE NO. 1860

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA, REPEALING AND READOPTING CHAPTER 18.43 OF THE GARDENA MUNICIPAL CODE RELATING TO DENSITY BONUS LAWS AND FINDING THE ORDINANCE TO BE EXEMPT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, in February 2023 the City adopted its 6th Cycle Housing Element for the 2021-2029 period; and

WHEREAS, the Housing Element included a program to update the City's Density Bonus Ordinance; and

WHEREAS, given the complexity of the Density Bonus Law and the frequency with which it is amended, the City desires to adopt the law by reference with local implementation procedures; and

WHEREAS, on November 7, 2023, the Planning Commission held a duly noticed public hearing on proposed Ordinance No. 1860 at which time it considered all evidence presented, both written and oral; and

WHEREAS, after the close of the public hearing the Planning Commission adopted Resolution No. PC 19-23 recommending that the City Council adopt the proposed Ordinance; and

WHEREAS, on December 12, 2023, the City Council held a duly noticed public hearing on proposed Ordinance No. 387 at which time it considered all evidence presented, both written and oral;

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

SECTION 1. Chapter 18.43 of the Gardena Municipal Code is hereby repealed and a new Chapter 18.43 is hereby added to read as follows:

CHAPTER 18.43 DENSITY BONUS AND OTHER INCENTIVES

18.43.010 Purpose.

The purpose of this Chapter is to implement the requirements of the Density Bonus Law set forth at Government Code section 65915, *et seq.*

18.43.020 Adoption by reference.

The state Density Bonus Law, set forth at Chapter 4.3 of the Planning and Zoning law of California and found at Government Code sections 65915 through 65918,

as the same may be amended from time to time, is hereby adopted by reference as the City of Gardena's Density Bonus provisions and shall be implemented in accordance with this Chapter.

18.43.030 Definitions.

In addition to the definitions set forth in the Density Bonus Law, the following definitions shall apply to this chapter:

"Affordable housing agreement" shall mean an agreement between the city and the applicant guaranteeing the affordability of the rental or ownership affordable units in accordance with this chapter and Government Code Section [65915](#).

"Director" shall mean the Director of Community Development or the Director's designee.

18.43.040 Applicability.

This Chapter shall apply to any housing development that is entitled to receive a density bonus pursuant to the state Density Bonus Law.

18.43.050 Procedures.

A. Application submittal. An application for a density bonus, including an incentive or concession and waiver, shall be filed concurrently with an application for a housing development and shall be processed concurrently.

B. Application contents. An application for a density bonus shall include the following information:

1. The number of density bonus units being requested;
2. A reduced parking ratio request pursuant to Government Code section 65915(p);
3. An incentive(s) or concession(s) request pursuant to Government Code section 65915(d) that results in identifiable and actual cost reductions to provide for the affordable housing; and
4. A waiver(s) or reduction of development standard(s) request pursuant to Government Code section 65915(e) that would have the effect of physically precluding the construction of the housing development at the densities or with the allowed incentive(s) or concession(s).

C. If an application for a density bonus is incomplete, the applicant shall be timely notified of such incompleteness in accordance with the provisions of applicable law.

D. If a proposed housing development would be inconsistent with the City's Zoning Code or the state Density Bonus Law, the applicant shall be provided notice of such inconsistency in accordance with the Housing Accountability Act, Government Code section 65589.5.

E. A density bonus application shall be approved or denied in conjunction with the housing development application by the body approving such application within the time frames required for approval of such development.

18.43.060 Requirements.

A. The applicant for a density bonus shall enter into a regulatory agreement with the City in a form to be approved by the City Attorney and said agreement shall be recorded against the property. The regulatory agreement shall be approved by the body approving the underlying project. If an appeal is taken of the project, then the regulatory agreement shall be approved by the decision maker on appeal.

B. The applicant shall be required to pay the City's costs for any third-party consultants required to assist the City in drafting a regulatory agreement, developing guidelines, verifying the eligibility of owners or tenants of the affordable units, or any other matter relating to the density bonus.

C. The required affordable dwelling units shall be constructed concurrently with market-rate units unless both the body approving the underlying project and the developer agree within the affordable housing agreement to an alternative schedule for development.

D. The exterior design and construction of the affordable dwelling units shall be consistent with the exterior design and construction of the total project development and shall be consistent with any affordable residential development standards that may be prepared by the City.

1. The affordable units shall be similar in size and number of bedrooms to the market-rate units. If the development project includes a range of unit sizes, then the affordable units shall provide a range of unit sizes in proportion to the market-rate units.

2. If the project includes a subdivision, the lots with affordable units shall be of similar size to the lots with market rate units. If the development project includes a range of lot sizes, the lots with affordable units shall be no smaller than the smallest lots with market-rate units.

E. The affordable units shall have the same amenities as the market rate units, including the same access to and enjoyment of common open space, parking, storage, and other facilities in the residential development, provided at an affordable rent or at affordable ownership cost specified by Health and Safety Code section 50052.5 and California Code of Regulations Title 25, Section 6910

– 6924, as the same may be amended from time to time. Developers are strictly prohibited from discriminating against tenants or owners of affordable units in granting access to and full enjoyment of any community amenities available to other tenants or owners outside of their individual units.

F. If the development project is for units that will be sold, then the affordable dwelling units shall also be for-sale units. The regulatory agreement may make provisions for rental of the units for the same level of affordability that qualified the applicant for the density bonus if the unit is not sold within a period of time specified in the agreement.

G. The development project shall be subject to the replacement requirements for low and very-low income housing as required by Government Code section 65915(c)(3).

SECTION 2. Effective Date. This Ordinance shall take effect on the thirty-first day after passage.

SECTION 3. CEQA. This Ordinance is categorically exempt from CEQA pursuant to the common sense exemption set forth in Guidelines section 15061(b)(3) that CEQA only applies to projects which have the potential for causing a significant effect on the environment and where it can be seen with certainty that there is no possibility that the activity will have a significant effect, the activity is not subject to CEQA. This Ordinance enacts a procedure as required by state law and does not change the density, intensity, or allowed uses and passage of this Ordinance would not have other effects on the environment. The changes are not for any specific project but is regulatory in nature and therefore will not impact any environmental resource of hazardous or critical concern, will not create cumulative impacts, or impacts to scenic highways, hazardous waste sites, or historical resources. This Ordinance simply implements state law. As such, staff is directed to file a Notice of Exemption pursuant to CEQA Guidelines sections 15061(b)(3).

SECTION 4. Severability. If any provision of this Ordinance is held to be unconstitutional, it is the intent of the City Council that such portion of this Ordinance be severable from the remainder and that the remainder be given full force and effect.

SECTION 5. Certification. The City Clerk shall certify to the adoption of this Ordinance.

PASSED, APPROVED AND ADOPTED this 9th day of January, 2024.

Tasha Cerda, Mayor

 TASHA CERDA, Mayor

ATTEST:
Mina Semenza

 Mina Semenza, City Clerk

Ordinance No. 1860

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. 1860** 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 regular meeting of said City Council held on the **9th day of January 2024**, and that the same was so passed and adopted by the following roll call vote:

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

NOES: NONE

ABSENT: NONE

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

(SEAL)