

Kevin Lainez  
Ernesto Gonzalez  
Annelle Grajeda  
Evelyn Serfozo  
Johncito Peraza

Chairperson  
Vice Chairperson  
Commissioner  
Commissioner  
Commissioner



**COMMERCE CITY HALL**  
**Council Chambers**  
5655 Jillson Street  
Commerce, CA 90040  
Phone: (323) 722-4805  
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## AGENDA

### REGULAR MEETING OF THE PLANNING COMMISSION

**WEDNESDAY, SEPTEMBER 25, 2019 – 6:30 P.M.**

#### CALL TO ORDER

Chairperson Lainez

#### FLAG SALUTE / INVOCATION

Commissioner Peraza

#### ROLL CALL

#### PUBLIC COMMENT

*The public is given this opportunity to address the Planning Commission on any matter within its responsibility. Discussion or deliberation will not be entered into at this time in accordance with the Brown Act.*

#### SCHEDULED MATTERS

##### 1. Status Update

Staff will provide an update on the Bicycle and Pedestrian Master Plan.

Recommendation: Receive and file.

#### PUBLIC HEARINGS

For each of the following items the public will be given an opportunity to speak. After a staff report, the chair will open the public hearing. At that time the applicant will be allowed to present the case. Members of the public will then be allowed to speak. After all have spoken, the applicant will be allowed to summarize briefly, and then the hearing is closed. Commissioners may ask the speaker questions.

##### 2. Zoning Text Amendment (Citywide) – Home Occupation Permits – CONTINUED ITEM

City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

The Planning Commission will consider a Zone Text Amendment to change the review authority for Home Occupation Permits, and provide clarification on the applicability of Home Occupation Permit and the uses considered appropriate for such permits.

Current Commerce Municipal Code Section 19.39.820 (Initiation) and 19.39.830 (Proceedings) will be replaced in their entirety with 19.39.820 (Review Authority, Decision, Noticing, and Appeals) and 19.39.830 (Applicability). The proposed amendments will be applicable citywide.

Staff Recommendation: Approve a Resolution recommending that the City Council adopt the Ordinance.

## **COMMISSION REPORTS**

## **STAFF REPORTS**

## **ADJOURNMENT**

Adjourn in memory of long-time resident Richard Gutierrez.

Agenda and written materials are available for public inspection immediately following the posting of this agenda (at least 72 hours prior to a regular Planning Commission meeting) in the **City Clerk's Office, at Commerce City Hall, 2535 Commerce Way, Commerce, California.**



## STAFF REPORT ZONING ORDINANCE TEXT AMENDMENT

**TO:** Planning Commission

**FROM:** Public Works and Development Services Department

**DATE:** September 25, 2019

**SUBJECT:** Zoning Ordinance Text Amendment: Recommend amendment of Division 12 Home Occupation Permits, Sections 19.39.820 Initiation and 19.39.830 Proceedings by replacing them in their entirety. The subject amendment would streamline the Home Occupation Permit process by removing the need for a public hearing, while providing clearer regulations specifying allowed and prohibited uses.

**REQUEST:**

It is recommended to the City Council to: 1) Adopt a Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) (Title 14, Chapter 3, Article 19, Section 15308, Actions by Regulatory Agencies for Protection of the Environment; and 2) to adopt the related Zoning Ordinance Text Amendment as discussed herein.

**LOCATION:** Citywide R zones  
Commerce, CA 90040

**APPLICANT:** City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

**PUBLIC HEARING NOTICE:**

A Notice of Public Hearing was prepared and published in the local newspaper, The Wave on August 8, 2019, and the project was properly noticed as required by State law.

**ATTACHMENTS:** 1) Planning Commission Resolution  
a) Exhibit A - Draft City Council Ordinance  
2) Planning Commission Staff Report from August 21, 2019



## **ENVIRONMENTAL ASSESSMENT:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

## **EXECUTIVE SUMMARY:**

A Resolution of the Planning Commission recommending that the City Council adopt an Ordinance entitled: An Ordinance of the City Council of the City of Commerce amending Title 19 ("Zoning") of the Commerce Municipal Code, Division 12 Home Occupation Permits, replacing Sections 19.39.820 Initiation and 19.39.830 Proceedings with Section 19.39.820 Review Authority, Noticing, Decision, and Appeals, and 19.39.830 Applicability. The proposed amendment will replace the Planning Commission as the decision making body with the Director or his/her designee with an administrative review process that allows for a question, comment and appeal period, and provide clear language specifying allowed and prohibited uses.

## **BACKGROUND:**

At the August 21, 2019 meeting of the Planning Commission, staff presented amendments to the Home Occupation Permit sections of the code that would remove the need for review by the Planning Commission and the need for noticing to neighboring properties. The Commission expressed concern regarding removal of the notification requirements and requested that staff keep the mandatory noticing in connection with the proposed streamlined permitting process. Additionally, there were concerns about the cost of an appeal to the public who, with the code as it is currently written, would be able to attend a meeting to express concerns. Accordingly, staff was directed to make changes to the proposed ordinance to address these issues/concerns.

