

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA ENACTING ZONING ORDINANCE TEXT AMENDMENT (“ZTA”) NO. 25-03 AND ZONE CHANGE (“ZC”) NO. 25-01 AMENDING TITLE 19 OF THE COMMERCE MUNICIPAL CODE (“CMC”) BY ESTABLISHING A MIXED-USE OVERLAY ZONE, AMENDING THE SITE PLAN REVIEW PROCESS AND DEFINITIONS SECTIONS, ADDING NEW LIVE/WORK STANDARDS, AND AMENDING THE ZONING MAP TO APPLY A NEW MIXED-USE OVERLAY ZONE ON CERTAIN PROPERTIES

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

WHEREAS, on September 10, 2024, the 2021-2029 General Plan Housing Element was adopted by the Commerce City Council, which was subsequently amended on November 12, 2024; and

WHEREAS, on November 20, 2024, the California Department of Housing and Community Development (HCD) sent the City of Commerce a letter indicating that while the 2021-2029 Housing Element met the statutory requirements of State Housing Element law (Government Code Section 65580 et seq), because the City did not adopt a compliant housing element within one year of the statutory deadline, the Housing Element cannot be found in compliance until promised rezones are completed pursuant to Government Code sections 65583, subdivision (c)(1)(A) and 65583.2, subdivision (c); and

WHEREAS, the implementation of the Housing Element rezoning efforts for the 2021-2029 planning period requires amendments to the Commerce Municipal Code (“CMC”), General Plan Land Use Designation Map and Zoning Map; and

WHEREAS, the candidate sites identified to be rezoned to accommodate shortfall housing need will meet the requirements of Government Code §65583.2, including but not limited to a minimum density of 20 units per acre and zoned to allow ownership and rental housing by right in which at least 20 percent of the units are affordable to lower income households; and

WHEREAS, the City initiated the proposed Zoning Ordinance Text Amendment and Zone Change pursuant to Commerce Municipal Code (“CMC”) Section 19.39.280; and

WHEREAS, this Zoning Ordinance Text Amendment and Zone Change were reviewed by the Director of Community Development, in part, for consistency with the General Plan, and conformity with the CMC; and

WHEREAS, pursuant to and in accordance with provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq., (herein referenced to as “CEQA”)), the State of California Guidelines for Implementation of the California Environmental Quality Act (14 Cal. Code of Regs. Section 15000, et seq., (herein referred to as the “CEQA Guidelines”)), the City is the “lead agency” for the preparation and consideration of environmental documents for “projects”, as the term is defined in Section 15378 of the CEQA Guidelines; and

WHEREAS, it was determined that proposed Zoning Ordinance Text Amendment, and Zone Change, ensure the City has the necessary regulations to protect the public, health, and safety; and

WHEREAS, the proposed Zoning Ordinance Text Amendment and Zone Change is consistent with the City of Commerce General Plan, as it *is an implementation measure of the 2021-2029 Housing Element and is therefore directly consistent* with the General Plan through the establishment of a mixed use overlay zone designed to protect the public health, safety, and welfare by regulating and controlling the size, location, design, quality, construction, and maintenance, use of mixed use developments in the City of Commerce; and

WHEREAS, if adequately regulated, mixed use development will contribute to the economic vitality of the City by adding new commercial businesses offering additional goods and services within the City and providing additional housing options to City; and

WHEREAS, on _____, 2025, a duly noticed public hearing of the City of Commerce Planning Commission was held and the Planning Commission recommended that the City of Commerce City Council adopt this Ordinance; and

WHEREAS, on _____, 544 notices were sent to property owners within a 500-foot radius from the subject sites, and the notice was published in the Los Cerritos News, specifying the date, time, and location of the public hearing for General Plan Amendment No. 25-01, pursuant to California Government Code Section 65854; and

WHEREAS, on _____, 2025, the City Council of the City of Commerce held a duly notice public hearing; and

WHEREAS, all other legal prerequisites for the adoption of this Ordinance were satisfied.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE DOES HEREBY RESOLVE AND ORDAIN AS FOLLOWS:

Section 1. The City Council of the City of Commerce hereby finds and declares that the foregoing recitals are true and correct. They are incorporated herein as findings and a substantive part of this Ordinance.

Section 2. The City Council hereby finds that the adoption of this proposed Zoning Ordinance Text Amendment is not subject to the California Environmental Quality

Act (Public Resources Code §§ 21000, 21080.085, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”). The City reviewed the environmental impacts of the proposed Zoning Ordinance Text Amendment. Potential impacts from implementation of the Zoning Ordinance Text Amendment were previously analyzed and mitigated by the City of Commerce General Plan Environmental Impact Report (SCH No. 2001101128). An Initial Study/Addendum to the Final Environmental Impact Report for the project has been prepared pursuant to CEQA and no subsequent environmental review is required in accordance with Public Resources Code Section 21166 and State CEQA Guidelines Section 15162. Additionally, pursuant to Assembly Bill 130 (Public Resources Code § 21080.66), the Housing Element rezoning effort is statutorily exempt from CEQA.

Section 3. The City Council hereby makes the following findings of fact regarding the Zoning Ordinance Text Amendment and Zone Change:

- A. That the zone change and zoning ordinance text amendment is consistent with the goals, policies, and objectives of the general plan.** *The proposed amendments are an implementation measure of the 2021-2029 Housing Element and is therefore directly consistent. The Zone Change creates consistency between the adopted 2021-2029 Housing Element and the Land Use Element, in conjunction with the proposed General Plan Amendment, by allowing housing on sites identified in the Housing Element. The Zoning Text Amendment creates a new Mixed-Use Zoning Overlay to which the Zone Change applies. Other Zoning Text Amendments are related to the new Mixed-Use Zoning Overlay and are direct implementation actions associated with the 2021-2029 Housing Element.*
- B. That the zone change and zoning ordinance text amendment will not adversely affect surrounding properties.** *The proposed amendments are mandated by State Housing Law and the City is required to implement the Housing Element rezoning efforts for the 2021-2029 planning period. The proposed Zoning Ordinance Text Amendment and Zone Change will provide adequate housing sites and assist in the development of affordable housing. The proposed amendments will not be detrimental to surrounding properties because it will only consist of amendments to the Zoning Map. No developments are proposed as part of the Housing Element rezoning efforts. Furthermore, each future proposal on any of these sites will require a separate City review process. Any future proposed residential developments would be required to comply with applicable development regulations of the Zoning Ordinance, including those addressing minimizing potential effects on existing adjacent properties.*
- C. That the zone change and zoning ordinance text amendment promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19.** *The Zoning Ordinance Text Amendment and Zone Change promotes public health, safety, and general welfare of adjacent properties and the City as a whole by providing housing opportunities for diverse households, facilitating the development of housing for all income levels, including very low-,*

low-, moderate-, and above moderate-income levels for the 2021-2029 planning period, and affirmatively furthering fair housing. The Housing Element Update identifies housing goals and policies to address the City's fair share of the regional housing needs. The Zoning Ordinance Text Amendment and Zone Change implements these policies, providing opportunities for affordable housing on sites identified as viable for redevelopment in the Housing Element.

Section 4. Chapter 19.31, Division 24 – Live/Work is added in its entirety to the CMC as follows:

“Division 24 – Live/Work

19.31.790 Purpose and Applicability. This Division provides standards for live/work development, as defined in Chapter 19.45 (Definitions), in zones where this use is specifically allowed, including the reuse of existing nonresidential structures to accommodate live/work opportunities.

