



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council **Item No.** _____

FROM: City Manager

SUBJECT: Consider Providing Direction to City Staff Regarding Temporary Use Permit No. 2025-025 to Allow Temporary Uses in Conjunction with an Existing Restaurant at 2909 Supply Avenue.

MEETING DATE: June 24, 2025

RECOMMENDATION:

That the City Council consider Temporary Use Permit No. 2025-025 ("TUP-2025-025") to allow temporary event programming at an existing restaurant site located at 2909 Supply Avenue ("Subject Property") in the Heavy Manufacturing Zone ("M-2") and direct the Director of Economic Development and Planning as follows:

1. Determine whether the Applicant's operational challenges constitute an "emergency situation" for purposes of granting TUP-2025-025 for a period of six months, beyond the three-day period typically allowed for a TUP;
2. Approve TUP-2025-025;
3. Approve TUP-2025-025, subject to specified conditions of approval;
4. Deny TUP-2025-025;
5. Take any additional related action that may be deemed necessary.

ENVIRONMENTAL ASSESSMENT:

This project has been determined to be exempt from the environmental review under the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9)); Administrative Code, Title 14, Chapter 3 §15301, Class 1, Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The types of "existing facilities" itemized below are not intended to be all-inclusive of the types of projects which might fall within Class 1. The key consideration is whether the project involves negligible or no expansion of use. Examples include but are not limited to: (a) Interior or exterior alterations involving such things as interior partitions, plumbing, and electrical conveyances; and (b) Additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structures before the addition, or 2,500 square feet, whichever is less.

BACKGROUND:

On July 19, 2023, the Planning Commission approved Conditional Use Permit (“CUP”) No. 23-05 to allow on-sale beer and wine sales at an existing restaurant called Dirt Dog at the Subject Property, which is owned and operated by Timothy Cam, CEO of Dirt Dog Inc. (“Applicant”). The Subject Property is also occupied by a warehouse operation called LA Crafts. According to the Applicant, Dirt Dog has continued to operate Dirt Dog since 2023; however, due to the decline in patronage following the end of the pandemic, the restaurant has experienced a loss of customers.

On July 12, 2024, the Applicant submitted an application to amend their previously approved CUP to allow longer hours for alcohol sales, to allow live entertainment, and provide remote parking options for larger events. Dirt Dog is proposed to remain operational and additional events such as vendor markets, sports entertainment and live music and shows are proposed to be added to the existing operations. Upon review of this application, it was determined that a Zoning Ordinance Amendment is also required to amend the regulations to allow this type of venue in the City.

On June 17, 2025, the Applicant applied for a TUP application to temporarily allow event programming at their site while they continue to work on their CUP and Zoning Ordinance Amendment applications as a long-term solution (Attachment 1). In the Applicant’s application, he indicated that they are experiencing an operational emergency because without the ability to host event programming would result in a disruption to their restaurant operations.

Pursuant to the Commerce Municipal Code (“CMC”), Division 11. *Temporary Use and Special Event Permits*, certain temporary uses may be allowed for defined periods provided that the uses are regulated to prevent adverse impacts to neighborhoods. TUP’s may be approved administratively by the Director of Economic Development and Planning (“Director”) with conditions of approval as deemed necessary.

Pursuant to CMC Section 19.39.740.C.1, a TUP may be granted for an event, activity or use up to three-day period, but in an “emergency situation”, and on a case-by-case basis, the Director may extend the approval period to more than thirty calendar days and up to one year, with extensions allowed if the emergency persists. For purposes of clarification, “emergency situation” is not defined in the CMC.

Pursuant to CMC Section 19.39.740.C.2, a Special Use Permit (“SUP”) may be granted to allow larger scale temporary events for a period of four or more days, not exceeding thirty calendar days, and may be extended more than more than thirty calendar days and up to one year during an “emergency situation” and on a case-by-case basis. An SUP requires that the application be placed on the Planning Commission agenda for consideration of the Planning Commission, except this is not required for SUP’s related to “emergency situations”.