### **Review Authority, Public Comment, Noticing**

In order to address the Commission's concern regarding the public's ability to be notified, express concern or ask questions about a new Home Occupation Permit (HOP) application, the proposed ordinance has been revised. It would now include an administrative review process that has a built in comment/question/appeal period. The new process would require that a letter be sent out to the applicant as well as all properties within a two hundred foot radius (existing radius requirements for HOP applications) with the findings of fact and



the draft decision. This letter would have to be sent out the same day it is dated and provide contact information to which potential questions, or concerns would be directed. During the 14 day comment/question/appeal period, should the Director discover new facts that would alter the decision provided the criteria set forth in the Home Occupation Permit Section, the Director may change the decision. In such cases, new letters would be sent out restarting the 14 day appeal period. Otherwise, the Director's decision would be deemed final on the 15<sup>th</sup> day following the date of letter.

### **Fees**

There were also questions posed by the Commission as to the burden that would be placed on a concerned neighbor by having to pay a fee to be appeal a decision made by the Director to the Planning Commission. In reviewing the city's existing fee schedule, there is not specific fee for line item for appeal of Director's decision, however, there is one for "Appeals of Planning Commission Decision." The cost of the appeal is simply whatever the application fee was originally paid by the applicant. Since the intent of the appeal fees are to cover the cost of processing an appeal by staff, the same would apply to appeals of the Director's Decision. The current Home Occupation Permit fee is \$100.

## **ZONING ORDINANCE TEXT AMENDMENTS:**

Staff is recommending the following changes to the Commerce Zoning Ordinance, Division 12 Home Occupation Permits. Specifically, Section 19.39.820 Initiation, and Section 19.39.830 Proceedings to be replaced in their entirety as follows. (proposed new language is underlined, while removed language is stricken):

19.39.810 - Intent and purpose.

A. Intent. The city of Commerce recognizes that a residential property owner has a limited right to conduct a non-obtrusive business from his residence, and that the average neighbor generally will prefer to have that business conducted in such a fashion that neighbors are unaware of its existence.

B. Purpose. The purpose of this Division 12 is to allow such home occupations to exist while maintaining the residential character of residential neighborhoods and preventing the use of home occupations from transforming a residential neighborhood into a commercial one. In addition, such businesses encourage and promote efforts to reduce traffic congestion and the generation of pollutants by allowing and recognizing changing work environments, including telecommuting and work-at-home options, and shall be allowed in the city subject to the regulations of this Division 12.

~~19.39.820 – Initiation.~~

~~A. An application for home occupation permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an~~

~~application. The community development director may request proof of ownership or authorization to apply prior to the acceptance of any application.~~

~~B. An application shall be filed pursuant to the provisions of Division 2 (Applications, Processing, Filings, and Fees) of this Chapter 19.39.~~

19.39.820. Review Authority, Decision, Noticing, and Appeals.

A. Authority. The Director of Development Services, or his/her designee, shall consider all evidence presented in the application for a Home Occupation. The review authority shall make findings of fact in accordance with the criteria herein set forth, and may impose conditions to safeguard and protect the public health, safety and promote the general welfare. This includes the ability for staff to conduct random, un-announced inspections as needed.

B. Decision and Noticing. The Director or his/her designee shall place in the mail a copy of the draft decision, addressed to the applicant and all properties within a 200 foot radius, pursuant to Section 19.39.070E of the City of Commerce Municipal Code. Upon receiving questions, or comments that bring new facts to light within 14 days of sending out the letter, the Director or his/her designee, may change the decision should he/she find that the findings of fact have changed and effect the compliance of proposed Home Occupation with the criteria herein set forth. In such cases, a revised decision letter shall be sent out, restarting the comment, question, and appeal period.

C. A decision of the Director of Development Services shall become final on the fifteenth (15<sup>th</sup>) day following the date of the decision unless an appeal to the Planning Commission is filed pursuant to Division 4 (Appeals and Revocations).

19.39.830 – Proceedings.

~~A. Community Development Director Investigation. The community development director or his designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application.~~

~~B. Planning Commission Consideration.~~

~~1. The community development director shall place the home occupation permit application on the planning commission agenda for consideration by the commission as a scheduled matter. No public hearing shall be required. However, notice to surrounding property owners shall be provided pursuant to the provisions of Section 19.39.140(C) of this Title 19.~~

~~2. The planning commission shall review the application and proposal and receive evidence concerning the proposed home occupation permit.~~

~~3. The planning commission shall act to approve, conditionally approve, or deny the application.~~

~~4. The decision of the planning commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of this Chapter 19.39.~~



19.39.830 Applicability. Home Occupation Permits may be obtained for home based businesses that comply with the regulations of 19.39.810 through 19.39.850 and are located in legally established residential unit(s) in a residentially zoned property or a residential units within Mixed –Use projects only. The home occupations identified in Subsection A. are allowed; those identified in Subsection B are prohibited.

A. Allowed home occupations. The following are deemed appropriate business activities when conducted by the occupants of a dwelling (non-resident employees may be allowed in compliance with Section 36.410.030.C.9) in a manner accessory to and compatible with the residential characteristics of the surrounding neighborhood. Allowable home occupations shall be limited to the following activities:

1. Art, music, and similar fine-art related lessons, and academic tutoring, which do no generate more than six additional vehicle trips to the dwelling each day;
2. Art and craft work (ceramics, painting, photography, sculpture, etc.);
3. Office/information uses that involve the use of a computer, telephone, and other electronic equipment;
4. Sewing (e.g., dressmaking, and small handcrafts);
5. Other uses the Director deems to be of the same general character as those listed above, and not detrimental to the applicable residential zoning district and surrounding neighborhood.

