

ORDINANCE NO. 1865

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA AMENDING CHAPTER 18.60 OF THE GARDENA MUNICIPAL CODE AND SECTIONS 5.08.170, 8.16.030 AND 8.16.050 RELATING TO TEMPORARY USE PERMITS AND TEMPORARY EVENT PERMITS, AND AMENDING SECTIONS 5.04.160, 5.04.278 AND 5.28.020 OF TITLE 5 RELATING TO PERMITS AND FINDING THAT THE ORDINANCE IS CATEGORICALLY EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15061(b)(3) (COMMON SENSE EXEMPTION) and 15304 (MINOR ALTERATIONS TO LAND)

WHEREAS, the City of Gardena has received requests to hold special, temporary events by various businesses in the City; and

WHEREAS, the City does not have clear and adequate procedures and regulations to govern such events; and

WHEREAS, the lack of clear and adequate procedures and regulations has created issues for staff as they struggle to review last minute applications without clear direction; and

WHEREAS, the City Council desires to allow temporary uses and temporary events to be held in the City subject to reasonable rules and regulations; and

WHEREAS, the City Council has the power to adopt such rules and regulations pursuant to Article XI, section 7 of the California Constitution; and

WHEREAS, the Planning Commission of the City of Gardena held a duly, noticed public hearing on this matter on January 16, 2024, at which time it considered all evidence presented, both written and oral after which it adopted Planning Commission Resolution No. 1-24 recommending that the City Council adopt Ordinance No. 1865; and

WHEREAS, the City Council of the City of Gardena held a duly noticed public hearing on this matter on March 12, 2024, at which time it considered all evidence presented, both written and oral; and

WHEREAS, at the close of the public hearing the City Council directed staff to amend the Ordinance to add provisions which would allow food distribution centers operated in conjunction with non-profits; and

WHEREAS, the Planning Commission of the City of Gardena held a duly, noticed public hearing on the revised Ordinance on April 2, 2024, at which time it considered all evidence presented, both written and oral after which it adopted Planning Commission Resolution No. PC 8-24 recommending that the City Council adopt Ordinance No. 1865 as amended; and

WHEREAS, the City Council of the City of Gardena held a duly noticed public hearing on this matter on April 23, 2024, at which time it considered all evidence presented, both written and oral;

NOW, THEREFORE, the City Council of the City of Gardena does hereby ordain as follows:

SECTION 1. Chapter 18.60 of the Gardena Municipal Code is hereby repealed and a new Chapter 18.60 is hereby added to read as follows:

**CHAPTER 18.60
TEMPORARY USE AND TEMPORARY EVENT PERMITS
FOR PRIVATE PROPERTY**

18.60.010 Intent and purpose.

A. The intent of this chapter is to provide a process for reviewing and acting upon proposed temporary uses and temporary events at specific locations that would otherwise be inappropriate as classified uses on a permanent basis. A temporary use permit or temporary event permit allows short-term activities that might not meet the normal development or use standards of the applicable zoning district, but may be considered acceptable because of the temporary nature. It is further the intent to avoid incompatibility between such temporary activities and the surrounding areas by regulating such activities so as to prevent or mitigate adverse effects associated with or resulting from such temporary uses.

B. Temporary use and temporary event permits are in addition to any other required city approvals, licenses, and inspections required by applicable laws or regulations.

18.60.020 Definitions.

“Temporary activity” shall mean both “temporary uses” and “temporary events.”

“Temporary event” shall mean an event of a limited duration.

“Temporary use” shall mean the use of a property that is not meant to be permanent in nature, but may be approved for a period of up to one year.

18.60.030 Allowed Temporary Uses and Temporary Events.

The temporary activities set forth in this Chapter may be allowed, subject to the issuance of a temporary use or temporary event permit by the Director. Conditions may be imposed on these permits to ensure compliance with the required findings set forth in Section

18.60.080. Uses other than the following shall comply with the use and development regulations and permit requirements that otherwise apply to the property.

18.60.040 Temporary Uses

A. The following temporary uses may be allowed upon approval of a temporary use permit issued by the Community Development Director.

1. *Construction yards.* Off-site contractor construction yards including the storage of building materials, in conjunction with an approved construction project within the City limits. The permit shall expire upon completion of the construction project or the expiration of the companion building permit authorizing the construction project.