ANALYSIS:

Based on the Applicant’s TUP-2025-025 application, the request includes temporary event programming for a duration of 6 months to include indoor and outdoor events in the parking lot as follows:

- Live Music and Cultural Performances (e.g., DJ events, Hispanic music, older crowd entertainment)
- Live Sporting Events (e.g., MMA, wrestling, cornhole tournaments)
- Community Events (e.g., toy drives, back-to-school events, nonprofit-led programming)
- Private Family Events (e.g., quinceañeras, weddings, birthday parties)
- Meet-and-Greets & Public Appearances
- Conventions & Exhibitions (e.g., art shows)
- Shows (e.g., comedy performances)

They anticipate up to 13 events per month with the following scale and approximate attendees:

- 6 small events (100–200 attendees)
- 3 medium events (200–500 attendees)
- 2 large events (500–1,000 attendees)
- 1 extra-large event (1,000–2,000 attendees)

Based on the Applicant's TUP-2025-025 application, these proposed temporary events are within the scope allowed by CMC, Division 11. *Temporary Use and Special Event Permits* for the following reasons:

1. The proposed temporary events are compatible with the wide range of industrial and commercial uses allowed in the M-2 zone.
2. The proposed events are temporary in nature and will not require any permanent improvements or changes to the property.
3. The current status of the restaurant is that it is at risk of closing, which constitutes an emergency situation, without the ability to host temporary events in the meantime that they complete the entitlement process for a permanent approval.
4. The temporary events would provide inclusive and family-friendly programming that will serve the needs of the community through events that serve local artists, non-profit organizations, and local vendor.

Due to the uniqueness and scale of this TUP-2025-025 application and lack of definition for the term "emergency situation in the CMC, the Director is referring this matter for review and consideration by the City Council. The City Council shall make a determination on the following:

1. Should TUP-2025-025 allow temporary event programming be approved, denied or conditionally approved at 2909 Supply Avenue, in conjunction with a restaurant use?
2. Does the Applicant's operational challenges posing a risk to a potential closure of the restaurant constitute an "emergency situation" for purposes of granting the TUP for a period of six months, beyond the three-day period typically allowed for TUP's?

The Subject Property contains 65,275 square feet and is developed with an approximately 36,000 square foot building occupied by a warehouse and restaurant use and approximately 46 parking spaces to serve these uses.

The existing parking stalls are not sufficient to support events resulting in a high number of attendees. In cases where outdoor events are held, this would result in temporary elimination of on-site parking stalls which may result in parking impacts onto surrounding businesses. Street parking cannot be relied upon for these events due to other uses in the vicinity that share street parking and pedestrian safety that may not currently exist since the west side of Supply Avenue does not have a sidewalk, and pedestrians would potentially have to walk on the street that is heavily trafficked by large semi-trucks and other commercial vehicles serving industrial uses in the vicinity.

The Applicant has secured three off-site parking locations within close proximity to the Subject Property which provide approximately 141 parking stalls for temporary events and potentially more through a valet service. As part of the Applicant's application for approval of a modification of their existing CUP and proposed Zoning Ordinance Amendment in pursuit of a permanent approval for events at the Subject Property, the Applicant is commissioning a parking study in which they will address the parking needs of their proposed events.

Until such time that this study is conducted and that permanent approvals are issued by the City for large scale and outdoor events, staff recommends that the City Council consider adding limitations to the Applicant's proposed temporary uses such as:

1. Events limited to up to 1,000 persons are allowed, with larger events allowed subject to the provision of additional off-site parking to the satisfaction of the Director.
2. Applicant must provide additional information such as a list of events (with date, type, hours, duration), site plan, floor plan, parking plan, security plan, maintenance plan, and nuisance response plan.
3. Applicant must provide a bond or other surety approved by the City Attorney in the amount of \$25,000 for the purpose of defraying costs that City may incur to mitigate potential nuisances related to this approval such as property cleanup, additional public safety, or other potential nuisances.

Should the City Council direct the Director of Economic Development and Planning to approve the TUP application, staff prepared draft conditions of approval for your consideration (Attachment 2).

FISCAL IMPACT

No fiscal impact is anticipated if the City Council directs staff to deny TUP-2025-025. If the City Council directs staff to approve TUP-2025-025, no fiscal impact is anticipated with the provision of a bond or other surety as approved by the City Attorney.

RELATIONSHIP TO STRATEGIC GOALS:

This agenda item relates to the 2016 Strategic Plan:

Community Quality of Life

Guiding Principle 4, Support and evaluate community services, programs and events that promote healthy and quality lifestyles for our residents. Enhance public safety and social services through innovative programs that meet the needs of the residential and business communities.

Prepared and Recommended by: Jessica Serrano, Director of Economic Development and Planning

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Ernie Hernandez, City Manager

ATTACHMENTS:

1. Temporary Use Permit Application for 2909 Supply Avenue
2. Draft Conditions of Approval for TUP-2025-025 at 2909 Supply Avenue