

**ATTACHMENT B
ORDINANCE NO. _____**

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AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING TITLE 19 (ZONING) OF THE COMMERCE MUNICIPAL CODE TO AMEND TITLE 19 (ZONING) OF THE COMMERCE MUNICIPAL CODE (“CMC”) TO ALLOW ENTERTAINMENT ESTABLISHMENTS IN THE MANUFACTURING ZONES, CREATE PARKING REQUIREMENTS FOR THIS USE, AND REVISE THE DEFINITION FOR ENTERTAINMENT ESTABLISHMENTS.

WHEREAS, the City of Commerce (“City”) is a general law city, incorporated under the laws of the State of California; and

WHEREAS, the purpose of this Zoning Ordinance Text Amendment (“ZTA”) No. 25-04 is to establish regulations to amend Title 19 (Zoning) of the Commerce Municipal Code (“CMC”) to allow entertainment establishments in Commercial-Manufacturing (“C/M-1”), Light Manufacturing (“M-1”), and Heavy Manufacturing (“M-2”) zones (“manufacturing zones”), create parking requirements for this use, and revise the definition for entertainment establishments (“Ordinance”); and

WHEREAS, the City initiated the proposed Ordinance pursuant to Commerce Municipal Code (“CMC”) § 19.39.280; and

WHEREAS, this Ordinance was reviewed by the Director of Community Development, in part, for consistency with the General Plan and conformity with the CMC; and

WHEREAS, pursuant to and in accordance with provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq., (herein referenced to as “CEQA”)), the State of California Guidelines for implementation of the California Environmental Quality Act (14 Cal. Code of Regs. §§ 15000, et seq., (herein referred to as the “CEQA Guidelines”)), the City is the “lead agency” for the preparation and consideration of environmental documents for “projects”, as the term is defined in Section 15378 of the CEQA Guidelines; and

WHEREAS, it was determined that proposed Ordinance ensures the City has the necessary regulations to protect the public, health, and safety; and

WHEREAS, the Planning Commission held a public hearing on _____, 2025 and voted ~~X-X-X~~ to recommend that the City Council approve a ZTA No. 25-04; and

WHEREAS, the City Council, after due inspection, investigation, and study made by itself and on its behalf, and after due consideration of all evidence and reports offered at said hearing with respect to the proposed Project, does find that all other legal prerequisites to the adoption of this Resolution have occurred.

NOW, THEREFORE, THE CITY COUNCIL FOR THE CITY OF COMMERCE DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The City Council hereby finds that the adoption of this Ordinance is not subject to the California Environmental Quality Act (Public Resources Code §§ 21000, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”). The City reviewed the environmental impacts of the proposed Ordinance. No additional environmental review is required for this Ordinance pursuant to CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3). The proposed Ordinance is exempt from CEQA because it is a ZTA which regulates entertainment establishments Citywide, which will not have a direct or reasonably foreseeable indirect physical change in the environment and does not qualify as a “project” under CEQA because it will not make physical changes to the environment. The proposed Ordinance is also exempt from CEQA under the common sense exemption that it will not affect the environment. All future proposals will require their own environmental review as outlined by CEQA guidelines.

Section 2. The City Council hereby makes the following findings of fact:

- A. **That the proposed Zoning Text Amendment is consistent with the goals, policies, and objectives of the general plan.** *The proposed ZTA is consistent with the goals, policies, and objectives of the Commerce General Plan, as it would promote the following: 1) Community Development Policy 4.1. The City of Commerce will explore the feasibility of developing an area devoted to active family recreation, 2) Community Development Policy 4.2. The City of Commerce will promote the development of commercial enterprises that provide family entertainment, and 3) Community Development Policy 4.3. The city of Commerce will continue to promote the development of the Citadel and neighboring areas as a focal point for family entertainment.*
- B. **That the proposed zoning ordinance text amendment will not adversely affect surrounding properties.** *The proposed ZTA will not adversely affect surrounding properties because the ordinance will not result in physical changes. Any projects that utilize the proposed regulations will be properly analyzed for potential impacts and consistency with the adopted regulations governing entertainment establishments in the manufacturing zones.*
- C. **That the proposed zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The proposed ZTA is designed to advance public health, safety, and general welfare by establishing clear regulations for entertainment establishments within the Manufacturing zone. These guidelines ensure that such venues operate safely and responsibly, creating enjoyable spaces for residents and visitors. Furthermore, the ZTA will enable existing restaurants to expand their operation with entertainment opportunities, ultimately boosting local business activity while generating tax revenue for the City.*

Section 3. Title 19 (Zoning), and more specifically, Table 19.11.030A (Uses in Industrial Districts) of the CMC is hereby amended to add the following section under manufacturing:

Revised Table 19.11.030A to add 12.6 Entertainment Establishment.