19.31.800 Limitations on Use.

A. Allowed Uses.

1. Residential Uses.
2. Nonresidential uses allowed within the applicable zone.

B. Prohibited Uses.

1. Notwithstanding the allowed uses within the applicable zone, a live/work unit shall not be used for any of the following activities or similar activities as determined by the community development director:
 - a. Adult-oriented businesses;
 - b. Animal care or boarding;
 - c. Classroom instruction (e.g., art/music lessons, tutoring, and similar uses) involving five or more students at any one time;
 - d. Commercial food preparation activities;
 - e. Exercise classes involving five or more students at any given time;
 - f. Industrial uses and large scale manufacturing;
 - g. Vehicle maintenance or repair (i.e., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;
 - h. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
 - i. Medical and dental offices, clinics, and laboratories (not including chiropractors or counselors/psychotherapists).
2. Activities or uses that are not compatible with residential activities or that would clearly conflict with other live/work activities or the character of the surrounding neighborhood as determined by the community development director; and

3. Activities or uses that would adversely affect the health or safety of live/work unit residents, because of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

19.31.810 Design Standards.

Live/work developments shall comply with all design and development standards associated with the zone in which the project is located. In addition, the design standards of this section shall apply.

A. Commercial Floor Area Requirement.

1. A live/work unit shall have a minimum floor area of at least 750 square feet. All floor area other than that reserved for living space shall be reserved and regularly used for working space.
2. A ground-level live/work unit with street frontage shall devote the initial 20 feet of floor area depth to commercial activity. For properties with frontage on two streets, this requirement shall apply to only the primary street.

B. Unit Access.

1. Where there are multiple live/work units within a single structure, each unit shall be physically separated from other units and uses within the structure.
2. Access to the commercial space of individual units must be accessible from a street or connecting to a street through a common open space, corridor, hallway, or other common access area.

C. Internal Integration. *The commercial and residential spaces of an individual live/work unit must be contiguous and accessible to each other.*

19.31.820 Operating Requirements

A. Occupancy and Employees.

1. A live/work unit shall be occupied and used only by the operator of the business within the unit, or a household of which at least one member shall be the business operator.
2. The business activity occupying the live/work unit may utilize nonresident employees, as necessary.
3. Client and customer visits to live/work units are allowed.

B. Business License Required. *The business operator conducting business within a live/work unit is required to have a business license with the City of Commerce.*

- C. **Enclosed Building.** *All activities related to the "work" component of a live/work unit shall be conducted within a completely enclosed building.*
- D. **Sale or Rental of Portions of Unit.** *No portion of a live/work unit may be separately rented/subleased or sold as a commercial space for any person not living in the premises or as a residential space for any person not working in the same unit.*
- E. **Conversion Prohibited.** *A live/work unit shall not be converted to either entirely residential use or entirely nonresidential use.*
- F. **Signs.** *A master sign program, outlining sign guidelines, is required for all live/work developments."*

Section 5. Chapter 19.39, Division 10 of the Commerce Municipal Code entitled "Site Plan Review" is hereby amended as follows:

"DIVISION 10. - SITE PLAN REVIEW

19.39.640 - Intent and purpose.

- A. The site plan review process is established to provide a visual and factual document that may be used to determine and control the physical layout, design, and use of a lot or parcel of land, buildings, or structures. A site plan shall contain information that may include an application form, plans, drawings and diagrams, or pictures indicating uses, forms, dimensions, and other pertinent factors sufficient to provide a document that may be used to substantiate and corroborate facts and testimony vital to the administration of this [Title 19](#).
- B. A site plan is, or may be, required to determine whether or not a proposed development will properly comply with the provisions and development standards prescribed in this [Title 19](#) or as prescribed by the site plan review approval.

(Ord. 544 § 1(part), 2000).

19.39.650 - Applicability.

- A. Table 19.39.650A (Review Authority and Applicability for Site Plan Review) summarizes the review authority responsible for reviewing and making decisions on site plans and projects that are subject to site plan review.

Table 19.39.650A: Review Authority and Applicability for Site Plan Review		
Development Type	Application Type/Review Authority ⁽¹⁾	
	Site Plan - Minor/Community Development Director	Site Plan - Major/Planning Commission
Residential Construction		

1 – 10 units	Decision	Appeal
More than 10 units ⁽²⁾	Recommend	Decision
Nonresidential New Construction		
Less than 25,000 SF	Decision	Appeal
25,000 SF or more	Recommend	Decision
Nonresidential Additions		
Additions of less than 25,000 SF	Decision	Appeal
Additions of 25,000 SF or more	Recommend	Decision
Other		
Telecommunications Antenna (Chapter 19.27)	Recommend	Decision
Notes:		
<ol style="list-style-type: none"> 1. "Recommend" means that the review authority should provide preliminary review and forward input to the next higher review authority for consideration. "Decision" means that the review authority makes the final decision on the matter. "Appeal" means that the review authority may consider and decide upon appeals to the decision of an earlier review authority, in compliance with Chapter 19.39, Division 4 (Appeals and Revocations). 2. Note: For projects on properties identified in the Housing Element as "City-owned Rezone Site (Mixed Use)" or "Opportunity Site – Rezone for Mixed Use" sites, those projects are subject to California Government Code §65583.2 (h) and (i). Government Code Section 65583.2, subdivisions (h) and (i) generally include, but are not limited to, permitting housing developments with 20% affordability to lower-income households without discretionary action at minimum densities of 20 units per acre and meeting residential only performance standards. Such projects shall be processed via Site-Plan – Minor, regardless of number of units. 		

B. Thresholds. Unless otherwise specified in this Division, thresholds identified in Table 19.39.650A (Review Authority for Site Plan Review) shall be cumulative over a five-year period. The starting point for the five years shall be when the certificate of occupancy has been issued.

C. Projects Involving Planning Commission Review. The Community Development Director may require submission of a Site Plan - Major for any matter that otherwise involves the approval of the Planning Commission.

19.39.660 - Initiation.

A. An application for site plan review may be initiated by any person who is able to demonstrate a legal vested interest in the proposed application. The authorized agent of any person with a legal vested interest may also initiate an application. The community development director may request proof of ownership or authorization to apply prior to the acceptance of any application.

- B. An application shall be filed pursuant to the provisions of Division 2 (Applications, Processing, Filings, and Fees) of this [Chapter 19.39](#).

(Ord. 544 § 1(part), 2000).

19.39.670 - Public Meetings and Notice

- A. Site Plan – Minor. Public hearings and notice shall not be required for a Site Plan - Minor. The Community Development Director shall issue a decision letter after deeming the application complete.

- B. Site Plan - Major.

1. The community development director shall place the site plan review application on the planning commission agenda for consideration by the commission as a scheduled matter. Notice to surrounding property owners shall be provided pursuant to the provisions of Section [19.39.140\(C\)](#) of this [Title 19](#).
2. The planning commission shall review the application and proposal and receive evidence concerning the proposed site plan.
3. The planning commission shall act to approve, conditionally approve, or deny the application.
4. The decision of the planning commission shall become effective immediately upon its rendering, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of this Chapter 19.39.

19.39.680 - Basis for approval.

Approval or disapproval of any site plan review application shall be based upon the following factors and principles; however, consistent with Government Code Section 65589.5, the City will not deny or reduce the density of a qualifying housing project if it is consistent with the City's objective development standards and it contributes to meeting housing need:

- A. Compliance with all of the applicable provisions of this [Title 19](#), including, but not limited to, those set forth in [Chapter 19.19](#) (Site Review and General Development Standards).
- B. Suitability of the site for the particular use or development intended.
- C. Physical layout of the total development, including the application of prescribed development standards. The project shall be so arranged to further the policies of the general plan and zoning regulations including, but not limited to, avoiding traffic congestion, ensuring the protection of public health, safety and general welfare, and preventing adverse effects on neighboring properties.
- D. Consistency with all elements of the general plan.

