

**ORDINANCE NO. 1871**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA AMENDING SECTIONS OF CHAPTER 5.52 AND TITLE 18 OF THE GARDENA MUNICIPAL CODE RELATING TO SIGNIFICANT TOBACCO RETAILERS, CIGAR LOUNGES, AND HOOKAH LOUNGES AND MAKING A FINDING THAT THE ORDINANCE IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTION 15061(B)(3)**

**WHEREAS**, Tobacco consumption remains a pressing public health concern, with dire consequences evidenced by the premature deaths of 480,000 individuals annually in the United States due to smoking-related illnesses. This makes tobacco use the primary preventable cause of death. Its detrimental effects extend across nearly all bodily systems, contributing to 87 percent of lung cancer fatalities, 79 percent of chronic obstructive pulmonary disease (COPD) fatalities, and 32 percent of coronary heart disease fatalities. Globally, the World Health Organization estimates that tobacco is the leading cause of death, responsible for nearly 6 million deaths each year; and

**WHEREAS**, the City has seen a proliferation of Significant Tobacco Retailer businesses within the City, going from 10 in October 2021 to 16 in March 2023; and

**WHEREAS**, the City Council is concerned about this proliferation of businesses and the harmful effects of tobacco on the residents of the City; and

**WHEREAS**, the City has no specific regulations for Significant Tobacco Retailers that would protect minors; and

**WHEREAS**, it is the intent of the City Council to provide for the public's health, safety, and welfare in part by protecting youth from commencing the inherently dangerous activity of smoking, and protecting the public health and safety of the general public, while balancing business interests of existing City businesses; and

**WHEREAS**, young individuals are especially vulnerable to the addictive nature of tobacco products and are at a heightened risk of becoming lifelong users; and

**WHEREAS**, Cigar and hookah lounges enforce a strict policy of prohibiting individuals under the age of 21 from entering their premises; and

**WHEREAS**, on March 28, 2023, the City Council adopted an urgency ordinance placing a moratorium on all new significant tobacco retailers in the City in accordance with Government Code section 65858; and

**WHEREAS**, on May 9, 2023, the City Council held a duly noticed public hearing and adopted an extension of the urgency ordinance in accordance with Government Code section 65858; and

**WHEREAS**, on March 12, 2024, the City Council held an additional duly noticed public hearing and adopted a further extension of the urgency ordinance which will expire on March 27, 2025; and

**WHEREAS**, the City Council has determined that in order to protect the public health, safety and welfare, it would like to prohibit any future significant tobacco retailers from locating in the City and wants to make clear that significant tobacco retailers does not include hookah lounges and cigar lounges; and

**WHEREAS**, on April 2, 2024, the Planning Commission held a duly noticed public hearing on this Ordinance 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. 7-24 recommending that the City Council adopt this Ordinance; and

**WHEREAS**, on April 23, 2024 the City Council of the City of Gardena, California held a duly noticed public hearing;

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

**SECTION 1.** Sections 5.52.010, 5.52.020 and 5.52.090 of Chapter 5.52 of the Gardena Municipal Code are hereby amended to read as follows; all other sections remain the same:

5.52.010 Definitions.

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Arm's length transaction" means a sale in good faith and for valuable consideration that reflects the fair market value in the open market between two informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this chapter is not an arm's length transaction.

B. "Cigar" means any roll of tobacco wrapped entirely or in part in tobacco or in any substance containing tobacco, and includes all of the component parts of the cigar (including but not limited to tobacco, filters, or wrapping). For the purposes of this section, "cigar" includes, but is not limited to, tobacco products labeled "cigar," "cigarillo," "tiparillo," "little cigar," "blunt," or "blunt wrap."

C. "Cigar lounge" shall have the same meaning as that set forth in Chapter 18.04 of this Code.

D. “Hookah lounge” shall have the same meaning as that set forth in Chapter 18.04 of this Code.

EE. “Person” means any natural person, partnership, cooperative association, corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

FD. “Proprietor” means a person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a fifty percent or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day-to-day operations of a business.

