



## **CITY OF COMMERCE AGENDA REPORT**

**TO:** Honorable City Council

**FROM:** Edgar Cisneros, City Administrator

**SUBJECT:** PUBLIC HEARING – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE AMENDING DIVISION 3 – ALCOHOL SALES, CHAPTER 19.31.100 (DEVELOPMENT STANDARDS AND USE CONDITIONS) OF THE ZONING ORDINANCE, CITYWIDE TO ALLOW FOR THE ANCILLARY SALE AND DISPENSING OF ALCOHOL WHEN PROPOSED IN CONJUNCTION WITH A SIT DOWN RESTAURANT AND WHEN LOCATED ON WASHINGTON BOULEVARD OR ATLANTIC BOULEVARD – Second Reading

**MEETING DATE:** September 4, 2018

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### **RECOMMENDATION:**

Adopt the Ordinance.

### **BACKGROUND:**

With the subject Code Amendment, staff is requesting the City Council consider changes to Division 3 – Alcohol Sales, Chapter 19.31.100 (Development standards and use conditions) of the Zoning Ordinance, Citywide. Specifically, staff is recommending adjustments to the Code that would allow for the ancillary sale and dispensing of alcohol when proposed in conjunction with a “Restaurant, Sit-Down” within 500 feet of a residential district, religious facilities; public or private schools; public parks or recreation centers; or public or parochial playgrounds and when located on Washington Boulevard or Atlantic Boulevard.

### **ANALYSIS:**

Currently, the Zoning Ordinance requires a conditional use permit for all uses proposing alcohol sales. As part of the zoning code and CUP review process, alcohol sales have to be located at least 500 feet away from any nearby religious facilities; residences; public or private schools; public parks or recreation centers; or public or parochial playgrounds. This standard was implemented to provide a buffer between uses that provide for alcohol sales and sensitive uses.

In analyzing this development standard, staff notices the limitation for potential growth and establishment of restaurant uses along Washington Boulevard and Atlantic Boulevard that are interested in providing alcohol when sold in conjunction with food sales. As such,

existing operators have limited options to grow their business, while new businesses have reluctantly passed on opportunities to establish restaurant uses along the Washington and Atlantic corridors. Under the current code, if a business is to request alcohol sales within 500 feet of sensitive use discussed in the report, then review and approval of a Variance by the Planning Commission is required. The Variance is a discretionary process that analyzes unique or extraordinary situations or features of a property that would result in a merit to allow for the granting of a deviation from the Zoning Code.

Instead of requiring a business to apply for a Variance to allow for alcohol sales, staff is recommending revisions to Section 19.31.100 (Development standards and use conditions) of the Commerce Municipal Code to provide relief to commercial properties within 500 feet of a residential district, religious facilities; public or private schools; public parks or recreation centers; or public or parochial playgrounds and when located on Washington Boulevard or Atlantic Boulevard, and only if said use is a “restaurant, sit-down” as defined below.

Per Code, a Restaurant, Sit-down "Sit-down restaurant" means an establishment where food and drink are prepared, served, and consumed primarily within the principal building.

As part of the recommendation, staff is requesting that all alcohol be sold in conjunction with food sales, so as not to allow for uses that solely function as bars or nightclubs. Staff believes this recommendation will allow for the continued support and growth of businesses along two vital corridors of the City.

Therefore, staff is recommending changes to Section 19.31.100 (Development standards and use conditions) to lift the 500 foot separation requirement for Alcohol Sales, but only when alcohol is sold in conjunction with a Restaurant, Sit-Down, and when said restaurant is located on Washington Boulevard or Atlantic Boulevard. In addition, staff is requesting that hours of alcohol sales in conjunction with food sales as discussed herein be allowed to go after 10PM, but also subject to the review and approval of a conditional use permit.

Based on the evidence presented, staff is recommending a modification to this section of the Zoning Ordinance to allow for a mechanism to permit alcohol sales within 500 feet of a sensitive land use and when meeting the performance standards discussed in this report and as outlined in the attached Ordinance.

## **FINDINGS:**

- 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.*

#### **CONCLUSION:**

Staff is recommending the City Council uphold the Planning Commission's recommendation to approve the subject Zoning Ordinance text amendment, as the subject amendment would serve to further the goals and objectives set forth in the City's General Plan by allowing for continued growth of business opportunities along two vital city corridors.

#### **ALTERNATIVES:**

1. Approve the subject Ordinance, thereby amending Chapter 19.31 of the Commerce Municipal Code; or
2. Provide staff with alternative direction.

#### **FISCAL IMPACT:**

This activity can be carried out without additional impact on the current operating budget.

#### **CEQA CLEARANCE:**

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15308, Class 8, Actions by Regulatory Agencies for Protection of the Environment). Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

#### **RELATIONSHIP TO STRATEGIC GOALS:**

The issue before the Council is consistent with Economic Growth Guiding Principle 1, which focuses on creating and strengthening our identity as a community that promotes opportunity and success for businesses that meet the strategic focus for economic growth, which will have a positive impact on the quality of life and the City's financial sustainability.

Recommended by:	Maryam Babaki, Director of Public Works & Development Services
Prepared by:	Jose Daniel Jimenez, City Planner
Reviewed by:	Matt Marquez, Deputy Director of Development Services
Reviewed by:	Vilko Domic, Finance Director
Approved as to form:	Noel Tapia, City Attorney
Respectfully submitted:	Edgar P. Cisneros, City Administrator

ATTACHMENT: Proposed Ordinance