B. Prohibited home occupations. The following list presents example commercial uses that are not incidental to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited:

1. Barber or beauty shop;
2. Businesses that involving the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises;
3. Carpentry and cabinet making (does not prohibit a normal wood-working hobby operation);
4. Manufacturing and/or assembly;
5. Massage establishment;
6. Medical and dental offices, clinics, and laboratories, with the exception of licensed therapists who meet with no more than two clients at a time and generate no more than six additional trips a day.
7. Personal self-storage (mini storage);
8. Plant nursery;
9. Retail sales (e.g., stock on hand and customers coming to the home are NOT allowed);
10. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit “mobile” minor repair or detailing at the customer’s location);
11. Welding and machining; and
12. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.



The planning commission Director or his/her designee shall have the authority to impose conditions on a home occupation use to ensure compliance with the intent of this Title 19, including compliance with the performance standards contained in Section 19.39.850.

19.39.850 - Home occupation performance standards.

A. Home occupations, as defined in Chapter 19.45 of this Title 19 (Definitions), are uses that generally do not interrupt or interfere with the general nature or residential character of the residential neighborhood.

B. All permitted home occupations shall comply with the following performance standards:

1. A home occupation business shall be conducted within a dwelling and shall be clearly incidental to the residential use of the structure. The business may be located in a garage, provided all off-street parking requirements for the applicable zoning district are met.

2. No building or space outside of the main building shall be used for the home occupation business. 3. The appearance of the dwelling within which the home occupation is conducted shall in no way be altered (by the use of color, materials, construction, lighting, signs, sounds, noises, vibrations, display of equipment, etc.) so that it may be reasonably recognized as serving a nonresidential use.

4. No one other than a resident of the dwelling may be employed by a home occupation operating within that dwelling.

5. No motor or mechanical equipment shall be permitted other than that normally incidental to the residential use of the structure.

6. Home occupations may not generate pedestrian or vehicular traffic beyond that considered normal within the surrounding residential district.

7. No storage of materials and/or supplies, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.

8. No more than one room in the dwelling shall be employed for the use of the home occupation.

9. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.

10. Home occupations may not create any radio or television interference or noise audible beyond the boundaries of the site.

11. There shall be no outdoor storage or display of materials or equipment maintained on the premises.

12. The conduct of a home occupation may not interfere with the maintenance of any required parking spaces, including spaces required to be provided in a garage.

13. No direct sales shall be conducted on the premises of any home occupation.

<b>REQUIRED FINDINGS:</b>
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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 General Plan, specifically Air Quality Policy 2.3, which states that the city of Commerce will adopt and implement codes that encourage community centers, telecommuting programs, and home-based businesses.*

*While home-based businesses are currently allowed, the proposed text amendment removes the unnecessary step of presenting a home occupation permit before the Planning Commission. The inclusion of clear regulations as to the types of businesses that are allowed and prohibited makes for a more objective decision made by the Director or his/her designee. The same standard conditions and restrictions that normally apply to home occupation permits would still apply. The proposed text amendment would streamline the home occupation permit process similar to surrounding and nearby jurisdictions. Public Noticing would still be conducted to inform neighboring properties of the proposed and provide them an opportunity to comment, ask questions to the Director, or appeal the decision to the Planning Commission.*

**2. That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. While it removes the need for a discretionary review at a public hearing, it specifies the types of home business that are intended to operate in residential zone. The amendment simplifies the review process without removing authority from the city to review, condition, or act on a potential code enforcement issue. In fact, it further clarifies the code. Additionally, it still provides an opportunity for neighboring residents to express concerns, ask questions, and/or appeal the decision. Thus, it will not adversely affect 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 subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by helping promote home based businesses thereby potentially reducing auto emissions for those who use their home-based business as their primary occupation. The text amendment modifies Title 19 to streamline the home occupation permit process without removing the ability to enforce the regulations of the Code to ensure public health, safety and general welfare of the community, so it serves the goals and purposes of this Title.*

<b>STAFF RECOMMENDATION:</b>
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Staff recommends that the Planning Commission adopt the Resolution recommending the City Council 1) adoption of the Categorical Exemption; 2) and 3) related Zoning Ordinance Text Amendments.

Prepared by: Knarik Vizcarra  
Contract Planner

Reviewed by: Manuel Acosta  
Contract Planner

Reviewed by: Joseph A. Palombi  
Acting Deputy Director of Development Services

Reviewed by: Noel Tapia  
City Attorney



RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COMMERCE RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE, DIVISION 12 HOME OCCUPATION PERMITS, REPLACING SECTIONS 19.39.820 INITIATION AND 19.39.830 PROCEEDINGS WITH SECTION 19.39.820 REVIEW AUTHORITY, DECISION, NOTICING AND APPEALS, AND 19.39.830 APPLICABILITY AND FINDING THAT THE SUBJECT TEXT AMENDMENT QUALIFIES FOR A CLASS 8 CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15308 (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT) OF THE CEQA GUIDELINES.

WHEREAS, the last comprehensive revision to the Zoning Ordinance was adopted by the City Council in August, 2000; and

WHEREAS, the City recognizes that the current code language that requires Planning Commission review and public noticing for Home Occupation Permits are onerous and unnecessary, and in in need of modifications; and

WHEREAS, the proposed code amendment is intended to amend the Zoning Ordinance to allow for a streamlined process for review of a Home Occupation Permit by making the Director of Development Services the reviewing body while maintaining the ability to condition and consider each application individually; and

WHEREAS, the proposed text amendment would not adversely affect surrounding properties, or the health, safety or general welfare of residents of the City of Commerce as supported by the required findings for a zone text amendment pursuant to CMC 19.39.310; and

WHEREAS, the Planning Commission held a public hearing on August 21, 2019, for the purpose of recommending that the City Council adopt the subject Zoning Ordinance text amendment to replace Sections 19.39.820 and 19.39.830 of the Commerce Municipal Code and recommended that staff return with options to maintain the public noticing while allowing for an administrative process that the neighboring residents may express their concerns prior to approval of a Home Occupation Permit; and

WHEREAS, the Planning Commission held a public hearing on September 25, 2019, for the purpose of recommending that the City Council adopt the subject Zoning Ordinance text amendment to replace Sections 19.39.820 and 19.39.830 of the Commerce Municipal Code; and

WHEREAS, the Planning Commission has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing.