E. Suitability and functional development design. However, such approval shall not be interpreted to require a particular style or type of architecture.

(Ord. 544 § 1(part), 2000).

(Ord. No. 612, § 8, 10-7-2008)

19.39.690 - Approval attached to the property.

A site plan review approval that is valid and in effect and granted pursuant to the provisions of this [Title 19](#) shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.

(Ord. 544 § 1(part), 2000).

19.39.700 - Modification.

The applicant may apply for a modification to an approved site plan by following the same submission and application procedures for site plan review consideration. The applicant's submission shall specify the particular modifications requested and the grounds that support the modification request.

(Ord. 544 § 1(part), 2000).

19.39.710 - Revocation.

The community development director shall have the authority to initiate proceedings to suspend or revoke a site plan review approval pursuant to provisions set forth in Sections [19.39.240](#) through [19.39.250](#), inclusive, of this [Chapter 19.39](#).

(Ord. 544 § 1(part), 2000).

19.39.720 - Time limit for implementing site plan review approval.

A. The grantee of a site plan review approval shall have one year from the effective date of the approval to establish a right to use the approval; otherwise, the approval shall lapse and shall become void. For the purposes of this section, such a right shall be established if either:

1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the site plan was approved; or
2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the site plan was approved; or
3. In the event no building permit or occupancy is required, the site for which the site plan was approved is occupied; or

4. Prior to the date on which the site plan review approval will elapse, the grantee files an application to renew the permit pursuant to subsection B of this section.
- B. A site plan review approval subject to lapse may be renewed up to an additional one-year period; provided, that the application for renewal is filed with the community development department prior to the expiration date.
- C. The community development director may approve or deny an application for renewal of a site plan review approval. As part of the action, the director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the site plan and surrounding properties.

(Ord. 544 § 1(part), 2000).

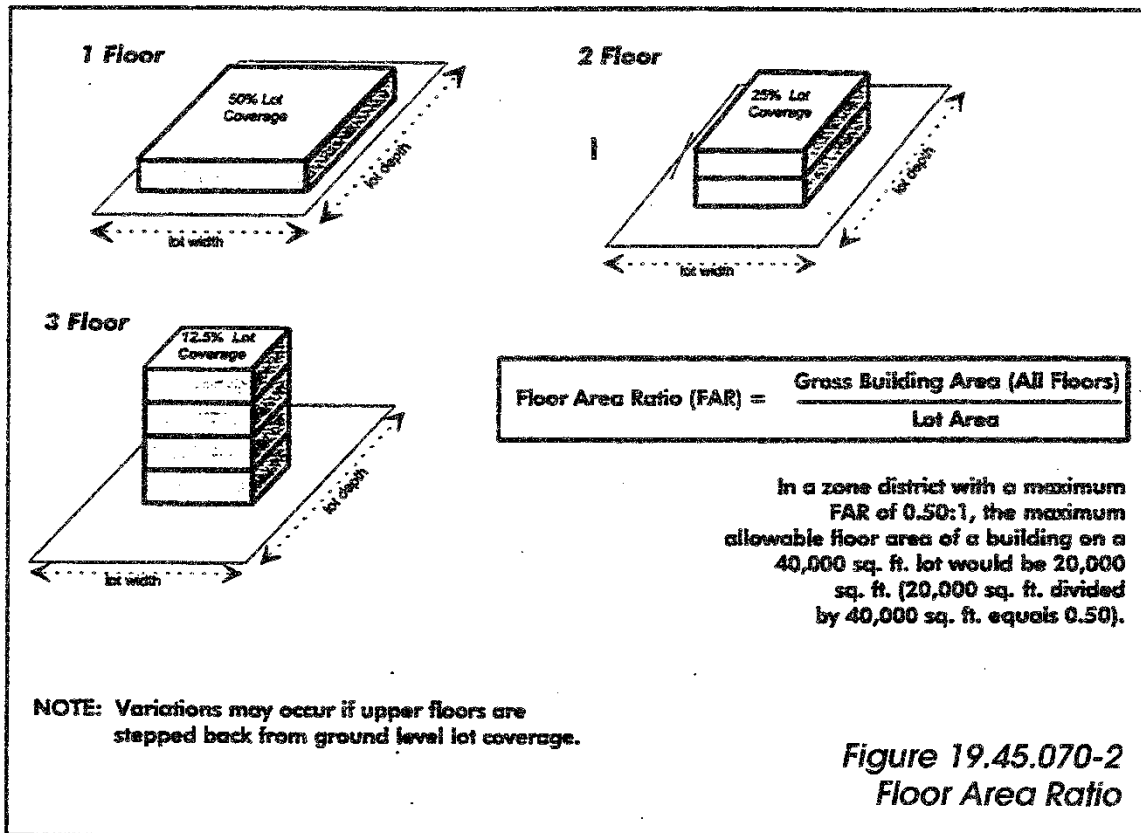
19.39.730 - Reserved.”

Section 6. Portions of Chapter 19.45 of the Commerce Municipal Code entitled “Definitions” are hereby amended as follows:

“Chapter 19.45 – Definitions

19.45.070 – “F” Definitions.

"Floor area ratio" means the total gross area of all buildings on a lot divided by the lot area (FAR). For the purpose of calculating floor area, floor area shall (1) not include exterior courts, garages, pre-existing carports, patio covers (with or without a solid cover), elevator shafts, and stairwells; and (2) be calculated based on the exterior faces of walls (see Figure 19.45.070-2). Floor area ratio shall only apply to nonresidential uses.



19.45.140 - "M" Definitions.

"Major transit stop" is defined in Public Resources Code Section 21064.3.

"Mixed-use" means a development that combines both nonresidential and residential uses, where the residential component is typically located above or behind the commercial.

19.45.160 – "O" Definitions.

"Open space, common" is open space that is accessible to all dwelling units on the site in the form of courtyards, landscaping, pedestrian paths, and recreational facilities.

"Open space, usable" is an outdoor area designed and intended to support residents' passive or active living and recreation and is located on the same parcel as the dwelling units for which it is required. Usable open space shall not include any portion of parking areas, streets, driveways, sidewalks, or vehicular turnaround areas.

"Open space, private" is open space that is accessible directly from the living area of a dwelling unit in the form of a fenced yard or patio, a deck, or balcony.

“Open space, public” is open space that is intended and available for the general public’s use.”

Section 7. Chapter 19.49 – Mixed Use Overlay zone is added in its entirety to the CMC as follows:

“Chapter 19.49 – Mixed Use Overlay Zone

Sections:

19.49.010 – Intent and Purpose

19.49.020 – Applicability

19.49.030 – Use Regulations

19.49.040 – Development Standards

19.49.050 – Additional Regulations

19.49.060 – Application Review

19.49.010 – Intent and Purpose

The Mixed Use Overlay zone (MU-O) is established to facilitate mixed-use development, encourage housing production, promote infill development, and attract desired commercial businesses while preserving existing opportunities for permitted uses and conforming development in the underlying base zone. The MU-O zone implements the policies and programs of the Commerce General Plan sixth cycle Housing Element (Housing Element) through increased residential densities and modified development requirements on identified sites.

19.49.020 – Applicability

A. Applicability to Area. The MU-O zone is an overlay zone applied on sites identified for rezoning in the Housing Element, as identified in Housing Element Figure 4-6: City of Commerce Sites Inventory by Site Category.¹

¹ A site identified for rezoning in the Housing Element is, as used in this Chapter, a “City-owned Rezone Site (Mixed Use)” or “Opportunity Site – Rezone for Mixed Use” property identified in the City of Commerce 6th Cycle Housing Element to accommodate the Regional Housing Needs Assessment, as shown on Figure 4.2 (City of Commerce Sites Inventory by Site Category). These sites are subject to Government Code Section 65583.2, subdivisions (h) and (i), which generally include, but are not limited to, permitting housing developments with 20 percent affordability to lower-income households without discretionary action at minimum densities of 20 units per acre and meeting residential only performance standards.

