



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Manager

SUBJECT: REQUEST FOR THE CITY COUNCIL TO CONDUCT A PUBLIC HEARING AND INTRODUCE FOR FIRST READING A ZONING ORDINANCE TEXT AMENDMENT REQUEST TO AMEND AND MODIFY DIVISION 11 OF CHAPTER 19.39 OF TITLE 19 OF THE COMMERCE MUNICIPAL CODE (CMC). THE PURPOSE OF THE AMENDMENT IS TO EXPAND THE LANGUAGE OF THE ZONING CODE AS IT RELATES TO THE INTENT AND PURPOSE OF TEMPORARY USE AND SPECIAL USE PERMITS AND EXPAND THEIR APPLICABILITY TO AIDE IN ASSISTING EXISTING BUSINESS AND GENERATING NEW BUSINESSES DURING EMERGENCY SITUATIONS, SUCH AS THE COVID-19 PANDEMIC

MEETING DATE: AUGUST 4, 2020

RECOMMENDATION:

1. Consistent with the Planning Commission's direction and recommendation, following a Public Hearing, adopt a Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) (Title 14, Chapter 3, Article 19, Section 1530e; and 2) and Introduce for First Reading, by waiving full reading and by reading the title only, a Zoning Ordinance Text Amendment as it relates to Temporary Use and Special Event Permit, and as discussed herein; or
2. Provide an alternative recommendation.

EXECUTIVE SUMMARY:

During late 2019, the World was made aware of a growing health problem resulting from a respiratory condition, which ultimately became known as the Coronavirus (a.k.a. COVID-19, SARS-CoV-2). On January 30, 2020, the World Health Organization acting on concerns from the rapid spreading of the virus declared COVID-19 a public health emergency of international concern. On January 31, 2020, the United States declared the COVID-19 global outbreak a public health emergency for the United States. Since then, our nation has been laboring with the negative effects resulting from this world-wide pandemic.

The City of Commerce has not been spared. Both State and County mandates have required the careful monitoring and closure of certain businesses, most notably, the Commerce Casino and Citadel. The result of these closures immediately started to show in the City's finances with revenues trending downward.

With ever-changing rules and mandates by our local, regional and state leaders, so many new challenges and constraints have resulted which are now impacting our local businesses from being able to adapt to this very fluid situation. In an effort to be business-friendly, and implement a method to help our businesses, the City is proposing an expedited review process to help these businesses adapt to these changing rules.

After researching how other communities have addressed this matter, staff felt that expanding certain sections of the municipal code may allow for a streamlined review process that could provide for a positive outcome. One of those considerations is before the Council this evening. Specifically, staff is considering changes to Title 19 ("Zoning") of the Commerce Municipal Code, to expand Division 11 (Temporary Use and Special Use Permits) of Chapter 19.39, mainly to amend Section 19.39.740(C), "Intent and Purpose", to allow for the expanded use of the Special Use Permit Process to allow for the expanded time approval of a Special Use Permit.

DISCUSSION:

Cities within Los Angeles County are searching for ways to remedy the repercussions of the current pandemic. The cities of El Monte and Pomona have implemented successful measures to help struggling businesses stay afloat by easing their restrictions on temporary uses and special use permits to assist their respective communities respond to the COVID-19 pandemic. Through these measures, these cities have been able to find creative "out of the box" methods to ensure their business communities remain economically-relevant through the pandemic.

In its research, staff reviewed, the City of Pomona's program (Activate Pomona) which was designed to assist restaurants meet their seating capacities while being observant of restrictions imposed by the County and State. Pomona's program also allows restaurants to utilize their parking lots for outdoor dining. Under the program, temporary use permits are issued for six months and then re-evaluated at that time.

El Monte has a similar program called Dine-Out El Monte. The program allows restaurants to setup outdoor dining in four different ways: on private walkways near building entrances, on private parking spaces, on public sidewalks, and on public parking spaces. Establishments must fill out an application packet to establish temporary dining for restaurants and other eateries. The Dine-Out temporary use application provides guidelines for operating and a specific expiration date for permits.

