



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

October 20, 2011

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Recommend that the City Council adopt the amendment to the Zoning Ordinance and Local Coastal Program and modify Section 21.51.235 (Home Occupations) of the Municipal Code to clarify the operational requirements for home occupation uses and establish new parameters for acceptable uses. (Citywide).

APPLICANT: City of Long Beach
Department of Development Services
333 W. Ocean Boulevard
Long Beach, CA 90802

DISCUSSION

A home occupation permit is intended to allow for certain types of businesses to be operated from a residential dwelling that are incidental to the use of the dwelling unit and do not change the principal character of the residential unit. The most common home occupations are office uses for businesses such as accountants, internet sales, certain types of contractors and other similar operations where the primary means of contact are by phone, mail, internet or other similar means. Other types of home occupations include instructional services (music teachers, tutors, etc.) and home crafts.

The current Municipal Code sets forth the operational requirements and includes a specific list of home occupation uses that fall under the permitted or prohibited categories (Exhibit A – Current Home Occupation Section). Over the years, the City has had to modify the permitted list after re-evaluating the specific use or in reaction to a change in industry standards. For example, the last modification moved painting contractors from a prohibited use to a permitted use due to a change from oil-based paints to water-based paints thus reducing the potential for fires and other impacts on surrounding residents.

On August 2, 2011, City Council directed staff to review the City's policies and regulations for home occupations to include masonry and plumbing contractors as permitted uses. This request was based on the all-time high unemployment numbers in California and the need to allow self-employment for these types of skilled building trades in residential zones. After evaluating the request, planning staff recognized an opportunity to restructure the code to allow for a wider variety of uses while still maintaining the required regulations to maintain the necessary residential character of the residential unit where the use will operate.

21.51.235 - Home occupations.

Table 51 2 indicates the types of home occupation uses permitted (Y) and prohibited (N) as accessory uses. The permitted home occupation uses may be conducted as small, unobtrusive uses in any residential dwelling unit, subject to the following:

- A. The primary use of the unit shall be a dwelling.
- B. The following standards shall be complied with at all times:
 - 1. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents engaged or employed in the home occupation shall not exceed two.
 - 2. No sign shall be displayed in a manner visible from outside the dwelling unit. Vehicles with signs identifying the home occupation shall be parked so that they cannot be seen from the public right-of-way.
 - 3. No mechanical equipment shall be used except that which is necessarily, customarily or ordinarily used for household or leisure purposes. Such equipment shall not generate noise higher than the noise standards established for residential uses.
 - 4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials shall be used or stored on the site.
 - 5. There shall be no outside operations, storage or display of materials or products.
 - 6. Total storage of materials or products used in the business shall not exceed one hundred twenty-eight (128) cubic feet.
 - 7. The residential appearance of the premises shall not be altered. Creation of a separate entrance to the dwelling or use of an existing entrance exclusively for the business shall not be permitted.
 - 8. No process shall be used which is hazardous to public health, safety or welfare.
 - 9. Visitors, customers or deliveries to the dwelling shall not exceed that which normally and reasonably occurs for a residence. Visitors and deliveries shall be limited to not more than two business visitors an hour and eight visitors a day, and not more than two deliveries of products or materials a week.
 - 10. The home occupation shall not displace or block the use of parking spaces required for the residential use including any business storage in required garage parking areas.
 - 11. No advertisement shall be placed in any media containing the address of the property.
 - 12. Not more than two vehicles shall be used in the business. Only one vehicle may be commercially licensed.
- C. Persons wishing to establish a home occupation use not listed in Table 51-2 shall apply for a letter of confirmation of zoning for a home occupation. The letter shall address the specific use proposed. The zoning administrator shall make a decision in writing. The decision shall be based on the intent of the home occupation requirements as well as experience with similar uses.
- D. Any home occupation which becomes a nonconforming use as a result of revisions to applicable provisions of this title shall either:
 - 1. Be brought into legal conforming status; or
 - 2. Be discontinued and removed within three months of becoming a nonconforming use.