2. *Residence.* A mobile home as a temporary residence of the property owner when a valid building permit for a new single-family dwelling is in force. In addition, a mobile home may be used as a temporary residence of the property owner when a valid building permit has been issued for the remodel of a single family dwelling and the Building Official has determined that the extent of such remodel would prevent the safe occupancy of the dwelling. The Temporary Use Permit may be approved for up to 1 year, or upon expiration of the building permit, whichever occurs first.

3. *Temporary real estate sales offices.* A temporary real estate sales office may be established within the area of an approved development project or other location within 1,250 feet, solely for the first sale of homes. A permit for a temporary real estate office may be approved for up to 1 year.

4. *Temporary work trailers.* A trailer or mobile home as a temporary work site for employees of a business may be allowed:

a. During construction or remodeling of a permanent commercial or industrial structure, when a valid building permit is in force up to 1 year, or upon expiration of the building permit, whichever occurs first; or

b. For a temporary office occupied only by employees of a business or manufacturer conducting business on property not normally open to the general public for up to 1 year;

c. Upon demonstration by the applicant that this temporary work site is a short-term necessity while a permanent work site is being obtained for up to 1 year.

5. *Similar temporary uses.* Similar temporary uses that, in the opinion of the Director, are compatible with the zoning district and surrounding land uses.

B. When a request for an extension of time within which to comply with any requirement or condition imposed pursuant to the provisions of this chapter is filed for approval, a fee in an amount established by city council resolution shall be paid for the purpose of defraying the costs incidental to the processing of such request.

18.60.050 Temporary Events

A. Temporary Events. The following events may be allowed upon approval of a temporary event permit by the Community Development Director and as summarized in Table 18.60-1 below:

1. *Grand opening.* An event which involves activities outside of the normal business activities, to identify the opening of a new business, the change of ownership for an existing business, or the change of name for an existing business.

a. A grand opening event may last for up to four days.

b. No more than two grand openings shall be allowed per business address in a 12 month period.

c. An event does not include minimal activities such as putting up a temporary banner or having a ribbon cutting ceremony.

2. *Special event.* A temporary event for the use of a premise for an activity that is unrelated to or exceeds the scope of the business licensed and approved for such premises. Special events may be indoors or outdoors and include swap meets, fairs, festivals, flea markets, car shows, and auto dealer sales events. Special events shall be subject to the following:

a. A special event may last up to four days.

b. The applicant for the event shall be responsible for payment of all business license fees to the City in accordance with Title 5 of this Code and shall comply with the California Department of Tax and Fee Administration relating to Operators of Swap Meets, Flea Markets, or Special Events.

c. No special event may include services of any type that requires a state license or certificate unless the person performing such services has a copy of the required license or certificate and a government issued identification on their person at all times services are being provided.

3. *Outdoor sales events.* Unless exempt pursuant to Section 18.60.100, temporary events related to an existing business with temporary outdoor sale of merchandise in any commercial or industrial zoning district, in compliance with the following provisions:

- a. The merchandise displayed shall be that customarily sold at the business premises;
 - b. The site is used for a permanently established business holding a valid business tax certificate as required; and
 - c. Such events may take place four times in a twelve month period for up to four days per event.
4. *Farmer's Markets.* Both certified and noncertified Farmer's Markets may be permitted in compliance with the following provisions:
 - a. The applicant for the event shall be responsible for payment of all business license fees to the City in accordance with Title 5 of this Code and shall comply with the California Department of Tax and Fee Administration relating to Operators of Swap Meets, Flea Markets, or Special Events.
 - b. A certified Farmer's Market shall be authorized by the County of Los Angeles Agricultural Commissioner and sponsored by a non-profit organization or a local governmental entity. Certified Farmer's Markets may operate twice a week throughout each calendar year.
 - c. A noncertified Farmer's Market may operate four times a year for up to three days for each event.
5. *Seasonal sales lots.* Seasonal sales activities for pumpkin patches and Christmas tree lots, including temporary security trailers, on nonresidential properties, in compliance with the following:
 - a. Sales activity shall only take place between September 15 and December 31.
 - b. The sales activity may be approved for a maximum of 45 days.
 - c. An applicant may apply for a permit for both a pumpkin patch and a Christmas tree lot at the same time.
6. *Food distribution events.* Food distribution in compliance with the following:
 - a. The food distribution must take place in conjunction with a non-profit organization;
 - b. The distribution shall be limited to walk-up events;

c. There must be adequate parking on-site as determined by the Community Development Director based on the time of the event, the location, and the number of people expected;

d. Food distribution events may operate twice a week throughout the calendar year.

