

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE APPROVING GENERAL PLAN AMENDMENT NO. 21-01: AN AMENDMENT TO THE CITY'S OFFICIAL GENERAL PLAN LAND USE MAP THAT WOULD CHANGE THE LAND USE DESIGNATIONS FROM LOW DENSITY RESIDENTIAL, PUBLIC FACILITY AND COMMERCIAL MANUFACTURING TO MODELO SPECIFIC PLAN FOR THE PROPERTIES LOCATED AT 7316 GAGE AVENUE AND 6364 ZINDELL AVENUE, IN THE CITY OF COMMERCE (APNs 6357-018-005, 6357-019-904, 6357-019-905 and 6357-018-900); AND APPROVING CORRESPONDING AMENDMENTS TO THE GENERAL PLAN LAND USE ELEMENT TEXT, SECTION 3.5.2, TABLE 3-1, AND TABLE 3-2, TO IMPLEMENT THE CHANGE TO THE LAND USE MAP.

WHEREAS, on August 19, 2019 Comstock Gage LLC filed an application with the City for a Site Plan Review, Vesting Tentative Tract Map, Master Sign Plan, Zone Change, General Plan Amendment, Development Agreement, and a specific plan known as the Modelo Specific Plan, a district-level policy plan, which includes design and development standards, including for heights, densities, uses, parking, signs, open space and landscaping, as well as land use designations, parking standards and administrative procedures for development of a mixed residential and commercial use project located approximately at 7316 East Gage Avenue and 6364 Zindell Avenue (APNs 6357-018-005, 6357-019-904, 6357-019-905 and 6357-018-900), known as the Modelo project ("Project"). Collectively, these requests are referred to herein as the "Entitlements." and

WHEREAS, adoption or approval of the Entitlements constitutes a "project" under the California Environmental Quality Act ("CEQA"), Public Resources Code Section 21000 et seq., Title 14 California Code of Regulations Section 15000 et seq. ("CEQA Guidelines"); and

WHEREAS, a Final Environmental Impact Report ("FEIR"), State Clearinghouse No. 2019080312, has been prepared analyzing the Modelo Project, including proposed General Plan 21-01, in accordance with the CEQA Guidelines Section 15161 (Project EIR); and

WHEREAS, the City's General Plan serves as the blueprint for future planning and development in the City. The City's vision for the future is expressed in the policies and plans contained in the General Plan and are designed to shape the physical development of the community; and

WHEREAS, California statutory (Government Code Section 65860) and case law mandates a strong consistency doctrine, which requires that cities adopt an adequate General Plan and that all regulatory controls and development approvals, such as specific plans, and zoning ordinances, shall be consistent with the General Plan; and

WHEREAS, the proposed General Plan Amendment No. 21-01, constituting amendments to the General Plan text and Land Use Map (collectively "General Plan Amendment") evaluated in the EIR, implement the Project and its entitlements and make them consistent with the General Plan in order to allow for redevelopment of an underutilized site currently hampered by hazardous materials. The proposed development of the Project would provide remediation of former landfills, and construction of much needed residential units, public recreational facilities, and commercial businesses integrated into a lifestyle community; and

WHEREAS, the properties that are subject to the proposed General Plan Amendment currently have land use designations that would not fully allow the City's vision for the development of the Project to come to fruition; and

WHEREAS, the proposed General Plan Amendment was initiated because it is contemplated by, is consistent with, and is necessary to implement the goals, policies, and objectives contained in the General Plan; and

WHEREAS, the Planning Commission held a public hearing on January 19, 2022, for the purpose of considering the subject General Plan Amendment. After review and consideration, the Planning Commission voted to recommend that the City Council approve the General Plan Amendment; and

WHEREAS, the City Council reviewed the FEIR, along with Findings of Facts, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program, and, finding that the FEIR contains all required documentation and complies with CEQA and the CEQA Guidelines, certified the FEIR following a noticed public hearing on February 8, 2022; and

WHEREAS, the City Council has conducted a noticed public hearing on February 15, 2022, pursuant to the provisions of the Commerce Municipal Code, for the purpose of considering approval of General Plan Amendment No. 21-01; and

WHEREAS, the City Council has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COMMERCE AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct and incorporated herein by reference.

SECTION 2. The subject General Plan Amendment and its potential impacts were adequately addressed in the FEIR in compliance with CEQA and the CEQA Guidelines.

