

ORDINANCE _____

AN ORDINANCE OF THE CITY OF COMMERCE AMENDING TITLE 19 (“ZONING”) OF THE COMMERCE MUNICIPAL CODE TO AMEND SECTION 19.05.010 ZONES ESTABLISHED, ESTABLISH NEW SECTION 19.16 SPECIFIC PLANS, AND AMEND SECTION 19.25.140 OFF-SITE SIGNS PERMITTED WITH RESTRICTIONS;; APPROVING ZONE CHANGE 21-01 AND ASSOCIATED AMENDMENT TO THE ZONING MAP; APPROVING SPECIFIC PLAN NO. 21-01; AND APPROVING DEVELOPMENT AGREEMENT NO. (TBD)

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

WHEREAS, 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”); and

WHEREAS, the State of California enacted California Government Code Sections 65864 *et seq.* (“Development Agreement Statutes”) to authorize municipalities to enter into development agreements with those having an interest in real property to strengthen the public planning process, encourage private participation in comprehensive planning, and reduce the economic risk of development in connection with the development of real property within their jurisdiction; and

WHEREAS, the purpose of the Development Agreement Statutes is to authorize municipalities, in their discretion, to establish certain development rights in real property for a period of years regardless of intervening changes in land use regulations, to vest certain rights in the Applicant, and to meet certain public purposes of the local government; and

WHEREAS, as authorized by the Development Agreement Statutes, the City of Commerce (“City”) has adopted Resolution No. 18-50 (“A Resolution of the City Council of the City of Commerce Approving Procedures and Requirements for the Processing of Development Agreements”) establishing the procedures and requirements for the consideration of development agreements with the City; and

WHEREAS, on January 7, 2022, pursuant to Government Code Sections 65867 the City gave public notice of its intention to adopt a Development Agreement for the Project. In accordance with Government Code Section 65867, the Planning Commission conducted a public hearing on January 19, 2022, regarding Development

Agreement and found, based on all of the evidence in the record and presented at the hearing, that Development Agreement is consistent with the City's General Plan and the Modelo Specific Plan No. 21-01. Based thereon, the Planning Commission recommended to the City Council that the City Council approve the Development Agreement; and

WHEREAS, the Commerce Municipal Code, Title 19, Division 15 and state law (Government Code § 65450, *et seq.*) authorize the City to adopt specific plans for the systematic implementation of the General Plan or part of an area covered by the General Plan. The proposed Modelo Specific Plan No. 21-01 would change the zoning designations at the Project site to allow for redevelopment of an underutilized site currently hampered by hazardous materials. The proposed development of the Project would provide remediation of the former landfills, and construction of much needed residential units, public recreational facilities, and commercial businesses integrated into a lifestyle community; and

WHEREAS, the following amendments are required to Title 19 (Zoning) of the Commerce Municipal Code and Zoning Map for the Project: a zoning text amendment to Title 19 in order establish a Specific Plan zoning designation for the Modelo Specific Plan area, as well as provide other information about the Modelo Specific Plan; a zoning text amendment to Title 19 to make Title 19 consistent with the Modelo Specific Plan's provisions regarding off-site signage; and an amendment to the Zoning Map to identify the Modelo Specific Plan area as the Modelo Specific Plan Zone (collectively, the "Zoning Amendments"), which are described in more detail below in this Ordinance; and

WHEREAS, a Final Environmental Impact Report State Clearinghouse No. 2019080312 ("Modelo Project FEIR") has been prepared for the Project pursuant to and in accordance with the California Environmental Quality Act ("CEQA") (California Public Resources Code, Section 21000 *et seq.*) and the CEQA Guidelines (California Code Of Regulations, Section 15000 *et seq.*); and

WHEREAS, the Planning Commission held a public hearing on January 19, 2022, for the purpose of recommending that the City Council adopt the Modelo Specific Plan No. 21-01 and the proposed Zoning Amendments in accordance with the City's Municipal Code Section 19.39.1000 and 19.39.290; and

WHEREAS, the Planning Commission reviewed and considered all materials, communications, public testimony and exhibits of current record relative to the proposed Project, as well as the Modelo Project FEIR and the proposed Modelo Specific Plan No. 21-01 and the Zoning Amendments; and

WHEREAS, the Planning Commission voted to certify the Modelo Project FEIR and adopt the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program and also recommended that the City Council adopt the proposed Modelo Specific Plan No. 21-01 and the Zoning Amendments; and

WHEREAS, the City Council has conducted a noticed public hearing on February 15, 2022 pursuant to the provisions of Section 19.39.300.B and Section 19.39.1000

of

the Commerce Municipal Code and Sections 65453 and 65853-65857 of the Government Code of the State of California; and

WHEREAS, the City Council has reviewed the Planning Commission's actions and recommendations and all facts concerning the subject request and has considered all evidence submitted at said public hearing; and

WHEREAS, pursuant to the CEQA, the City Council, prior to adopting this Ordinance, has reviewed and certified the Modelo Project FEIR and adopted the Findings of Fact, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program via Resolution number that is to be assigned upon the final decision on this project.