GE. “Self-service display” means the open display of tobacco products or tobacco paraphernalia in a manner that is accessible to the general public without the assistance of the retailer or employee of the retailer. A vending machine is a form of self-service display.

HF. “Significant tobacco retailer” shall have the same meaning as that set forth in Chapter 18.04 of this Code. ~~means any tobacco retailer for which the principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by any of the following: twenty percent or more of the floor or display area is devoted to tobacco products, tobacco paraphernalia, or both; sixty seven percent or more of gross sales receipts are derived from tobacco products, tobacco paraphernalia, or both; or fifty percent or more of completed sales transactions include tobacco products or tobacco paraphernalia.~~

IG. “Smoking” means possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including a lighted pipe, cigar, hookah pipe, or cigarette of any kind), the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including a pipe, cigar, hookah pipe, or cigarette of any kind), or the use of an electronic cigarette.

JH. “Tobacco paraphernalia” means cigarette papers or wrappers, pipes, electronic cigarettes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

KI. “Tobacco product” means: (1) any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, bidis, or any other preparation of tobacco; and (2) electronic cigarette cartridges and any other product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any product specifically approved by the United States Food and Drug Administration for use in treating nicotine or tobacco product dependence.

LJ. “Tobacco retailer” means any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products, or tobacco paraphernalia, or who distributes free or low cost samples of tobacco products or tobacco paraphernalia. “Tobacco retailing” shall mean the doing of any of these things. This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange. Tobacco retailer includes cigar and hookah lounges.

MK. “Vending machine” means a machine, appliance, or other mechanical device operated by currency, token, debit card, credit card, or any other form of payment that is designed or used for vending purposes, including, but not limited to, machines or devices that use remote control locking mechanisms.

NL. “Electronic cigarette” or “e-cigarette” means a device, often shaped like a cigarette, cigar or pipe, that is designed to deliver nicotine or other substances to a user in the form of a vapor. Typically, e-cigarettes consist of battery-powered heating elements and replaceable cartridges that contain nicotine or other chemicals, and an atomizer that, when heated, converts the contents of the cartridge into a vapor that a user inhales.

#### **5.52.020 Tobacco retailer permit required.**

A. It shall be unlawful for any person to act as a tobacco retailer without first obtaining and maintaining a valid tobacco retailer permit pursuant to this chapter for each location at which that activity is to occur. Tobacco retailing without a valid tobacco retailer permit is a public nuisance.

B. A tobacco retailer without a valid tobacco retailer permit, including, for example, a person whose permit has been revoked:

1. Shall keep all tobacco products and tobacco paraphernalia out of public view. The public display of tobacco products or tobacco paraphernalia in violation of this provision shall constitute tobacco retailing without a permit and the tobacco retailer shall not be eligible to apply for or be issued a permit as set forth in Section [5.52.120](#).

2. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products from the tobacco retailer’s location or that could lead a reasonable consumer to believe that such products can be obtained at that location.

C. Nothing in this chapter shall be construed to grant any person obtaining and maintaining a tobacco retailer permit any status or right other than the right to act as a tobacco retailer at the location in the city identified on the face of the permit. For example, nothing in this chapter shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including, but not limited to, any provision of this code including without limitation the zoning ordinance, building codes, and business license ordinance, or any condition or limitation on smoking in an enclosed place of

employment pursuant to California Labor Code Section [6404.5](#). For example, obtaining a tobacco retailer permit does not make the retailer a retail or wholesale tobacco shop for the purposes of California Labor Code Section [6404.5](#).

D. As of June 14, 2024, no tobacco retailer permit shall be issued for a significant tobacco retailer. Significant tobacco retailers may continue to renew their permit on an annual basis for as long as there is a significant tobacco retailer business in existence at the given location.

### **5.52.090 Other requirements and prohibitions.**

A. Lawful Business Operation. In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a permit has been issued, it shall be a violation of this chapter for a permittee, or any of the permittee's agents or employees, to:

1. Violate any local, state, or federal law applicable to tobacco products, tobacco paraphernalia, or tobacco retailing.
2. Violate any local, state, or federal law regulating exterior, storefront, window, or door signage.

