

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING DIVISION 11 (TEMPORARY USE AND SPECIAL EVENT PERMITS) OF CHAPTER 19.39 (ADMINISTRATION OF THE ZONING ORDINANCE) OF TITLE 19 (ZONING) OF THE COMMERCE MUNICIPAL CODE TO EXPAND LANGUAGE AS IT RELATES TO THE INTENT AND PURPOSE OF TEMPORARY USE AND SPECIAL USE PERMITS

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

WHEREAS, the proposed zoning text amendment is consistent with the City of Commerce General Plan, as it would help to further the goals and objectives of the Plan, which is intended to promote and support business within the City, especially during challenging times; and

WHEREAS, the purpose of a Temporary Use and Special Event Permits zoning code text amendment is to provide the community director the review authority to modify the time constraints and allow for additional time, without the need to return every thirty (30) days; and

WHEREAS, City staff has drafted the Temporary Use and Special Event Permits zoning text amendment which will provide for needed relief to aide struggling businesses that have been impacted by COVID-19; and

WHEREAS, it was determined that community business retention and business attraction are critical elements necessary for the City to maintain sustainable economic growth that will enhance and enrich the community and therefore amend the temporary use and special event permits language, as it relates to the intent and purpose of temporary and special use permits; and

WHEREAS, a zoning text amendment to Title 19 (Zoning) of the Commerce Municipal Code is required in order to expand the language in Division 11, Temporary Use and Special Event Permits, mainly to Section 19.39.740, "Intent and Purpose"; and

WHEREAS, the Planning Commission held a public hearing on July 20, 2020, for the purpose of recommending that the City Council approve an ordinance regarding Special Use Permits.

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

Section 1. That the adoption of this Ordinance is not subject to the California Environmental Quality Act ("CEQA"), as it is an activity that will not result in a direct or

reasonably foreseeable indirect physical change in the environment. Even if it were a project, it would be exempt under Title 14 of the California Code of Regulation §15061(b) (3) in that there is no possibility that the activity may have a significant effect to the environment.

Section 2. Division 11, "Temporary Use and Special Event Permits," of Chapter 19.39, "Administration of the Zoning Ordinance," of Title 19, "Zoning," of the Commerce Municipal Code is hereby amended to read as follows:

19.39.740 - Intent and purpose.

- A. The permit processes for temporary uses and special events are established to allow certain uses to operate for limited, defined periods at locations throughout the city, provided the uses are regulated so as to avoid adverse impacts on the neighborhoods in which they locate. To ensure the mitigation of any adverse impact, even though temporary, a temporary use or special event shall not be held unless the necessary permit has been obtained from the community development director.
- B. Temporary use and special event permit applications shall only be considered for properties located within zoning districts where such temporary uses are allowed. The land use regulations contained in Chapters 19.07 through 19.17, inclusive, of this Title 19 indicate where such conditions apply.
- C. For the purposes of this Division 11, the following terms shall have the following meanings:
  1. Temporary Use Permit. A permit granted to allow the occurrence of an event, activity, or use for up to a three-day period, with the exception of carnivals, fairs, and similar uses, which shall be considered uses requiring a special use permit. During an emergency situation, and on a case by case basis, the director may extend the approval period to more than thirty (30) calendar days, and up to a year. An applicant may apply for an extension if an emergency still exists.
  2. Special Use Permit. A permit granted to allow the occurrence of an event, activity, or use for a period of four or more days, but not exceeding thirty days in any calendar year. During an emergency situation, and on a case by case basis, the director may extend the approval period to more than thirty (30) calendar days, and up to a year. An applicant may apply for an extension if an emergency still exists.

19.39.750 - Initiation.

- A. An application for temporary use permit or special event permit may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The community development director may request proof of ownership or authorization to apply prior to the acceptance of any application.

- B. An application shall be filed pursuant to the provisions of Division 2 (Applications, Processing, Filings, and Fees) of this Chapter 19.39.
- C. An application for a temporary use permit shall be submitted no less than five days prior to the proposed date of the event.
- D. An application for a special use permit shall be submitted no less than twenty-one days prior to the proposed first day of the event.

19.39.760 - Temporary use permit proceedings.

- A. Upon acceptance of a temporary use permit application as complete, the community development director or his designee shall review the application for conformance with the provisions of this Title 19. No public hearing shall be required. Based on this review, the director shall act to approve, conditionally approve, or deny the application.
- B. The decision of the community development director shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of this Chapter 19.39.

19.39.770 - Special use permit proceedings.

- A. Community Development Director Investigation. The community development director or his designee shall investigate the application and proposal, including the analysis of precedent cases as appropriate, and shall prepare a report outlining facts and a recommendation relating to the application.
- B. Planning Commission Consideration.
  - 1. **Except for emergency situations**, the community development director shall place the special use permit application on the planning commission agenda for consideration by the commission as a scheduled matter. No public hearing shall be required.
  - 2. The planning commission shall review the application and proposal and receive evidence concerning the proposed special use permit.
  - 3. The planning commission shall act to approve, conditionally approve, or deny the application.
  - 4. The decision of the planning commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of this Chapter 19.39.

19.39.780 - Conditions of approval.

In the granting of a temporary use or special event permit, conditions may be imposed on a use to include, but not be limited to:

- A. Number of days the event can occur;
- B. Hours of operation;

- C. Walls or fences;
- D. Signs;
- E. Lighting;
- F. Traffic circulation, ingress, and egress;
- G. Other conditions deemed necessary to protect the public health, safety, and general welfare.

19.39.790 - Bond may be required.

Prior to the issuance of a temporary use permit or special event permit, the city may require a cash bond to be deposited with the city for the purpose of defraying the costs of property cleanup by the city, in the event the permittee fails to do the same. The amount of the cash bond shall be established by the community development director or planning commission in the permit conditions of approval.

19.39.800 - Signage for temporary events.

Signage for temporary uses or special events is permitted, provided such signage complies with regulations set forth in Section 19.25.110 (Temporary signs) of this Title 19.

SECTION 3. Severability. The City Council declares that should 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 4. The City Clerk of the City of Commerce shall certify to the passage of the Ordinance and shall cause the same to be posted in the manner required by law.

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

PASSED, APPROVED AND ADOPTED this 4th day of August, 2020.

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Ivan Altamirano, Mayor

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ATTEST:

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Lena Shumway  
Secretary/City Clerk