For more information, please see

https://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=10.6

B. Relationship Between Base Zone and Overlay Zone Use Regulations.

1. **Use.** For properties within the MU-O zone, the provisions of this Chapter allow the uses set forth in Table 19.49.030A (Uses Allowed in Mixed Use Overlay Zone) in addition to uses allowed in the underlying base zone.

2. Development Standards.

- a. The development standards in this Chapter shall apply to all properties within the MU-O zone for which new construction is proposed to accommodate a use or uses allowed in the MU-O zone, per Table 19.49.030A (Uses Allowed in Mixed Use Overlay Zone).
- b. For uses listed in the underlying base zone that are not part of a mixed-use project, the development standards in that zone apply.
- c. For the adaptive reuse of an existing building, the development standards of the underlying base zone shall apply unless specifically stated otherwise.

3. **After Completion of Development.** Once a property has been developed in compliance with the development standards of this Chapter, the development standards of this Chapter shall supersede the standards of the underlying base zone.

- C. **State Law.** Where a conflict between this overlay zone and State law arises, State law shall apply, including but not limited to income and affordability levels.

19.49.030 – Use Regulations

- A. **Allowed Uses.** In addition to the uses allowed in the underlying base zone of a given site, uses within the MU-O zone shall be regulated as set forth in Table 19.49.030A (Uses Allowed in Mixed Use Overlay Zone).

Table 19.49.030A**Uses Allowed in Mixed Use Overlay Zone****Key:** **P = Use Permitted by Right**

Use	Mixed Use Overlay Zone	Specific Use Regulations
Residential Uses		
Dwelling, Multi-family	P	
Supportive and Transitional Housing	P	
Mixed Uses		
Live/Work	P	Section 19.31.790 through 19.31.820 (Live/Work) standards shall apply.
Mixed-Use	P	At least 50 percent of the square footage of the project shall be residential. Section 19.49.030.B (Allowed Nonresidential Uses as Part of a Mixed-Use Project) shall apply.
<p>Note: For projects on properties identified in the Housing Element as “City-owned Rezone Site (Mixed Use)” or “Opportunity Site – Rezone for Mixed Use” sites, those projects are subject to California Government Code §65583.2 (h) and (i). Government Code Section 65583.2, subdivisions (h) and (i) generally include, but are not limited to, permitting housing developments with 20% affordability to lower-income households without discretionary action at minimum densities of 20 units per acre and meeting residential only performance standards. For more information, please see https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=10.6</p>		

B. Allowed Nonresidential Uses as Part of a Mixed-Use Project.

- 1. Use Standards.** Nonresidential uses allowed in the underlying base zone (C/M-1) shall be allowed as part of mixed-use development, per Table 19.11.030A (Uses in Industrial Districts). Such uses shall be allowed either as a permitted use (“P”), a conditional use (“C”), or permitted/conditional (“P/C”), as indicated in Table 19.11.030A. All uses listed as permitted/conditional (“P/C”) in Table 19.11.030A shall require a Conditional Use Permit as part of a mixed-use project. The review authority shall have the discretion to determine the compatibility of any conditional uses proposed to be part of a mixed-use project.
- 2. Development Standards.** All development associated with the mixed-use project, including both residential and nonresidential uses, shall be subject to the development standards of this Chapter.

19.49.040 – Development Standards

A. General Property Development Standards. The general property development standards for the MU-O zone shall be as set forth in Table 19.49.040A (Mixed Use Overlay Zone Development Standards).

B. Project Tiers. An applicant may elect to comply with either Tier 1 (base) or Tier 2 development standards.

1. Tier 1 Projects. Projects electing Tier 1 standards shall be allowed, subject to the base standards of this Chapter as set forth in Table 19.49.040A (Mixed Use Overlay Zone Development Standards).

2. Tier 2 Projects. Projects electing Tier 2 standards shall provide community benefits pursuant to Section 19.49.040.C (Community Benefits – Required Enhancements for Tier 2 Increased Density).

Table 19.49.040A Mixed Use Overlay Zone Development Standards			
Development Standard	MU-O Zone		Additional Regulations
	Base Standard (Tier 1)	Maximum Density (Tier 2)	
Minimum Residential Density	27 du/ac	60.1 du/ac	See Section 19.49.040.C (Community Benefits – Required Enhancements for Tier 2 Increased Density) for requirements applicable to Tier 2.
Maximum Residential Density	60 du/ac	85 du/ac	
Maximum Nonresidential Floor Area Ratio	2.0	2.5	FAR standard applies only to the nonresidential component of a mixed-use project.
Minimum Setbacks			
Atlantic Boulevard	Ground floor residential use: 10 feet Ground floor nonresidential use: No setback required Ground floor live/work use: 5 feet		See Section 19.49.050.E (Residential Ground Floor Use Setback Tree Requirements).
Washington Boulevard	Ground floor residential use: 15 feet Ground floor nonresidential use: 5 feet Ground floor live/work use: 10 feet		
Other Streets	Ground floor residential use: 10 feet Ground floor nonresidential use: No setback required Ground floor live/work use: 5 feet		
Alley	0 feet		

Table 19.49.040A Mixed Use Overlay Zone Development Standards			
Development Standard	MU-O Zone		Additional Regulations
	Base Standard (Tier 1)	Maximum Density (Tier 2)	
Maximum Building Height: Atlantic Boulevard	40 feet	52 feet	Applies to all properties with frontage on Atlantic Boulevard
Maximum Building Height: Locations other than Atlantic Boulevard	55 feet	65 feet	
Minimum Lot Area	5,000 square feet		
Minimum Open Space for Residential Uses	100 square feet per unit		Minimum open space requirements may be met through private, common, and/or public open spaces. See Section 19.49.050.B (Open Space Requirements for Residential Uses)
Shadow Standards	See Section 19.49.050.A (Shadow Standards).		
Note: For projects on properties identified in the Housing Element as “City-owned Rezone Site (Mixed Use)” or “Opportunity Site – Rezone for Mixed Use” sites, those projects are subject to California Government Code §65583.2 (h) and (i). Government Code Section 65583.2, subdivisions (h) and (i) generally include, but are not limited to, permitting housing developments with 20% affordability to lower-income households without discretionary action at minimum densities of 20 units per acre and meeting residential only performance standards. For more information, please see https://leginfo.legislature.ca.gov/faces/codes_displayText.xhtml?lawCode=GOV&division=1.&title=7.&part=&chapter=3.&article=10.6			

C. Community Benefits – Required Enhancements for Tier 2 Increased Density.

- 1. Purpose.** The community benefits program is established to provide incentives for higher intensity development not otherwise allowed by this Zoning Ordinance, and to create new community benefits that may not otherwise result from development activity. The review authority, through a discretionary review, may grant increased density, as outlined in Table 19.49.040A (Mixed Use Overlay Zone Development Standards) in return for provision of specific community benefits, as listed below or subsequently identified by the City Council. A variety of objectives are listed to ensure that proposed project features are appropriate for the site and surroundings, and to allow for a wide range of possible project types.
- 2. Tier 2 - Number of Community Benefits.** The City Council may approve Tier 2 projects if it determines that the project includes at least two community benefits from Section 19.49.040.C.4 (Community Benefit Options).

- 3. Tier 2 Project Findings.** To approve a Tier 2 project, the City Council shall make the finding that the public benefits associated with the project significantly outweigh any detrimental impacts from the additional density. In weighing potential public benefits, the City Council shall consider objectives related to affordable and workforce housing, economic development, and open space creation to be especially important.