(Ord. C-7047 § 25, 1992; Ord. C-7032 § 38, 1992; Ord. C-6533 § 1 (part), 1988).

**Table 51-2
Home Occupation Uses**

Use	
1. Ambulance service	N
2. Appliance repair	N
3. Architectural service	Y
4. Art restoration	Y

5. Artist studio	Y
6. Automobile repairs, parts sales, upholstery, detailing washing service	N
7. Beauty salons and barber shops	N
8. Boardinghouse, bed and breakfast hotel, time-share unit	N
9. Carpentry, cabinet makers	N
10. Ceramics (kiln of six cubic feet or more)	N
11. Ceramics (kiln of less than six cubic feet)	Y
12. Churches, religious instruction	N
13. Consulting services	Y
14. Contracting (office use only)	Y
15. Contracting: masonry or plumbing	N
16. Data processing	Y
17. Dental laboratory	Y
18. Direct sale production distribution (e.g., Amway, Tupperware, Jafra)	Y

19. Drafting and graphic services	Y
20. Dressmaking, sewing, tailoring, contract sewing (one machine)	Y
21. Electronic assembly	Y
22. Engineering service	Y
23. Financial planning, investment services	Y
24. Flower arranging	Y
25. Gardening, landscape maintenance	Y
26. Gun sales and repair (including gun shows only)	N
27. Health salons, gyms, dance studios, aerobic exercise studios, massage	N
28. Helium balloons	N
29. Home crafts	Y
30. Housecleaning service	Y
31. Insurance sales or broker	Y
32. Interior design	Y
33. Knife sharpening	N
34. Jewelry making, jeweler	Y

35. Laundry, ironing service	Y
36. Limousine or pedicab service	N
37. Locksmith	Y
38. Mail order (not from home retail sales)	Y
39. Medical or dental office	N
40. Millinery	Y
41. Mortician, hearse service	N
42. Painter (office use only)	Y
43. Palm reading, fortunetelling	N
44. Private clubs	N
45. Real estate sales or broker	Y
46. Religious services	N
47. Restaurants, taverns, food preparation	N
48. Retail sale from site (except direct distribution)	N
49. Sales representative (office only)	Y
50. Security service	Y
51. Skin care	N
52. Swimming pool cleaning	Y
53. Tax preparation	N
54. Telephone answering, switchboard, call forwarding	Y

55. Tow truck service	N
56. Tutoring	Y
57. Typing, word processing	Y
58. Upholstery	N
59. Veterinary uses (including care, grooming or boarding)	N
60. Wall papering	Y
61. Watch repair	Y
62. Writing, computer programming	Y

Abbreviations: Y = Permitted N = Not permitted

21.51.235 Home Occupations

~~Table 51-2 indicates the types of home occupation uses permitted (Y) and prohibited (N) as accessory uses. The permitted home occupations may be conducted as small, unobtrusive uses in any residential dwelling unit, subject to the following:~~

A. Intent

~~A home occupation permit is intended for home enterprises that are incidental to the use of the dwelling unit and does not change the principal character or use of the dwelling. The home occupation shall be compatible with surrounding residential uses and not have characteristics associated with the use that would reduce the surrounding residents' enjoyment of their neighborhood. As an ancillary activity to those uses permitted in the applicable residential zone in which the subject site is located, the following home based businesses may be conducted at the site:~~

- ~~1. **Professional Office Uses** – A professional office use is a business whose principal product is information, management or design, including but not limited to, accounting, architecture, artist/talent management and promotion, brokerage, business/financial management, computer programming and software development, direct sales (incl. internet sales), credit/financial counseling, drafting and illustration, engineering, fashion design, interior decoration and design, legal services, marketing and advertising, property management, and writing and editing. The primary means of contact must be by phone, mail, or other electronic form of communication. A professional office use does not include research requiring the use of hazardous materials and equipment.~~
- ~~2. **Instructional Services Uses** – An instructional services use is a business whose principal purpose is to provide cognitive instruction or training, including but not limited to, academic tutoring, musical instrument lessons, dance lessons, sports training, or other similar physical performance training. The maximum number of students at any one time shall be limited to six.~~
- ~~3. **Home Craft Uses** – A home craft use is a business that results in a tangible product including but not limited to, dressmaking, furniture-making, toy making and doll making. Additional uses include artistic products such as sculpting, painting, photography and other similar forms of creative works when such works are produced with the intent of gain or benefit for the participant or another person. Conducting a home craft use does not entitle the owner to sell articles manufactured on-site or in a residential zone.~~