7. *Similar temporary events.* Similar temporary events that, in the opinion of the Director, are compatible with the zoning district and surrounding land uses.

Table 18.60-1 - Temporary Event Table

Temporary Event Type	Maximum Number of Days Per Event	Maximum Number of Similar Events per 12 month period
Grand Opening	4 days	2 per business address
Special event	4 days	12
Outdoor sales events	4 days per event – with a maximum of four outdoor sales event in a 12 month period	4
Certified Farmer’s Market	2 days a week, need not be consecutive	No maximum
Non-certified Farmer’s Market	3 days	4
Walk-up food distribution in conjunction with a non-profit	2 days a week, need not be consecutive	No maximum
Seasonal sales lots – pumpkin patches and Christmas Trees	45 days each	Limited to September 15 through December 31 of each calendar year

B. Except for certified farmer’s markets and walk-up food distribution events in conjunction with a non-profit, there may not be more than 12 temporary events of any combination that takes place at any single property address in a 12 month period.

C. Alcohol sales and service may be allowed where the applicant has obtained the required permit from the Department of Alcoholic Beverage Control by the time of the event.

D. Food and drink sales and service may be allowed provided they are served in compliance with applicable laws, including required permits for sale or distribution of food and drinks.

18.60.060 Application.

A. An application for both a temporary use permit or temporary event permit shall be filed by the owner, lessee or other person having the right to the possession of the land

for which the permit is sought. At a minimum, the application for either of these permits shall contain the following information:

1. The name, address, phone number and e-mail address of the applicant;
2. Evidence in the form of an official or governmental agency issued document or identification card that the applicant is eighteen (18) years of age or older or in instances involving alcohol sales twenty-one (21) years of age or older;
3. Property owner authorization along with the name, residence address, email address, and telephone number of the property owner on whose property the temporary activity will take place;
4. The proposed dates of the temporary activity;
5. A plot plan drawn to scale and which designates all land uses on the property, the location of the proposed temporary activity/facility, utility connections, yards, off-street parking, and other information which the planning division may require; and
6. Any supplemental information deemed necessary by the Director to determine whether the application should be granted, conditioned or denied.

B. Applications for temporary events shall include the following additional information:

1. A detailed description indicating all components of the temporary activity such as rides, entertainment, amplified music, canopies, tents, inflatable devices, jump tents, temporary banners, displays and sales, portable toilets;
2. A parking plan which may include off-site parking locations, shuttles, and valet parking;
3. Expected number of attendees;
4. The daily hours of the temporary activity;
5. Additional dates needed for set-up and tear down.

C. Filing Fees. The applicant shall pay a filing fee established by City Council resolution to defray the costs incurred by the city in processing the temporary use permit application.

D. Indemnification. The applicant shall be required to sign an indemnification and/or hold harmless agreement with the city.

E. Timing of Application. Applications which are filed within the following time frames shall be acted upon by the Director at least one day before the scheduled event.

1. Applications for temporary uses, filed a minimum of 21 business days before the desired start date.
2. Applications for temporary events filed a minimum of 10 business days before the desired start date.

F. No application shall be accepted and processed unless all of the required information is provided and completed, as required by this chapter.

18.60.070 Director's Decision.

A. The Director shall review the application, consult with those departments of the city which might have an interest in or jurisdiction over some aspect of the proposed temporary use, and make any necessary investigation.

B. After review and consultation, the Director shall approve, conditionally approve, or deny the application for the temporary use or temporary event permit.

C. In approving an application, the Director may impose such conditions as deemed necessary to protect the public health, safety and welfare in order to make the required findings set forth in Section 18.60.080. Such conditions may involve any pertinent factors affecting the operation of such temporary activity. In addition to such other conditions as the Director may impose, it shall also be deemed a condition of every temporary use or temporary event permit, whether such condition is set forth in the permit or not, that such approval shall not authorize the construction, establishment, alteration, moving onto, or enlargement of any permanent building, structure or facility.

1. Conditions may be imposed to require the provision of the following, which is not meant to be an all-inclusive list:
 - a. Sanitary and medical facilities;
 - b. Security and safety measures;
 - c. Solid waste collection and disposal.
2. Conditions may be imposed to regulate the following, which is not meant to be an all-inclusive list:
 - a. Nuisance factors;

- b. Operating hours and days, including limitation of the duration of the use or event to a shorter time period than that requested;
 - c. Temporary signs;
 - d. Temporary structures and facilities, including height, placement, and size, and the location of equipment and open areas.
3. All permits shall be conditioned to provide that the site shall be cleaned of debris, litter, or any other evidence of the temporary activity upon completion or removal of the activity and to require that the temporary activity be removed and the site restored as necessary to ensure that no changes to the site will occur.

