

ORDINANCE NO. 1000

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROSEMEAD, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FOR THE APPROVAL OF MCA 21-02, AMENDING TITLE 17 (ZONING) OF THE ROSEMEAD MUNICIPAL CODE BY ADDING DEFINITIONS TO SECTION 17.04.050 DEFINITIONS-GENERAL OF CHAPTER 17.04, ADDING LIVE/WORK AS A PERMITTED USE IN ALL MIXED-USE LAND USE DESIGNATIONS IN THE CITY, ADDING LIVE/WORK AS A PERMITTED USE TO SECTION 17.28.030.C.1 PERMITTED USES, ADDING SECTION 17.30.210 LIVE/WORK TO CHAPTER 17.30 STANDARDS FOR SPECIFIC LAND USES WHICH ESTABLISHES DEVELOPMENT STANDARDS FOR LIVE/WORK UNITS, AND MODIFYING THE APPROVAL REQUIREMENT FOR OUTDOOR DINING IN THE RESIDENTIAL/COMMERCIAL MIXED-USE DEVELOPMENT OVERLAY ZONES FROM A CONDITIONAL USE PERMIT TO AN ADMINISTRATIVE USE PERMIT

THE CITY COUNCIL OF THE CITY OF ROSEMEAD DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The City Council HEREBY FINDS AND DETERMINES that facts do exist to justify approving Municipal Code Amendment 21-02, in accordance with Section 17.152.060 of the Rosemead Municipal Code ("RMC") as follows:

A. The proposed amendment is consistent with the General Plan and any applicable specific plan;

FINDING: The proposed amendment is consistent with the goals, policies, and objectives of the General Plan. It is a goal of the Land Use Element of the General Plan to create vibrant, attractive mixed-use developments. To ensure that mixed-use developments are vibrant and attractive, a General Plan policy of the City encourages mixed-use development as a means of upgrading established uses and developing vacant parcels along arterials and providing new commercial, residential, and employment opportunities. The proposed code amendments will provide the City with additional tools to ensure mixed-use developments will provide for both residential and nonresidential (commercial) opportunities. This ordinance is tailored to preserve the character of a mixed-used development, while allowing live/work units to be incorporated into the design. In addition, live/work units provide for employment opportunities and may create public revenues to provide for City services and the City's tax base. Furthermore, streamlining the permitting process for outdoor dining within the residential/commercial mixed-use overlay zone is also consistent with the General Plan.

B. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

FINDING: Adopting this Ordinance will not be detrimental to the public interest, health, safety, convenience or welfare of the City because residential/commercial mixed-use developments are currently permitted in residential/commercial mixed-use zones. The amendment

would provide opportunity for current and future mixed-use developments to incorporate live/work units and outdoor dining. Live/work units and outdoor dining are consistent with the intent of a residential/commercial mixed-use development as it combines and integrates residential and commercial, institutional, and office uses. Incorporating live/work units also provides cost-efficient alternative workspace that will provide an incentive for entrepreneurs, business owners, artists, artisans, and other individuals to continue to work in City and contribute to the City's economy.

C. The proposed amendment is internally consistent with other applicable provisions of [the] Zoning Code.

FINDING: The City's Zoning Code currently allows residential/commercial mixed-use developments in mixed-use zones, such as the Residential/Commercial Mixed-Use Development Overlay zone. As defined in the Zoning Code, a mixed-use development combines and integrates residential uses with commercial, institutional, and office uses. The mix of uses may be combined in a vertical residential/commercial mixed-use building or combined in separate buildings located on one property and/or under unified control. The proposed amendment is consistent with the definition for mixed-use. The proposed amendment will also provide for the greatest possible flexibility in development choices and provides new opportunities for a live/work use to be incorporated into residential/commercial mixed-use developments. In addition, outdoor dining is already a permitted use in the residential/commercial mixed-use development overlay zone and the amendment will only streamline the permitting process from a Conditional Use Permit to an Administrative Use Permit.

