



STAFF REPORT ZONING ORDINANCE TEXT AMENDMENT NO. 25-05

TO: Planning Commission

FROM: Community Development Department

DATE: September 17, 2025

CASE NO.: Zoning Ordinance Text Amendment ("ZTA") No. 25-05
(CEQA Exemption Section 15303 (Class 3, New Construction or Conversion of Small Structures) and Public Resources Code Section 21080.17)

REQUEST: To adopt an ordinance enacting Zoning Ordinance Text Amendment ("ZTA") No. 25-05 amending Title 19 (Zoning) of the Commerce Municipal Code ("CMC") Chapter 19.07 to amend the accessory dwelling unit ("ADU") provisions to comply with state law.

LOCATION: City of Commerce – City Wide in Residential ("R") Zones

APPLICANT: City of Commerce

STAFF RECOMMENDATION:

Planning Commission of the City of Commerce ("Planning Commission") recommends that the City Council:

- 1) Adopt a Categorical Exemption under the provisions of the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the "CEQA Guidelines") (CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3)); and
- 2) Adopt the related ZTA as discussed herein.

PUBLIC HEARING NOTICE:

The Public Hearing Notice was published in the Los Cerritos News on August 28, 2025

ATTACHMENTS:

- A) Planning Commission Resolution No. PC 25-10
B) Ordinance No. _____



ENVIRONMENTAL ASSESSMENT:

The proposed zone ordinance text amendment is both categorically and statutorily exempt from the California Environmental Quality Act ("CEQA"). Under California Public Resources Code § 21080.17, CEQA does not apply to the adoption of an ordinance by a city or county implementing the provisions of section 65852.2 of the Government Code, which is California's ADU law and which also regulates junior ADUs ("JADUs"), as defined by § 65852.22. Therefore, the proposed ordinance is statutorily exempt from CEQA in that the proposed ordinance implements the state's ADU law. In addition to being statutorily exempt from CEQA, the proposed ordinance is also categorically exempt from CEQA under the Class 3 exemption set forth in state CEQA Guidelines §15303. The Class 3 exemption categorically exempts from CEQA, among other things, the construction and location of new, small structures and the conversion of existing small structures from one use to another. §15303 specifically lists the construction of appurtenant accessory structures and garages as examples of activity that expressly falls within this exemption. Here, the ordinance is categorically exempt under the Class 3 exemption because the ordinance regulates the conversion of existing structures into, and the new construction of, ADUs and JADUs, which are, by definition, structures that are accessory to a primary dwelling on the lot and which are limited in size.

BACKGROUND:

The California Department of Housing and Community Development (HCD) has recognized ADUs as an affordable form of housing because they do not require the purchase of additional land or significant new infrastructure. ADUs also provide homeowners with flexibility to create independent living areas for family members or renters, allowing seniors to age in place and enabling extended families to live nearby while maintaining privacy. Recent changes to state law have expanded and streamlined the development of ADUs and JADUs, requiring that local jurisdictions adopt regulations consistent with state standards.

On August 4, 2020, the City Council adopted Ordinance No. 761, which amended Title 19 (Zoning) of the CMC to comply with then-current state requirements for ADUs. Since that adoption, additional state laws have taken effect that further modify ADU and JADU requirements.

On May 2, 2024, HCD completed a review of Ordinance No. 761 and determined that the City's ordinance is outdated and no longer in compliance with state law. State law further specifies that any local ordinance that does not meet current statutory requirements is considered null and void, and that jurisdictions must thereafter apply the state standards directly.

To ensure local regulations remain valid and enforceable, the City must update its zoning provisions to conform with Government Code Sections 66310–66342. The

proposed ordinance amending the CMC is therefore necessary to bring the City's regulations into full compliance with state law.

ZONING ORDINANCE TEXT AMENDMENTS:

The following changes are recommended to the Commerce Zoning Ordinance, in order to be compliant with state law. Specifically, Section 19.07.090 will be repealed and replaced in its entirety and replaced with the language shown below. The proposed new language is underlined:

19.07.090 Accessory Dwelling Units and Junior Accessory Dwelling Units.

19.07.090. Adoption of Provisions of State Law Related to Accessory Dwelling Units and Junior Accessory Dwelling Units.

Sections 66310 - 66342 of the California Government Code are hereby adopted and made a part of this ordinance as though fully set forth herein.

REQUIRED FINDINGS:

Pursuant to CMC Section 19.39.310, the city council shall be required to make the following findings of fact before approving a change of zone or zoning ordinance text amendment:

1. **That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan.** *The proposed text amendment is consistent with the City of Commerce General Plan, as it would help to further the following policies, goals and objectives of the Plan. The proposed amendment would not only provide for consistency with state law as it relates to accessory dwelling units and junior accessory dwelling units, but it would allow for the City to count these units towards the Regional Housing Needs Assessment numbers for the City as identified in the Housing Element and contribute to the housing shortage in the area in general.*
2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The text amendment adopts state law by reference. State ADU law specifies the need for property owners to confirm compliance with building and fire regulations and required infrastructure prior to construction. Therefore, the proposed text amendment will ensure that there are no adverse impacts on surrounding properties.*
3. **That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The text amendment will*

bring the City's ADU and Junior ADU regulations into compliance with state law thus, would promote public health, safety and general welfare and serves the goals of Title 19 of the CMC.

RECOMMENDATION:

The Community Development Department recommends that the Planning Commission adopt the Resolution recommending the City Council 1) Adopt Categorical Exemption Section 15303 (Class 3, New Construction or Conversion of Small Structures) and Public Resources Code Section 21080.17; and 2) adopt the related ZTA as discussed herein.

Prepared by: Norma Lopez
Contract Planner

Reviewed by: Jessica Serrano
Community Development Department Director

Reviewed by: Anita Lakhani
Deputy City Attorney