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

SECTION 1: The above recitals are true and correct and are incorporated herein by this reference.

SECTION 2: That the Project, including the proposed Modelo Specific Plan 21-01, the Development Agreement, and the Zoning Amendments, were reviewed by the Modelo Project FEIR, in accordance with CEQA as certified by Resolution of the City Council adopted on February 8, 2022, prior to consideration of this Ordinance.

SECTION 3: DEVELOPMENT AGREEMENT. Pursuant to the Government Code Sections 65864 through 65869.5, and in light of the record before it including the staff report (and all attachments), Planning Commission recommendation, and all evidence and testimony heard at the duly noticed public hearing on February 8, 2022 for this item, and in light of all evidence and testimony provided in connection with this Project, the City Council FINDS that the proposed Development Agreement is consistent with the goals and policies of the General Plan set forth as follows. The Project is consistent with the General Plan, asamended, in that it contributes to help establish an orderly pattern of development, by providing housing, and recreational and commercial amenities in an area that was previously vacant undeveloped land which is part of a hazardous materials site. The General Plan as amended specifically contemplates the development of this site for the purposes described in the Development Agreement.

SECTION 4: SPECIFIC PLAN. The City Council hereby makes the following findings as required by the City of Commerce Municipal Code Sections 19.39.1000(A) and 19.39.470:

Commerce Municipal Code Section 19.39.1000 requires adoption of a specific plan and subsequent amendments thereto to be processed in the manner required for a general plan amendment, as set forth in Division 6 of Chapter 19.39. Section 19.39.370 of the Commerce Municipal Code sets forth the required findings for approval. Before granting approval of a Specific Plan, the City must satisfy itself by making the following findings:

1. **That the proposed specific plan is in the public interest, and that there will be a community benefit resulting from the specific plan:** *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. The Project site consists of two sites, a vacant undeveloped parcel of land, along with a parcel housing the existing Veterans Memorial Park parcel. Previously, the undeveloped parcel contained landfills that ceased to exist in 1988. The Veteran Memorial Park parcel contains a community center that is laboring and is in need of serious repairs. This structure has been compromised due to the soil compaction that has occurred on the subject site since the 1960's. The only way to remedy the situation is to demolish the site and replaced the soil to allow for a structure(s) with a stronger and stable foundation. To conclude, 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 proposed specific plan is in the public interest, and will result in a community benefit.*

2. **That the proposed specific plan is consistent with the other goals, policies, and objectives of the general plan:** *The Specific Plan document includes a section dedicated to analyzing consistency between the proposed Project and the City's existing General Plan. The Project includes a General Plan Amendment changing the land use map designation of the Project site from Low Density Residential, Public Facility, and Commercial Manufacturing to Modelo Specific Plan. The Project approvals also include a zone change for the Project Site from Public Facility and Commercial Manufacturing to Modelo Specific Plan. These changes will assure that the Specific Plan and other Project entitlements are consistent with the General Plan as Amended. The Project Site is located in the southernmost part of the City and includes the current Veterans Memorial Park Area. In this area, per the General Plan, emphasis will continue to be placed on attracting needed commercial businesses to serve the residential and business populations. Community Development Policy 2.4 of the General Plan calls for the continued preservation and promotion of the improvement of existing commercial areas of the City, including the southern part of the City. Key objectives of the General Plan's Community Development Element include the establishment of an orderly pattern of development in the City, and the development of a wide range of both residential and commercial activities. Furthermore, the proposal would be consistent with Community Development Policy 2.2 which calls for the City to promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller "strip*

commercial” centers.

3. **That the proposed specific plan will not conflict with provisions of the zoning ordinance or subdivision regulations:** *The proposed Specific Plan sets forth the development standards and policies for the Project site. State Planning law and the City’s Municipal Code allow for such a Plan to be created. The City recognizes that certain parcels in the City may benefit from focused planning efforts whereby infrastructure, land use relationships, land use intensities, and public service needs can be carefully examined and planned in a comprehensive manner. Specific Plans provide a mechanism to carry out such planning efforts. The project site has a zoning designation of C/M-1 (Commercial Manufacturing) and PF (Public Facility). The proposed Zone Change to a Modelo Specific Plan zone designation would allow for a more streamlined set of standards that are tailored for this proposal. Therefore, the proposed zone change to a Modelo Specific Plan designation will provide consistency with the proposed General Plan Amendment and will not conflict with provisions of the zoning ordinance or subdivision regulations.*

4. **In the event that the proposed specific plan is a change to the land use policy map, that the amendment will not adversely affect surrounding properties:** *The City’s land use policy map is included in its General Plan. The Specific Plan document details the consistency between the proposed Project and the General Plan. The Project includes a General Plan Amendment changing the land use map designation of the Project Site from Low Density Residential, Public Facility, and Commercial Manufacturing to Modelo Specific Plan. The Project approvals also include a zone change for the Project Site from Public Facility and Commercial Manufacturing to Modelo Specific Plan. These changes will assure that the Specific Plan and other Project entitlements are consistent with the General Plan as Amended. The proposed Project would serve to implement the goals and policies of the General Plan and those of the immediately surrounding area. 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 modern buildings 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 5: ZONE CHANGE. Section 19.39.310 of the Commerce Municipal Code requires the following findings of fact to be made before approving a change of zone:

5. **That the proposed change of zone is consistent with the goals, policies, and**

objectives of the General Plan. *The Project includes a General Plan Amendment changing the land use map designation of the Project Site from Low Density Residential, Public Facility, and Commercial Manufacturing to Modelo Specific Plan. This change will assure that the Zone Change and other Project entitlements are consistent with the General Plan as Amended. 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 mitigate;

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 zone change 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.

