

ORDINANCE NO. 2020-**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CLAREMONT, CALIFORNIA, AMENDING TABLE 2 IN SECTION 2.3.3 OF THE VILLAGE EXPANSION SPECIFIC PLAN TO ALLOW, WITH APPROVAL OF A CONDITIONAL USE PERMIT, VIDEO ARCADES ON THE FIRST FLOOR, ALCOHOL SERVICE FOR MOVIE THEATERS, AND CREATIVE INSTRUCTIONAL USES IN THE MX AND CMX ZONES**

WHEREAS, the Claremont Village Expansion Area Specific Plan (VESP) was adopted by the City Council on January 23, 2001, to provide the regulatory and policy framework to guide development within the VESP area;

WHEREAS, the VESP references standards contained in the Claremont Municipal Code (CMC) that are also related to development of the VESP area; and

WHEREAS, the community envisioned the VESP as an opportunity to expand upon the success of, and take inspiration from the character, uniqueness, and pedestrian-orientation of the historic Claremont Village while providing for uses and amenities that cannot be accommodated in the existing Village; and

WHEREAS, the VESP is consistent with and furthers the objectives of the City's General Plan; and

WHEREAS, this ordinance supports several of the General Plan policies that are identified in the VESP, as listed in the VESP findings in Section 2;

WHEREAS, minor elements of the VESP have been identified where the document either does not provide the needed flexibility or is unable to accommodate the sort of development that was intended under the VESP to ensure its ongoing commercial viability; and

WHEREAS, the Planning Commission for the City of Claremont held a duly-noticed public hearing on the proposed amendment to the VESP on January 21, 2020, and the City Council held a duly-noticed public hearing on the proposed amendment to the VESP on February 11, 2020.

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

SECTION 1. CEQA The City Council finds that this VESP amendment is not a project under section 15378(a) of the Guidelines to the California Environmental Quality Act (CEQA), as it will not result in a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment. Even if this amendment were a "project," it would be covered by the "common sense exemption" set forth in CEQA Guidelines section 15061(b)(3)

because it can be seen with certainty that there is no possibility that the amendment may have a significant effect on the environment. The amendment makes minor revisions to three uses already permitted in the MX and CMX zones of the VESP. Businesses that are substantially similar to each of the revised uses already exist within the VESP area and would generally have no greater environmental impacts since similar businesses already occupy buildings within the district. In addition, each of the proposed uses will require approval of a conditional use permit (CUP) prior to any business initiating any of the new uses created by the minor revisions. The CUP requirement ensures that any new business, or change in an existing business, will not unduly impact the character of the existing, vibrant, mixed-use VESP area or nearby development.

SECTION 2. VESP Amendment Findings Pursuant to VESP Section 6.3.4 regarding the five necessary findings for VESP amendments, the City Council finds that the ordinance amending the VESP is in the best interest of the City for the following reasons:

- a) Changes have occurred since the original approval of the VESP in 2001. The City Council has approved six previous amendments to the VESP in response to and in anticipation of changes in the community, with the most recent amendment being in 2016. Since the original approval, the Village Expansion area has become a vibrant and dynamic hub of activity in the City, supplementing the historic Claremont Village with a compatible mix of uses including a hotel, a cinema, a variety of retail establishments and restaurants, along with townhomes, and live/work residential units. A four-story parking garage, subterranean parking, and on-street parking facilities meet the parking demand created by the uses listed above. While development of the VESP area has been a success, demand for Village Expansion retail spaces has evolved to include increased focus on dining and social experiences. At the same time, maintaining high levels of retail occupancy has become more challenging due to competition from on-line sales.

The Proposed Amendment to permit additional entertainment and alcohol related uses in the MX and CMX zones, with issuance of a Conditional Use Permit (CUP), addresses these trends by broadening the mix of uses allowed in the retail spaces in the Village Expansion Specific Plan Area in a manner that does not compromise the character and integrity of the Specific Plan area. As such, approval of the proposed Specific Plan Amendment is warranted.

- b) The Proposed Amendment is consistent with the Claremont General Plan as it helps to implement the General Plan goals and policies identified in Section 1.8 of the VESP, entitled, "Relationship to the General Plan." The Amendment updates the permitted uses table of the VESP to keep the document current with current retail and entertainment trends so that the area can continue to successfully implement the General Plan. Specifically, the proposed amendment helps to promote the following General Plan policies that are listed in the VESP:

