

ORDINANCE NO. 1863

AN ORDINANCE OF THE CITY OF GARDENA, CALIFORNIA, MAKING MINOR AMENDMENTS TO ORDINANCE NO. 1851 WHICH ADOPTED BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE RELATING TO FENCE PERMITS AND RODENTPROOFING, AMENDING SECTION 18.42.070.F OF THE GARDENA MUNICIPAL CODE AND FINDING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT PURSUANT TO THE COMMON SENSE EXEMPTION OF CEQA GUIDELINES SECTION 15061(b)(3)

WHEREAS, California Health & Safety Code Section 18901 et seq. provides that the Building Standards Commission shall adopt a California Building Standards Code ("CBSC") based on specified uniform codes with input from various State Departments; and

WHEREAS, the City is required to adopt the CBSC and may make changes if certain findings are met; and

WHEREAS, on May 23, 2023, the City Council of the City of Gardena adopted Ordinance No. 1851 and sent a copy to the California Building Standards Commission ("Commission"); and

WHEREAS, the City received a letter from the Commission regarding certain changes to the CBSC that were made which were not found to be acceptable; and

WHEREAS, the City Council would like to revise certain provisions that it adopted in Ordinance No. 1851 consistent with the direction of the Commission and make a corresponding change to the Zoning Code relating to fence permits as the language erroneously indicates that there is a separate permit required; and

WHEREAS, on December 12, 2023 the City Council introduced this Ordinance and set a public hearing for January 9, 2024; and

WHEREAS, Gardena Municipal Code section 18.52.030 which incorporates the state planning and zoning law for how zoning changes should be processed; and

WHEREAS, Government Code section 65853 provides that an ordinance which does not change property from one zone to another or imposes, modifies, or removes a regulation may be processed as an ordinary ordinance and need not comply with the zoning amendment procedures; and

WHEREAS, the deletion of section 18.42.070F simply eliminates language which created confusion, but does not eliminate the requirement to obtain permits for fences and retaining walls in accordance with the California Building Code and California Residential

Code so that the zoning procedures are not applicable; and

WHEREAS, on January 9, 2024, the City Council held a duly noticed public hearing on this Ordinance; and

WHEREAS, the City Council took into account all evidence presented, both written and oral;

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

SECTION 1. Section 15.06.010 of the Gardena Municipal Code is hereby amended to read as follows:

15.06.010 Adoption of Building Code.

Except as may otherwise be provided in this Title, the California Building Code, 2022 Edition (Parts 1 and 2 of Title 24 of the California Code of Regulations), and only Appendices ~~F (Rodentproofing)~~, J (Grading), and P (Emergency Housing). are hereby adopted by reference and made a part of this chapter as though set forth in full herein. These provisions of Title 24, Parts 1 and 2 shall comprise the Building Code of the City of Gardena.

SECTION 2. Section 15.06.020 of the Gardena Municipal Code which amended Section 105.2, item 2 of the California Building Code is hereby amended to read as follows:

15.06.020 Work exempt from permits.

Section 105.2, items 2 and 4 are hereby amended to read as follows:

2. ~~Fences Wood, chain-link, plastic, metal or similar fences~~ not over 6 feet in height ~~or masonry, concrete fence not over 3 feet in height above the lowest adjacent grade unless supporting a surcharge or impounding class I, II or III A liquids.~~

4. Retaining walls that are not over 4.3 feet ~~(1219 mm)~~ in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

SECTION 3. Section 15.10.010 of the Gardena Municipal Code which amended Section R105.2 of the California Residential Code, is hereby amended to read as follows:

15.10.020 Work exempt from permits.

Section R105.2 of the 2022 California Residential Code, items 2 and 4 under "Building" are hereby amended to read as follows:

2. ~~Wood, chain-link, plastic, metal or similar F~~fences not over 6 feet in height. ~~or masonry, concrete fence not over 3 feet in height above the lowest adjacent grade unless supporting a surcharge or impounding class I, II or III-A liquids.~~

4. Retaining walls that are not over ~~4.3 feet (1219 mm)~~ in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

SECTION 4. Section 18.42.070F of the Gardena Municipal Code is hereby deleted:

~~F. Permit Procedure. No person shall erect, construct or alter a fence or wall unless a permit therefor has been issued by the building and safety division. No permit shall be issued until all fences, walls and hedges on the property conform to the provisions of this section.~~

~~1. Applications. An application for a permit shall be filed by the owner or other person having the right to the possession of the land for which the permit is sought.~~

~~2. Fees. All permit applications shall be accompanied by a filing fee in an amount established by city council resolution, payable to the city to defray the costs incurred by the city in processing the application.~~

SECTION 5. CEQA. The City Council finds that the adoption of the California Buildings Standards Code and local amendments thereof is exempt from the California Environmental Quality Act (“CEQA”) under CEQA Guideline section 15061(b)(3) (the commonsense exemption). The action is largely administrative in nature and designed to improve and not degrade environmental quality such that there is no possibility that adopting this Ordinance would adversely affect the environment in any manner that could be significant. Further, except for the amendments that have been adopted, these Codes apply by default.

SECTION 6. Severability. If any provision of this Ordinance is declared to be invalid by a court of competent jurisdiction, it shall not affect any remaining provision hereof. The City Council of the City of Gardena hereby declares that it would have adopted this Ordinance despite any partial invalidity of its provisions.

SECTION 7. Effective Date. This Ordinance shall take effect on the 31st day after adoption.

SECTION 8. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City’s book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen (15)

days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

Passed, approved, and adopted this 9th day of January, 2024.



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. 1863** 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

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

(SEAL)