SECTION 2. Code Amendment. RMC § 17.04.050 [Definitions – General] is hereby amended to add a new definition for “artist studio,” “live/work (includes artist live/work),” and “telework/telecommuting,” as follows:

“Artist Studio” means a space used to produce paintings, drawings, pottery, sculpture, ceramics, home crafts, creative writing, dance (individual or one on one instruction), or music (individual or one on one instruction). Offensive noise, vibration, dust, etc., are prohibited. Most goods are sold primarily at a different location, such as farmer markets or festivals.

“Live/Work (includes artist live/work)” means a unit that is designed or structurally modified to combine residential occupancy and commercial activity such as artist studios, professional offices, software/media offices, or small-scale retail sales of art and crafts.

“Telework/Telecommuting” means a flexible work arrangement in which a person performs the normal duties and responsibilities of their positions from home and where the use of computer and telecommunications technology is often used, while not always necessary.

SECTION 3. Code Amendment. RMC § 17.28.030.C.1 is hereby amended to add live/work to permitted uses, as follows:

C. Permitted Uses.

1. The following uses are permitted in a residential/commercial mixed-use development: retail stores and businesses, provided there is no manufacturing, processing or treatment of products other than what is clearly incidental to the retail business conducted on the

premises, and not more than twenty (20) percent of the floor area of the building shall be used in the manufacturing, processing or treatment of products, and that such operations or products are not objectionable due to noise, odor, dust smoke, vibration or other similar causes;

- Artist studios;
- ATM facilities subject to the requirements of Section 17.28.030.E.2;
- Bakery products shops;
- Banks, savings and loan associations, and financial institutions, excluding check cashing or other pay day loan services;
- Barber shops, beauty shops and manicure parlors;
- Book stores;
- Clothing and shoe stores;
- Confectionery retail shops;
- Department and variety stores;
- Drug stores and pharmacies;
- Dry cleaning stores, drop-off and pick-up only;
- Electric appliance stores and repairs;
- Employment agencies;
- Fabric and yardage stores;
- Florist shops;
- Food stores, bakery shops, delicatessens and markets;
- Furniture stores, limited to new furniture, except that used furniture taken in trade may be sold provided used furniture sales do not exceed twenty-five (25) percent of the gross floor area or twenty-five (25) percent of total retail floor area, whichever is less;
- Grocery, fruit and vegetable stores;
- Hardware stores;
- Health centers, and similar personal service establishments, with massage as an incidental use and occupying no more than twenty-five (25) percent of the floor area (Administrative Use Permit Required);
- Hobby shops;
- Interior decorating shops;
- Jewelry stores;

- Live/Work subject to the requirements of Section 17.30.210;
- Music stores;
- Paint stores;
- Pet supply stores;
- Photo-copy, printing, or office supply stores;
- Photographic studio, supply shop, or film pick-up and drop-off point;
- Radio and television stores and repair;
- Restaurants, take-out and other eating establishments;
- Retail sales of automotive parts without installation and no outside storage;
- Self-service laundries subject to the requirements of Section 17.28.030.E.5;
- Shoe stores or shoe repair shops;
- Tailor, clothing or wearing apparel shops; and
- Travel agencies.

SECTION 4. Code Amendment. RMC § 17.30.210 is hereby added to Chapter 17.30 (Standards for Specific Land Uses), as follows:

17.30.210 Live/Work (includes Artist Live/Work).

- A. Purpose. The purpose of the following provisions is to provide standards for live/work units and to ensure a live/work unit is consistent with the definition of a mixed-use development.
- B. Applicability. The provisions in this section shall apply to live/work units as defined in Article 1, Section 17.04.050 (Definitions) and where allowed in compliance with Article 2 (Zoning Districts, Allowable Land Uses and Zone Specific Standards) and the following City standards.
- C. City Standards.
 1. At least 25% and no more than 75% of the unit must be dedicated to residential use.
 2. The working space is to be used by the one or more of the occupants (owner-occupant or renter occupant) of a single household or family.
 3. One or more occupants is a business owner with a valid Rosemead Business License or where one or more occupants has submitted a signed letter, documenting telework/telecommuting or other related activities for the majority of the work week.
 4. The unit consists of a full kitchen, full bathroom (bathing and sanitary) facilities in compliance with the applicable Building Codes.

