

ORDINANCE NO. 1866

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA AMENDING TITLE 2, TITLE 14, AND TITLE 18 OF THE GARDENA MUNICIPAL CODE RELATING TO CHANGES REQUIRED BY 6TH CYCLE 2021-2029 HOUSING ELEMENT PROGRAMS FOR HOUSING REPLACEMENT, EMERGENCY SHELTERS, AND EMPLOYEE HOUSING AND CHANGES REQUIRED BY STATE LAW AND FINDING THE ADOPTION TO BE EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)

WHEREAS, on February 15, 2023 the City Council approved the City's 6th Cycle 2021-2029 Housing Element ("Housing Element"); and

WHEREAS, the Housing Element included a number of programs which require the City to make changes to its Zoning Code; and

WHEREAS, in addition to amending the Zoning Code to address the programs listed in the Housing Element, it is also necessary to amend the Zoning Code to address recent changes to state law; and

WHEREAS, at a duly noticed meeting held on February 20, 2024, 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 duly noticed meeting held on March 12, 2024, 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;

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 changes to Title 18 are consistent with the City's General Plan. More specifically, these changes implement changes required by the Housing Element and are compliant with state law.

C. The changes set forth herein represent good land use practices which are required by the public necessity, convenience and the general welfare.

BEGINNING OF TEXT AMENDMENTS

TITLE 2 – ADMINISTRATION AND PERSONNEL

SECTION 2. Section 2.32.020 of the Gardena Municipal Code is hereby amended to read as follows:

2.32.020 Membership.

The Gardena Housing Commission shall consist of five members. Each councilmember shall nominate one member who shall be appointed by the mayor subject to ratification by the council. All members shall be residents of the city, and at least two members shall be tenants of property owned or operated by the Gardena housing authority. One such tenant member shall be over sixty-two years of age if the authority has tenants over such age. At least one member shall be appointed from a census tract identified as disadvantaged in accordance with Government Code section 65302.

SECTION 3. Section 2.40.020 of the Gardena Municipal Code is hereby amended to read as follows:

2.40.020 Membership.

A. The planning and environmental quality commission shall consist of five members who shall be designated respectively as commissioner Nos. 1, 2, 3, 4 and 5. The mayor and each councilmember shall have the right to nominate a commissioner from the citizens at large, and such nominations shall be honored by ratification and confirmation by a majority vote of the membership of the council. Each appointee shall be:

1. A resident of the city for the period of one year immediately preceding appointment; and
2. A registered elector of the city for the period of one year immediately preceding appointment.

B. Officials of the city shall not be eligible to appointment as commissioners, except as may be provided in this chapter for ex officio officers.

C. At least one member of the commission shall be appointed from a census tract identified as disadvantaged in accordance with Government Code section 65302.

CHAPTER 14.04 – RESIDENTIAL RENT MEDIATION AND HEARINGS

SECTION 4. Section 14.04.050A of the Gardena Municipal Code is hereby amended to read as follows; all other provisions of the section remain the same:

14.04.050 Qualifications.

A. All tenant members shall be tenants of residential rental property within the city, and neither the tenant member, spouse, nor dependents shall have any financial interest in residential income-producing property either in the city or elsewhere. At least one member shall be appointed from a census tract identified as disadvantaged in accordance with Government Code section 65302.

CHAPTER 18.04 - DEFINITIONS

SECTION 5. Chapter 18.04 is amended by adding and amending the following definitions to read as follows:

“Family” means an individual or two or more persons ~~related by blood, marriage or adoption or a group not related by blood or marriage,~~ living together in a dwelling unit where the residents may share living expenses, chores, eat meals together, have a close social, economic, and psychological commitments to each other, and who have common access to and common use of living, eating, and kitchen areas; common access to private bedrooms is not required. as a single housekeeping unit in a dwelling unit ~~Family does not include institutional group living situations such as, not including a dormitory, sorority, fraternity, club or group of persons occupying a hotel, lodging house, or institution, or other commercial group living arrangements.~~

“Supportive housing” means housing with no limit on length of stay that is occupied by the target population ~~as defined in Health and Safety Code Section 50675.14~~ and that is linked to on-site or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

“Supportive services” include, but are not limited to, a combination of subsidized, permanent housing, intensive case management, medical and mental health care, substance abuse treatment, employments services, and benefits advocacy.

“Unlicensed group homes” shall mean housing shared by unrelated persons with disabilities who provide peer and other support for the residents’ disability-related needs; supportive services that do not require state licensure may be provided. An unlicensed group home operating as a family is considered a residential use and shall not require any approvals other than what is required for other residential uses in the same zone.

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

SECTION 6. Section 18.12.020 of the Gardena Municipal Code is hereby amended by to read as follows:

18.12.020 —Uses permitted.

