



## Legislation Details (With Text)

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<b>Type:</b>	Action Item	<b>Status:</b>		Consent Calendar	
<b>File created:</b>	11/12/2020	<b>In control:</b>		Planning Commission	
<b>On agenda:</b>	11/17/2020	<b>Final action:</b>			
<b>Title:</b>	Planning Commission review and consideration of initiation of text amendments to Section 17.08.020 of the Hermosa Beach Municipal Code regarding "Home Occupations" (home-based businesses) in residential zones.				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Hermosa Beach Municipal Code Section 17.08.pdf				

Date	Ver.	Action By	Action	Result
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### Honorable Chair and Members of the Hermosa Beach Planning Commission

#### Regular Meeting of November 17, 2020

Planning Commission review and consideration of initiation of text amendments to Section 17.08.020 of the Hermosa Beach Municipal Code regarding "Home Occupations" (home-based businesses) in residential zones.

Applicant: City of Hermosa Beach

#### Recommended Action:

1. Review Section 17.08.020 of the Hermosa Beach Municipal Code regarding "Home Occupations" (home-based businesses) in residential zones;
2. Consider focused amendments or a comprehensive update, working with the City Attorney for consideration at a future Planning Commission meeting; and
3. If desired, set a public hearing to consider Text Amendments for Planning Commission to recommend to the City Council regarding "Home Occupations" (home-based businesses).

#### Background:

Home-based businesses are permitted in residential zones subject to strict requirements stated in the Zoning Code Section 17.08.020. Home Occupation Permits are business licenses reviewed and approved by the Planning Division of the Community Development Department prior to issuance and renewal annually by the Finance Department.

Section 17.08.020 of the Zoning Code pertains to Permitted Uses in the R-1 zone. Other residential zones refer to this section of the code for permitted uses, which include Home Occupations for home-based businesses.

There have been significant increases in home-based workers due to pandemic related office closures and technological advances. Many workers are expected to continue to work from home in the future, either part time or full time. Some Hermosa Beach businesses have experienced additional daytime customers due to the many residents working from home.

For independent professionals, the current code regulating home-based businesses may not meet the needs of home-based business owners.

### **Analysis:**

#### **Professional Offices**

The Code appears to be outdated for modern work from home practices for professionals. Professional offices can implement operational practices such as virtual meetings with clients and review paperwork digitally.

The City has received Home Occupation Business License applications for professionals, including a law corporation, real estate business, and a child psychologist. These home-based businesses were unable to meet the code requirement of Section 17.08.020.D.14. This section could be deleted or modified to allow professionals to obtain Home Occupation Business Licenses without a separate principal licensed office.

### **17.08.020 Permitted uses**

#### **D. Home Occupations.**

14. No professional offices are allowed, specifically including but not limited to the healing arts, law, accounting, real estate, clergy, insurance and similar professional or semi-professional offices, unless the person engaged in such home occupation maintains a principal licensed office in an area permitting such activity as a principal use.

#### **Noise Limits.**

With increasing work from home trends, the existing home-based business noise language may not be adequate to protect nearby residents in code requirement of Section 17.08.020.D.9.

9. No tools or equipment may be operated which make a sound audible from without the premises at a distance of twenty (20) feet from the property line, between the hours of 6:00 p.m. and 9:00 a.m. No activity or equipment which makes any loud or whining noise discernible from without the premises is permitted at any time.

It may be appropriate to amend this section to reference the noise ordinance similar to standard condition of approval for other applications:

Noise emanating from the property shall be within the limitations prescribed by the City's Noise

Ordinance (Hermosa Beach Municipal Code Chapter 8.24) and shall not create a nuisance to surrounding residential neighborhoods.

#### Traffic Generation

The language specifically includes tutors and day care centers as approved by the planning director. It is recommended that the code be amended to exclude specific uses in Section 17.08.020.D.11.

11. No foot or vehicle traffic may be generated to or from the premises except for traditional uses such as tutors and day care centers as approved by the planning director.

It may be appropriate to amend this section to include a more general traffic limitation, such as is used in other city codes, such as:

A home occupation shall not create pedestrian, automobile, or truck traffic significantly in excess of the normal amount in the neighborhood.

#### Advertising

The Code appears to be outdated regarding types of listings not including internet in Section 17.08.020.D.15.

15. No listing or advertising of the address of such home occupation for business purposes is permitted including display ads in telephone, business and city directories and in newspapers and magazines. The telephone number and address may be listed on business cards.

It may be appropriate to amend the types of listing to include internet advertising or to delete this section entirely since the intention of advertising regulations is to limit traffic, such as discussed above in Section 17.08.020.D.11.

#### Other City Examples

Additional limitations may be appropriate such as the following code sections from other cities:

##### Manhattan Beach

1. No one other than a resident of the dwelling shall be employed on-site or report to work at the site in the conduct of a home occupation. This prohibition also applies to independent contractors.
2. No motor vehicle repair, beauty shop or barber shop shall be permitted, and a home occupation shall not include an office or sales room open to visitors.

##### Newport Beach

1. This section provides standards for the conduct of home occupations as an accessory use to ensure compatibility with the residential character of the neighborhoods where located and to prevent disturbances or annoyances to any reasonable person of normal sensitivity residing in the area.
2. A home occupation use shall be conducted in the principal dwelling unit; shall be excluded

from a setback area, yard or accessory structure; and shall be clearly incidental and subordinate to the principal residential use.

General Plan Consistency:

PLAN Hermosa (the City's combined General Plan and Local Coastal Program) was adopted in August 2017. The Text Amendment is consistent with the PLAN Hermosa vision to support our vibrant local economy and the Land Use policies:

- Governance 5.1 Residential and Commercial Compatibility. Provide a balance between residential and commercial uses and strive to ensure their compatibility.
- Governance 6.1 Long-term Economic Development. Support the development and implementation of long-term economic development strategies that seek to establish and keep new businesses and a strong middle class in Hermosa Beach over the decades to come.
- Governance 7.6 Livability Principles. Amend or update policies that may run counter to livability, sustainability, and health principles.
- Land Use 1.7 Compatibility of Uses. Ensure the placement of new uses does not create or exacerbate nuisances between different types of land uses.
- Land Use 2.12 Design of Single-family Homes. Maintain and enhance the character of single-family home neighborhoods by:
  - Allowing home occupations in neighborhoods so long as there is no significant impact on the surrounding residential uses.
- Sustainability + Conservation 3.2 Reduce Source Reductions. Support land use and transportation strategies to reduce emissions, including pollution from commercial and passenger vehicles.

Respectfully Submitted by: Christy Teague, Senior Planner  
Approved: Ken Robertson, Community Development Director  
Concur: Nicole Ellis, Associate Planner  
Legal Review: Patrick Donegan, Assistant City Attorney

Attachment:

1. Hermosa Beach Municipal Code Section 17.08.020