B. Display of Permit. Each tobacco retailer permit shall be prominently displayed in a publicly visible location at the permitted location.

C. Positive Identification Required. No person engaged in tobacco retailing shall sell or transfer a tobacco product or tobacco paraphernalia to another person who appears to be under the age of twenty-seven years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product or tobacco paraphernalia.

D. Minimum Age for Persons Selling Tobacco. No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products shall engage in tobacco retailing.

E. Self-Service Displays Prohibited. No tobacco retailer shall display tobacco products or tobacco paraphernalia by means of a self-service display or engage in tobacco retailing by means of a self-service display.

F. Sale of Single Cigars Prohibited.

1. Notwithstanding any other provision of this chapter, no tobacco retailer shall sell, offer for sale, or exchange for any form of consideration:
  - a. Any single cigar, whether or not packaged for individual sale;

- b. Any number of cigars fewer than the number contained in the manufacturer's original consumer packaging designed for retail sale to a consumer; or
- c. Any package of cigars containing fewer than five cigars.

2. This section does not apply to the sale or offer for sale of a single cigar or multiple individual cigars by a significant tobacco retailer or by a cigar lounge.

**SECTION 2.** Chapter 18.04 of the Gardena Zoning Code is hereby amended by adding the following definitions in alphabetical order.

"Cigar lounge" means an establishment where patrons gather to socialize or smoke cigars, whether purchased on the premises or elsewhere.

"Hookah lounge" means a social establishment where patrons share shisha (flavored tobacco) from a communal hookah or from one placed at each table or a bar.

"Significant tobacco retailer" means any tobacco retailer for which the principal or core business is selling tobacco products, tobacco paraphernalia, or both, as evidenced by any of the following: twenty percent or more of the floor or display area is devoted to tobacco products, tobacco paraphernalia, or both; sixty-seven percent or more of gross sales receipts are derived from tobacco products, tobacco paraphernalia, or both; or fifty percent or more of completed sales transactions include tobacco products or tobacco paraphernalia. "Significant tobacco retailer" does not include a cigar lounge or hookah lounge.

**SECTION 3.** Sections 18.19.040 and 18.19.050 of the Gardena Zoning Code relating to uses allowed in the Mixed Use Overlay (MUO) Zone are hereby amended to read as follows:

**18.19.040 Uses permitted subject to a conditional use permit.**

The following uses may be permitted in a mixed use development under a conditional use permit in accordance with the procedures set forth in Chapter [18.46](#):

- A. Bars and nightclubs;
- B. Restaurants, coffee shops (drive-thru);
- C. Supermarkets;
- D. Public assembly:
  - 1. Lodges and meeting halls,

2. Museums,

3. Theaters (cinema and otherwise);

E. Pharmacies (drive-thru);

F. Health clubs of more than ten thousand square feet;

G. Retail sales and service:

1. Clothing stores of more than five thousand square feet,

2. Department and furniture stores of more than five thousand square feet,

3. Hardware and paint stores of more than five thousand square feet,

4. Television, radio, and home appliance stores of more than five thousand square feet;

H. Computer internet and amusement facilities;

I. Live-work in conjunction with:

1. Restaurants; or

2. Any use that may result in exterior or interior noise levels in excess of city residential noise standards;

J. Churches;

K. Massage establishments that are not otherwise subject to an exception pursuant to Section [5.48.030](#), except no massage establishment shall be allowed to locate in a live-work unit.