B. Requirements. ~~The following standards shall be complied with at all times:~~

~~A home occupation permit shall only be issued when all of the following requirements are met and maintained:~~

1. No person other than a resident of the dwelling unit shall be engaged or employed in the home occupation, and the number of residents engaged or employed in the home occupation shall not exceed two.
2. No sign shall be displayed in a manner visible from the outside of the dwelling unit. Vehicles with signs identifying the home occupation shall be parked so that they cannot be seen from the public right-of-way.
3. No mechanical equipment shall be used except that which is necessarily, customarily, or ordinarily used for household or leisure purposes. Such equipment shall not generate noise higher than the noise standards established for the residential uses.
4. No toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials shall ~~not~~ be used or stored on the site.
5. There shall be no outside operations, storage or display of materials or projects.
6. ~~Total storage of materials or products used in the business shall not exceed one hundred twenty-eight (128) cubic feet. There shall be no excessive or unsightly storage of materials or supplies for purposes other than those permitted in the residential district in which it is located. A garage may not be used for operations of the business or storage of materials and must be maintained for parking of automobiles and similar type vehicles.~~
7. The residential appearance of the premises shall not be altered. Creation of a separate entrance to the dwelling or use of an existing entrance exclusively for the business shall not be permitted.
8. No process shall be used which is hazardous to public health, safety or welfare.
9. Visitors, customers or deliveries to the dwelling shall not exceed that which normally and reasonably occurs for a residence. Visitors and deliveries shall be limited to not more than two business visitors an hour and eight visitors a day, and not more than two deliveries of products or materials a week.
10. The home occupation shall not displace or block the use of parking spaces required for the residential use including any business storage in required garage parking areas.
11. No advertisement shall be placed in any media containing the address of the property.
12. Not more than two vehicles shall be used in the business. Only one vehicle may be commercially licensed.
13. ~~When the person conducting the home occupation serves as an agent or intermediary between outside suppliers and outside customers, all articles, except for samples, shall be received, stored and sold directly to customers at an off-premises location.~~
14. ~~The home occupation permit shall be valid only for the person to whom it was issued and shall be void when that person moves from the dwelling unit or discontinues the business.~~

~~B. Persons wishing to establish a home occupation use not listed in Table 51-2 shall apply for a letter of confirmation of zoning for a home occupation. The letter shall address the specific use proposed. The zoning administrator shall make a decision in writing. The decision shall be based on the intent of the home occupation requirements as well as experience with similar uses.~~

B. Prohibited Home Occupation Uses.

The following uses shall be prohibited as home occupations:

1. Ambulance service
2. Appliance repair
3. Automobile repair, parts, sales, upholstery, detailing, washing, service
4. Beauty salons and barber shops
5. Boardinghouse, bed and breakfast, hotel, time-share unit
6. Carpentry, cabinet makers
7. Ceramics (kiln of six cubic feet or more)
8. Churches, religious instruction
9. Contractor storage yards
10. Food preparation
11. Gun sales (including internet) and repair
12. Health clubs, gyms, dance studios, aerobic studios, massage
13. Limousine or pedicab service
14. Medical or dental office
15. Mortician, hearse service
16. Palm reading, fortunetelling
17. Private clubs
18. Religious services
19. Restaurants, taverns
20. Retail sales from site (except direct distribution and internet)
21. Skin care services
22. Tow truck service
23. Welding or machine operation
24. Upholstery
25. Veterinary uses (including care, grooming or boarding).
26. Any use that requires the use of toxic, explosive, flammable, combustible, corrosive, etiologic, radioactive or other restricted materials.
27. Any use that is hazardous to public health, safety or welfare.
28. Any use that changes the residential characteristic of the residence.
29. Other uses the Planning Administrator determines to be similar to those listed above, or which by their operation or nature are not incidental to or compatible with residential activities.

