

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

1 RESOLUTION NO. RES-12-0046

2
3 A RESOLUTION OF THE CITY OF LONG BEACH
4 AUTHORIZING THE DIRECTOR OF DEVELOPMENT
5 SERVICES TO SUBMIT AMENDMENTS TO THE LONG
6 BEACH ZONING REGULATIONS TO THE CALIFORNIA
7 COASTAL COMMISSION FOR APPROVAL

8
9 WHEREAS, on June 12, 2012, the City Council of the City of
10 Long Beach amended certain provisions of the Long Beach Zoning Regulations of the
11 City of Long Beach related to amendments to Title 21 of the Long Beach Municipal Code
12 relating to Home Occupations; and

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

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

19 WHEREAS, the City Council approved the proposed amendments to the
20 zoning regulations by adopting amendments to Long Beach Municipal Code Section
21 21.51.235 related to Home Occupations. The proposed zoning regulation amendments
22 are to be carried out in a manner fully consistent with the Coastal Act and become
23 effective in the Coastal Zone immediately upon Coastal Commission certification; and

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

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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 June 12, 2012, by Ordinance No.
5 ORD-12-0011, 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 May 22, 2012, by the following vote:

20 Ayes: Councilmembers: O'Donnell, Schipske, Andrews, Gabelich,
21 Neal, Lowenthal.

22 _____
23 Noes: Councilmembers: None.

24 _____
25 Absent: Councilmembers: Garcia, DeLong, Johnson.

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28 _____
City Clerk

ORDINANCE NO. ORD-12-0011

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

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two (2);

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 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 used in the business 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.

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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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of June 12, 2012, by the following vote:

Ayes: Councilmembers: Garcia, Lowenthal, O'Donnell, Schipske,
Andrews, Johnson, Gabelich, Neal.


Noes: Councilmembers: None.

Absent: Councilmembers: DeLong.



City Clerk

Approved: 6/18/12
(Date)



Mayor