



Date: February 11, 2025

To: Honorable Mayor and Members of the City Council

From: Rebecca Poirier, City Clerk

By: Crystal Cammarota, Deputy City Clerk III | CCammarota@TorranceCA.gov

Subject: SECOND AND FINAL READING OF **ORDINANCE NO. 3945**

RECOMMENDATION

Second and Final Reading of **ORDINANCE NO. 3945** adding Chapter 20 entitled "Microenterprise Home Kitchen Operations" to Division 4 of the Torrance Municipal Code.

The item was previously discussed, and action was taken at a prior City Council meeting.

FUNDING

None required.

DISCUSSION

At the regular meeting of the City Council held on the 28th of January 2025 this Ordinance was discussed, introduced, and approved for its first reading by the following roll call vote:

AYES:	COUNCILMEMBERS	Gerson, Kaji, Kalani, Lewis, Mattucci, Sheikh and Mayor Chen
NOES:	COUNCILMEMBERS	None.
ABSTAIN:	COUNCILMEMBERS	None.
ABSENT:	COUNCILMEMBERS	None.

ATTACHMENTS

1. Ordinance No. 3945
2. Ordinance Summary

ORDINANCE NO. 3945**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADDING CHAPTER 20 ENTITLED "MICROENTERPRISE HOME KITCHEN OPERATIONS" TO DIVISION 4 OF THE TORRANCE MUNICIPAL CODE****RECITALS**

WHEREAS, the City of Torrance is a charter City under California law with a recognized mandate to preserve, protect, and enhance the general health and welfare of its residents; and

WHEREAS, implicit in any plan or regulation is the City's interest in maintaining the quality of life and the character of the City's neighborhoods, as without stable, well-planned neighborhoods, Sections of the City can quickly deteriorate, with consequences to social, environmental, and economic values; and

WHEREAS, in 2019, the California Health and Safety Code established a "Microenterprise Home Kitchen Operation" (MEHKO), as a new retail food facility where individuals operate a small-scale restaurant in their home; and

WHEREAS, per State law, cities and counties cannot use zoning laws to prohibit MEHKOs.

WHEREAS, per State law, MEHKOs may sell up to 30 meals per day but not more than 90 meals per week, while earning a maximum amount of \$100,000 in gross annual sales; and

WHEREAS, in October 2023, the Los Angeles County Board of Supervisors approved the motion, "Streamlining Access to Safe and Regulated Vending and Micro-Entrepreneurship Opportunities", to adopt MEHKOs in Los Angeles County; and

WHEREAS, in May of 2024, the Los Angeles County Board of Supervisors adopted an ordinance approving a permitting process that will allow the operation of MEHKOs within Los Angeles County (herein referred to as "Los Angeles County Ordinance"), except in the cities of Pasadena, Long Beach, and Vernon, which have their own health departments; and

WHEREAS, under the Los Angeles County Ordinance, a MEHKO can also be approved to serve as a commissary for up to two food carts, or Compact Mobile Food Operations (CMFO). In such cases, the kitchens will be limited to 80 meals per day and no more than 200 meals per week. The gross sales for a MEHKO operating as a commissary will be \$150,000; and

WHEREAS, per the Los Angeles County Ordinance, the City of Torrance cannot prohibit the operation of MEKOs or CMFOs within the City; and

WHEREAS, the City of Torrance is able to require a business license for MEHKOs and CMFO s to operate within the City as well as prohibit cart storage of CMFOs; and

WHEREAS, a City of Torrance Business License is required for any business located in Torrance, or that works in or delivers to the City; and

WHEREAS, the City Council of the City of Torrance has determined it necessary to adopt its own MEHKO Ordinance to establish operating standards, as allowed under the Los Angeles County Ordinance; and

WHEREAS, the adoption of the Ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 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 Ordinance is also exempt from CEQA Guidelines under Section 15061(b)(3) because it can be seen with certainty that there is no possibility that the Ordinance may have a significant effect on the environment.

NOW, THEREFORE, the City Council of the City of Torrance, California, does hereby ordain as follows:

SECTION 1

The City Council of the City of Torrance hereby finds and determines that all the above Recitals are true and correct and incorporates such Recitals into this Ordinance.

SECTION 2

Chapter 20 is added to Division 4 of the Torrance Municipal Code to read in its entirety as follows:

“CHAPTER 20

MICROENTERPRISE HOME KITCHEN OPERATIONS

420.1.010 MICROENTERPRISE HOME KITCHEN OPERATIONS.

Where allowed by Article 18 of Chapter 2 of Division 9 of the Torrance Municipal Code, Microenterprise Home Kitchen Operation (MEHKO) businesses shall comply with the regulations of this section in addition to those regulations set forth and enforced by the MEHKO County of Los Angeles Department of Public Health.