[L. Cigar and hookah lounges in compliance with section 18.46.030C.30.](#)

**18.19.050 Uses prohibited.**

A. All uses not listed in Sections [18.19.030](#) and [18.19.040](#) are deemed to be expressly prohibited in the MUO zone, except those determined to be similar pursuant to the provisions of Section [18.42.040](#);

B. Home sharing rentals; and

C. Short-term rentals.

D. Significant tobacco retailers.

**SECTION 4.** Section 18.19A.050 relating to uses prohibited in the Artesia Mixed Use (AMU) zone is hereby amended to read as follows:

**18.19A.050 Uses prohibited.**

All uses not listed in Sections [18.19A.030](#) and [18.19A.040](#) are deemed to be expressly prohibited, except those determined to be similar pursuant to the provisions of Section [18.42.040](#). No similar use determination may be made for the following specific uses, which are deemed to be either incompatible with the uses permitted in the ~~C-~~ 3AMU zone ~~and are therefore prohibited~~ or otherwise prohibited:

A. Residential.

1. Any residential units other than live-work north of Main Street;
2. Home sharing rentals; and
3. Short-term rentals.

B. Commercial.

1. Any commercial uses other than live-work south of Main Street;
2. Fitness and training facilities.

3. Significant tobacco retailers.

C. Live-Work.

1. Industrial uses;
2. Wholesaling and warehousing;
3. Outdoor sales;
4. Adult-oriented businesses as defined by Section [18.62.020](#)(G).

**SECTION 5.** Sections 18.20.030 and 18.20.040 relating to uses allowed in the Commercial Residential (C-R) zone are hereby amended to read as follows:

**18.20.030 Uses permitted subject to a conditional use permit.**

The following uses, after a public hearing, may be permitted in accordance with the procedures set forth in Chapter [18.46](#):



A. Establishments serving alcoholic beverages for consumption on the premises provided the establishment of such a business would not adversely affect the health, safety and general welfare of the community;

B. Lodges and meeting halls;

C. Vocational colleges, such as barber and beauty colleges, modeling schools and medical training and trade schools;

D. 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;

E. Amusement arcades;

F. Churches and related facilities. Related facilities do not include day care facilities, schools (kindergarten through twelfth grade), and rectories, convents, parsonages or minister's residences; and

G. Those uses permitted with a conditional use permit, pursuant to Section 18.46.030C.

[H. Cigar and hookah lounges in compliance with section 18.46.030C.30.](#)

**18.20.040 Uses prohibited.**

The following uses are deemed to be incompatible with the uses set forth in Sections [18.20.020](#) and [18.20.030](#) and are therefore prohibited:

A. Motor vehicle dealerships;

B. Automobile service stations;

C. Car wash facilities;

D. Fast food and drive-in restaurants;

E. Industrial uses;

F. Motels and hotels;

G. Commercial uses other than those specifically listed or provided for in Sections [18.20.020](#) and [18.20.030](#);

H. Adult-oriented businesses as defined by Section [18.62.020](#);

I. It is unlawful to sell, contract to sell, offer to sell, display for the purpose of sale, or permit the sale of any vehicle from a vacant or unimproved lot. "Vehicle," as used in this subsection, means and includes everything so defined in the Vehicle Code of the state and, in addition, boats;

J. Swap meets;

K. Automobile repair facilities;

L. Home sharing rentals;

M. Short-term rentals; ~~and~~

N. Significant tobacco retailers; and

ON. Any other use not listed in Section [18.20.020](#), [18.20.025](#), or [18.20.030](#), except those determined to be similar pursuant to the provisions of Section [18.42.040](#).

**SECTION 6.** Sections 18.26.030 and 18.26.040 of the Gardena Zoning Code relating to uses allowed in the Business and Professional Office (C-P) zone are hereby amended to read as follows:

**18.26.030 Uses permitted subject to a conditional use permit.**

The following uses may be permitted in the C-P zone subject to a conditional use permit in accordance with the procedures set forth in Chapter [18.46](#) of this code:

A. Lodges and meeting halls;

B. Museums;

C. Office supply stores;

D. Public parking lots;

E. Establishments serving alcoholic beverages for consumption on the premises provided the establishment of such a business would not adversely affect the health, safety and general welfare of the community;

F. Group care facilities and community care facilities, but excluding community care facilities for residential uses for less than seven persons;

G. Vocational colleges, such as barber and beauty colleges, modeling schools and medical training and trade schools;

H. Health facilities;

I. Day care facilities;

J. Hospitals;

K. Amusement arcades;

L. Urgent care centers;

M. Massage establishments that are not otherwise subject to an exception pursuant to Section [5.48.030](#);

N. Churches and related facilities. Related facilities do not include day care facilities, schools (kindergarten through twelfth grade), and rectories, convents, parsonages or minister's residences;

O. Cigar and hookah lounges in compliance with section 18.46.030C.30:

PO. Those uses permitted with a conditional use permit, pursuant to Section 18.46.030C.