The following uses shall be permitted in the R-1 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. Single-family dwellings and accessory buildings customary to such uses located on the same lot or parcel of land;
- B. Home occupations subject to the provisions of Chapter [18.56](#);
- C. Parks, playgrounds, and public buildings;
- D. Family day care homes; provided, a large family day care home shall be permitted subject to approval of a home occupation permit pursuant to Chapter [18.56](#);
- E. Mobile homes certified under the National Mobile Home Construction and Safety Standards Act of 1974 ([42](#) U.S.C. Section [5401](#) et seq.) on a foundation system, pursuant to Section [18551](#) of the Health and Safety Code of the state. Further, such mobile homes shall be occupied only as a residential use type and shall be subject to any and all property development standards of the zone;
- F. Accessory dwelling unit, as defined in Chapter [18.04](#) and subject to property development standards set forth in Chapter [18.13](#);
- G. Residential group facility;
- H. Transitional housing, subject only to those restrictions that apply to other residential dwellings of the same type in this zone;
- I. Supportive housing, subject only to those restrictions that apply to other residential dwellings of the same type in this zone;
- J. Home sharing rentals. Home sharing rentals shall be allowed in a single-family residence in accordance with Chapter [5.76](#). No home sharing rental shall be allowed in any dwelling unit if there is an accessory dwelling unit or junior accessory dwelling unit on the property.

K. Employee housing, as defined by Health and Safety Code section 17021.5, when providing accommodations for six or fewer employees, subject only to those restrictions that apply to other residential dwellings of the same type in this zone.

CHAPTER 18.13 – ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

SECTION 7. Section 18.13.040D of the Gardena Municipal Code is hereby deleted.

~~D. Owner/Occupancy. Accessory dwelling units may be rented independently of the primary residence. However, in the R-1 zone, the owner of the property must be an occupant of either the primary residence or the accessory dwelling unit in order for one of the two units to be rented and a covenant shall be recorded to this effect in a form approved by the city attorney. Notwithstanding the foregoing, the owner may rent both the primary residence and accessory dwelling unit to one party with a restriction in the lease that such party may not further sublease any unit or portion thereof. The owner-occupancy requirement shall not be imposed on any accessory dwelling unit approved between January 1, 2020, and January 1, 2025.~~

CHAPTER 18.36 – INDUSTRIAL ZONE (M-1)

SECTION 8. Section 18.36.020, subsection O relating to emergency shelters in the Industrial Zone is hereby amended to read as follows; all other sections remain the same:

18.36.020- Uses permitted.

- O. Emergency shelters, subject to the following requirements:
 - 1. The maximum number of beds or clients permitted to be served nightly shall not exceed one per one hundred twenty-five square feet of floor area;
 - 2. Parking at the rate of one space for every employee on the largest shift, provided that the standards do not require more parking than other uses in the zone~~shall be required at the rate of one space for every two rooms, plus one space per six rooms for employee parking with a minimum of three spaces for employees;~~
 - 3. The waiting and client intake area shall be a minimum of one hundred square feet of gross floor area, plus an additional ten square feet for every person which the shelter can serve over ten persons;

4. Emergency shelters shall not be ~~required to be more than located~~ 300 within three hundred feet of each other;
5. No person may stay in an emergency shelter for more than one hundred eighty consecutive days;
6. An on-site manager shall be required during all hours that the emergency shelter is in operation; an individual or individuals who do not utilize the homeless beds and/or services may be eligible as on-site manager(s);
7. The emergency shelter shall prepare and file a management plan with the city that includes clear operational rules and standards;
8. Lighting shall be provided in all parking, exterior, intake and waiting areas, outside common areas, and along the periphery of the building and facility.

CHAPTER 18.42

SECTION 9. Section 18.42.015 is hereby added to the Gardena Municipal Code to read as follows:

18.42.015 Replacement housing.

The following provisions apply to the replacement of housing units.

A. Replacement housing – Density Bonus projects.

1. Replacement housing in density bonus projects shall be required for all protected units as set forth in Government Code section 65913(c)(3).
2. This requirement applies to any housing development project of five or more residential units, including mixed-use developments.
3. Replacement units shall be located on the site of the housing development project.

B. Replacement housing – Housing Crisis Act.

1. During such time as Government Code section 66300 et seq., the Housing Crisis Act, is in effect and Gardena is considered an “affected city” thereunder, the developer shall be required to provide replacement housing and tenant benefits in accordance with all applicable requirements of Government Code section 66300.6.

2. This requirement applies to any housing development project of two or more units or any non-residential project which develops on a site which has protected housing units under the Housing Crisis Act.

3. If the project is a residential project, the replacement units shall be located on site of the housing development project.

4. If the project is a non-residential project, the replacement units may be located on a different site within the city, but the replacement units must be developed prior to or concurrently with the development project. The city shall not issue a certificate of occupancy for the non-residential project until the replacement units are under construction. The developer may contract with another entity to develop the required replacement housing.

C. Replacement housing – Housing Element inventory sites.

1. Replacement housing for projects developed on housing inventory sites shall be required as set forth in Government Code section 65583.2(g)(3).

