

10-2383

SEP 08 2010

PLANNING & LAND USE MANAGEMENT

MOTION

The City's zoning code regulates the location of different type of land uses. Sometimes the uses appear to be similar, but are governed by distinct land use regulations. Such is the case for restaurants, bars, and nightclubs.


Nightclubs are permitted by right in the C (Commercial) CM (Commercial Manufacturing) and M (Industrial) zones. Restaurants, an entirely different use, are permitted by right in the RAS (Residential /Accessory Services), CR (Limited Commercial), C (Commercial), Commercial Manufacturing (CM), and MR (Restricted Industrial) and M (Industrial) zones.

It would behoove City staff to clarify the difference between a restaurant use, a nightclub use, and bars, inasmuch as there are instances where nightclubs are open to the public, but are licensed for a different use— a restaurant as codified in the zoning code.

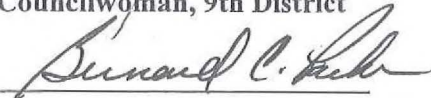
I THEREFORE MOVE that the Council instruct the Planning Department and the Department of Building and Safety, in consultation with the City Attorney, to prepare a report with options, enforcement of current land use regulatory controls, and recommendations to clarify the difference between a restaurant use, a nightclub use, and bars which have been granted entitlements for alcohol sales and services.

I FURTHER MOVE that the Council request the City Attorney to report on the applicability of conditions of operation imposed by the Planning Department for the regulation of alcohol licensed establishments.

PRESENTED BY _____


Jan Perry
Councilwoman, 9th District

SECONDED BY _____



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ORIGINAL