Land Use Element

7. The City shall preserve and promote viable commercial centers.
 8. The City shall encourage development that will broaden the local tax base, create employment, and benefit the citizens of Claremont.
 10. The City shall work with owners and developers to create viable projects.
 12. The City shall encourage commercial land uses that relate to residential uses and that may be located adjacent to residential areas.
- c) The proposed amendment will result in a benefit to the VESP in that its approval would help provide for continued occupancy of the movie theater building by allowing it to stay current with service levels offered by many surrounding theaters and help provide for increased occupancy of commercial tenant spaces on the first floors of structures in the CMX and MX zones of the VESP by providing additional flexibility for owners to lease to tenants that will contribute to the vibrancy and character of the zone.
- d) The proposed amendment will not result in any unmitigated impacts to adjacent properties for several reasons. Firstly, alcohol, entertainment, and educational uses substantially similar to those proposed in the Amendment are already permitted with the issuance of a CUP throughout the VESP area. As such, adding the proposed uses to the mix of uses already allowed in the VESP does not represent a significant departure from uses that are permitted and already exist in this area of the City. Examples of existing uses include art and cooking instructional uses (without alcohol) in rear and second floor spaces; video arcades on second and third floors; and comedy clubs, restaurants, specialty wine shops, and hotel lounges that serve alcohol. Secondly, by permitting these uses only with the issuance of a CUP, City staff will be able to identify potential negative impacts from any given proposed use in the CUP approval process and condition any approval in order to mitigate impacts that are identified. Finally, the CUP process is discretionary. Any application can be denied if the Planning Commission determines that any unmitigated impacts to adjacent properties may occur.
- e) The proposed amendment will enable the delivery of services to the population within the VESP area in that it allows permitting of new compatible uses of properties within the VESP area that are not currently allowed under existing zoning requirements.

SECTION 3. Revisions to VESP Use Chart VESP Section 2.3.3, Table 2 shall be amended to permit, with issuance of a CUP, “Creative Instructional Uses” and “Movie Theaters” with on-site alcohol service on the ground floor and “Game and Video Arcades” on the ground floor of the CMX and MX zones. Specifically, VESP Section 2.3.3, Table 2 Sections 3 and 13, are modified as follows with all changes indicated below in red with new language underlined and deleted language shown ~~striked through~~.

**Table 2
Land Use Table**

USE	CMX Ground Floor	CMX 2nd/3rd Floors	MX	RMX	R	PF
3) Alcoholic Beverage Sales						
Alcoholic sales for off-site consumption with or without on-site tasting	CUP	CUP	CUP	<>	<>	<>
<u>On-site sales in connection w/Creative Instructional Uses (as defined in Section 2.3.4)</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u><></u>	<u><></u>	<u><></u>
On-site sales in connection w/Live Performance Business (as defined in Glossary)	CUP	CUP	CUP	<>	<>	<>
<u>On-site sales in connection w/Movie Theater (Min. 250 seats total (all screens))</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u><></u>	<u><></u>	<u><></u>
On-site sales in connection w/restaurant	CUP	CUP	CUP	<>	<>	<>
Manufacturing, wholesale and distribution including micro-brewery with no restaurant with limited tasting	<>	<>	<>	<>	<>	<>
Micro-breweries in connection w/restaurant	CUP	CUP	CUP	<>	<>	<>
Special Wine Business (as defined in Glossary)	CUP	CUP	CUP	<>	<>	<>

USE	CMX Ground Floor	CMX 2nd/3rd Floors	MX	RMX	R	PF
13) Recreation/Entertainment						
Cyber café/Billiards and pool halls/ <u>game and video arcades</u>	<>	CUP	<>	<>	<>	<>
Golf course and driving ranges	<>	<>	<>	<>	<>	<>
Indoor - amusement/recreation/sports and health clubs/skating/batting cages/roller hockey facilities (not within a public park) - For instructional uses see 4) Educational/Instructional/Child Care Uses	CUP	CUP	CUP	<>	<>	<>
Outdoor - amusement/recreation/sport club/skating/batting cages/roller hockey facilities (not within a public park)	<>	<>	<>	<>	<>	<>
Public Assembly/auditoriums/meeting halls	<>	<>	<>	<>	<>	<>
Theatres (live stage and movie) and concert halls	CUP	CUP	CUP	<>	<>	<>
<u>Creative Instructional Uses</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u><></u>	<u><></u>	<u><></u>
<u>Game and video arcades</u>	<u>CUP</u>	<u>CUP</u>	<u>CUP</u>	<u><></u>	<u><></u>	<u><></u>

P = Permitted <> = Not Permitted CUP = Conditional Use Permit Required

SECTION 4. Revisions to Section 2.3.4 Section 2.3.4 of the VESP, which defines certain uses that are permitted to have on-site sale of alcoholic beverages, shall be revised to include the following description for “Creative Instructional Uses”.

“Creative Instructional Uses

Businesses that are focused on providing short-term creative instructional experiences, such as cooking schools or painting classes may be granted a Conditional Use Permit for the on-site sale of alcoholic beverages for consumption on premises by class attendees during the time instructional services are being offered. Snacks and appetizers shall be made available for on-site consumption at all times alcoholic beverages are being served.”

SECTION 5. Incorporation of Recitals The City Council hereby finds that all of the foregoing recitals and the staff report presented herewith are true and

correct and are hereby incorporated and adopted as findings of the City Council as if fully set forth herein.

SECTION 6. Severability If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance for any reason is held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions thereof be declared invalid or unconstitutional.

SECTION 7. Publication The Mayor shall sign this ordinance and the City Clerk shall attest and certify to the passage and adoption of it, and within fifteen (15) days, publish a summary of the ordinance in the Claremont Courier, a weekly newspaper of general circulation, printed, published, and circulated in the City of Claremont and thirty (30) days thereafter it shall take effect and be in force.


PASSED, APPROVED and ADOPTED this _____ day of February, 2020.

Mayor, City of Claremont

ATTEST:

City Clerk, City of Claremont

APPROVED AS TO FORM:



City Attorney