ORDINANCE NO. 1883

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GARDENA, CALIFORNIA AMENDING CHAPTER 18.13 OF THE GARDENA MUNICIPAL CODE RELATING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS AND MAKING A DETERMINATION THAT THE ORDINANCE IS EXEMPT FROM CEQA PURSUANT TO PUBLIC RESOURCES CODE SECTION 21080.17

WHEREAS, State law regarding Accessory Dwelling Units (ADUs) and Junior Accessory Dwelling Units (JADUs) has been continually amended by the State legislature; and

WHEREAS, the City of Gardena wishes to amend its provisions on ADUs and JADUs to be compliant with State law; and

WHEREAS, on May 6, 2025 the Planning Commission held a duly noticed public hearing 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, including the finding that adoption is exempt from CEQA; and

WHEREAS, on May 27, 2025, the City Council held a duly noticed public hearing at which time it considered all evidence presented, both written and oral;

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

SECTION 1. Chapter 18.13 of the Gardena Municipal Code is hereby amended to read as follows:

Chapter 18.13
ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS

18.13.010 Purpose.

A. In enacting this section, it is the intent of the city to encourage the provision of accessory dwelling units to meet a variety of economic needs within the city and to implement the goals, objectives, and policies of the housing element of the general plan. Accessory dwelling units provide housing for extended family members, students, the elderly, in-home health care providers, the disabled, and others, at below market prices within existing neighborhoods. Homeowners who create accessory dwelling units can benefit from added income, and an increased sense of security. Allowing accessory dwelling units in zones allowing residential uses provides needed additional rental housing. This chapter provides the requirements for the establishment of accessory

dwelling units consistent with California Government Code Sections 66310 through 66342.

B. For purposes of this chapter, “primary dwelling” shall mean as follows:

1. In the case of a single-family residential zone, the existing single-family dwelling, or the larger of two proposed units.

2. In the case of any other residential or mixed-use zone in which a single-family dwelling exists on the property, the existing dwelling.

3. In the case of multifamily or mixed-use zone which allows a residential use, the existing or proposed multifamily units.

C. For purposes of this chapter, words and phrases defined in Government Code Sections 66310 through 66342 shall have the same meaning when used in this chapter.

D. In cases of conflict between this chapter and any other provision of this title, the provisions of this chapter shall prevail. To the extent that any provision of this chapter is in conflict with state law, the mandatory requirement of state law shall control, but only to the extent legally required.

18.13.020 Applications – Junior and accessory dwelling units.

A. Applications for junior and accessory dwelling units shall be ministerially approved or denied within sixty days of receipt of a complete application and approved if they meet the requirements of this chapter.

1. If the application is submitted in conjunction with an application for a new single-family or multifamily dwelling, the application for the junior or accessory dwelling unit shall not be acted upon until the application for the new single-family or multifamily dwelling is approved.

2. If the application is denied, the city shall return a full set of comments in writing to the applicant with a list of items that are defective or deficient with a description of how the application can be remedied by the applicant. These comments shall be provided to the applicant within sixty days of a complete application.

3. If a detached garage is to be replaced with an accessory dwelling unit, the demolition permit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

4. The city shall grant a delay if requested by the applicant.

5. Notwithstanding the above, if the applicant uses a plan for an accessory dwelling unit that has been preapproved by the city or a plan that is identical to a plan used in an application for a detached accessory dwelling unit approved by the city within the current triennial California Building Standards Code cycle, the application shall be approved or denied within 30 days from the date of a complete application.

B. All applications for junior and accessory dwelling units shall be accompanied by an application fee.

C. Junior and accessory dwelling units shall be subject to applicable inspection and permit fees.

D. Neither an application for a junior nor an accessory dwelling unit shall be denied due to the need to correct nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the unit.