4. Community Benefit Options.

- a. Affordable and Workforce Housing.** The project provides affordable or workforce housing in the form of one of the following:
- i.** Donation of land to the City of Commerce for the purposes of establishing permanent, community-controlled affordable housing by organizations such as community land trusts or other similar groups; or
 - ii.** The project qualifies for, and utilizes, a density bonus in compliance with Chapter 19.07, Division 3 (Density Bonuses) of this Zoning Ordinance.
- b. Public Plaza.** The project provides a publicly accessible open space in the form of a plaza that complies with all of the following:
- i.** The minimum area of any public plaza shall be 2,000 square feet, with a minimum dimension of 20 feet;
 - ii.** The public plaza is dedicated to the City or owned, operated, and maintained by the project's developer or property manager in accordance with an approved maintenance plan to be reviewed and approved by the public works and community development director or their designees;
 - iii.** The minimum area of the public plaza shall be one contiguous area; i.e. all parts of the public plaza must be accessible without leaving the plaza area;
 - iv.** The public plaza shall be located on the ground level and directly accessible from the public sidewalk and be accessible to persons with disabilities;
 - v.** The public plaza shall be open to the public, without charge, each day of the year, except for temporary closures for necessary maintenance or public safety;
 - vi.** Each plaza shall contain trees and landscaping, pedestrian-scaled lighting, and signage that include hours of operation;

vii. Impervious surface coverage shall not exceed 80 percent; and

viii. Outdoor seating from adjacent retail, restaurant, and service uses is allowed on the plazas to activate the space.

- c. Community-Serving Businesses.** The project provides rent subsidies to provide below-market rent to small legacy and community-serving businesses, with priority for businesses owned by an individual or individuals with annual household incomes of “Moderate-Income” category or lower as defined by the California Department of Housing and Community Development (HCD).
- d. Construction Workforce.** The project provides jobs for residents of the City of Commerce, with at least 30 percent of the project’s construction workforce comprised of residents currently living in Commerce and complies with all of the following:

 - i.** The construction workers shall be paid State prevailing wages; and
 - ii.** A minimum of 16 percent of the construction workers shall be apprentices from a State Certified Apprenticeship program.
- e. Food Establishment.** The ground floor of the project is designed to accommodate a food establishment that complies with one of the following requirements:

 - i. Restaurant.** The food establishment is a restaurant with at least 55 percent of its total sales comprised by the sale of food prepared on the premises and beverages consumed on the premises. This use shall not include taverns.
 - ii. General Market.** The food establishment is a grocery, fruit/vegetable, or meat market and shall provide foods that are readily perishable. At least 55 percent of the grocery’s total sales shall be comprised by the sale of food (not beverage). This use shall not include liquor stores.
- f. Community-Serving Art, Education, and Meeting Spaces.** The ground floor of the project provides publicly accessible spaces for meetings (private or public), educational enrichment, and/or specialized programs in personal growth and development served in an individual or group setting. Typical uses include classes or instruction in music, fitness, art, academics, or maker spaces where participants can gather to create, invent, tinker, explore, and discover using a variety of tools and materials.
- g. Parks and Open Space.** The project provides one of the following:

 - i.** Additions and improvements to existing public parks, such as new playgrounds, sports courts, or recreational facilities; or

- ii. Funds towards land acquisition and/or capital costs for the creation of new public parks, community gardens, pocket parks, plazas, walkways, or other types of public open spaces.
- h. **Zero Net Energy.** The project provides 100 percent of total building energy load measured as kilowatt per square foot through solar panels or other renewable sources.
- i. **Three Bedroom Dwelling Units.** At least 20 percent of all dwelling units in the project contain three or more bedrooms per dwelling unit.
- j. **Mobility and Street Improvements.** The project includes mobility/street improvements limited to the following:
 - i. Projects that enhance safety and/or connectivity for people walking, bicycling, and accessing transit; or
 - ii. Transit supportive infrastructure, such as: access improvements to transit stations; enhanced bus stops and shelters; protected bike lanes; sidewalks and crosswalk improvements; and other infrastructure that provides key connections to the transit system. On-site and off-site infrastructure should be developed in close coordination with Los Angeles County Metropolitan Transportation Authority (Metro) and Commerce Public Works Department.
- k. **Public Art.** The project includes a public art component, consisting of creation of an original work for a publicly accessible space which could be, but is not limited to, earthworks, mosaics, murals, and sculpture. The public art component shall have a value not less than two percent of the total project cost (and shall otherwise be subject to the conditions and requirements of Chapter 19.31 Division 3 Art in Public Places).

19.49.050 – Additional Regulations

A. Shadow Standards.

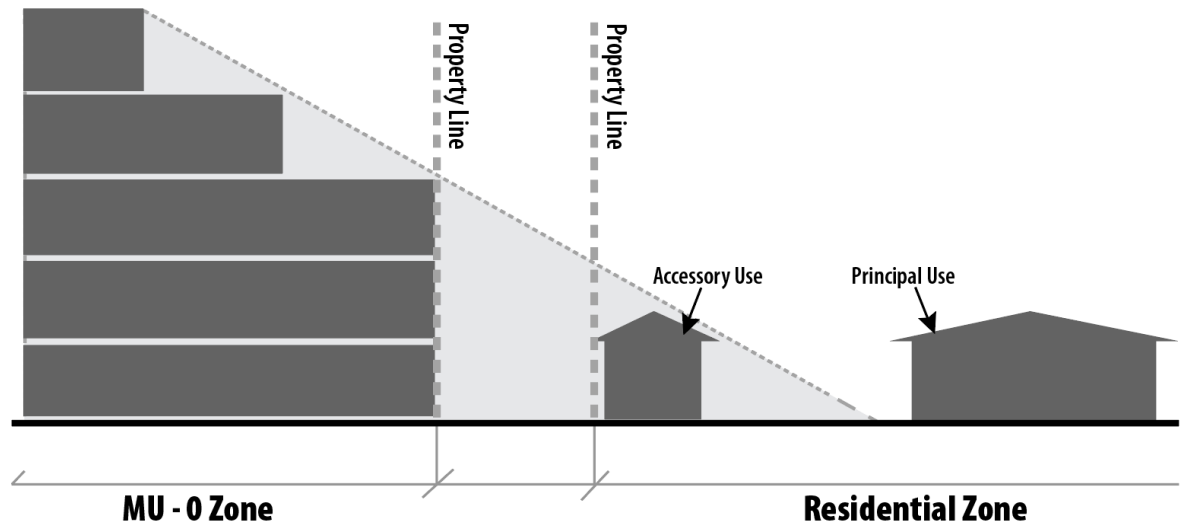
1. **Purpose and Applicability.** The intent of this section is to minimize impacts of shadows cast on single-family homes adjacent to the MU-O zone. This section shall apply to any portion of property located in the MU-O zone that is adjacent to or abuts an R-1 or R-2 zone.
2. **Exceptions.**
 - a. Where any portion of property located within the MU-O zone abuts or adjoins any portion of property within the R-1 and/or R-2 zones and all properties within

the R-1 and/or R-2 zones are developed with legally allowed nonresidential uses, the requirements of this section shall not apply.

- b. The requirements of this section shall not apply to development of a wireless communications facility.

3. **Shadows Cast on Principal Use and/or Structure.** New buildings within the MU-O zone shall not cast shadows on any portion of a principal use or principal structure within the R-1 and/or R-2 zones for more than three hours between the hours of 9:00 a.m. and 3:00 p.m. Pacific Standard Time between October 15th and April 14th and for more than four hours between the hours of 9:00 a.m. and 5:00 p.m. Pacific Standard Time between April 15th and October 14th. Accessory structures, such as garages, sheds, and other accessory spaces shall not be considered principal uses or structures.