NOW, THEREFORE, THE PLANNING COMMISSION RECOMMENDS REPLACING COMMERCE MUNICIPAL CODE SECTIONS 19.39.820 (INITIATION) AND SECTION 19.39.830 (PROCEEDINGS) IN THEIR ENTIRETY WITH 19.39.820 (AUTHORITY) AND 19.39.830 (APPLICABILITY), AS FOLLOWS (UNDERLINED WORDS INDICATE NEW LANGUAGE, STRIKETHROUGH INDICATES DELETION):

~~19.39.820 – Initiation.~~

~~A. An application for home occupation permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The community development director may request proof of ownership or authorization to apply prior to the acceptance of any application.~~

~~B. An application shall be filed pursuant to the provisions of Division 2 (Applications, Processing, Filings, and Fees) of this Chapter 19.39.~~

19.39.820 Review Authority, Decision, Noticing, and Appeals.

A. Authority. The Director of Development Services, or his/her designee, shall consider all evidence presented in the application for a Home Occupation. The review authority shall make findings of fact in accordance with the criteria herein set forth, and may impose conditions to safeguard and protect the public health, safety and promote the general welfare. This includes the ability for staff to conduct random, un-announced inspections as needed.

B. Decision and Noticing. The Director or his/her designee shall place in the mail a copy of the draft decision, addressed to the applicant and all properties within a 200 foot radius, pursuant to Section 19.39.070E of the City of Commerce Municipal Code. Upon receiving questions, or comments that bring new facts to light within 14 days of sending out the letter, the Director or his/her designee, may change the decision should he/she find that the findings of fact have changed and effect the compliance of proposed Home Occupation with the criteria herein set forth. In such cases, a revised decision letter shall be sent out, restarting the comment, question, and appeal period.

C. A decision of the Director of Development Services shall become final on the fifteenth (15<sup>th</sup>) day following the date of the decision unless an appeal to the Planning Commission is filed pursuant to Division 4 (Appeals and Revocations).

~~19.39.830 – Proceedings.~~

~~A. Community Development Director Investigation. The community development director or his designee shall investigate the application and proposal, including the~~

~~analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application.~~

~~B. Planning Commission Consideration.~~

~~1. The community development director shall place the home occupation permit application on the planning commission agenda for consideration by the commission as a scheduled matter. No public hearing shall be required. However, notice to surrounding property owners shall be provided pursuant to the provisions of Section 19.39.140(C) of this Title 19.~~

~~2. The planning commission shall review the application and proposal and receive evidence concerning the proposed home occupation permit.~~

~~3. The planning commission shall act to approve, conditionally approve, or deny the application.~~

~~4. The decision of the planning commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of this Chapter 19.39.~~

19.39.830 Applicability. Home Occupation Permits may be obtained for home based businesses that comply with the regulations of 19.39.810 through 19.39.850 and are located in legally established residential unit(s) in a Residentially zoned property or a residential units within Mixed –Use projects only. The home occupations identified in Subsection A. are allowed; those identified in Subsection B are prohibited.

A. Allowed home occupations. The following are deemed appropriate business activities when conducted by the occupants of a dwelling (non-resident employees may be allowed in compliance with Section 36.410.030.C.9) in a manner accessory to and compatible with the residential characteristics of the surrounding neighborhood. Allowable home occupations shall be limited to the following activities:

1. Art, music, and similar fine-art related lessons, and academic tutoring, which do not generate more than six additional vehicle trips to the dwelling each day;
2. Art and craft work (ceramics, painting, photography, sculpture, etc.);
3. Office/information uses that involve the use of a computer, telephone, and other electronic equipment;
4. Sewing (e.g., dressmaking, and small handcrafts);
5. Other uses the Director deems to be of the same general character as those listed above, and not detrimental to the applicable residential zoning district and surrounding neighborhood.

B. Prohibited home occupations. The following list presents example commercial uses that are not incidental to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited:

1. Barber or beauty shop;
2. Businesses that involving the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises;
3. Carpentry and cabinet making (does not prohibit a normal wood-working hobby operation);
4. Manufacturing and/or assembly;



- 5. Massage establishment;
- 6. Medical and dental offices, clinics, and laboratories, with the exception of licensed therapists who meet with no more than two clients at a time and generate no more than six additional trips a day.
- 7. Personal self-storage (mini storage);
- 8. Plant nursery;
- 9. Retail sales (e.g., stock on hand and customers coming to the home are NOT allowed);
- 10. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" minor repair or detailing at the customer's location);
- 11. Welding and machining; and
- 12. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. That the adoption of the Zoning Ordinance text amendments is categorically exempt from the provisions of the California Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA guidelines.