Use	C/M-1	M-1	M-2	*Notes and Exceptions
<u>12.6 Entertainment Establishment</u>	<u>C</u>	<u>X</u>	<u>C</u>	<p><u>a. A Development Agreement is required with appropriate standards and public benefits negotiated with the city, pursuant to the procedures set forth in this Code.</u></p> <p><u>b. Entertainment establishments shall be subject to the requirements set forth in Division 24, Section 19.31 of this title.</u></p>

Section 4. Title 19 (Zoning), Table 19.21.040A (Off-Street Parking Requirements) of the CMC is hereby amended to add the following section under Manufacturing:

Revised Table 19.21.040A, Off-Street Parking Requirements to add parking for Entertainment Establishments

Land Use	Required Off-Street Parking Spaces	
	Resident/Guest/Employee Parking	Compact/Truck Parking
Commercial		
Restaurants, Fast Food	1 space for every 200 sf of gross floor area, but not less than 10 spaces	Compact: Maximum 10% where 20+ spaces are provided
Restaurants - Delicatessens and similar take out uses with no seating	1 space per 400 sf of gross floor area, but not less than 5 spaces	Compact: Not permitted
Restaurants, Sit-Down and Cafes	1 space per 4 fixed seats or 1 space per 4 persons of occupant load where there are no fixed seats; plus 1 space per 2 employees on the largest shift	

	Outdoor seating shall be included when calculating required spaces	Compact: Maximum 10% where 20+ spaces are provided
<u>Entertainment Establishments</u>	<u>A parking study prepared by a licensed engineer is required to determine parking for an entertainment establishment. To utilize off-site parking, a shared parking agreement is required between the applicant and other affected property owners shall be executed and filed with the City, permitting use of those spaces. A transportation plan is required for remote parking situated further than 1,000 feet away.</u>	<u>Compact: Maximum 10% where 20+ spaces are provided</u> <u>All ADA spaces required for each event shall be provided on-site pursuant to current accessibility regulations.</u>

Section 5. Title 19 (Zoning), and more specifically, Section 19.45.020 (“E” Definitions) of the CMC is hereby amended to replace the definition of “Entertainment Establishment” as follows:

““Entertainment establishment” means a place of business that provides any form of indoor or outdoor entertainment such as live performance, sporting events, exhibitions, shows, or acts, including but not limited to the playing of musical instruments; singing; dancing; performing in a play, sketch, or scene; concerts; reciting prose or poetry; or exhibiting any clothing, wearing apparel, or costumes for the purpose of gaining, diverting, or holding the attention of guests, patrons, or invitees. A business or use shall be considered an entertainment establishment if such entertainment is either the principal use or an accessory use conducted on the premises or is provided in conjunction with any other principal use.”

Section 6. Title 19 (Zoning), and more specifically, Section 19.45.200 (“S” Definitions) of the CMC is hereby amended to replace the definition of “Sensitive Noise Receptors” as follows:

““Sensitive Noise Receptors” means locations where people live, work, or gather and where the presence of unwanted, excessive or prolonged sound may adversely affect activities or may be detrimental to the health and welfare or individuals. These locations typically include residential uses, hospitals, schools, libraries, parks, places of public assembly and nursing homes.”

Section 7. Division 24. – Entertainment Establishments of Chapter 19.31 is hereby added in its entirety to the CMC as follows:

DIVISION 24. – ENTERTAINMENT ESTABLISHMENTS

19.31.790 Development standards and use conditions.

Any entertainment establishments shall be subject to the following standards and conditions on use:

(1) Distance Requirement to Sensitive Noise Receptors:

- a. Entertainment establishments with indoor events: Entertainment establishments with indoor events shall not be located within two hundred feet from sensitive noise receptors as defined in this code. However, the distance requirement for entertainment establishments with indoor events only shall not apply to properties located on Atlantic Boulevard and Washington Boulevard. While the distance requirement of this section may not apply to properties located on Atlantic Boulevard and Washington Boulevard, the city may deny an application if it is determined that a use adversely affects any adjacent or nearby property.
- b. Entertainment establishments with outdoor events: Entertainment establishments with outdoor events shall not be located within five-hundred feet from sensitive noise receptors as defined in this code.

(2) Limited hours of operation. Where the proposed use is within two hundred feet from sensitive noise receptors, it shall have limited hours of operation, or designed and operated, so as to avoid disruption or excessive noise between the hours of ten o'clock p.m. and seven o'clock a.m. Through the development agreement process, and on a case-by-case basis, the city council may approve and/or modify the hours of operation.

(3) Parking findings. The city may allow the use of street parking or remote, off-site parking for entertainment establishments on a case-by-case basis. Prior to approving the use of street parking or remote, off-site parking, the decision-making body shall make the following findings, as applicable:

- a. The use of street parking will not negatively impact residential neighborhoods.
- b. The use of street parking will not negatively impact surrounding businesses.
- c. The location of remote parking will not be detrimental to public health, safety, and welfare.

Section 8. If any section, subsection, paragraph, sentence, clause, or phrase of this Chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this Chapter. The City Council declares that it would have adopted this Chapter, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

Section 9. This Ordinance shall take effect thirty (30) days after its adoption.

PASSED, APPROVED, AND ADOPTED this XX September 2025.

Ivan Altamirano, Mayor

ATTEST:

Lena Shumway