18.13.025 Unpermitted structures constructed prior to January 1, 2020.

A. Unless the local agency makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code, no application or permit shall be denied for an ADU or JADU that was constructed prior to January 1, 2020, based solely on either of the following:

1. The ADU is in violation of building standards pursuant to Article 1 of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code (commencing with Section 17960); or

2. The ADU does not comply with state law or the provisions of the Gardena Zoning Code regulating ADUs.

B. The provisions of subsection A shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.

C. Before submitting an application for a permit, the homeowner may obtain a confidential third-party code inspection from a licensed contractor to determine the unit's existing condition or potential scope of building improvements before submitting an application for a permit.

D. Upon receiving an application to permit a previously unpermitted ADU or JADU constructed before January 1, 2020, an inspector from the city may inspect the unit for compliance with health and safety standards and provide recommendations to comply with such standards in order to obtain a permit. The city shall not penalize an applicant for having the unpermitted ADU or JADU and shall approve necessary permits to correct noncompliance with health and safety standards.

E. No impact fees or connection or capacity charges shall be imposed on a homeowner applying for a permit for a previously unpermitted junior or accessory dwelling unit built before January 1, 2020, except when the utility infrastructure is required to comply with Health and Safety Code Section 17920.3 and authorized by Government Code Section 66324(e).

F. Enforcement. Until January 1, 2030, the city shall issue a statement along with a notice to correct a violation of any provision of any building standard relating to an accessory dwelling unit that provides substantially as follows:

You have been issued an order to correct violations or abate nuisances relating to your accessory dwelling unit. If you believe that this correction or abatement is not necessary to protect the public health and safety you may file an application with the Community Development Director. If the city determines that enforcement is not required to protect the health and safety, enforcement shall be delayed for a period of five years from the date of the original notice.

18.13.030 Zones/locations allowed.

A. Accessory dwelling units shall be allowed on all legally existing residentially zoned lots where a single-family dwelling exists or has been proposed.

B. Accessory dwelling units shall be allowed on all legally existing residentially zoned lots where an existing multifamily structure exists or has been proposed.

C. Accessory dwelling units shall be allowed on all legally existing mixed-use zoned lots where an existing single-family or multifamily dwelling exists or has been proposed.

D. Nothing herein is meant to override the provisions of conditions, covenants, and restrictions for a housing development project relating to accessory dwelling units to the extent such restrictions comply with state law.

E. An accessory dwelling unit may be constructed in an attached or detached garage or in an existing accessory structure.

18.13.040 General requirements.

A. Number. Unless otherwise allowed by Section 18.13.060(A), only one accessory dwelling unit may be allowed per residential lot.

B. Accessory dwelling units shall not be sold separately from the primary dwelling, except to the extent that the sale meets the requirements of Government Code Section 66341 with regard to a qualified nonprofit corporation.

C. Neither the accessory dwelling unit nor any other residence located on the property, nor any part thereof, shall be rented out for less than thirty-one consecutive calendar days.

D. *Repealed.*

E. Fees.

1. Impact fees.

a. No impact fee shall be imposed on any accessory dwelling unit less than 750 square feet in size.

b. For accessory dwelling units 750 square feet or greater, impact fees shall be charged proportionately in relation to the square footage of the primary dwelling.

c. All applicable public service and applicable recreation impact fees shall be paid prior to occupancy in accordance with Government Code Sections 66000 et seq. and 66012 et seq.

d. For purposes of this section, “impact fee” shall have the same meaning as set forth in Government Code Section 66324 .

2. Connection Fees/Capacity Charges.

a. An accessory dwelling unit shall not be considered to be a new residential use for purposes of calculating connection fees or capacity charges for utilities, including for water and sewer service, unless the accessory dwelling unit is being constructed with a new single-family dwelling.

b. For an accessory dwelling unit contained within a proposed or existing single-family dwelling meeting the requirements of Section 18.13.060A.1, the city shall not impose a connection fee or capacity charge, unless the unit is being constructed with a new single-family dwelling. For all other accessory dwelling units, the city shall charge a connection fee or capacity charge that is proportionate to the burden of the proposed accessory dwelling unit based on the size of the unit or number of plumbing fixtures.