Figure 19.49.050-1: Shadow Requirements (Alley Condition Example)



B. Open Space Requirements for Residential Uses.

1. **Purpose.** This section provides additional standards applicable to minimum open space required by Table 19.49.040A (Mixed Use Overlay Zone Development Standards) for residential uses. All required open space shall be usable as defined in Section 19.45.160 ("O" Definitions) and shall include no obstructions other than devices and structures designed to enhance its usability, such as swimming pools, changing facilities, fountains, planters, benches, walkways, and landscaping.
2. **Private Residential Open Space.** The minimum dimension, width or depth, of any private residential open space shall be five feet. Private residential open space

attached to residential units shall be designed to avoid direct visibility into the interiors of adjacent units. Ground level open spaces that front onto Atlantic Boulevard or Washington Boulevard may be enclosed and secured but shall contain an open gate or fence with a maximum height of three feet that allows visibility to and from the space.

- 3. Common Residential Open Space.** The minimum dimension shall be 10 feet in any direction for any common residential open space.

- 4. Public Open Space.**

- a. General.** Required open space may be designed to be accessible to the public, in addition to residents of a mixed-use development.
 - b. Design.** Public open space shall be accessible and fully visible from the public right-of-way. Public open space shall be located in front of buildings and shall not be located where views of the space from the public right-of-way would be obstructed by buildings or other structures. The provision of public open space, including restrictions on use and access and other aspects of the management of the space, shall be required at the discretion of the review authority.
 - c. Shadow Standards.** Not less than 80 percent of public open space shall be unobstructed to the sky. Trellises, pergolas, umbrellas, and similar structures shall be considered unobstructed to the sky for the purposes of this measurement.

- 5. Roof Decks.** Roof decks are permitted and may be used to meet minimum open space requirements, provided the following development standards are met:

- a. Location.** Roof decks shall be set back five feet from all building lines of the structure. The building line shall be measured from the roof edge of the story directly below the deck. The minimum required setback for any roof deck shall be increased by 10 feet on the building side facing an adjacent or abutting R-1 or R-2 zone.
 - b. Height Limits.** The guardrail and other objects, whether permanent or temporary, that rest upon the roof deck such as patio furniture, landscaping, swimming pool features, and storage, shall be allowed to exceed the maximum height limit specified in Table 19.49.040A (Mixed Use Overlay Zone Development Standards) by up to eight feet. Exterior stairways and other access features such as stairwells or elevators for access to roof decks shall not exceed the maximum height limit specified in Table 19.49.040A (Mixed Use Overlay Zone Development Standards) by more than 10 feet and shall be architecturally integrated into the design of the structure.

- c. **Furniture.** All furniture and accessories located on a roof deck shall be secured as necessary to prevent wind damage or dislocation.

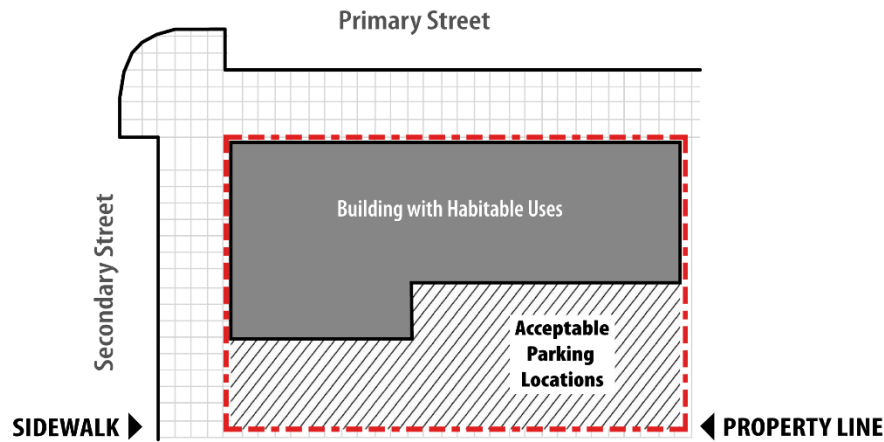
C. Parking and Service Area Requirements.

1. **Purpose.** Parking and service area requirements promote safe and efficient storage of motor vehicles and bicycles, minimize design impacts that can result from parking lots and driveways, and offer flexible means of minimizing the area devoted to vehicle parking where appropriate.
2. **General Vehicle Parking Requirements.** Parking, access, and loading shall conform to the standards in Chapter 19.21 (Off-Street Parking and Loading) of this Zoning Ordinance, except as provided in this section.
 - a. Each land use shall provide at least the number of onsite parking spaces stated in this section and Table 19.49.050A (Number of Parking Spaces Required by Use), except projects utilizing State Density Bonus Law (Government Code Section 65915 et seq.) may be allowed further reduced standards. There is no minimum parking requirement for projects located within 0.5 miles of a major transit stop, consistent with Government Code Section 65863.2(a).

Table 19.49.050A	
Number of Parking Spaces Required by Use	
Land Use	Minimum Number of Parking Spaces Required
Multifamily	
0 bedrooms (Studio or Loft)	1 space per unit
1 – 2 bedrooms	1 space per unit
3 or more bedrooms	2 spaces per unit
Guest Parking	For projects greater than 10 units, one additional guest parking space shall be provided for every 4 dwelling units.
Live/Work	1.5 spaces per unit

- b. Uses not listed in Table 19.49.050A, including all nonresidential uses associated with a mixed-use project, shall comply with the standards in Chapter 19.21 (Off-Street Parking and Loading) for minimum number of parking spaces required.
3. **Shared Parking Reduction.** Where a shared parking facility serving more than one use will be provided, the total number of required parking spaces may be reduced by up to 20 percent with review authority approval via Modification of Standards (Chapter 19.39, Division 9), if the review authority finds that:
 - a. A parking demand study conducted and prepared under procedures set forth by the review authority supports the proposed reduction and determines that the shared parking provided will be adequate to serve each use and/or project;
 - b. The peak hours of use will not overlap or coincide to the degree that peak demand for parking spaces from all uses or projects will be greater than the total supply of spaces; and
 - c. In the case of a shared parking facility that serves more than one property, a parking agreement has been prepared and recorded with the Office of the County Recorder, requiring the parking to be operated on a nonexclusive basis, to be open and available to the public for shared use, short-term parking during normal business hours.
4. **Other Parking Reductions.** Required parking for any use may be reduced by up to 10 percent through review authority approval of a Modification of Standards (Chapter 19.39, Division 9). Required parking may be reduced by more than 10 percent through Planning Commission approval. However, no reduction shall be made in addition to any reductions for shared parking permitted through 19.49.050.C.3 (Shared Parking Reduction) of this section, above. The review authority may only approve a request for reduced parking if it finds that:
 - a. Special conditions, including but not limited to, the nature of the proposed operation; proximity to frequent transit service; proximity to a general market, transportation characteristics of persons residing, working, or visiting the site; or because the applicant has undertaken a transportation demand management program that provides justification of innovative design components and strategies to reduce single-occupant vehicle travel to and from the site and will reduce parking demand at the site; and
 - b. The use will adequately be served by the proposed onsite parking.
5. **Vehicle Parking Design Requirements.**
 - a. **Location of Parking.** Surface and/or structured parking areas shall be located on the interior side or rear of the site and, wherever feasible, placed behind buildings.

Figure 19.49.050-2: Acceptable Parking Locations



b. Parking Structure Integration.

i. Primary Street.

- (a) **Atlantic Boulevard.** Any parking structure that contains primary property frontage on Atlantic Boulevard shall, at a minimum, incorporate residential or nonresidential uses along the ground floor on Atlantic Boulevard to screen the parking structure.
- (b) **Washington Boulevard.** Any parking structure that contains primary property frontage on Washington Boulevard shall, at a minimum, incorporate residential or nonresidential uses along the ground floor on Washington Boulevard to screen the parking structure.

