

ORDINANCE NO.

ORDINANCE AMENDING TITLE 19 “Zoning”, CHAPTER 19.31.100 (ALCOHOL SALES - DEVELOPMENT STANDARDS AND USE CONDITIONS) AND FINDING THAT THE SUBJECT TEXT AMENDMENT QUALIFIES FOR A CLASS 8 CATEGORICAL EXEMPTION FROM THE PROVISIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) PURSUANT TO SECTION 15308 (ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT) OF THE CEQA GUIDELINES

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

WHEREAS, the last comprehensive revision to the Zoning Ordinance was adopted by the City Council in August, 2000; and

WHEREAS, the City recognizes that Section 19.31.100 (Development standards and use conditions) is in need of modifications to aide economic development along two vital City corridors within the City; and

WHEREAS, the proposed code amendment is intended to amend the Zoning Ordinance to allow a process for both existing and proposed food purveyors who are interested in offering alcohol as an amenity when within 500 feet of sensitive uses; and

WHEREAS, the proposed text amendment would not adversely affect surrounding properties since the amendment will have safeguards intended to protect sensitive areas within the City while potentially allowing the continued growth of food establishments within two vital City corridors; and

WHEREAS, the proposed text amendment would not adversely affect the public health, safety or general welfare of residents of the City of Commerce. This amendment will consider permitting alcohol when sold in conjunction with food sales; and

WHEREAS, the Planning Commission held public hearings on June 27, 2018 and July 25, 2018, for the purpose of recommending that the City Council approve the subject Zoning Ordinance text amendment to modify Section 19.31.100 (Development standards and use conditions) of the Commerce Municipal Code; and

WHEREAS, on July 25, 2018, the Planning Commission voted to recommend approval of the proposed Zoning Ordinance text amendment to modify Section 19.31.100 (Development standards and use conditions) of the Commerce Municipal Code;

WHEREAS, the City Council has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing.

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

SECTION 1: That the adoption of the Zoning Ordinance text amendments is categorically exempt from the provisions of the California Quality Act pursuant to Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) of the CEQA guidelines.

SECTION 2: Table 19.31.100 (Development standards and use conditions) of the Commerce Municipal Code is hereby amended to read as follows:

19.31.100 - Development standards and use conditions.

Any use providing alcohol sales shall be subject to the following standards and conditions on use:

- A. A new use may only be established in a location such that the proposed use shall not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function and character, problems of crime and loitering, traffic problems, and capacity.
- B. The proposed use shall not be located within five hundred feet nor adversely affect adjacent or nearby religious facilities; residences; public or private schools; public parks or recreation centers; or public or parochial playgrounds. **However, the distance requirement shall not apply to Restaurant, Sit-Down defined by the Commerce Municipal Code and which are located along either Washington Boulevard or Atlantic Boulevard. While the distance requirement of this section may not apply to Restaurant, Sit-Down, the City may deny an application if it is determined that a use adversely affects any adjacent or nearby religious facilities; residences; public or private schools; public parks or recreation centers; or public or parochial playgrounds.**
- C. The proposed use shall not interfere with the movement of people along an important pedestrian street.
- D. The proposed development shall be of an architectural and visual quality and character that harmonizes with, or where appropriate, enhances the surrounding area.
- E. Adequate litter receptacles shall be provided.
- F. Where the proposed use is near residential uses, it shall be limited in hours of operation, or designed and operated, so as to avoid disruption of residents' sleep between the hours of ten p.m. and seven a.m. **Through the CUP process, and on a case by case basis, the Planning Commission may approve and/or modify to allow alcohol sales between the hours of 10 p.m. and 7 a.m. provided all findings required by Section 19.39.420 are met.**

SECTION 3. The City Council finds as follows:

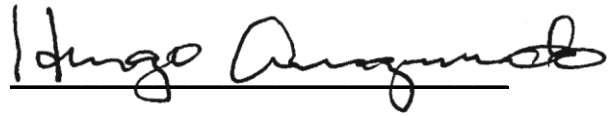
1. **That the proposed change of zone or zoning ordinance text amendment is consistent with the goals, policies, and objectives of the General Plan.** *The proposed text amendment is consistent with the City of Commerce General Plan, as this amendment is intended to further the goals and objectives of the General Plan. The General Plan sets forth policies to ensure the city is being responsive to the need of all its users. The proposed text amendment will allow for the economic growth and development of both existing and new businesses interested in establishing along two vital corridors within the City, while at the same time being mindful of surrounding residential uses.*
2. **That the proposed change of zone or zoning ordinance text amendment will not adversely affect surrounding properties.** *The subject text amendment would not adversely affect surrounding properties. The amendment would modify the development standards of Chapter 19.31.100 (Development standards and use conditions) of the Zoning Ordinance and to allow for the economic growth and development of both existing and new businesses interested in establishing along two vital corridors within the City, while at the same time being mindful of surrounding residential uses. There are no substantive policy changes being proposed by this text amendment. As such, the proposed text amendment is consistent with the General Plan and therefore would not create adverse impacts to surrounding property.*
3. **That the proposed change of zone or zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The proposed text amendment would not adversely affect the public health, safety or general welfare of the residents of the City of Commerce. This amendment is intended to allow for economic growth and development of both existing and new businesses interested in establishing along two vital corridors within the City, while at the same time being mindful of*

surrounding residential uses. The proposed amendment will be consistent with the General Plan and would not negatively affect the health of the Community or its surroundings.

SECTION 4: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council 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 may be declared invalid or unconstitutional.

SECTION 5: This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

PASSED, APPROVED AND ADOPTED this 4th day of September 2018.

A handwritten signature in black ink, appearing to read "Hugo Argumedo", written over a horizontal line.

Hugo A. Argumedo, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read "Lena Shumway", written over a horizontal line.

Lena Shumway
Secretary/City Clerk