5. No more than one full time equivalent non-occupant employee is permitted to work in addition to the occupants of the live/work unit.
6. The Community Development Director shall have the discretion to allow other uses not listed under permitted uses.
7. The Community Development Director or his/her designee may require the discontinuance of a work activity in a live/work unit if, as operated or maintained, there has been a violation of any applicable condition or standard. The Community Development Director or his/her designee shall have the authority to prescribe additional conditions and standards of operation for any category or work activity in a live/work unit.
8. Permitted live/work uses include:
 - a. Professional Office (such as an architect, accountant, realtor, sales representative, website/graphic designer, consultant, etc.)
 - b. Artist Studio
 - c. Cottage Food Operation (provided that all orders are pre-ordered and for pick-up only). There shall be no restaurant service, storefront, and no installation of industrial kitchen equipment. The operator must utilize the existing kitchen facilities within the residential component of the live/work unit).
 - d. Tutoring Services (Small)
 - e. Additional uses not listed may be permitted subject to the discretion of the Community Development Director.
9. Unpermitted live/work uses include:
 - a. Restaurants
 - b. Wholesale and Retail Sales (including but not limited to automobiles, merchandise, herb and/or pharmaceuticals, guns and/or ammunition, etc.)
 - c. Dating Services (ex. no speed dating mixers)
 - d. Adult Businesses
 - e. Fortune Telling, Palm Reading, Psychics, and similar uses
 - f. Massage Services
 - g. Personal Care Services (hair, nails, facials, or similar uses)
 - h. Medical and Dental Offices
 - i. Automobile, Boat, or Aircraft Repair (body and/or mechanical), Detailing (washing, waxing, tinting, etc.), Testing, Towing, and/or other auto services related uses
 - j. Plumbing, Machine, or Sheet Metal Works
 - k. Carpentry Shops
 - l. Contractor Storage Yard
 - m. Laundering of Clothes or other Articles
 - n. Animal Kennels or Breeding
 - o. Additional uses that create dust, electrical interference, fumes, gas, odor, smoke, glare, light, noise, vibration, toxic/hazardous materials, liquid or solid waste, or other hazards or nuisances other than that normally incidental to residential use of the structure. Commercial uses shall not create any other negative effect that may be felt, heard, or otherwise sensed by adjoining units, as determined by the Community Development Director
 - p. Any other uses that require the granting of a Conditional Use Permit

10. Off-Street Parking for Live/Work Units. The more restrictive parking requirement (residential or nonresidential) shall apply to live/work units in each of the following zones.

a. Residential/Commercial Mixed-Use Development Overlay

- 1) Residential: provide no less than two standard sized parking space and 0.5 standard sized guest parking space
- 2) Nonresidential: provide one standard sized parking space per 250 square feet of floor area.

b. Freeway Corridor Mixed-Use Overlay

1) Residential

- i. Provide no less than one standard sized parking space and 0.5 standard sized guest parking space for a studio or one bedroom unit.
- ii. Provide no less than two standard sized parking space and 0.5 standard sized guest parking space for units with two or more bedrooms.

2) Nonresidential: provide one standard sized parking space per 400 square feet of floor area.

c. Parking areas for residential guests may be uncovered and combined with nonresidential parking if live/work units are incorporated into the mixed-use development.

SECTION 5. Code Amendment. RMC § 17.28.030.C.4 is hereby amended to modify the approval requirement for outdoor dining, as follows:

4. The following uses shall be the only uses for which a Conditional Use Permit or Administrative Use Permit may be applied for and granted in a residential/commercial mixed-use development:

a. Conditional Use Permit

- 1) Any commercial use that operates after midnight;
- 2) Any establishment having an off-sale license for alcoholic beverages;
- 3) Any establishment having an on-sale license for alcoholic beverages;
- 4) Commercial recreation and entertainment;
- 5) Convenience markets subject to the requirements of Section 17.28.030.E.3; and
- 6) Libraries and museums.

b. Administrative Use Permit

- 1) Any outdoor dining area.