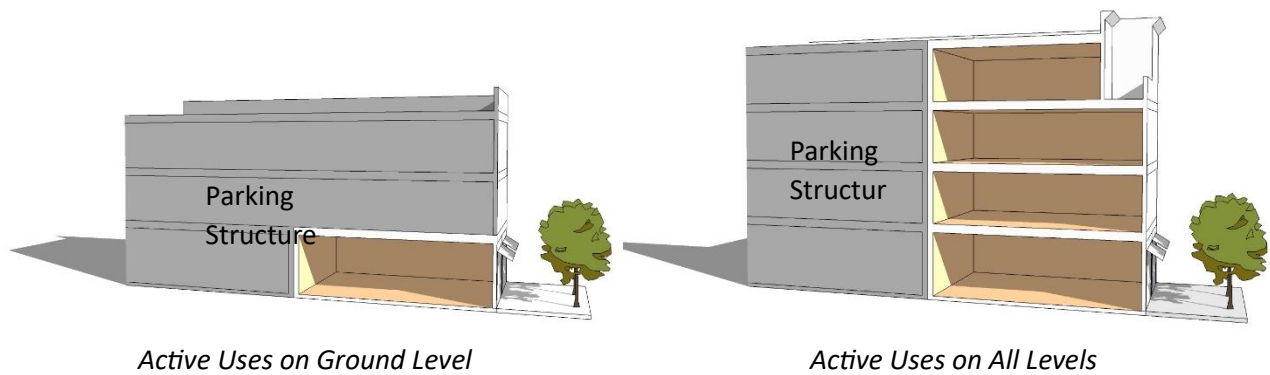


Figure 19.49.050-3: Parking Structure Screened with Residential/Nonresidential Uses

- ii. **Secondary Street.** Any parking structure that contains primary property frontage on a street other than Atlantic Boulevard or Washington Boulevard shall incorporate residential or nonresidential uses along the ground floor, or two or more of the following features: (a) display or shopping windows; (b) landscape material (such as foundation plantings, vertical trellis with vines, planter boxes with cascading landscape material) that results in the parking structure being adequately screened from adjoining parcels; (c) architectural detailing and articulation that provides texture on the façade or structure openings and effectively integrates the parking structure into the basic building design; and/or (d) artwork such as sculptures, murals, and mosaics.
 - c. **Driveway Frequency and Curb Cuts.** Parking, loading, and service areas shall be accessed from alleys and/or side streets, wherever feasible. Curb cuts shall be minimized and located in the location least likely to impede pedestrian circulation. Along Atlantic Boulevard and Washington Boulevard, for parcels of less than 200 feet in length along the street front, only one vehicular access point shall be permitted. For larger parcel frontages along Atlantic Boulevard and Washington Boulevard, a maximum of one vehicular access point for each 200 feet of street frontage is permitted.
- 6. Mechanical Equipment and Loading Areas.** Service and loading areas shall be screened from R-1 and/or R-2 zones. When located in proximity to residential uses in R-1 and/or R-2 zones, techniques such as block walls, enhanced setbacks, or enclosed loading or equipment shall be used to minimize adverse impacts from vehicular noise and noise from mechanical equipment.

D. Façade Composition and Architectural Requirements.

- 1. Purpose.** The façade composition and architectural requirements help to create an active pedestrian environment by maintaining attractive and approachable frontages to residential and commercial uses.

2. Building Orientation and Entrances.

a. Building Transparency.

- i. Commercial Ground Floor Uses.** Windows and openings facing Atlantic Boulevard and Washington Boulevard shall constitute a minimum of 50 percent of street-facing building faces. Windows shall provide a clear and transparent view into ground floor uses or shall display merchandise to reinforce a pedestrian scale. Tint lower than 70 percent visible light transmission (VLT), mirrored, or reflective glass shall be prohibited. Piling inventory up against ground floor windows facing any street is prohibited, unless it is part of a display area visible from the street.
- ii. Commercial Upper Floor Uses.** Windows and openings facing streets shall constitute a minimum of 25 percent of street-facing building faces for commercial upper floor uses.
- iii. Live/Work Uses.** Windows and openings facing streets shall constitute a minimum of 40 percent of street-facing building faces for live/work uses.
- iv. Residential Ground Floor Uses.** Windows and openings facing streets shall constitute a minimum of 30 percent of street-facing building faces for residential ground floor uses.
- v. Residential Upper Floor Uses.** Windows and openings facing streets shall constitute a minimum of 20 percent of street-facing building faces for residential upper floor uses.
- vi. Blank Walls.** No street frontage wall may run in a continuous plane for more than 20 feet without an opening. Openings fulfilling this requirement shall have transparent glazing and provide views into work areas, display areas, sales areas, lobbies, or similar active spaces, or into window displays that are at least three feet deep.
- vii. Windows.** All windows along any facade facing a property in the R-1 and/or R-2 zones shall, at the second story and above, be offset horizontally at least 12 inches (edge to edge) from any windows on buildings on an

adjacent property in the R-1 and/or R-2 zones, with the intent of preserving privacy and avoiding having windows immediately opposite each other.

b. Elevation of First Floor. First floor elevations shall contribute to the pedestrian experience at the public right-of-way interface.

- i. **Commercial and Live/Work Ground Floor Uses.** The first habitable floor of commercial and live/work ground floor uses shall be located no more than two feet above or below the existing grade at any point along a street property line.
- ii. **Residential Ground Floor Uses.** The first habitable floor of a standalone residential building shall be located no more than six feet above existing grade and no more than two feet below existing grade along a street property line.

c. Street-Level Entrances.

i. **Orientation.**

- (a) **Atlantic Boulevard.** For properties with frontage on Atlantic Boulevard, primary street-level entrances shall orient toward Atlantic Boulevard, rather than a parking lot or secondary streets.
- (b) **Washington Boulevard.** For properties with frontage on Washington Boulevard, primary street-level entrances shall orient toward Washington Boulevard, rather than a parking lot or secondary streets.
- (c) **Both Atlantic and Washington Boulevard.** For properties with frontage on both Atlantic Boulevard and Washington Boulevard, primary street-level entrances shall orient toward either Atlantic or Washington Boulevard, rather than a parking lot or secondary streets.

ii. **Building Entries Within Façade Design**

- (a) **Dimensions.** Building entries, inclusive of doorway and facade plane, shall meet the following minimum dimensions:
 - (1) Individual residential and live/work entries: five feet in width
 - (2) Shared residential entry: eight feet in width
 - (3) Commercial/storefront entry: eight feet in width
- (b) **Façade Modulation.** Primary building entries shall include a façade modulation that includes at least one of the following:
 - (1) A recess or projection from the primary façade plane with a minimum depth of two feet.
 - (2) Primary entries shall include weather protection that is a minimum four feet wide and four feet deep by recessing the entry, providing an awning or using a combination of these methods.

(c) **Commercial Entrances.**

(1) **Atlantic Boulevard.** For properties with frontage on Atlantic Boulevard, primary entrances shall face Atlantic Boulevard and be unlocked and accessible to the public during business hours.

(2) **Washington Boulevard.** For properties with frontage on Washington Boulevard, primary entrances shall face Washington Boulevard and be unlocked and accessible to the public during business hours.