- 6. That the proposed change of zone will not adversely affect surrounding**

properties. *The zone change will not adversely affect surrounding properties, as it will serve to provide and allow for activities that are necessary to the City's economic base and provide appropriate transitions to surrounding land uses. Further, the proposed Zone Change 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, since the proposal will make improvements to the existing road network that are necessary, and will eventually triggered even if the project is not built. Therefore, the surrounding properties would not be adversely affected.*

7. **That the proposed change of zone promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The proposed Zone Change promotes the public health, safety and welfare by implementing the City's goal of preserving and remediating the subject site, thus creating a viable lifestyle center area that would help to contribute to the long-term economic viability of the City.*

SECTION 6: ZONE CODE AMENDMENTS. Based on the Findings set forth above in this Ordinance, the following amendments to the Title 19 of the Commerce Municipal Code are hereby approved.

Section 19.05.010 of the Commerce Municipal Code, is hereby amended to read as follows (Underlined portions indicate new language, strikethrough indicates deletion):

19.05.010 - Zones established.

In order to classify, regulate, restrict, and separate the use of land, buildings, and structures; and to regulate and to limit the type, height, and bulk of buildings and structures in the various districts; and to regulate areas of yards and other open areas abutting and between buildings and structures; and to regulate the density of population, the City hereby is divided into the following zones:

Zone Symbol	Zone Designation
R-1	Low-density Residential
R-2	Medium-density Residential
R-3	High-density Residential
C-2	Commercial
C/M-1	Commercial-Manufacturing
M-1	Light Manufacturing
M-2	Heavy Manufacturing
PF	Public Facility

(PD)	Planned Development Overlay
<u>MSP</u>	<u>Modelo Specific Plan</u>

A new Chapter 19.16 of the Commerce Municipal Code, is hereby added to read as follows (Underlined portions indicate new language, strikethrough indicates deletion):

CHAPTER 19.16 – SPECIFIC PLANS

19.16.010 - Purpose of Chapter

This Chapter identifies the Specific Plans adopted by the City of Commerce, established by Section 19.05.020 (Official Zoning Map).

19.16.020 – Specific Plans

A. Modelo Specific Plan

Properties contained with the Modelo Specific Plan as specified in the plan document shall be governed by the development standards and processes contained in said specific plan and in this title. Said development standards and processes in the Modelo Specific Plan are by this reference incorporated herein as if fully set forth and shall be on file in the Office of the Director. The specific plan and more particularly the developmentstandards may be amended from time to time as provided under the California Government Code and the Commerce Municipal Code, and Modelo Specific Plan. This chapter shall also be applicable for those properties unless otherwise specified within the specific plan. Wherever the regulations of the specific plan contain provisions which establish regulations, including, but not limited to, heights, densities, uses, parking, signs, open space and landscaping requirements, which are different from the provisions contained in the Commerce Municipal Code, the regulations of the specific plan shall prevail and supersede the applicable provisions of the Commerce Municipal Code and those relevant ordinances. As the specific plan does not replace the Commerce Municipal Code in its entirety, both the Modelo Specific Plan and the Commerce Municipal Code must be used together.

Section 19.25.140 of the Commerce Municipal Code, is hereby amended to read as follows (Underlined portions indicate new language, strikethrough indicates deletion):

19.25.140 - Off-site signs permitted with restrictions.

The installation of an off-site sign or advertising display shall be permitted only in the **Modelo Specific Plan zone subject to the restrictions of said specific plan and the Master Sign Plan approved concurrently therewith, as such plans may be modified from time to time, and the** M-2 zone with the issuance of a conditional use

permit, except that no off-site sign shall be permitted under any circumstance along Atlantic Avenue, Washington Boulevard, and Interstate five; nor within seven hundred fifty linear feet of The Citadel property; nor within a redevelopment project area; nor within two hundred feet of the Civic Center, a park, a school, or a property zoned for residential use **(except as authorized within the Modelo Specific Plan)**.

SECTION 7: Based on the findings set forth in this Ordinance, Zone Change 21-01 is hereby approved, as well as the corresponding amendment to the City of Commerce Zoning Map to incorporate the Modelo Specific Plan Zone as shown on Exhibit A attached hereto and incorporated herein.

SECTION 8: Based on the findings set forth in this Ordinance, Specific Plan No. 21-01 is approved.

SECTION 9: Based on the findings set forth in this Ordinance, Development Agreement No. TBD is approved.

SECTION 10: If 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 11: This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

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

EXHIBIT A