#### **18.26.040 Uses prohibited.**

The following uses are hereby expressly prohibited in the C-P zone, except as otherwise provided in Sections [18.26.020](#) and [18.26.030](#):

A. Residential uses;

B. Any combination of residential and nonresidential uses in any building or structure or on any lot;

C. Industrial uses;

D. Uses other than those specifically set forth or provided for in Sections [18.26.020](#) and [18.26.030](#), except those determined to be similar pursuant to the provisions of Section [18.42.040](#);

E. Outdoor sales, including sales of products from trucks, conducted on vacant lots and outdoor sales of products not related to the business conducted on the premises;

F. Adult-oriented businesses as defined by Section 18.62.020G;

G. It is unlawful to sell, contract to sell, offer to sell, display for the purpose of sale, or permit the sale of any vehicle from a vacant or unimproved lot. "Vehicle," as used in this subsection, means and includes everything so defined in the Vehicle Code of the state and, in addition, boats;

H. Significant tobacco retailers.

**SECTION 7.** Sections 18.30.030 and 18.30.040 of the Gardena Zoning Code relating to uses allowed in the Commercial (C-2) zone are hereby amended to read as follows:

**18.30.030 Uses permitted subject to a conditional use permit.**

The following uses may be permitted subject to issuance of a conditional use permit pursuant to the provisions of Chapter [18.46](#) of this code:

A. Establishments selling or serving alcoholic beverages for consumption on or off the premises;

B. Day care facilities;

C. Group care facilities and community care facilities, but excluding community care facilities for residential uses for less than seven persons;

D. Hospitals;

E. Amusement arcades;

F. Health facilities;

G. Massage establishments that are not otherwise subject to an exception pursuant to Section [5.48.030](#);

H. Urgent care centers;

I. Churches and related facilities. Related facilities do not include day care facilities, schools (kindergarten through twelfth grade), and rectories, convents, parsonages or minister's residences;

J. Self-service laundromats;

K. Supermarkets;

L. Cigar and hookah lounges in compliance with section 18.46.030C.30; and

~~ML~~. Those uses permitted with a conditional use permit, pursuant to Section 18.46.030C.

**18.30.040 Uses prohibited.**

All uses not listed in Sections [18.30.020](#) and [18.30.030](#) are deemed to be expressly prohibited, except those determined to be similar pursuant to the provisions of Section [18.42.040](#). No similar use determination may be made for the following specific uses, which are deemed to be ~~either~~ incompatible with the uses permitted in the C-2 zone or otherwise ~~and are therefore~~ prohibited:

A. Residential uses;

B. Any combination of residential and nonresidential uses in any building or structure or on any lot;

C. Hotels and motels;

D. Industrial uses;

E. Laboratories, other than medical and dental;

F. Wholesaling and warehousing;

G. ~~(Deleted)~~ Significant tobacco retailer;

H. Outdoor sales, including sales of products from trucks, conducted on vacant lots and outdoor sales of products not related to the business conducted on the premises;

I. Adult-oriented businesses as defined by Section 18.62.020G;

J. It is unlawful to sell, contract to sell, offer to sell, display for the purpose of sale, or permit the sale of any vehicle from a vacant or unimproved lot. "Vehicle," as used in this subsection, means and includes everything so defined in the Vehicle Code of the state and, in addition, boats;

K. Swap meets.

**SECTION 8.** Sections 18.32.030 and 18.32.040 of the Gardena Zoning Code relating to uses allowed in the General Commercial (C-3) zone are hereby amended to read as follows:

**18.32.030 Uses permitted subject to a conditional use permit.**

The following uses may be permitted in the C-3 zone subject to the issuance of a conditional use permit in accordance with the procedure set forth in Chapter [18.46](#):