2. This requirement shall apply to a residential or non-residential project which develops on an inventory site which had housing protected under Government Code section 65583.2(g)(3).

a. If the project is a residential project, the replacement units shall be located on site of the housing development project.

b. If the project is a non-residential project, the replacement units may be located on a different site within the city, but the replacement units must be developed prior to or concurrently with the development project. The city shall not issue a certificate of occupancy for the non-residential project until the replacement units are under construction. The developer may contract with another entity to develop the required replacement housing.

D. Replacement housing – supportive housing.

1. Replacement housing for supportive housing projects governed by Chapter 18.76 shall be required to provide replacement housing in accordance with Government Code section 65915(c)(3)

E. Applicants shall be required to provide required information on a development application form under penalty of perjury.

F. If a development project falls under more than one subsection above, it shall be required to comply with the most stringent provisions in cases of conflict.

CHAPTER 18.45 DESIGN REVIEW

SECTION 10. Section 18.45.010 of the Gardena Municipal Code is hereby amended to read as follows:

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 are sold or rented to lower income households or 100 percent are sold or rented to persons 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;

C. A transitional housing project;

B-D. A supportive housing project, including a supportive housing project as defined in Chapter 18.76.

SUPPORTIVE HOUSING

SECTION 11. A new Chapter 18.76 is hereby added to the Gardena Municipal Code relating to supportive housing in multi-family and mixed-use zones.

CHAPTER 18.76 SUPPORTIVE HOUSING FOR HOMELESS AS A USE BY RIGHT

18.76.010 Purpose.

A. The purpose of this chapter is to implement the provisions of Government Code section 65650 et seq. relating to supportive housing for a target population of homeless persons as defined in California Health and Safety Code section 5067.14.

B. The provisions of this Chapter take precedence over any section of the Zoning Code to the contrary.

18.76.020 Use by right.

A supportive housing development of no more than 50 units that meets the requirements of this chapter shall be a use by right in the following zones:

- R-2 Low-density multifamily residential
- R-3 Medium density multifamily residential
- R-4 High density multifamily residential
- R-6 Very high density multifamily residential
- AMU Artesia mixed use
- C-R Commercial residential
- H-B Home business
- 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

18.76.030 Application/Processing.

A. The standard application for the housing development project shall be supplemented with the following information:

1. The plan for providing supportive services with appropriate documentation showing that the supportive services will be provided onsite to the residents in the project;
2. The name of the proposed entity or entities that will provide supportive services;
3. The proposed funding source(s) for the provided onsite supportive services;
4. Proposed staffing levels by shift;
5. The number of units that are restricted to residents who meet criteria of the target population;
6. The amount of nonresidential floor area that shall be used for onsite supportive services;
7. An identification of the number of manager units that will be provided; and

8. An identification of the number of rental dwelling units on site, or units that have been vacated in the five-year period preceding the application, which are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power, or occupied by lower or very low income households.

B. An application shall be reviewed for completeness within 30 days of receipt. The application shall be acted on within 60 days after the application is complete for a project with 50 or fewer units, or within 120 days for a supportive housing project with more than 50 units.

C. The application for a supportive housing project that complies with all applicable requirements, including the requirement for replacement housing, shall be approved.

18.76.040 Parking requirements.

The following parking requirements shall apply:

A. Parking shall be required at the rate of 1.0 space per unit. However, no minimum parking requirement shall apply for the units occupied by supportive housing residents if the development is within ½ mile of a public transit stop.

B. A minimum of one parking space shall be provided for each manager's unit.

C. Parking at the rate of one space for every employee on the largest shift.

18.76.050 Affordability restriction.

The city shall record an affordability restriction against the property which restricts the units to lower income households for a period of 55 years. The applicant shall be required to sign all necessary documents.

SECTION 12. CEQA. The City Council finds that this ordinance is not a "project" subject to the California Environmental Quality Act (CEQA) as it has no potential to result in either a direct, or reasonably foreseeable indirect, physical change in the environment (CEQA Guidelines § 15378(a).) The ordinance implements the requirements of state law and the programs required by the City's 6th Cycle Housing Element. In addition to not qualifying as a project, the Ordinance falls within the "common sense" exemption set forth in CEQA Guidelines section 15061(b)(3) which exempts activities where "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." This Ordinance will not have a significant effect as it implements what is already required by State law and will not result in any development or activity with the potential to impact the environment.

SECTION 13. 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 14. 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 15. Effective Date. This ordinance shall take effect on the 31st day after passage.

Passed, approved, and adopted this 26th day of March, 2024.

Tasha Cerda, Mayor

TASHA CERDA, Mayor

ATTEST:

Mina Semenza

MINA SEMENZA, City Clerk

APPROVED AS TO FORM:

Carmen Vasquez

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. 1866** 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 **26th day of March 2024**, and that the same was so passed and adopted by the following roll call vote:

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

NOES: NONE

ABSENT: NONE

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

(SEAL)