Section 2. 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 General Plan, specifically Air Quality Policy 2.3, which states that the city of Commerce will adopt and implement codes that encourage community centers, telecommuting programs, and home-based businesses.*

*While home-based businesses are currently allowed, the proposed text amendment removes the unnecessary step of presenting a home occupation permit before the Planning Commission. The inclusion of clear regulations as to the types of businesses that are allowed and prohibited makes for a more objective decision made by the Director or his/her designee. The same standard conditions and restrictions that normally apply to home occupation permits would still apply. The proposed text amendment would streamline the home occupation permit process similar to surrounding and nearby jurisdictions. Public Noticing would still be conducted to inform neighboring properties of the proposed and provide them an*

*opportunity to comment, ask questions to the Director, or appeal the decision to the Planning Commission.*

2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. While it removes the need for a discretionary review at a public hearing, it specifies the types of home business that are intended to operate in residential zone. The amendment simplifies the review process without removing authority from the city to review, condition, or act on a potential code enforcement issue. In fact, it further clarifies the code. Additionally, it still provides an opportunity for neighboring residents to express concerns, ask questions, and/or appeal the decision. Thus, it will not adversely affect 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 subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by helping promote home based businesses thereby potentially reducing auto emissions for those who use their home-based business as their primary occupation. The text amendment modifies Title 19 to streamline the home occupation permit process without removing the ability to enforce the regulations of the Code to ensure public health, safety and general welfare of the community, so it serves the goals and purposes of this Title.*

Section 3. Based upon the above findings, the Planning Commission hereby recommends that the City Council of the City of Commerce adopt the proposed Zoning Ordinance text amendments contained in the proposed Ordinance (Exhibit A).

Section 4. This Resolution takes effect on the date of its adoption and shall be transmitted by Planning Commission staff to the City Clerk for placement of the Ordinance on the City Council meeting agenda for consideration by the City Council.

I hereby certify that the foregoing recommendation and findings contained in this resolution were adopted by the Planning Commission at its special meeting of August 21, 2019.

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Kevin Lainez, Chairperson  
Planning Commission

ATTEST:

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Sonia Griego, Secretary



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF COMMERCE AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE, DIVISION 12 HOME OCCUPATION PERMITS, REPLACING SECTIONS 19.39.820 INITIATION AND 19.39.830 PROCEEDINGS WITH SECTION 19.39.820 REVIEW AUTHORITY, DECISION, NOTICING AND APPEALS, AND 19.39.830 APPLICABILITY AND FINDING THAT THE SUBJECT TEXT AMENDMENT QUALIFIES FOR A CLASS 8 CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15308 (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT) OF THE CEQA GUIDELINES.

WHEREAS, the last comprehensive revision to the Zoning Ordinance was adopted by the City Council in August, 2000; and

WHEREAS, the City recognizes that the current code language that requires Planning Commission review for Home Occupation Permits are onerous and unnecessary, and in in need of modifications; and

WHEREAS, the proposed code amendment is intended to amend the Zoning Ordinance to allow for a streamlined process for review of a Home Occupation Permit by making the Director of Development Services the reviewing body while maintaining the ability to condition and consider each application individually; and

WHEREAS, the Planning Commission held a public hearing on August 21, 2019, for the purpose of recommending that the City Council adopt the subject Zoning Ordinance text amendment to replace Sections 19.39.820 and 19.39.830 of the Commerce Municipal Code and recommended that staff return with options to maintain the public noticing while allowing for an administrative process that the neighboring residents may express their concerns prior to approval of a Home Occupation Permit; and

WHEREAS, the Planning Commission held a public hearing on September 25, 2019, for the purpose of recommending that the City Council adopt the subject Zoning Ordinance text amendment to replace Sections 19.39.820 and 19.39.830 of the Commerce Municipal Code; and

WHEREAS, the City Council has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing.

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

SECTION 1: That the adoption of the Zoning Ordinance text amendments is categorically exempt from the provisions of the California Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of

the CEQA guidelines.

SECTION 2: Section 19.39.820 (Initiation) of the Commerce Municipal Code is hereby replaced in its entirety to read as follows (*Underlined portions indicate new language, strikethrough indicates deletion*):

~~19.39.820 – Initiation.~~

~~A. An application for home occupation permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The community development director may request proof of ownership or authorization to apply prior to the acceptance of any application.~~

~~B. An application shall be filed pursuant to the provisions of Division 2 (Applications, Processing, Filings, and Fees) of this Chapter 19.39.~~

19.39.820 Review Authority, Decision, Noticing, and Appeals.

A. Authority. The Director of Development Services, or his/her designee, shall consider all evidence presented in the application for a Home Occupation. The review authority shall make findings of fact in accordance with the criteria herein set forth, and may impose conditions to safeguard and protect the public health, safety and promote the general welfare. This includes the ability for staff to conduct random, un-announced inspections as needed.

B. Decision and Noticing. The Director or his/her designee shall place in the mail a copy of the draft decision, addressed to the applicant and all properties within a 200 foot radius, pursuant to Section 19.39.070E of the City of Commerce Municipal Code. Upon receiving questions, or comments that bring new facts to light within 14 days of sending out the letter, the Director or his/her designee, may change the decision should he/she find that the findings of fact have changed and effect the compliance of proposed Home Occupation with the criteria herein set forth. In such cases, a revised decision letter shall be sent out, restarting the comment, question, and appeal period.

C. A decision of the Director of Development Services shall become final on the fifteenth (15<sup>th</sup>) day following the date of the decision unless an appeal to the Planning Commission is filed pursuant to Division 4 (Appeals and Revocations).

