

ORDINANCE NO. 829

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE ENACTING ZONING ORDINANCE TEXT AMENDMENT (“ZTA”) NO. 25-05 AMENDING TITLE 19 (ZONING) CHAPTER 19.07 OF THE COMMERCE MUNICIPAL CODE (“CMC”) TO AMEND 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; and

WHEREAS, the City initiated the proposed Zoning Ordinance Text Amendment pursuant to CMC Section 19.39.280; and

WHEREAS, this Zoning Ordinance Text Amendment was reviewed by the Director of Community Development, in part, for consistency with the General Plan, and conformity with the CMC; and

WHEREAS, pursuant to and in accordance with provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq., (herein referenced to as “CEQA”)), the State of California Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code of Regs. Section 15000, et seq., (herein referred to as the “CEQA Guidelines”)), the City is the “lead agency” for the preparation and consideration of environmental documents for “projects”, as the term is defined in Section 15378 of the CEQA Guidelines; and

WHEREAS, it was determined that proposed Zoning Ordinance Text Amendment ensures the City has the necessary regulations to protect the public, health, and safety; and

WHEREAS, on September 17, 2025, a duly noticed public hearing of the City of Commerce Planning Commission was held and the Planning Commission recommended that the City of Commerce City Council adopt this Ordinance; and

WHEREAS, on October 8, 2025, the notice of public hearing was published in the Los Cerritos News, specifying the date, time, and location of the public hearing for ZTA No. 25-05, pursuant to California Government Code Section 65854; and

WHEREAS, on October 28, 2025, the City Council of the City of Commerce held a duly notice public hearing; and

WHEREAS, all other legal prerequisites for the adoption of this Ordinance were satisfied.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE AND ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct. They are incorporated herein as findings and a substantive part of this Ordinance.

Section 2. 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 3. 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 § 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 4. The City Council hereby makes the following findings of fact regarding the 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.*

Section 5. 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 6. Based upon the above findings, the City Council hereby take the following actions: 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 § 15303 Class 3 Categorical Exemption; and Public Resources Code § 21080.17 Statutory Exemption); and 2) adopt this Ordinance approving ZTA No. 25-05.

Section 7. 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.

[Signatures on the following page]

PASSED, APPROVED AND ADOPTED this 28th day of October 2025.

Ivan Altamirano, Mayor

ATTEST:

Melanie Park
Deputy City Clerk