- A. Car wash facilities;
- B. Establishments selling or serving alcoholic beverages for consumption on or off the premises;
- C. Group care facilities and community care facilities, but excluding community care facilities for residential uses for less than seven persons;
- D. Recreational vehicle storage facilities, provided they are not located on arterial and major collector streets;
- E. Motor vehicle dealerships;
- F. Hospitals;
- G. Day care facilities;
- H. Amusement arcades;
- I. Hotels and motels, subject to the requirements set forth in Section 18.46.030C.15;
- J. Amenity hotels, subject to the requirements set forth in Section 18.46.030C.29;
- K. Health facilities;
- L. Massage establishments that are not otherwise subject to an exception pursuant to Section [5.48.030](#);
- M. Urgent care center;
- N. Vocational colleges, such as barber and beauty colleges, modeling schools and medical training and trade schools;
- O. Churches and related facilities. Related facilities do not include day care facilities, schools (kindergarten through twelfth grade), and rectories, convents, parsonages or ministers' residences;
- P. Automobile service stations;
- Q. Self-service laundromats;
- R. Neighborhood markets;
- S. Health clubs;

T. Supermarkets;

U. Lodges and meeting halls;

V. Cigar and hookah lounges in compliance with section 18.46.030C.30;

~~WV~~. Those uses permitted with a conditional use permit, pursuant to Section 18.46.030C.

**18.32.040 Uses prohibited.**

All uses not listed in Sections [18.32.020](#) and [18.32.030](#) are deemed to be expressly prohibited, except those determined to be similar pursuant to the provisions of Section [18.42.040](#). No similar use determination may be made for the following specific uses, which are deemed to be either incompatible with the uses permitted in the C-3 zone ~~and are therefore~~ otherwise prohibited:

A. Residential uses;

B. Any combination of residential and nonresidential uses in any building or structure or on any lot;

C. Industrial uses;

D. Wholesaling and warehousing;

E. Outdoor sales, including sales of products from trucks, conducted on vacant lots and outdoor sales of products not related to the business conducted on the premises;

F. It is unlawful to sell, contract to sell, offer to sell, display for the purpose of sale, or permit the sale of any vehicle from a vacant or unimproved lot. "Vehicle," as used in this subsection, means and includes everything so defined in the Vehicle Code of the state and, in addition, boats;

G. Swap meets;

H. Adult-oriented businesses as defined by Section 18.62.020G;

I. Significant tobacco retailers-

**SECTION 9.** Sections 18.34.030 and 18.34.040 of the Gardena Zoning Code relating to uses allowed in the Heavy Commercial (C-4) zone are hereby amended to read as follows:

**18.34.030 Uses permitted subject to a conditional use permit.**

The following uses may be permitted in the C-4 zone subject to the issuance of a conditional use permit in accordance with the procedure set forth in Chapter [18.46](#):

- A. Car wash facilities;
- B. Establishments selling or serving alcoholic beverages for consumption on or off the premises;
- C. Recreational vehicle storage facilities;
- D. Amusement arcades;
- E. Hotels and motels, subject to the requirements set forth in Section 18.46.030C.15;
- F. Amenity hotels, subject to the requirements set forth in Section 18.46.030C.29;
- G. Health facilities;
- H. Group care facilities and community care facilities, but excluding community care facilities for residential uses for less than seven persons;
- I. Hospitals;
- J. Urgent care centers;
- K. Churches and related facilities. Related facilities do not include day care facilities, schools (kindergarten through twelfth grade), and rectories, convents, parsonages or ministers' residences;
- L. Motor vehicle dealerships;
- M. Automobile service stations;
- N. Self-service laundromats;
- O. Neighborhood markets;
- P. Supermarkets;
- Q. Health clubs;
- R. Lodges and meeting halls;
- S. Drive-in restaurant;



T. Drive-in theaters;

U. Golf driving range and golf pitch and putt courses;

V. Taxicab services;

W. Massage establishments that are not otherwise exempt from the requirements of Chapter [5.48](#);

X. Self-storage facilities; provided, that the self-storage units do not exceed more than seventy-five feet of ground floor street frontage on a major collector or arterial street, or are otherwise buffered by another allowed, or conditionally allowed, use, including a retail component of the facility, and subject to the requirements set forth in Section 18.46.030C.17; ~~and~~

Y. Cigar and hookah lounges in compliance with section 18.46.030C.30;

~~ZY.~~ Those uses permitted with a conditional use permit, pursuant to Section 18.46.030C.