SECTION 3: Section 19.39.830 (Proceedings) of the Commerce Municipal Code is hereby replaced in its entirety to read as follows (*Underlined portions indicate new language, strikethrough indicates deletion*):

~~19.39.830 – Proceedings.~~

~~A. Community Development Director Investigation. The community development director or his designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application.~~

~~B. Planning Commission Consideration.~~

~~1. The community development director shall place the home occupation permit application on the planning commission agenda for consideration by the commission as a scheduled matter. No public hearing shall be required. However, notice to surrounding property owners shall be provided pursuant to the provisions of Section 19.39.140(C) of this Title 19.~~

~~2. The planning commission shall review the application and proposal and receive evidence concerning the proposed home occupation permit.~~

~~3. The planning commission shall act to approve, conditionally approve, or deny the application.~~

~~4. The decision of the planning commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of this Chapter 19.39.~~

19.39.830 Applicability. Home Occupation Permits may be obtained for home based businesses that comply with the regulations of 19.39.810 through 19.39.850 and are located in legally established residential unit(s) in a Residentially zoned property or a residential units within Mixed –Use projects only. The home occupations identified in Subsection A. are allowed; those identified in Subsection B are prohibited.

A. Allowed home occupations. The following are deemed appropriate business activities when conducted by the occupants of a dwelling (non-resident employees may be allowed in compliance with Section 36.410.030.C.9) in a manner accessory to and compatible with the residential characteristics of the surrounding neighborhood. Allowable home occupations shall be limited to the following activities:

1. Art, music, and similar fine-art related lessons, and academic tutoring, which do no generate more than six additional vehicle trips to the dwelling each day;
2. Art and craft work (ceramics, painting, photography, sculpture, etc.);
3. Office/information uses that involve the use of a computer, telephone, and other electronic equipment;
4. Sewing (e.g., dressmaking, and small handcrafts);
5. Other uses the Director deems to be of the same general character as those listed above, and not detrimental to the applicable residential zoning district and surrounding neighborhood.

B. Prohibited home occupations. The following list presents example commercial uses that are not incidental to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited:

1. Barber or beauty shop;
2. Businesses that involving the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises;
3. Carpentry and cabinet making (does not prohibit a normal wood-working hobby operation);
4. Manufacturing and/or assembly;
5. Massage establishment;
6. Medical and dental offices, clinics, and laboratories, with the exception of



licensed therapists who meet with no more than two clients at a time and generate no more than six additional trips a day.

7. Personal self-storage (mini storage);

8. Plant nursery;

9. Retail sales (e.g., stock on hand and customers coming to the home are NOT allowed);

10. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" minor repair or detailing at the customer's location);

11. Welding and machining; and

12. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

SECTION 4. 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 General Plan, specifically Air Quality Policy 2.3, which states that the city of Commerce will adopt and implement codes that encourage community centers, telecommuting programs, and home-based businesses.*

*While home-based businesses are currently allowed, the proposed text amendment removes the unnecessary step of presenting a home occupation permit before the Planning Commission. The inclusion of clear regulations as to the types of businesses that are allowed and prohibited makes for a more objective decision made by the Director or his/her designee. The same standard conditions and restrictions that normally apply to home occupation permits would still apply. The proposed text amendment would streamline the home occupation permit process similar to surrounding and nearby jurisdictions. Public Noticing would still be conducted to inform neighboring properties of the proposed and provide them an opportunity to comment, ask questions to the Director, or appeal the decision to the Planning Commission.*

2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. While it removes the need for a discretionary review at a public hearing, it specifies the types of home business that are intended to operate in residential zone. The amendment simplifies the review process without removing authority from the city to review, condition, or act on a potential code enforcement issue. In fact, it further clarifies the code. Additionally, it still provides an opportunity for neighboring residents to express concerns, ask*

*questions, and/or appeal the decision. Thus, it will not adversely affect 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 subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by helping promote home based businesses thereby potentially reducing auto emissions for those who use their home-based business as their primary occupation. The text amendment modifies Title 19 to streamline the home occupation permit process without removing the ability to enforce the regulations of the Code to ensure public health, safety and general welfare of the community, so it serves the goals and purposes of this Title.*

**SECTION 5:** If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

**SECTION 6:** This Ordinance shall take effect on the thirty-first (31<sup>st</sup>) day after its adoption.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2019.

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John Soria

Mayor

ATTEST:

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Lena Shumway

City Clerk







## STAFF REPORT ZONING ORDINANCE TEXT AMENDMENT

**TO:** Planning Commission

**FROM:** Public Works and Development Services Department

**DATE:** August 21, 2019

**SUBJECT:** Zoning Ordinance Text Amendment: Recommend amendment of Division 12 Home Occupation Permits, Sections 19.39.820 Initiation and 19.39.830 Proceedings by replacing them in their entirety. The subject amendment would streamline the Home Occupation Permit process by removing the need for a public hearing and noticing, while providing clearer regulations specifying allowed and prohibited uses.

**REQUEST:**

It is recommended to the City Council to: 1) Adopt a Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) (Title 14, Chapter 3, Article 19, Section 15308, Actions by Regulatory Agencies for Protection of the Environment; and 2) to adopt the related Zoning Ordinance Text Amendment as discussed herein.

**LOCATION:** Citywide R zones  
Commerce, CA 90040

**APPLICANT:** City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

**PUBLIC HEARING NOTICE:**

A Notice of Public Hearing was prepared and published in the local newspaper, The Wave on August 8, 2019, and the project was properly noticed as required by State law.