MEHKO businesses must have a valid City of Torrance Home Occupation Business License and Zoning Clearance letter to operate within Torrance.

420.1.020 PURPOSE.

The requirements of this section are intended to:

- a) Implement the California Retail Food Code to allow MEHKO;
- b) Recognize that a residential property owner or resident has a limited right to conduct an unobtrusive microenterprise home kitchen home occupation business from his or her residence and recognize that the business should be conducted in a manner that has little to no impact on surrounding residents;
- c) Preserve the residential character of residential neighborhoods, where microenterprise home kitchens operate;
- d) Prevent the operation of a microenterprise home kitchen from transforming a residential neighborhood into a commercial one; and

- e) Institute the Zoning Clearance Planning approval process for the approval of all microenterprise home kitchen occupation businesses in addition to the required business license application.

420.1.030 APPROVAL PROCESS.

- a) A MEHKO Home Occupation Business License and a Zoning Clearance application shall be submitted on forms provided by the City of Torrance Community Development Department and Finance Department Business License Division. Upon submittal, the Community Development Director or his/her designee will review the Home Occupation Permit zoning application as the public counter and may require additional information to confirm full compliance with this chapter.
- b) Prior to the issuance of the City Business License, the Finance Director or his/her designee will verify that the applicant has supplied written proof that the MEHKO Permit has been issued by the Los Angeles County Department of Public Health.
- c) Applicant shall pay Zoning Clearance and MEHKO Occupation Business License fees associated with the City's review and processing of the applications. Said fees shall not exceed the City's cost of administering the review and permitting process.
- d) If the applications do not comply with the provision set forth in this Chapter, the Community Development Director and/or Finance Directors may deny the applications, or a revision may be required in order to meet the provisions of this chapter prior to approval of the application.
- e) Approval granted by the City of Torrance for the operation of a MEHKO business may be revoked by the City if at any time the use is found to be out of compliance with the provisions of this Chapter or the County of Los Angeles Department of Public Health Requirements.
- f) MEHKO Zoning Clearances are nontransferable.

420.1.040 PERFORMANCE STANDARDS.

A MEHKO home occupation shall be allowed to operate from a legally established residential dwelling unit as an accessory use to the primary residential use of the dwelling, provided that the use complies with all of the following performance standards.

- a) A MEHKO home occupation business shall obtain the necessary permits and approvals from the Los Angeles County Department of Public Health.
- b) If the MEHKO home occupation operator is not the owner of the residence where the business will be conducted, the property owner's or apartment managers' written authorization shall be submitted with the application for a MEHKO home occupation.
- c) If the MEHKO home occupation will be conducted in a residential dwelling located within a development subject to Homeowner's Association (HOA) Declaration of Covenants, Conditions and Restrictions (CC&R's), the applicant shall provide written authorization from the HOA.

- d) A MEHKO home occupation business is allowed one full time employees (for 40 hours per week) or multiple employees whose combined hours do not exceed 40 hours per week.
- e) A Compact Mobile Food Operation (CMFO) is not permissible within the City of Torrance.
- f) A MEHKO home occupation business may not offer alcohol sales or consumption in the City of Torrance.
- g) A MEHKO home occupation business is limited to no more than 30 individual meals per day and no more than 90 individual meals per week.
- h) A MEHKO home occupation business may not have more than one hundred thousand dollars \$100,000 in verifiable gross annual sales, as adjusted annual for inflation based on the California Consumer Price Index.
- i) Food may only be sold directly to consumers, not to any wholesaler, caterer, or retailer.
- j) A MEHKO home occupation business may not act as a caterer and may not be permitted/registered as a Cottage Food Operation.
- k) Signs and outdoor advertising for a MEHKO home occupation business is prohibited.
- l) Food may not be served in the front yard of the home, food may only be available for customer pick up, or delivery by the MEHKO operator, third party delivery apps are not allowed except for individuals who have a physical or mental condition indicated in the California Retail Food Code, Section 114367.5.
- m) The MEHKO home occupation business shall not generate obnoxious odors, fumes, or emissions that are perceptible without instruments by a reasonable person at or beyond the property line of the site.
- n) The MEHKO home occupation business shall comply with the noise standards for residential zones as identified in Article 7 of Chapter 6 of Division 4 of the Torrance Municipal Code and any other noise standards found in Chapter 6 of Division 4.
- o) The MEHKO home occupation business shall comply with all Health and Safety standards, certifications, training and permitting requires of the Los Angeles County Department of Public Health.