SECTION 3. Pursuant to Commerce Municipal Code Section 19.39.370 the City Council further finds as follows:

1. **That the proposed amendment is in the public interest and that there will be a community benefit resulting from the amendment.** *The subject amendment will further the goals and objectives of the City's General Plan. The Plan calls for the City to explore the feasibility of developing an area devoted to active family recreation. The proposed Project would create a lifestyle center, providing a centrally located living and shopping alternative to the City's residents and visitors. The Modelo development would eliminate a hazardous materials site and provide new opportunities for employment and an expansion of the City's tax base. The Project would provide beneficial new amenities such as public and private open space, and commercial amenities such as a supermarket, museum, various retail spaces, and area restaurants. To achieve this, the existing Veterans Memorial Park which is in need of repair, will be demolished and replaced with a new, larger state of the art Community Center, sports complex, and open park space. The proposed project would help to eliminate blight currently existing at the project site, while serving to implement the goals of City's General Plan. Therefore, the subject General Plan Amendment is necessary for the vision set forth in this request to be realized.*

2. **That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan.** *The subject amendment would help promote the following policies in the Commerce General Plan:*

Community Development Policy 1.3. The city of Commerce will continue to implement specific standards for new commercial developments located adjacent to residential neighborhoods in order to ensure that adequate buffers are provided so that negative impacts such as noise, light pollution, truck use, and traffic may be mitigated;

Community Development Policy 2.2. The city of Commerce will encourage and promote the development of quality restaurants in the city to serve residents and visitors alike, and discourage the further proliferation of fast-food restaurants in the city;

Community Development Policy 2.5. The city of Commerce will explore the feasibility of constructing a supermarket to serve those portions of the city south of the Santa Ana Freeway;

Community Development Policy 4.1. The city of Commerce will explore the feasibility of developing an area devoted to active family recreation;

Community Development Policy 4.2. The city of Commerce will promote the

development of commercial enterprises that provide family entertainment;
Community Development Policy 5.1. The city of Commerce will promote the development of new housing for all income groups;
Community Development Policy 5.2. The city of Commerce 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;
Community Development Policy 6.1. The city of Commerce will promote the creation of area themes” to enhance the city’s living and working environment;
Community Development Policy 6.3. The city of Commerce will require new commercial industrial development to employ architectural and site design techniques that will promote quality and efficient development;
Housing Policy 1.4. The city of Commerce will promote the development of new housing for low-through upper-income households; and
Housing Policy 1.5. The city of Commerce will explore opportunities for new residential development within those areas of the city occupied by vacant, obsolete commercial and industrial uses.
Therefore, the subject General Plan amendment is consistent with the General Plan, as it would help to further the City’s goals of exploring uses that will contributed to the City’s economic, employment, and residential base.

3. **That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations.** *The proposed Amendment would not conflict with the provisions of the Zoning Ordinance or subdivision regulations. The Amendment would create greater consistency with the General Plan and the intended use of the subject project. Planning case law has placed the General Plan atop the hierarchy of local government laws that regulate land use and development. Consequently, State planning law mandates consistency between the General Plan and all other land use plans. The zoning ordinance, which includes subdivision regulations, must all be consistent with the policies, plans, and standards contained in the General Plan. In conjunction with the proposed General Plan Amendment, a Zone Change has been initiated for the property to ensure compatibility between the General Plan and Zoning Map and text. Therefore, the proposed General Plan Amendment, with adoption of the accompanying zone change and zone text amendments, will not conflict with provisions of the zoning ordinance or subdivision regulations.*

4. **In the event that the proposed amendment is a change to the land use policy map that the amendment will not adversely affect surrounding properties.** *The General Plan Amendment will not adversely affect surrounding properties, as it will serve to expand a use that will assign a portion of the proposal towards an area devoted to active family recreation Further, the proposed General Plan Amendment will not have the potential to degrade the quality of the environment, does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals. Furthermore, the proposal includes various improvements to the site that will, among other things, limit or reduce the level of impacts to surrounding property. These improvements include, remediating the existing soil at the subject site, design and build a modern building that will be required to comply with all current building codes, including those requiring the buildings to implement certain green best practices such as solar panels. Last, improvements to certain intersections as identified in the EIR as well as the use of a secondary road to the easternmost portion of the site will relieve traffic pressure in and around area of the proposed project. It is with these and other improvements that will allow for a Project that will coexist in harmony with surrounding property and not adversely affect surrounding property.*

SECTION 4. Based upon the above findings, the City Council of the City of Commerce adopts General Plan Amendment No. 21-01, changing the land use designation of properties shown and described in Exhibit “A” of this Resolution, to Modelo Specific Plan, and changing the text of the General Plan Land Use Element as described in Exhibit “B” of this Resolution.

SECTION 5: This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2022.