SECTION 6. Code Amendment. RMC § 17.28.030.D.15 is hereby amended to modify the approval requirement for outdoor seating, as follows:

15. Land Use.

a. Ground Floor Uses.

- 1) Notwithstanding Section 17.28.030.C.6.c.1, the ground floor uses on the street frontage shall be commercial.
- 2) Outdoor seating may be allowed on private property with an administrative use permit.

- 3) When alcoholic beverages are permitted in outdoor seating areas that are immediately adjacent to a public pedestrian way, the landscape separation physical design and plant material should compliment the design of the building and prevent passing or carrying alcoholic beverages outside the restaurant seating area and a sign shall be posted.
- b. Vertical Compatibility of Uses.
 - 1) Commercial uses shall be designed and operated such that neighboring residents of residential units on the floors above are not exposed to offensive noise, especially from traffic, trash collection, routine deliveries or late night activity
 - 2) A conditional use permit shall be required for commercial uses that operate after midnight.
 - 3) No use, activity or process shall produce continual vibrations or noxious odors that are perceptible without instruments at the property lines of the site or within the interior of residential units on the site.

SECTION 7. Environmental Review. MCA 21-02 is not a project pursuant to California Environmental Quality Act (CEQA) Guideline 15378, because the activity undertaken involves general text amendments that would not cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment and does not meet the definition of a “Project” under CEQA. The proposed Code Amendment is also exempt from CEQA under Section 15061(b)(3) of the CEQA Guidelines because CEQA only applies to projects which have the potential for causing a significant effect on the environment. As a series of text amendments, it can be seen with certainty that there is no possibility that the ordinance will have a significant effect on the environment.

SECTION 8. Construction. This Ordinance must be broadly constructed in order to achieve the purposes stated in this Ordinance. It is the City Council’s intent that the provisions of this Ordinance be interpreted or implemented by the City and others in a manner that facilitates the purposes set forth in this Ordinance.

SECTION 9. Enforceability. Repeal of any provision of the RMC does not affect any penalty, forfeiture, or liability incurred before, or preclude prosecution and imposition of penalties for any violation occurring before this Ordinance’s effective date. Any such repealed part will remain in full force and effect for sustaining action or prosecuting violations occurring before the effective date of this Ordinance.

SECTION 10. Severability. If any part of this Ordinance or its application is deemed invalid by a court of competent jurisdiction, the City Council intends that such invalidity will not affect the effectiveness of the remaining provisions or applications and, to this end, the provisions of this Ordinance are severable.

SECTION 11. Effective Date. This Ordinance shall take effect thirty (30) days after its adoption.

SECTION 12. Publication. The City Clerk shall certify to the adoption of this Ordinance and shall publish a summary of this Ordinance and post a certified copy of the full Ordinance in the office of the City Clerk at least five days prior to the adoption and within 15 days after adoption of the Ordinance, the City Clerk shall publish a summary of the Ordinance with the names of the


Council Members voting for and against the Ordinance. This Ordinance shall take effect thirty (30) days after the date of its adoption.

PASSED, APPROVED, AND ADOPTED this 28th day of September 2021.



Polly Low, Mayor

ATTEST:



Ericka Hernandez, City Clerk

APPROVED AS TO FORM:



Rachel H. Richman, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss
CITY OF ROSEMEAD)

I, Ericka Hernandez, City Clerk of the City of Rosemead, County of Los Angeles, State of California, hereby attest to the above signature and certify that Ordinance No. 1000 was introduced for first reading at the regular meeting of July 27, 2021. Said Ordinance was approved and adopted by the City Council of the City of Rosemead at a regular meeting held on the 28th day of September 2021, by the following vote:

AYES: CLARK, DANG, LOW, LY

NOES: NONE

ABSENT: ARMENTA

ABSTAIN: NONE



Ericka Hernandez, City Clerk