F. Accessory dwelling units shall not count in determining density or lot coverage and are considered a residential use consistent with the existing general plan and zoning designation for the lot.

G. When an accessory dwelling unit is being proposed with a new primary dwelling unit, the city shall not issue a certificate of occupancy for an accessory dwelling unit before it issues a certificate of occupancy for the primary dwelling unit.

18.13.050 Development regulations.

A. Accessory dwelling units shall be required to comply with the objective development standards of the underlying zoning district and the applicable provisions of Chapter 18.42 unless superseded by a provision of this chapter or if such regulation prohibits the construction of an accessory dwelling unit of at least eight hundred square feet.

B. An accessory dwelling unit shall have a separate entrance from the primary dwelling which shall be located on a different plane than the entrance for the primary dwelling in the case of a single-family dwelling.

C. No passageway as defined in Government Code Section 66313 shall be required for the construction of an accessory dwelling unit.

D. Accessory dwelling units shall comply with all applicable building code requirements with the exception that fire sprinklers shall not be required in an accessory dwelling unit if they are not required for the primary dwelling and the construction of an

accessory dwelling unit shall not trigger a requirement for sprinklers to be installed in the primary dwelling.

E. Size.

1. The floor area of an attached or detached accessory dwelling unit shall not exceed eight hundred fifty square feet for a studio or one bedroom or one thousand square feet for a unit that contains more than one bedroom.

2. The minimum size of an accessory dwelling unit shall not be less than that allowed for an efficiency unit.

3. The development standards of this section shall be waived to the extent required in order to allow an accessory dwelling unit that is eight hundred square feet, that does not exceed the height requirements set forth in subsection F of this section, and has a minimum of four-foot side and rear yard setbacks.

F. Setbacks. Except as specified below, an accessory dwelling unit shall be required to comply with the setback requirements of the zone in which the unit is to be located.

1. No setback shall be required for an existing living area, or a legally existing accessory structure, including a garage, that is converted to an accessory dwelling unit or a new accessory dwelling unit constructed in the same location and built to the same dimensions as the existing structure.

2. No setback greater than four feet shall be required for side and rear yard setbacks for all other accessory dwelling units not covered by subsection F.1 of this section.

3. An attached or detached accessory dwelling unit shall be at least six feet from all other buildings on the lot or on any adjacent lot.

4. An attached or detached accessory dwelling unit shall be located behind the front yard setback, unless the accessory dwelling unit is being constructed in the exact location and to the same dimensions as a previously existing approved accessory structure, including an attached or detached garage. This requirement shall be waived to the extent that it prohibits an accessory dwelling unit of eight hundred square feet from being built with four-foot side and rear yard setbacks in compliance with all other development standards.

5. No portion of an accessory dwelling unit may encroach into any public or private easement such as a utility easement unless the easement holder has provided written permission to construct the accessory dwelling unit in the manner proposed. To establish a rebuttable presumption of compliance with this requirement, the applicant may provide a written declaration under penalty of perjury affirming compliance with this requirement. The declaration shall be in a form acceptable to the city attorney.

G. Height. The height of an accessory dwelling unit shall be as follows:

1. A height of sixteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multifamily dwelling unit.

2. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed single-family or multifamily dwelling unit that is within one-half mile walking distance of a major transit stop or a high-quality transit corridor. An additional two feet shall be allowed if required to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

3. A height of eighteen feet for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

4. A height of twenty-five feet or the height limit of the applicable zone that applies to the primary dwelling, whichever is lower, for an accessory dwelling unit that is attached to a primary dwelling unit or built above an existing garage. In no event shall the accessory dwelling unit exceed two stories.

5. An accessory dwelling unit may be built on top of a garage; provided, that the garage is maintained for parking and the total height of the structure does not exceed twenty-five feet. If an accessory dwelling unit is built pursuant to this provision, a declaration shall be recorded that the garage must be maintained for parking.