#### **18.34.040 Uses prohibited.**

All uses not listed in Sections [18.34.020](#) and [18.34.030](#) are deemed to be expressly prohibited, except those determined by the commission to be similar pursuant to the provisions of Section [18.42.040](#). The following specific uses are deemed to be incompatible with the uses permitted in the C-4 zone ~~and are therefore~~ otherwise prohibited:

A. Residential uses;

B. Any combination of residential and nonresidential uses in any building or structure or on any lot;

C. Industrial uses;

D. Wholesaling and warehousing;

E. Commercial uses other than those specifically listed or provided for in Sections [18.34.020](#) and [18.34.030](#);

F. Outdoor sales, including sales of products from trucks, conducted on vacant lots and outdoor sales of products not related to the business conducted on the premises;

G. Adult-oriented businesses as defined by Section 18.62.020G of this code;

H. It is unlawful to sell, contract to sell, offer to sell, display for the purpose of sale, or permit the sale of any vehicle from a vacant or unimproved lot. "Vehicle," as used in this subsection, shall mean and include everything so defined in the Vehicle Code of the state and, in addition, boats;

I. Swap meets;

J. Significant tobacco retailers.

**SECTION 10.** Section 18.36.030 and 18.36.050 of the Gardena Zoning Code relating to uses allowed in the Industrial (M-1) zone are hereby amended to read as follows:

**18.36.030 Uses permitted subject to a conditional use permit.**

Provided all activities are within an enclosed building, unless otherwise provided, the following uses may be permitted in the M-1 zone, subject to the issuance of a conditional use permit in accordance with the procedures set forth in Chapter [18.46](#):

A. Ambulance services, provided they are not located on arterial and major collector streets.

B. Automobile repair facilities, provided they are not located on arterial and major collector streets.

C. Automobile service stations.

D. Building supply centers.

E. Car wash facilities.

F. Churches and related facilities, subject to the requirements set forth in Section 18.46.030C.16. Related facilities do not include day care facilities, schools (kindergarten through twelfth grade), and rectories, convents, parsonages, or ministers' residences.

G. Contractor businesses; provided they are not located on arterial and major collector streets.

H. Establishments selling or serving alcoholic beverages for off- or on-premises consumption.

I. Health facilities.

J. Hotels and motels, subject to the requirements set forth in Section 18.46.030C.15.

K. Amenity hotels, subject to the requirements set forth in Section 18.46.030C.29.

L. Recreational vehicle storage facilities, provided they are not located on arterial and major collector streets.

M. Self-storage facilities, at least five thousand feet from another similar facility and not located along a major collector or arterial street, subject to the requirements set forth in Section 18.46.030C.17.

N. Urgent care centers.

O. Warehouse uses subject to the requirements set forth in Section 18.46.030C.18.

P. Single room occupancy (“SRO”) residential units subject to the following requirements in addition to the other requirements of Chapter [18.46](#):

1. Each room shall have a minimum floor area of one hundred fifty square feet and a maximum floor area of three hundred fifty square feet, which may include bathroom and/or kitchen facilities.

2. Dwelling units shall be offered for rent on a monthly basis or longer.

3. An SRO unit shall accommodate a maximum of two persons.

4. Each SRO development shall provide a minimum common area of ten square feet for each unit or two hundred fifty square feet, whichever is greater. All common areas shall be within the structure. Dining rooms, meeting rooms, recreational rooms, or other similar areas approved by the community development director may be considered common areas. Shared bathrooms, kitchens, janitorial storage, laundry facilities, common hallways, and other similar types of areas shall not be considered as common areas.