Leonard Mendoza, Mayor

ATTEST:

Lena Shumway
City Clerk

EXHIBIT A

Exhibit B

The following paragraph from Section 3.5.2 of the Land Use Element of the General Plan is revised to read in its entirety (new text is underlined and bold):

The Community Development Element contains three residential land use categories, three commercial land use categories, **a specific plan category**, and a single category each for industrial, public/quasi-public, transportation, and parkland uses. The distribution of the land uses permitted under these land use designations is indicated in Table 2-1. The individual land use designations are described on the following pages.

The following bullet point paragraph is added to Section 3.5.2 of the Land Use Element of the General Plan (new text is underlined and bold):

Modelo Specific Plan. The Modelo Specific Plan land use designation corresponds with the Modelo Specific Plan (MSP) zone district. The Modelo Specific Plan is an approximately 17.47-acre mixed-use, integrated development with residential, commercial (retail, entertainment, and neighborhood serving uses), and public and community uses. The plan area will include a variety of apartments, condominiums, and townhomes, as well as neighborhood serving commercial uses such as retail, a gym, museum, pharmacy, movie theater, restaurants, and grocery. The plan area also includes public and community uses such as Veterans Memorial Park Community Center, public sports fields, open parkland, playground, and picnic and barbeque area. The permitted development density for the plan area is up to 850 residential units and up to 165,000 square feet of commercial space, yielding a population density of up to 185 persons per acre.

Table 3-1 (Land Use Designations and Development Standards) of the Land Use Element of the General Plan is revised as follows (new text is underlined and bold; strikethrough indicates deletion):

**Table 3-1
Land Use Designations and Development Standards**

Land Use	Description of Typical Land Use and/or Development	Development Standards	Zone District	Land Area (in acres)	
Low-Density Residential	Single-Family Residential Units	0-11 du/acre	R-1	147 151	3.56%
Medium-Density Residential	Single-Family & Duplex Units	0-17 du/acre	R-2	93	2.2%
High-Density Residential	Multiple-Family Residential Units	0-27 du/acre	R-3	74	1.8%
Commercial (includes Mixed-Use)	General Commercial/Office Mixed Use.	0.5: 1.0 FAR 0-27 du/acre	C-1, C-2 MU	216	5.2%
Commercial/Manufacturing	Manufacturing and Distribution Uses	1.0: 1.0 FAR	CM	859 3	2.02%
Housing Opportunity	Manufacturing use/Residential	4.0: 1.0 FAR 0-27 du/acre	M-2 with HO Overlay		
Commercial/Entertainment	Offices, Retail, Entertainment	4.0: 1.0 FAR	NA	95	2.3%
Industrial	Manufacturing and Distribution Uses	4.0: 1.0 FAR	M-1, M-2	2,558	61.1%
Public Facilities	Schools and Park Facilities	4.0: 1.0 FAR	PF	195 200	4.78%
Transportation	Freeways, Highways, and Rail yards			706	16.9%
<u>Modelo Specific Plan</u>	<u>Mixed-Use Residential, Commercial, Public</u>	<u>Up to 850 units Up to 165,000 sf commercial</u>	<u>MSP</u>	<u>17.47</u>	<u>.4%</u>
Total	--	--	--	4,186	100%

Table 3-2 (Development Intensity) of the Land Use Element of the General Plan is revised as follows (new text is underlined and bold; strikethrough indicates deletion):

**Table 3-2
Development Intensity**

Land Use	Area (acres)	Intensity Standard	Theoretical Development
Low-Density Residential	147 <u>154</u>	0-11 du/acre	1,617 <u>1,644</u> units
Medium-Density Residential	93	0-17 du/acre	1,581 units
High-Density Residential	74	0-27 du/acre	1,998 units
Mixed Use	21	0-27 du/acre	567 units
Housing Opportunity Overlay	44	0-27 du/acre	1,188 units
Commercial	216	0.5 FAR	4,704,580 sq. ft.
Commercial/Manufacturing	859 <u>3</u>	1.0 FAR	3,702,600 <u>4,051,080</u> sq. ft.
Commercial/Entertainment	95	4.0 FAR	2,009,100 sq. ft.
Manufacturing	2,558	4.0 FAR	55,713,240 sq. ft.
Public Facilities	195 <u>200</u>	4.0 FAR	424,710 <u>435,600</u> sq. ft.
Transportation	706	-	-
<u>Modelo Specific Plan</u>	<u>17.47</u>	<u>Up to 850 Units</u> <u>Up to 165,000 sf commercial</u>	<u>850 units</u> <u>165,000 sf commercial</u>
Total Residential (units)			7,801 <u>5,240</u> units
Total Non-Residential (sq. ft.)			66,719,230 <u>66,913,600</u> sq. ft.

* Assumes all of the industrial land is developed at a FAR of 0.5 to 1.0

** Assumes a total floor area of 0.5 to 1.0