H. Parking.

1. Parking shall be required at the rate of one space for each accessory dwelling unit that contains at least one bedroom. No parking spaces shall be required for a studio unit or for an accessory dwelling unit created within an existing living space.

2. Parking spaces may be provided through tandem parking on an existing driveway; provided, that such parking does not encroach into the public sidewalk.

3. Parking spaces for accessory dwelling units may be provided in paved portions of setback areas; provided, that the amount of paving does not exceed the total amount of paving and hardscaped areas that are otherwise allowed by this title.

4. When a garage, carport, uncovered parking space, or covered parking structure is demolished or converted in conjunction with the construction of an accessory dwelling unit, such parking spaces need not be replaced.

5. Tandem parking and parking in setback areas shall not be allowed if the community development director makes specific findings that such parking is not feasible based upon specific site or regional topographical, or fire and life safety conditions.

6. Notwithstanding any other provision of this subsection H, no parking shall be required for the accessory dwelling unit if any of the following conditions apply:

a. The accessory dwelling unit is located within one-half mile walking distance of public transit;

b. The accessory dwelling unit is located within an architecturally and historically significant district;

c. The accessory dwelling unit is part of the proposed or existing primary dwelling or an existing accessory structure;

d. When on-street parking permits are required, but not offered to the occupant of the accessory dwelling unit;

e. When there is a car share vehicle located within one block of the accessory dwelling unit; or

f. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family or multifamily dwelling on the same lot, provided the ADU or parcel satisfies any other criteria listed in this subsection H.

I. Utilities.

1. All utility installations shall be placed underground.

2. For an accessory dwelling unit contained within an existing single-family dwelling meeting the requirements of Section 18.13.060(A)(1), the city shall not require the installation of a new or separate utility connection between the accessory dwelling unit and the utility unless the accessory dwelling is being constructed with a new single-family dwelling.

3. For all other accessory dwelling units other than those described in subsection (I)(2) of this section, the city shall require a new or separate utility connection between the accessory dwelling unit and the utility.

J. The number of curb cuts allowed shall be governed by the underlying zoning regulations.

K. An applicant may turn an existing single-family dwelling into the accessory dwelling unit and develop a new primary residence elsewhere on the lot if both structures meet all requirements of this chapter and the R-1 zone, including size limitations.

L. Affordability Information (RHNA). Applicants shall provide the city with all information reasonably requested by the city to allow the city to classify the ADU by income category for the city's annual housing report.

18.13.060 Mandatory approvals.

A. Notwithstanding any other provision of this chapter, the city shall ministerially approve an application for any of the following accessory dwelling units within a residential or mixed-use zone:

1. One accessory dwelling unit and one junior accessory dwelling unit within the existing or proposed space of a single-family dwelling or accessory structure.

a. An expansion of up to one hundred fifty square feet shall be allowed in an accessory structure solely for the purposes of accommodating ingress and egress.

b. The junior or accessory dwelling unit shall have exterior access separate from the existing or proposed single-family dwelling.

c. The side and rear setbacks shall be sufficient for fire and safety.

d. If the unit is a junior accessory dwelling unit, it shall comply with the requirements of Section 18.13.070.

2. One new detached accessory dwelling unit with minimum four-foot side and rear yard setbacks on a lot with an existing or proposed single-family dwelling; provided, that the unit shall not be more than eight hundred square feet and shall not exceed the height requirements set forth in Section 18.13.050(G)(1) through (3).

a. A junior accessory dwelling unit may be developed in conjunction with this type of detached accessory dwelling unit, provided it complies with the requirements of subsection (A)(1) of this section.

3. On a lot with a multifamily dwelling structure, up to twenty-five percent of the existing total multifamily dwelling units, but no less than one unit, shall be allowed within the portions of the existing structure that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages; provided, that each unit complies with state building standards for dwellings.

4. On a lot with a proposed multifamily dwelling structure, up to two detached units; provided that neither unit exceeds the height requirements set forth in Section 18.13.050(G)(1) through (3) and has at least four-foot side and rear yard setbacks.

