



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

# H-1

333 West Ocean Blvd., 4<sup>th</sup> Floor Long Beach, CA 90802 (562) 570-6428 Fax: (562) 570-6205

May 22, 2012

HONORABLE MAYOR AND CITY COUNCIL  
City of Long Beach  
California

## RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and declare the Ordinance amending the Local Coastal Program and the Long Beach Municipal Code to modify Section 21.51.235 (Home Occupations) to clarify operational requirements and establish new parameters for acceptable uses, read the first time and laid over to the next regular meeting of the City Council for final reading; and

Adopt a Resolution authoring submittal of amendments to the Long Beach Zoning Regulations to the California Coastal Commission. (Citywide)

## DISCUSSION

In August 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 supports restructuring the Zoning Code to allow for a wider variety of uses while still maintaining the required regulations to retain the overall character of the residential unit where the use will operate.

On October 20, 2011, the Planning Commission considered an Amendment to Section 21.51.235 of the Zoning Code to clarify the operational requirements for home occupation uses and establish new parameters for acceptable uses (Exhibit A – October 20, 2011 Planning Commission Staff Report). After a brief discussion, the Planning Commission unanimously voted to recommend approval of the request to City Council.

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 B – Current Home Occupation Section). Over the years, the City has had to modify the permitted list after re-evaluating a 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.

The proposed Amendment to Section 21.51.235 of the Municipal Code is based on research of a number of other cities' home occupation regulations, including Santa Monica, Beverly Hills and Los Angeles. The resulting proposal includes changes that create the framework for home-based businesses rather than including a specific list of permitted uses. Also, additional operational requirements have been included to help ensure that the home occupation will not change the character of the residential unit and not negatively impact surrounding neighbors. These additional requirements include: prohibiting excessive and unsightly storage of materials, prohibiting use of the garage for business operations, specifying that agents shall conduct all operations off premises and specifying that the home occupation permit is valid only for the person that it was issued.

A list of prohibited uses is included that identifies businesses that are not compatible with residential areas. Uses such as auto repair, food preparation and medical offices result in noise, traffic and visitors to levels that exceed that of typical residential activities and result in a loss of the residential character of the site and a negative impact on surrounding properties.

This matter was reviewed by Assistant City Attorney Michael Mais on May 7, 2012 and Budget Management Officer Victoria Bell on May 3, 2012.

#### TIMING CONSIDERATIONS

The Municipal Code would typically require City Council action within 60 days of positive action by the Planning Commission, which took place on October 20, 2011. However, since this is a City-sponsored application, the timing consideration is not applicable.

#### FISCAL IMPACT

There is no fiscal impact and no direct local job impact as a result of the recommended action.

#### SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP  
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

  
\_\_\_\_\_  
PATRICK H. WEST  
CITY MANAGER

AJB:DB:JW  
P:\ExOfc\CC\5.22.12 Home Occ Code Amendment V4.doc

Attachments: EXHIBIT A- October 20, 2011 Planning Commission Staff Report  
EXHIBIT B- Current Home Occupation Section  
City Council Ordinance Redline Version  
City Council Ordinance  
City Council Resolution



# CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5<sup>th</sup> 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
<i>Abbreviations: Y = Permitted N = Not permitted.</i>	

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY OF LONG BEACH  
AUTHORIZING THE DIRECTOR OF DEVELOPMENT  
SERVICES TO SUBMIT AMENDMENTS TO THE LONG  
BEACH ZONING REGULATIONS TO THE CALIFORNIA  
COASTAL COMMISSION FOR APPROVAL

WHEREAS, on \_\_\_\_\_, 2012, the City Council of the City of  
Long Beach amended certain provisions of the Long Beach Zoning Regulations of the  
City of Long Beach related to amendments to Title 21 of the Long Beach Municipal Code  
relating to Home Occupations; and

WHEREAS, it is the desire of the City Council to submit the above  
referenced zoning regulation amendments to the California Coastal Commission for its  
review; and

WHEREAS, the Planning Commission and City Council gave full  
consideration to all facts and the proposals respecting the amendments to the zoning  
regulations at a properly noticed and advertised public hearing; and

WHEREAS, the City Council approved the proposed amendments to the  
zoning regulations by adopting amendments to Long Beach Municipal Code Section  
21.51.235 related to Home Occupations. The proposed zoning regulation amendments  
are to be carried out in a manner fully consistent with the Coastal Act and become  
effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments  
will not adversely affect the character, livability or appropriate development in the City of  
Long Beach and that the amendments are consistent with the goals, objectives and  
provisions of the General Plan.

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ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
2 follows:

3 Section 1. The amendment to the Long Beach Zoning Regulations of the  
4 City of Long Beach adopted on \_\_\_\_\_, 2012, by Ordinance No.  
5 ORD-12-\_\_\_\_\_, a copy of which is attached to and incorporated in this resolution  
6 as Exhibit "A", is hereby submitted to the California Coastal Commission for its earliest  
7 review as to that part of the ordinance that directly affects land use matters in that portion  
8 of the California Coastal Zone within the City of Long Beach.

9 Section 2. The Director of Development Services of the City of Long  
10 Beach is hereby authorized to and shall submit a certified copy of this resolution, together  
11 with appropriate supporting materials, to the California Coastal Commission with a  
12 request for its earliest action, as an amendment to the Local Coastal program that will  
13 take effect automatically upon Commission approval pursuant to the Public Resources  
14 Code or as an amendment that will require formal City Council adoption after Coastal  
15 Commission approval.