**ATTACHMENTS:** 1) Planning Commission Resolution  
a) Exhibit A - Draft City Council Ordinance

## **ENVIRONMENTAL ASSESSMENT:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

## **EXECUTIVE SUMMARY:**

A Resolution of the Planning Commission recommending that the Commerce City adopt an Ordinance entitled: An Ordinance of the City Council of the City of Commerce amending Title 19 ("Zoning") of the Commerce Municipal Code, Division 12 Home Occupation Permits, replacing Sections 19.39.820 Initiation and 19.39.830 Proceedings with Section 19.39.820 Authority and 19.39.830 Applicability. The proposed amendment will replace the Planning Commission as the decision making body with the Director or his/her designee, remove the need for noticing, and provide clear language specifying allowed and prohibited uses.

## **BACKGROUND:**

Home occupation permits were established to encourage home based businesses, and telecommuting. The existing code sections that provide the regulations for Home Occupations permit were set forth by the adoption of the comprehensive Zoning Ordinance in 2000. The process by which Home Occupation Permits are currently reviewed by the City of Commerce are burdensome for the residents, and unnecessary, as it requires that an application be considered by the Planning Commission during a Public Hearing, thus also triggering public noticing requirements for properties within a 500 foot radius of the site.

Home occupation permits are meant for uses that should not be able to be identified as a business from the exterior, either by appearance or vehicular or pedestrian traffic caused by the work. The intent of the division specifically states "that the average neighbor generally will prefer to have that business conducted in such a fashion that neighbors are unaware of its existence." Such examples are home offices with use of computers and telephones only, individual fine-art lessons or academic tutoring, or art and craft work done inside without in-person retail sales. Examples of inappropriate home occupations include, cabinet making, car repair, office space with employees that do not reside at the subject home, cabinet making, or manufacturing. While the current code does not have a list of allowed or prohibited uses, the proposed amendment would provide this clarification with the flexibility to allow the Director of Development Services to consider other similar uses not explicitly listed. Additionally, it would remove the

requirement for review by the Planning Commission, thereby removing the public noticing requirement as well.

And lastly, of the six cities surveyed spanning the area surrounding Commerce as well as parts of the San Fernando and San Gabriel Valley, the City of Commerce is the only one that requires a Planning Commission review and noticing (see Figure 1 below). This step is simply unnecessarily onerous for both applicant and the city.

Figure 1.

	Commerce	Huntington Park	Montebello	Downey	Pasadena	Glendale	South Pasadena
Administrative Review (Normally Director)		✓	✓	✓	✓	✓	✓
Discretionary Review	✓	-	-	-	-	-	-
Public Noticing	✓	-	-	-	-	-	-

- Not required
- ✓ Required

#### **ZONING ORDINANCE TEXT AMENDMENTS:**

Staff is recommending the following changes to the Commerce Zoning Ordinance, Division 12 Home Occupation Permits. Specifically, Section 19.39.820 Initiation, and Section 19.39.830 Proceedings to be replaced in their entirety as follows. (proposed new language is underlined, while removed language is stricken):

##### **19.39.810 - Intent and purpose.**

A. Intent. The city of Commerce recognizes that a residential property owner has a limited right to conduct a non-obtrusive business from his residence, and that the average neighbor generally will prefer to have that business conducted in such a fashion that neighbors are unaware of its existence.

B. Purpose. The purpose of this Division 12 is to allow such home occupations to exist while maintaining the residential character of residential neighborhoods and preventing the use of home occupations from transforming a residential neighborhood into a commercial one. In addition, such businesses encourage and promote efforts to reduce traffic congestion and the generation of pollutants by allowing and recognizing changing work environments, including telecommuting and work-at-home options, and shall be allowed in the city subject to the regulations of this Division 12.



~~19.39.820 – Initiation.~~

~~A. — An application for home occupation permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The community development director may request proof of ownership or authorization to apply prior to the acceptance of any application.~~

~~B. — An application shall be filed pursuant to the provisions of Division 2 (Applications, Processing, Filings, and Fees) of this Chapter 19.39.~~

19.39.820 Authority.

The Director of Development Services, or his/her designee, may grant home occupation permits in accordance with the criteria herein set forth. In granting a home occupation permit, the director or designee may impose conditions to safeguard and protect the public health, safety and promote the general welfare. This includes the ability for staff to conduct random, un-announced inspections as needed.

~~19.39.830 – Proceedings.~~

~~A. — Community Development Director Investigation. The community development director or his designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application.~~

~~B. — Planning Commission Consideration.~~

~~1. — The community development director shall place the home occupation permit application on the planning commission agenda for consideration by the commission as a scheduled matter. No public hearing shall be required. However, notice to surrounding property owners shall be provided pursuant to the provisions of Section 19.39.140(C) of this Title 19.~~

~~2. — The planning commission shall review the application and proposal and receive evidence concerning the proposed home occupation permit.~~

~~3. — The planning commission shall act to approve, conditionally approve, or deny the application.~~

~~4. — The decision of the planning commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of this Chapter 19.39.~~

19.39.830 Applicability. Home Occupation Permits may be obtained for home based businesses that comply with the regulations of 19.39.810 through 19.39.850 and are located in legally established residential unit(s) in a Residentially zoned property or a residential units within Mixed –Use projects only. The home occupations identified in Subsection A. are allowed; those identified in Subsection B are prohibited.