18.60.080 Findings.

The following findings shall be made in order for the Director to approve a temporary use or temporary event permit:

- A. The proposed site is adequate in size and shape to accommodate such temporary activity without material detriment to the use, enjoyment or valuation of the property of other persons located in the vicinity of the site;
- B. Sufficient off-street parking spaces, which may include off-site locations, shuttles, or valet parking, are provided;
- C. The proposed site is adequately served by streets or highways having sufficient width and improvements to accommodate the kind and quantity of traffic that such temporary activity will or could reasonably generate;
- D. The proposed activity will not interfere with any other temporary activity for which a permit has already been approved or with the provision of City services in support of other scheduled activities;
- E. The use or event will comply with all applicable provisions of local, state and federal laws and regulations.
- F. The proposed activity will not be detrimental to the public peace, health, safety or welfare;
- G. None of the grounds set forth in Section 18.60.090 exist.

18.60.090 Grounds for Denial.

An application shall be denied if any of the following grounds exist:

- A. The information contained in the application or supplemental information requested from the applicant is found to be materially false, or such information is incomplete;
- B. The applicant or the person or entity on whose behalf the application for the permit was made has failed to conduct a previously authorized activity in accordance with the law or the terms of the permit, or both;
- C. The applicant or the person or entity on whose behalf the application for permit was made, has outstanding and unpaid debts to the City;
- D. The applicant fails to complete the indemnification and hold harmless requirements as prescribed by this chapter; or
- E. Where conditions of a previous temporary use or temporary event permit issued to the applicant were violated, or where any City ordinance, rule or regulation was violated within the past twenty-four months.

18.60.100 Exemptions.

- A. The following temporary activities shall be exempt from the provisions of this chapter:
 - 1. Circuses and carnivals;
 - 2. Fireworks stands;
 - 3. Garage sales;
 - 4. On-site contractor's construction yards, in conjunction with an approved construction project. The activity shall cease upon completion of the construction project, or the expiration of the building permit authorizing the construction project;
 - 5. Promotional activities related to the primary product lines of a retail business, and similar activities (e.g., book readings and signings at book stores, opening receptions at art galleries); and
 - 6. Any other use or event which requires a separate permit from the City.
- B. This chapter shall also not apply to the outdoor display of merchandise located within 10 feet of the main structure provided that the total display area is not located in any parking space, does not interfere with required pedestrian access, and does not create a public safety issue.

18.60.110 Revocation of permits.

A. The Director may revoke or suspend, in whole or in part, a temporary event or temporary use permit at any time if the Director finds: (1) the activity constitutes a public nuisance or disturbs the peace; (2) the activity is injurious to the public peace, health, safety or welfare; (3) the activity is conducted contrary to the permit, permit conditions, any State or City law or rules and regulations adopted by the City Council or the City Manager, or Director governing special events; (4) the applicant, or his or her agent(s) or representatives, has willfully made false or misleading statements in the application or any other document required pursuant to this chapter.

B. Revocation or suspension shall become effective immediately upon delivery of a written notice to the person in immediate charge of the activity or portion thereof affected by such act. The notice of such revocation or suspension shall specify the reasons therefor. The Director may, for good cause, cancel and make null and void any revocation or suspension action, or written notice ordering the same, but in all cases he or she shall promptly take such steps as are necessary to inform appropriate City officials of the action taken, and of the reason or reasons therefor.

C. Upon revocation or suspension of a temporary use or temporary event permit, the permittee and any parties under the permittee's control shall immediately cease operation of the activities subject to revocation or suspension. In the event that the permit is suspended, the permittee may resume operation once the suspension period has expired or canceled.

18.60.120 Appeals.

A. Any person or body, public or private, may appeal the decision of the Director to the City Manager. Such appeal shall be filed with the planning division within ten days after the date of the decision of the Director. Upon the receipt of such an appeal, the City Manager or the City Manager's designee shall hold a hearing no later than the third business day after the filing of the appeal, and will render a written decision no later than the next business day after hearing the appeal. The City Manager's decision is final. The written decision of the City Manager shall be served upon the applicant or permittee.