16 Section 3. This resolution shall take effect immediately upon its adoption  
17 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

18 I certify that this resolution was adopted by the City Council of the City of  
19 Long Beach at its meeting of \_\_\_\_\_, 2012, by the following vote:

20 Ayes: Councilmembers: \_\_\_\_\_  
21 \_\_\_\_\_  
22 \_\_\_\_\_

23 Noes: Councilmembers: \_\_\_\_\_  
24 \_\_\_\_\_

25 Absent: Councilmembers: \_\_\_\_\_  
26 \_\_\_\_\_

27 \_\_\_\_\_  
28 \_\_\_\_\_  
City Clerk

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING SECTION 21.51.235 AND DELETING TABLE 51-2, ALL RELATING TO HOME OCCUPATIONS

The City Council of the City of Long Beach ordains as follows:

Section 1. Section 21.51.235 of the Long Beach Municipal Code is amended to read as follows:

21.51.235 Home Occupations.

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, consulting, direct

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1 sales (incl. internet sales), credit/financial counseling, drafting and  
2 illustration, engineering, fashion design, interior decoration and design,  
3 legal services, marketing and advertising, property management, and  
4 writing and editing. The primary means of contact must be by phone,  
5 mail, or other electronic form of communication. A professional office use  
6 does not include research requiring the use of hazardous materials and  
7 equipment;

8 2. Instructional Services Uses. An instructional services  
9 use is a business whose principal purpose is to provide cognitive  
10 instruction or training, including but not limited to, academic tutoring,  
11 musical instrument lessons, dance lessons, sports training, or other similar  
12 physical performance training. The maximum number of students at any  
13 one time shall be limited to six (6);

14 3. Home Craft Uses. A home craft use is a business  
15 that results in a tangible product including but not limited to, dressmaking,  
16 furniture making, toy making and doll making. Additional uses include  
17 artistic products such as sculpting, painting, photography and other similar  
18 forms of creative works when such works are produced with the intent of  
19 gain or benefit for the participant or another person. Conducting a home  
20 craft use does not entitle the owner to sell articles manufactured on-site or  
21 in a residential zone.

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

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

26 1. No person other than a resident of the dwelling unit  
27 shall be engaged or employed in the home occupation, and the number of  
28 residents engaged or employed in the home occupation shall not exceed

- 1 two (2);
- 2 2. No sign shall be displayed in a manner visible from  
3 the outside of the dwelling unit. Vehicles with signs identifying the home  
4 occupation shall be parked so that they cannot be seen from the public  
5 right-of-way;
- 6 3. No mechanical equipment shall be used except that  
7 which is necessarily, customarily, or ordinarily used for household or  
8 leisure purposes. Such equipment shall not generate noise higher than  
9 the noise standards established for the residential uses;
- 10 4. No toxic, explosive, flammable, combustible,  
11 corrosive, etiologic, radioactive or other restricted materials shall be used  
12 or stored on the site;
- 13 5. There shall be no outside operations, storage or  
14 display of materials or projects;
- 15 6. Total storage of materials or products used in the  
16 business shall not exceed one hundred twenty-eight (128) cubic feet.  
17 There shall be no excessive or unsightly storage of materials or supplies  
18 for purposes other than those permitted in the residential district in which it  
19 is located. A garage may not be used for operations of the business or  
20 storage of materials used in the business and must be maintained for  
21 parking of automobiles and similar type vehicles;
- 22 7. The residential appearance of the premises shall not  
23 be altered. Creation of a separate entrance to the dwelling or use of an  
24 existing entrance exclusively for the business shall not be permitted;
- 25 8. No process shall be used which is hazardous to  
26 public health, safety or welfare;
- 27 9. Visitors, customers or deliveries to the dwelling shall  
28 not exceed that which normally and reasonably occurs for a residence.

1 Visitors and deliveries shall be limited to not more than two business  
2 visitors an hour and eight (8) visitors a day, and not more than two (2)  
3 deliveries of products or materials a week;

4 10. The home occupation shall not displace or block the  
5 use of parking spaces required for the residential use including any  
6 business storage in required garage parking areas;

7 11. No advertisement shall be placed in any media  
8 containing the address of the property;

9 12. Not more than two (2) vehicles shall be used in the  
10 business. Only one (1) vehicle may be commercially licensed;

11 13. When the person conducting the home occupation  
12 serves as an agent or intermediary between outside suppliers and outside  
13 customers, all articles, except for samples, shall be received, stored and  
14 sold directly to customers at an off-premises location;

15 14. The home occupation permit shall be valid only for the  
16 person to whom it was issued and shall be void when that person moves  
17 from the dwelling unit or discontinues the business.

18 C. Prohibited Home Occupation Uses. The following uses shall  
19 be prohibited as home occupations:

- 20 1. Ambulance service;
- 21 2. Appliance repair;
- 22 3. Automobile repair, parts, sales, upholstery, detailing,  
23 washing, service;
- 24 4. Beauty salons and barber shops;
- 25 5. Boardinghouse, bed and breakfast, hotel, time-share  
26 unit;
- 27 6. Carpentry, cabinet makers;
- 28 7. Ceramics (kiln of six (6) cubic feet or more);

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- 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;



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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.

D. 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 (3) months of becoming a non-conforming use.

Section 2. Section 21.51.235 of the Long Beach Municipal Code is amended by deleting Table 51.2.

Section 3. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of \_\_\_\_\_, 20\_\_, by the following vote:

Ayes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Noes: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

Absent: Councilmembers: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
City Clerk

Approved: \_\_\_\_\_  
(Date)

\_\_\_\_\_  
Mayor