5. If a full kitchen is not provided in each SRO unit, common kitchen facilities shall be provided in the development. A full kitchen includes a sink, refrigerator, and a stove, range top and/or oven.

6. Each SRO unit shall have a private toilet in an enclosed compartment with a door and a sink, in addition to a kitchen sink if one is provided. The compartment shall be a minimum of fifteen square feet. If private bathing facilities are not provided for each unit, shared shower or bathtub facilities shall be provided in accordance with the most recent edition of the California Building Code for congregate residences. However, in no event shall there be less than one full shower or bathtub for every three units, and shower and bathtub facilities shall be located on each floor. Shared shower and bathtub facilities shall be accessible from a common area or hallway and shall be provided with an interior lockable door.

7. Each SRO unit shall have a separate closet.

8. Laundry facilities shall be provided in a separate room at the ratio of one washer and dryer for every ten units, with at least one washer and dryer per floor.

9. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.

10. Parking shall be provided for an SRO facility at the rate of one parking space per unit plus an additional two spaces for the resident manager.

11. A management plan shall be submitted with the conditional use permit application for an SRO development, which shall be approved by the planning commission. The management plan must address management and operation of the facility, rental procedures, safety and security of the residents, and building maintenance. A twenty-four-hour resident manager shall be provided for any single-room occupancy with ten or more units. An on-site manager and a manager's office shall be provided for any SRO development with nine or less units; the manager must maintain hours in the office for at least thirty hours a week.

Q. Cigar and hookah lounges in compliance with section 18.46.030C.30.

**18.36.050 Uses prohibited.**

All uses not listed in Sections [18.36.020](#) and [18.36.030](#) are deemed to be expressly prohibited, except those determined to be similar pursuant to the provisions of Section [18.42.040](#). No similar use determination may be made for the following specific uses, which are deemed to be incompatible with the uses permitted in the M-1 zone and are therefore prohibited:

A. Cocktail lounges;

B. Displays and sales of motor vehicles from vacant or unimproved lots;

C. Outdoor sales conducted on vacant lots and not related to the business on the premises; ~~and~~

D. Residential uses; ~~and-~~

E. Significant tobacco retailers.

**SECTION 11.** Section 18.46.030 of the Gardena Municipal Code is hereby amended by adding a new C.30 to read as follows:

30. Cigar and hookah Lounges ("Lounge") as allowed in the MUO, C-R, C-P, C-2, C-3, C-4, M-1, and M-2 zones shall comply with the following requirements:

a. The Lounge has a valid tobacco retailers permit, pursuant to Chapter 5.52 of this Code;

b. Entry is prohibited to anyone under the age of 21 years and a sign is posted to that effect at the entrance;

c. No person who is obviously intoxicated or under the influence of any intoxicating drug or beverage shall be permitted entry;

d. The Lounge must have a stand-alone ventilation system that is not shared with any other business or any portion of the building in which the Lounge is located;

e. No advertisement, or display, of tobacco products shall be visible from the front of the business; and

f. The Lounge shall be in compliance with all City, state and federal laws and regulations.

**SECTION 12. 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. 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. As such, staff is directed to file a Notice of Exemption

**SECTION 13. 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 14. Certification.** The City Clerk shall certify to the adoption of this Ordinance.

**SECTION 15. Effective Date.** This Ordinance shall take effect on the thirty-first day after passage, and on that date Urgency Ordinance No. 1867 shall be of no further force or effect.

**SECTION 16. Effect on Existing Uses.** This Ordinance shall not apply to any cigar or hookah lounge that is legally existing as of April 23, 2024. Legally existing means that in addition to any required city licenses and permits, the business has the required state license and a tobacco retailers permit from the City.

PASSED, APPROVED AND ADOPTED this 14th day of May 2024.

*Tasha Cerda, Mayor*

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TASHA CERDA, Mayor

ATTEST:

*Mina Semenza*

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Mina Semenza, City Clerk

APPROVED AS TO FORM:

*Carmen Vasquez*

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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. 1871** 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 **14<sup>th</sup> day of May 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)