A. Allowed home occupations. The following are deemed appropriate business activities when conducted by the occupants of a dwelling (non-resident employees may be allowed in compliance with Section 36.410.030.C.9) in a manner

accessory to and compatible with the residential characteristics of the surrounding neighborhood. Allowable home occupations shall be limited to the following activities:

1. Art, music, and similar fine-art related lessons, and academic tutoring, which do no generate more than six additional vehicle trips to the dwelling each day;
2. Art and craft work (ceramics, painting, photography, sculpture, etc.);
3. Office/information uses that involve the use of a computer, telephone, and other electronic equipment;
4. Sewing (e.g., dressmaking, and small handcrafts);
5. Other uses the Director deems to be of the same general character as those listed above, and not detrimental to the applicable residential zoning district and surrounding neighborhood.

B. Prohibited home occupations. The following list presents example commercial uses that are not incidental to or compatible with residential activities, are suitable only in nonresidential zoning districts, and are therefore prohibited:

1. Barber or beauty shop;
2. Businesses that involving the breeding, grooming, harboring, raising, or training of dogs, cats, or other animals on the premises;
3. Carpentry and cabinet making (does not prohibit a normal wood-working hobby operation);
4. Manufacturing and/or assembly;
5. Massage establishment;
6. Medical and dental offices, clinics, and laboratories, with the exception of licensed therapists who meet with no more than two clients at a time and generate no more than six additional trips a day.
7. Personal self-storage (mini storage);
8. Plant nursery;
9. Retail sales (e.g., stock on hand and customers coming to the home are NOT allowed);
10. Vehicle repair (body or mechanical), upholstery, automobile detailing (e.g., washing, waxing, etc.) and painting. (This does not prohibit "mobile" minor repair or detailing at the customer's location);
11. Welding and machining; and
12. Other similar uses determined by the Director not to be incidental to or compatible with residential activities.

19.39.840 - Conditions of approval.

The planning commission Director or his/her designee shall have the authority to impose conditions on a home occupation use to ensure compliance with the intent of this Title 19, including compliance with the performance standards contained in Section 19.39.850.

19.39.850 - Home occupation performance standards.

A. Home occupations, as defined in Chapter 19.45 of this Title 19 (Definitions), are uses that generally do not interrupt or interfere with the general nature or residential character of the residential neighborhood.



B. All permitted home occupations shall comply with the following performance standards:

1. A home occupation business shall be conducted within a dwelling and shall be clearly incidental to the residential use of the structure. The business may be located in a garage, provided all off-street parking requirements for the applicable zoning district are met.
2. No building or space outside of the main building shall be used for the home occupation business.
3. The appearance of the dwelling within which the home occupation is conducted shall in no way be altered (by the use of color, materials, construction, lighting, signs, sounds, noises, vibrations, display of equipment, etc.) so that it may be reasonably recognized as serving a nonresidential use.
4. No one other than a resident of the dwelling may be employed by a home occupation operating within that dwelling.
5. No motor or mechanical equipment shall be permitted other than that normally incidental to the residential use of the structure.
6. Home occupations may not generate pedestrian or vehicular traffic beyond that considered normal within the surrounding residential district.
7. No storage of materials and/or supplies, indoors or outdoors, shall be permitted which will be hazardous to surrounding neighbors or detrimental to the residential character of the neighborhood.
8. No more than one room in the dwelling shall be employed for the use of the home occupation.
9. There shall be no use of utilities or community facilities beyond that normal to the use of the property for residential purposes.
10. Home occupations may not create any radio or television interference or noise audible beyond the boundaries of the site.
11. There shall be no outdoor storage or display of materials or equipment maintained on the premises.
12. The conduct of a home occupation may not interfere with the maintenance of any required parking spaces, including spaces required to be provided in a garage.
13. No direct sales shall be conducted on the premises of any home occupation.

#### **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 General Plan, specifically Air Quality Policy 2.3, which states that the city of Commerce will adopt and implement codes that encourage community centers, telecommuting programs, and home-based businesses.*

*While home-based businesses are currently allowed, the proposed text amendment removes the unnecessary step of presenting a home occupation*



*permit before the Planning Commission and the need for public noticing. The inclusion of clear regulations as to the types of businesses that are allowed and prohibited makes for a more objective decision made by the Director or his/her designee. The same standard conditions and restrictions that normally apply to home occupation permits would still apply. The proposed text amendment would streamline the home occupation permit process similar to surrounding and nearby jurisdictions.*

2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. While it removes the need for a discretionary review at a public hearing and noticing requirements, it specifies the types of home business that are intended to operate in residential zone. The amendment simplifies the review process without removing authority from the city to review, condition, or act on a potential code enforcement issue. In fact, it further clarifies the code. Thus, it will not adversely affect 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 subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce by helping promote home based businesses thereby potentially reducing auto emissions for those who use their home-based business as their primary occupation. The text amendment modifies Title 19 to streamline the home occupation permit process without removing the ability to enforce the regulations of the Code to ensure public health, safety and general welfare of the community, so it serves the goals and purposes of this Title.*

<b>STAFF RECOMMENDATION:</b>
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Staff recommends that the Planning Commission adopt the Resolution recommending the City Council 1) adoption of the Categorical Exemption; 2) and 3) related Zoning Ordinance Text Amendments.

Prepared by: Knarik Vizcarra  
Contract Planner

Reviewed by: Manuel Acosta  
Contract Planner

Reviewed by: Joseph A. Palombi  
Deputy Director of Public Works and Development Services

Reviewed by: Noel Tapia  
City Attorney