420.1.050 VIOLATIONS – PENALTIES.

- a) A violation of this Chapter is punishable only by an administrative fine in amounts not to exceed the following:
 - 1) One Hundred Dollars (\$100.00) for the first violation.
 - 2) Two Hundred Dollars (\$200.00) for a second violation within one (1) year of the first violation.
 - 3) Five Hundred Dollars (\$500.00) for each additional violation within one (1) year of the first violation.
 - 4) The City may rescind a permit issued to a MEHKO home occupation business upon the fourth or any subsequent violation.”

SECTION 3

Any provisions of the Municipal Code or its appendices, or any other ordinances of the City of Torrance inconsistent with this ordinance to the extent of the inconsistencies and no further, are repealed.

SECTION 4

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason deemed or held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision will not affect the validity of the remaining portions of this ordinance. The City Council of the City of Torrance hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

SECTION 5

This ordinance was reviewed pursuant to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq., "CEQA") and the regulations promulgated thereunder (14 Cal. Code of Regulations §§15000, et seq., the "CEQA Guidelines"). This ordinance is not subject to the CEQA pursuant to Section 15301 Class 1 (Existing Facilities) because the proposed ordinance establishes Microenterprise Home Kitchen Operations as a type of home occupation to be conducted within an existing dwelling unit, which would involve negligible or no expansion of the existing residential use. Additionally, this ordinance is not subject to the CEQA pursuant to Sections 15060(c)(2) because the activity, which involves adding sections to the City of Torrance Municipal Code, will not result in a direct or reasonably foreseeable indirect physical change in the environment; and 15060(c)(3) because the activity is not a project as defined in Section 15378 of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because the nature of the code amendment being considered has no potential for resulting in either a direct or indirect change in the environment.

SECTION 6

This ordinance shall take effect 30 days after the date of its adoption. Within 15 days following adoption, this ordinance or a summary of this ordinance if authorized by the City Council, will be published at least once in the Daily Breeze, a newspaper of general circulation, published and circulated in the City of Torrance.

INTRODUCED and **APPROVED** this 28th day January 2024.

ADOPTED and **PASSED** this 11th day of February 2024.

Mayor George K. Chen

APPROVED AS TO FORM:
PATRICK Q. SULLIVAN, City Attorney

ATTEST:

by: _____
Tatia Y. Strader, Assistant City Attorney

Rebecca Poirier, MMC, City Clerk

ORDINANCE SUMMARY

On January 28, 2025, the City Council of the City of Torrance introduced by title only, at first reading, Ordinance No. 3945 “An Ordinance of the City Council of the City of Torrance, California, Adding Chapter 20 entitled “Microenterprise Home Kitchen Operations” to Division 4 of the Torrance Municipal Code to regulate Home Kitchen Operations in the City of Torrance. Ordinance No. 3945 will take effect 30 days after the adoption date of February 11, 2025. The following is a summary of Ordinance No. 3945.

Addition to the Torrance Municipal Code:

Ordinance No. 3945 would add Division 4 “Public Health and Welfare”, Chapter 20 “Microenterprise Home Kitchen Operations” to regulate the approval process and identify the performance standards of Home Kitchen Operations in residential zones.

The full text of Ordinance No.3945 is available for inspection during regular business hours at the City Clerk’s Office (3031 Torrance Boulevard, Torrance, California 90503) Monday through Friday with alternating closed Fridays from 7:30 a.m. to 5:30 p.m. or at <https://www.torranceca.gov/government/city-clerk>.

DATED THIS 11th DAY OF FEBRUARY, 2025.

Rebecca Poirier, City Clerk
City of Torrance
3031 Torrance Boulevard
Torrance, California 90503

URGENCY ORDINANCE SUMMARY

On January 28, 2025, the City Council of the City of Torrance adopted Urgency Ordinance No. 3946 "An Urgency Ordinance of the City Council of the City of Torrance, California, Adding Chapter 20 entitled "Microenterprise Home Kitchen Operations" to Division 4 of the Torrance Municipal Code to regulate Home Kitchen Operations in the City of Torrance. The following is a summary of Urgency Ordinance No. 3946.

Addition to the Torrance Municipal Code:

Urgency Ordinance No. 3946 would add Division 4 "Public Health and Welfare", Chapter 20 "Microenterprise Home Kitchen Operations" to regulate the approval process and identify the performance standards of Home Kitchen Operations in residential zones.

The full text of Urgency Ordinance No. 3946 is available for inspection during regular business hours at the City Clerk's Office (3031 Torrance Boulevard, Torrance, California 90503) Monday through Friday with alternating closed Fridays from 7:30 a.m. to 5:30 p.m. or at <https://www.torranceca.gov/government/city-clerk>.

DATED THIS 11th DAY OF FEBRUARY, 2025.

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