

DRAFT

CITY OF ALAMEDA ORDINANCE NO. _____

New Series

AMENDING CHAPTER 30 OF THE ALAMEDA MUNICIPAL CODE (ZONING REGULATIONS) TO ELIMINATE THE PROHIBITION ON BARS LOCATING WITHIN 1,000 FEET OF ANOTHER BAR (AMC SECTION 30-12.2), AS RECOMMENDED BY THE PLANNING BOARD

WHEREAS, in December 2020, the West Alameda Business Association (WABA) requested the Planning Board initiate a Zoning Text Amendment to remove the prohibition on bars locating within 1,000 feet of another bar as set forth in Alameda Municipal Code Section 30-12.2; and

WHEREAS, WABA's request to amend the AMC is in support of retaining an existing Alameda business, The Hunter Public House, which is being forced to relocate due to failed negotiations with the landlord during COVID-19; and

WHEREAS, the Planning Board held a public hearing on January 25, 2021 and recommended the City Council adopt the subject Ordinance; and

WHEREAS, this Ordinance was considered at a regular, duly noticed public hearing of the City Council on _____, 2021, and all interested parties were provided an ample opportunity to participate in said hearing and express their views.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Alameda that:

Section 1. Findings. In enacting this Section, the City Council finds as follows:

1. **The amendments maintain the integrity of the General Plan.** The proposed amendment is consistent with City of Alameda General Plan Guiding Policies for Retail Business and Services. Specifically, General Plan Policy 2.5.c is to support and promote Park Street as Alameda's downtown, the entertainment, cultural, social and civic center of the City, and General Plan Policy 2.5.d is to support and promote Webster Street as the shopping, dining, and entertainment center for West End residents. The amendment eliminates a barrier for bars to locate in close proximity to another, thereby allowing Park Street and Webster Street to realize their potential as an entertainment destination. Policies 2.5.a and 2.5.b further reinforce the goal to maximize Alameda's access to a variety of businesses and services and to help revitalize the historic Main Streets such as supporting businesses along Webster Street. Furthermore, the City's Economic Development Strategic Plan, the General Plan, and the Zoning Code are designed to concentrate bars, restaurants, movie theatres, and similar entertainment and visitor serving venues on Park Street and Webster Street and at portions of Alameda Point. A successful entertainment

district has a critical mass of venues all within easy walking distance. Since Alameda's adoption of the 1,000-foot separation requirement for bars in the mid-1980's, the alcoholic beverage industry has become a mainstream, multi-billion dollar industry in the United States. In recent years, Alameda has also become known for its Spirits Alley and several brands of locally produced alcoholic beverages. Alcoholic drinks have become an important part of Alameda's economic development and local culture. Similarly, bars in Alameda no longer reflect the negative connotations as places for criminal activity and public nuisance as they did more than 30 years ago. This amendment will help support the business community by allowing the local alcoholic beverage industry to continue to grow.

2. **The amendments will support the general welfare of the community.** From a land use perspective, allowing bars and similar entertainment venues to concentrate in the commercial zones away from residential neighborhoods is also a good policy consistent with other zoning practices in Alameda. Moreover, there is no difference to the public health, safety and general welfare if three bars are located within 1,000 feet of each other or with a 1,000 foot distance separation between each bar. Through the use permit process, the Planning Board can impose conditions of approval to address potential off-site impacts such as noise, litter, or bad behavior by customers, such as smoking on the sidewalk. Impacts to adjacent neighbors will be avoided by use permit conditions and enforcement of those conditions on each establishment. A 1,000-foot buffer provides little if any of these protections for neighbors.
3. **The amendments are equitable.** The proposed amendment is equitable in that it removes a major restriction on bars from locating within Alameda. With the removal of the 1,000-ft separation requirement, bars will remain a conditionally permitted use under the AMC. The amendment would result in greater opportunity for bars to locate in the city, and each bar will require discretionary use permit findings for approval similar to other all other uses requiring a use permit in Alameda.
4. **The amendments are exempt from the California Environmental Quality Act.** The proposed amendment is exempt from the California Environmental Quality Act pursuant to CEQA guidelines sections 15061(b)(3), where it can be seen with certainty that the proposed zoning text amendments will not have a significant effect on the environment, and 15183, projects consistent with a community plan, general plan or zoning. The removal of the 1,000-foot separation requirement for bars does not directly result in a physical change in the environment, and each bar proposal will require discretionary review through a use permit. The proposed amendment would not change the use permit requirement, as it simply allows bars to be located closer together. Allowing a bar to be located less than 1,000 feet from another bar would not have any lesser or greater impact on the natural environment than requiring the bar to be located at least 1,000 feet from another bar. Furthermore, the zoning districts where bars are conditionally permitted in Alameda are not locations with a high concentration of wildlife or natural habitat.

Section 2. Section 30-12 of the Alameda Municipal Code is hereby amended as follows:

30-12 - ADDITIONAL REQUIREMENTS FOR BARS AND LIQUOR STORES.

30-12.1 - Definitions.

Reserved.

30-12.2 - ~~Location of Bars.~~ Reserved. A bar shall not be located within one thousand (1,000') feet of another bar.

30-12.3 - Permits Required.

Bars shall require a conditional use approval pursuant to Section 30-21 herein.

30-12.4 - Location of Liquor Stores.

A liquor store shall not be located within one thousand (1,000') feet of another liquor store within the following boundaries: Atlantic Avenue to Central Avenue and Sixth Street to Eighth Street, including the area therein if the streets were extended to intersect one another.

Section 3. CEQA Determination. Adoption of this Ordinance is exempt from CEQA pursuant to CEQA Guidelines sections 15061(b)(3) (common sense exemption: where it can be seen with certainty that the proposal does not have the potential to have a significant effect on the environment) and 15183 (projects consistent with a community plan, general plan, or zoning), each of which provides a separate and independent basis for CEQA clearance and when viewed collectively provide an overall basis for CEQA clearance.

Section 4. Severability. If any provision of this Ordinance is held by a court of competent jurisdiction to be invalid, this invalidity shall not affect other provisions of this Ordinance that can be given effect without the invalid provision and therefore the provisions of this Ordinance are severable. The City Council declares that it would have enacted each section, subsection, paragraph, subparagraph and sentence notwithstanding the invalidity of any other section, subsection, paragraph, subparagraph or sentence.

Section 5. Implied Repeal. Any provision of the Alameda Municipal Code inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to the extent necessary to effect the provisions of this Ordinance.

Section 6. Effective Date. This Ordinance shall be in full force and effect from and after the expiration of thirty (30) days from the date of its final passage.

Section 7. Authority. This Ordinance is enacted pursuant to the City of Alameda's general police powers and Article XI of the California Constitution.

Presiding Officer of the City Council

Attest:

Lara Weisiger, City Clerk

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