These are just a few examples of how these communities are implementing relaxed standards to aide businesses during the COVID-19 pandemic. In the City of Commerce, staff would like to expand the use of both the Temporary and Special Use Permit process, to aid in relaxing the sometimes cumbersome and dated Zoning Code. It is the director's position that this amendment will allow for quick resolution in a timely fashion, which is what is needed to ensure economic relevance is maintained for our existing business, as well as work through possible methods to attract certain businesses during this time.

As recommended, staff proposes to make changes to Division 11, Temporary Use and Special Event (Use) Permits, of Chapter 19.39 of Title 19 of the Commerce Municipal Code to allow for the use of respective sections of the Code and expand their language to include provisions that during an emergency situation, and on case by case basis, an approval may be granted beyond thirty (30) calendar days, and up to a year, while allowing an applicant the opportunity to apply for an extension if an emergency still exists. The Planning Commission during its July 20, 2020 meeting considered the Code amendment and encouraged staff to explore opportunities to fast-track processes to aid in generating new business and support existing in the current environment that is presenting a challenge in the City of Commerce. Staff believes the recommended changes herein will allow for the rapid deployment of services and will allow us to better serve the community, while trying to remain economically relevant during the current pandemic.

CEQA Determination

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.

Required Findings

Pursuant to CMC Section 19.39.310, the City Council shall be required to make the following findings of fact before approving a change of zone or zoning ordinance text amendment:

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 it would help to further the goals and objectives of the Plan. The General Plan sets forth policies intended to promote quality development within the City. Allowing this ordinance will help promote quality development and will help to meet the needs of the labor force within the City. The General Plan calls for the City to implement policies that will continue to explore new opportunities for housing and services to meet the needs of the labor force and as a means to attract new business and industry to the city.*
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 properties within the City of Commerce. By expanding the language as it relates to the intent and purpose of temporary use and special event permits, the subject text amendments would serve to enhance and attract new business and opportunities to the city. Therefore, these amendments will not lead to development that adversely affects surrounding properties.*
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 subject text amendment would serve to promote the health, safety and general welfare of the residents of the City of Commerce. The goal of the amendment is to assist with balancing the communities growth and revitalization, resulting in improving the general welfare of the City, and increasing the availability of essential services to the public.*

CITY COUNCIL OPTIONS:

The changes recommended herein were subject to the review and consideration by the Planning Commission. Therefore, staff requests that:

1. Following a Public Hearing, adopt a Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) (Title 14, Chapter 3, Article 19, Section 1530e; and 2) and Introduce for First Reading, by waiving full reading and by reading the title only the Zoning Ordinance Text Amendment as discussed herein; or
2. Provide staff with alternative direction.

FISCAL IMPACT:

The activity of updating the Zoning Code to provide a streamlined process to assist businesses and generate new businesses will not present an immediate fiscal impact. Supporting the recommended Code Amendment will allow for future revenue opportunities, as regulations could be relaxed through this amendment.

RELATIONSHIP TO STRATEGIC GOALS:

This item has the potential to relate to the Strategic Action Plan's Goal of: Economic Growth - Guiding Principles 1 to "Create and strengthen our identity, as a community that promotes opportunity and success for business that meets the strategic focus for economic growth, will have a positive impact on the quality of life and the City's financial sustainability," and 3 "Support a long-range planning vision through the City's General Plan, zoning ordinance, and related land use planning documents that incorporate community and stakeholder input and provide a compass for strategic economic growth, infrastructure investments and city fiscal planning." The COVID-19 pandemic has presented a financial hardship to business, which in turn affects City Revenue. The recommended amendment looks to build on economic opportunity in order to have positive results that are of benefit to the City.

Prepared and

Recommended by: Jose D. Jimenez, Director of Economic Development and Planning

Reviewed By: Vilko Domic, Assistant City Manager

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Edgar P. Cisneros, City Manager

ATTACHMENTS:

1. Draft Ordinance