C. Any home occupation which becomes a non-conforming use as a result of revisions to applicable provisions of this title shall either:

1. Be brought into legal conforming status; or

2. Be discontinued and removed within three months of becoming a non-conforming use.

Table 51-2
Home Occupation Uses

Use	
1. Ambulance service	N
2. Appliance repair	N
3. Architectural service	Y
4. Art restoration	Y
5. Artist studio	Y
6. Automobile repairs, parts sales, upholstery, detailing washing service	N
7. Beauty salons and barber shops	N
8. Boardinghouse, bed and breakfast hotel, time-share unit	N
9. Carpentry, cabinet makers	N
10. Ceramics (kiln of six cubic feet or more)	N
11. Ceramics (kiln of less than six cubic feet)	Y
12. Churches, religious instruction	N
13. Consulting services	Y
14. Contracting (office use only)	Y
15. Contracting: masonry or plumbing	N
16. Data processing	Y
17. Dental laboratory	Y
18. Direct sale production distribution (e.g., Amway, Tupperware, Jafra)	Y
19. Drafting and graphic services	Y
20. Dressmaking, sewing, tailoring, contract sewing (one machine)	Y
21. Electronic assembly	Y
22. Engineering service	Y
23. Financial planning, investment services	Y
24. Flower arranging	Y
25. Gardening, landscape maintenance	Y

26. Gun sales and repair (including gun shows only)	N
27. Health salons, gyms, dance studios, aerobic exercise studios, massage	N
28. Helium balloons	N
29. Home crafts	Y
30. Housecleaning service	Y
31. Insurance sales or broker	Y
32. Interior design	Y
33. Knife sharpening	N
34. Jewelry making, jeweler	Y
35. Laundry, ironing service	Y
36. Limousine or pedicab service	N
37. Locksmith	Y
38. Mail order (not from home retail sales)	Y
39. Medical or dental office	N
40. Millinery	Y
41. Mortician, hearse service	N
42. Painter (office use only)	Y
43. Palm reading, fortunetelling	N
44. Private clubs	N
45. Real estate sales or broker	Y
46. Religious services	N
47. Restaurants, taverns, food preparation	N
48. Retail sale from site (except direct distribution)	N
49. Sales representative (office only)	Y
50. Security service	Y
51. Skin care	N
52. Swimming pool cleaning	Y
53. Tax preparation	N
54. Telephone answering, switchboard, call forwarding	Y
55. Tow truck service	N
56. Tutoring	Y
57. Typing, word processing	Y
58. Upholstery	N
59. Veterinary uses (including care, grooming or boarding)	N
60. Wall papering	Y
61. Watch repair	Y
62. Writing, computer programming	Y



CITY OF LONG BEACH NOTICE OF EXEMPTION

DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 FAX: (562) 570-6068
lbs.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy. 2nd Floor, Room 2001
Norwalk, CA 90650

Categorical Exemption CE- 11-069

Project Location/Address: Citywide

Project/Activity Description: Zoning Code Amendment to Section 21.51.235 (Home Occupations)
clarifying operational requirements and establishing new parameters for acceptable uses.

Public Agency Approving Project: City of Long Beach, Los Angeles County, California

Applicant Name: City of Long Beach (Department of Development Services)

Mailing Address: 333 W. Ocean Blvd. 5th Floor

Phone Number: 562-570-6607

Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1109-10 Planner's Initials: JM

Required Permits: ZONING CODE AMENDMENT

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH
STATE GUIDELINES SECTION 15321, Class 21, Enforcement Actions by
Regulatory Agencies

Statement of support for this finding: Code amendment regulating home occupations

Contact Person: Craig Chalfant

Contact Phone: 562-570-6768

Signature: _____

Date: 10/5/11