5. On a lot with an existing multifamily dwelling structure, up to eight detached units, but in no event more than the number of existing units on the lot, provided that neither unit exceeds the height requirements set forth in Section 18.13.050(G)(1) through (3) and has at least four-foot side and rear yard setbacks.

B. For those junior/or accessory dwelling units which require mandatory approval, the city shall not require the correction of nonconforming zoning conditions.

C. The installation of fire sprinklers shall not be required in an accessory dwelling unit approved under this section if fire sprinklers are not required for the primary residence.

D. No unit approved under this section shall be rented for a period of 30 days or less.

18.13.070 Junior accessory dwelling units.

A. One junior accessory dwelling unit shall be allowed in an existing or proposed single-family dwelling, including in an attached garage. A junior accessory dwelling unit

may also be allowed on the same lot as an accessory dwelling unit permitted under Section 18.13.060A.1 or 2.

B. The junior accessory dwelling unit shall be required to contain at least an efficiency kitchen which includes a sink, cooking appliances and a food preparation counter and storage cabinets that are of reasonable size in relation to the junior accessory dwelling unit.

C. The junior accessory dwelling unit shall be required to have a separate entrance from the primary dwelling which shall be located on a different side of the home than the front door of the primary dwelling.

D. The junior accessory dwelling unit may, but is not required to, include separate sanitation facilities. If separate sanitation facilities are not provided, the junior accessory dwelling unit shall share sanitation facilities with the single-family residence and shall have direct access to the single-family residence from the interior of the dwelling unit.

E. No additional parking shall be required for a junior accessory dwelling unit.

F. Junior accessory dwelling units shall be required to comply with applicable building standards, except that fire sprinklers shall not be required if they were not required for the single-family residence.

G. The city shall not require the correction of a nonconforming zoning condition as a requirement for the junior accessory dwelling unit.

H. A deed restriction shall be required to be recorded on the property on which a junior accessory dwelling unit is constructed, which deed restriction which shall run with the land. The deed restriction shall provide for the following:

1. A prohibition on the sale of the junior accessory dwelling unit separate from the sale of the single-family residence;

2. A restriction that prohibits the junior accessory dwelling unit from being enlarged beyond five hundred square feet;

3. A restriction from renting either the junior accessory dwelling unit or the single-family dwelling or any part thereof for less than thirty-one consecutive calendar days;

4. A restriction that the owner resides in either the single-family dwelling or the junior accessory dwelling unit. Notwithstanding the foregoing, this restriction shall not apply if the owner of the single-family dwelling is a governmental agency, land trust, or housing organization;

5. A statement that the deed restrictions may be enforced against future purchasers;

6. A statement that the city shall be entitled to all legal and equitable remedies available under the law upon the default of any covenant in the deed restriction; and

7. A statement that the prevailing party shall be entitled to reimbursement of its reasonable attorneys' fees and costs.

I. For the purposes of applying any fire or life protection ordinance or regulation, or providing service water, sewer, or power, including a connection fee, a junior accessory dwelling unit shall not be considered to be a separate or new dwelling unit.

SECTION 2. **CEQA.** This Ordinance is exempt from CEQA pursuant to Public Resources Code Section 21080.17 which exempts ordinances implementing ADU ordinances.

SECTION 3. 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 4. 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.

SECTION 5. Effective Date. This Ordinance shall not become effective or be in force until thirty (30) days from and after the date of its adoption.

SECTION 6. HCD. The City Clerk shall send a copy of this Ordinance to the Department of Housing and Community Development as required by State law.

Passed, approved, and adopted this 10th day of June, 2025.

Tasha Cerda, Mayor

TASHA CERDA, Mayor

ATTEST:

Mina Semenza

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. 1883** 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 10h **day of June 2025,** and that the same was so passed and adopted by the following roll call vote:

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

NOES: NONE

ABSENT: NONE

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

(SEAL)