B. A fee shall be paid at the time of the filing of the notice of appeal.

18.60.130 Unlawful to use City name without authorization.

It is unlawful for any applicant to use in the title of the event the words "The City of Gardena" or "City of Gardena" in a manner that can be reasonably interpreted to imply that the event is sponsored or endorsed by the City or to use the facsimile of the seal or logo of the City of Gardena without the City's written authorization.

SECTION 2. Section 5.04.160.A of the Gardena Municipal Code relating to permit procedures is hereby amended to read as follows:

A. Application of Section. No person shall engage in, conduct, or carry on, or permit to be engaged in, conducted or carried on in any location within the city, a business or occupation for which a permit is required, without first having obtained the required permit in addition to the businesses license. No business license shall be issued for any business for which a permit is required pursuant to this Title until the permit is obtained. The procedures set forth in subsections B through L of this section shall apply to any business or occupation for which permit approval by the community development director or the city council is required under this Title, unless a more specific permit application procedure applies¹.

SECTION 3. Section 5.04.278.A of the Gardena Municipal Code relating to annual and periodic events is hereby amended to read as follows:

A. Notwithstanding Section [5.04.275](#) above, in the case of periodic events which occur more than once a year but which do not take place on a regular daily basis, the sponsor of the event may obtain a license and any permit required by this Title or Chapter 18.60 for all approved vendors included in the event and pay a fee for the business license based upon gross receipts pursuant to Section [5.08.510](#) of this code.

SECTION 4. Section 5.08.170.B of the Gardena Municipal Code relating to circuses and carnivals is hereby amended to read as follows:

B. Permit Required. Prior to operating any circus or carnival, a permit shall first be obtained from the City Council in accordance with the provisions of Section [5.04.160](#) of this Code. The application shall be filed no later than thirty-five days prior to the scheduled event. No background check shall be required of the applicant. A list of all employees and their date of birth shall accompany the application. ~~Additionally, a temporary use permit shall be required pursuant to Chapter [18.60](#) of this Code for any circus or carnival which lasts more than three days.~~

SECTION 5. Section 5.28.020 of the Gardena Municipal Code relating to permits for charitable and religious solicitations is hereby amended to read as follows:

5.28.020 Soliciting – Permits required.

No person, without first having applied for and received a permit from the city manager as provided in this chapter, shall make any appeal to the public for a charity or charitable or religious purpose either by soliciting or collecting gifts, contributions, donations or

subscriptions ~~or by promoting or conducting any sale, bazaar, or exhibition or by any other means whatsoever~~ at any place or to any person in the city; provided, however, the provisions of this section shall not apply to any person if the solicitations are conducted among the members of the soliciting agency thereof.

SECTION 6. Section 8.16.030.D of the Gardena Municipal Code relating to firework stands is hereby deleted.

D. [repealed] ~~At the time of filing the application for a permit to sell fireworks, pursuant to subsection C of this section, the fireworks distributor (“company”) involved with the applicant must simultaneously file an application for temporary use permit (TUP), and pay the requisite fees.~~

SECTION 7. Section 8.16.050 of the Gardena Municipal Code relating to firework stands is hereby amended to read as follows:

8.16.050 Permit applications – Notice of acceptance or rejection.

Applicants for any such permits shall be notified by the community development director, or their designee, by May 15th of the granting or rejection of such applications for fireworks stand ~~and Temporary Use Permits.~~

SECTION 8. Findings. In approving the changes to the Gardena Municipal Code set forth above, the City Council finds that adoption of this Ordinance is required for the public necessity, convenience, general welfare and good land use and zoning practices. This Ordinance will provide rules and regulations for processing temporary activities and allow the city to impose conditions for the protection of the public health, safety and welfare.

SECTION 9. CEQA. Adoption of this Ordinance is exempt under the common sense exemption of CEQA Guidelines section 15061(b)(3) where it can be seen that the project will not have any possibility of creating significant effects on the environment. The ordinance does not authorize any development and is merely sets forth policy and procedures. Moreover, CEQA Guidelines section 15304 allows minors alterations to land, including temporary uses having negligible and no permanent effects.

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

SECTION 12. 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 14th day of May 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. 1865** 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 **14th day of May 2024**, and that the same was so passed and adopted by the following roll call vote:

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

NOES: COUNCIL MEMBER FRANCIS

ABSENT: NONE

Becky Romero

City Clerk of the City of Gardena, California

(SEAL)