

ATTACHMENT B
ORDINANCE NO. _____

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AN ORDINANCE OF THE CITY OF COMMERCE 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.

WHEREAS, pursuant to the City's police power, as granted broadly under Article XI, Section 7 of the California Constitution, the City Council has the authority to enact and enforce ordinances and resolutions for the public peace, morals, and welfare of the City and its residents; and

WHEREAS, consistent with such authority, the City enacted the Commerce Municipal Code ("CMC") and Commerce Zoning Code (Title 19 of the CMC) to, among other things, regulate the location and nature of land uses in the City; and

WHEREAS, on August 4, 2020, the City Council adopted Ordinance No. 761 which included amendments to Title 19 (Zoning) of the CMC to comply with recent changes in state law related to accessory dwelling units; and

WHEREAS, in order to further comply with state law, the City Council finds it necessary to amend its municipal code to ensure that its provisions conform to and align exactly with the requirements set forth under Sections 66310 - 66342 of the California Government Code; and

WHEREAS, this Ordinance is intended to promote consistency between the City's Municipal Code and state law, eliminate any conflicts or discrepancies, and ensure enforceability in accordance with state legal standards.

THE CITY COUNCIL OF THE CITY OF COMMERCE DOES ORDAIN AS FOLLOWS:

Section 1. Section 19.07.090 of the CMC, entitled Accessory Dwelling Units and Junior Accessory Dwelling Units, is hereby repealed and replaced to read as follows:

"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."

Section 2. 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.

Section 3. The City Council finds as follows:

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.*

Section 4. If any section, clause or phrase of this Ordinance is for any reason held to be unconstitutional, or otherwise invalid, such decision shall not affect the validity of the remaining sections of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared unconstitutional.

Section 5. This Ordinance shall take effect thirty (30) days after its adoption. The City Clerk is directed to certify to the enactment of this Ordinance and to cause this ordinance to be published and/or posted as required by law.

PASSED, APPROVED, AND ADOPTED this ___ day of September, 2025.

**IVAN ALTAMIRANO
MAYOR**

ATTEST:

**LENA SHUMWAY
CITY CLERK**