(3) **Both Atlantic and Washington Boulevard.** For properties with frontage on both Atlantic Boulevard and Washington Boulevard, primary entrances shall face Atlantic Boulevard or Washington Boulevard and be unlocked and accessible to the public during business hours.

d. **Building Articulation.** Street-facing facades for buildings adjacent to a public street shall comply with this section for visual interest along primary corridors.

i. **Variable Wall Plane.** All façades facing public streets shall include variation that cumulatively equals at least 25 percent of the total façade plane area that faces the public right-of-way. Façade plan variation may be met either via recess or projection, with a minimum depth of two feet. Façades facing alleys are exempt from this requirement.

ii. **Colors, Materials, and Textures.** At least 50 percent of building facades facing public streets shall be articulated by use of a change in plane, color, arrangement of facade elements, or a change in materials (including glazing) to break the building mass. Façades facing alleys are not included in this calculation.

E. Atlantic Boulevard and Washington Boulevard Tree Requirements.

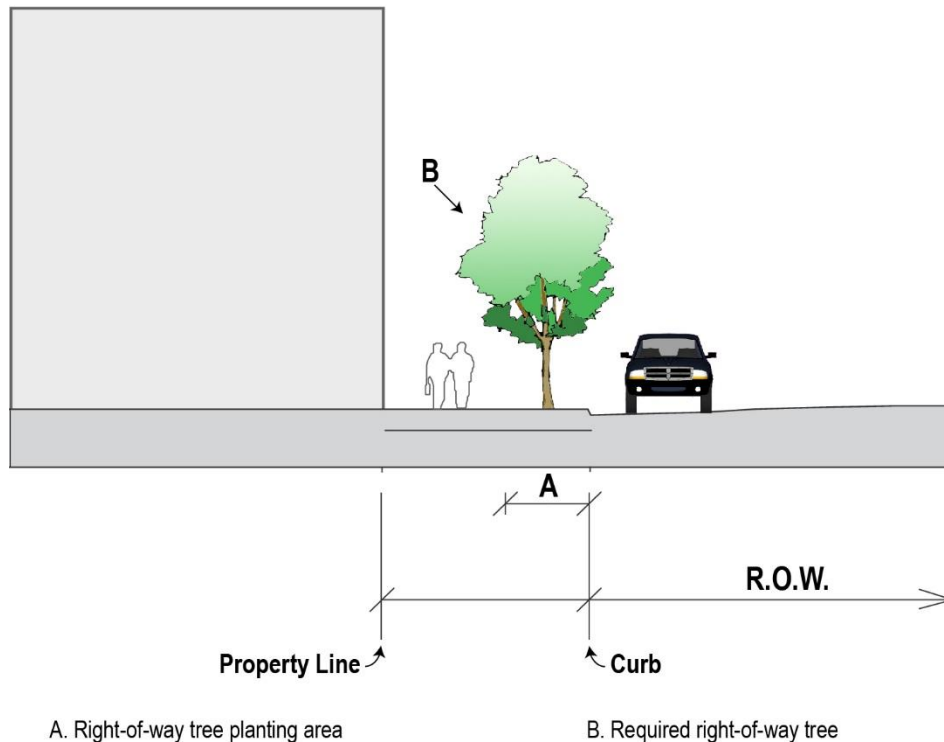
1. **Purpose.** Tree requirements are intended to facilitate creation of corridors that have a strong, welcoming landscaped character and comfortable pedestrian environment.

2. **Nonresidential Ground Floor Use.** Properties with frontage on Atlantic Boulevard or Washington Boulevard shall comply with this subsection, the Tree Ordinance (Municipal Code Chapter 12.06) and implementing Tree Policy, and Section 19.23.060.

a. **Nonresidential Ground Floor Street Tree Requirements within the Public Right-of-Way.** On Atlantic Boulevard and Washington Boulevard, drought-

tolerant shade trees, as set forth in the City's Approved Plant List, shall be provided at regular intervals within the right-of-way per requirements of the Tree Ordinance (Chapter 12.06) and Tree Policy. Tree type and locations must be approved by Tree and Streets Maintenance Supervisor before planting. See also Figure 19.49.050-3: Tree Requirements for Nonresidential Ground Floor Use.

Figure 19.49.050-3: Tree Requirements for Nonresidential Ground Floor Use

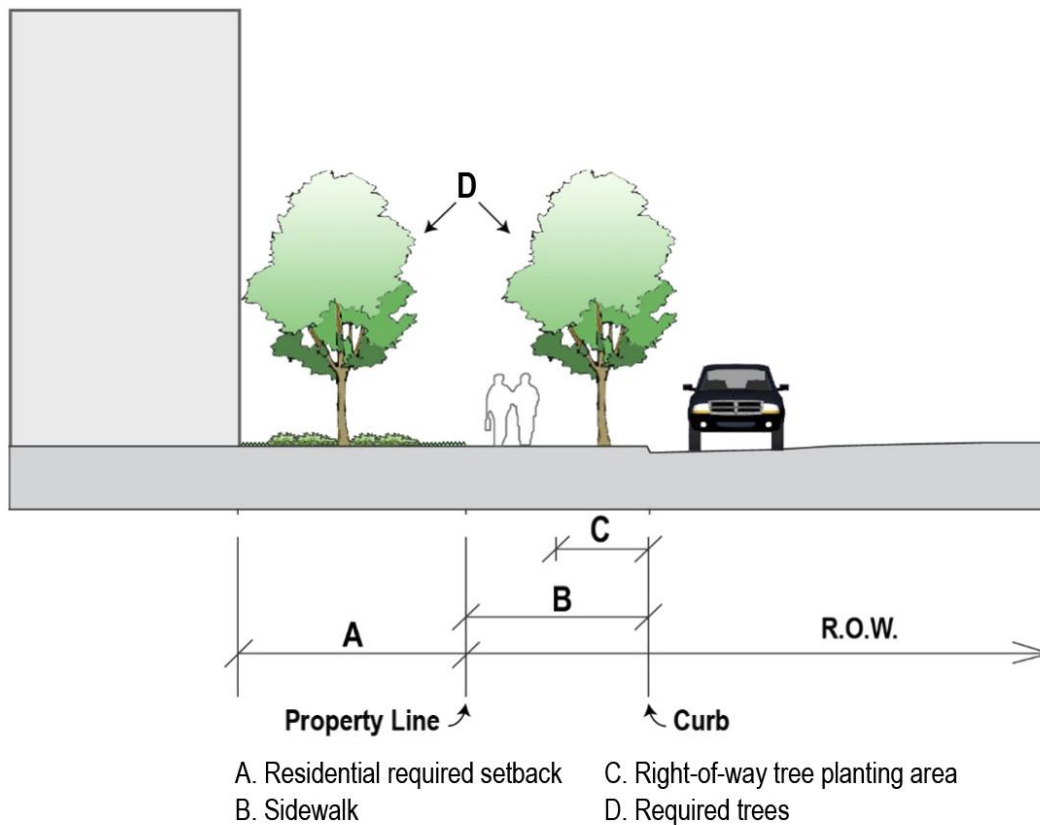


3. Residential Ground Floor Use. Properties with frontage on Atlantic Boulevard or Washington Boulevard shall comply with this subsection, the Tree Ordinance (Municipal Code Chapter 12.06) and implementing Tree Policy, and Section 19.23.060.

a. Residential Ground Floor Street Tree Requirements within the Public Right-of-Way. On Atlantic Boulevard and Washington Boulevard, drought-tolerant shade trees, as set forth in the City's Approved Plant List, shall be provided at regular intervals within the right-of-way per requirements of the Tree Ordinance (Chapter 12.06) and Tree Policy. Tree type and locations must be approved by Tree and Streets Maintenance Supervisor before planting.

- b. Residential Ground Floor Tree Requirements within the Required Setback.** On Atlantic Boulevard and Washington Boulevard, drought-tolerant shade trees, as set forth in the City's Approved Plant List, shall be provided within any required setback at a ratio of at least one tree for every 30 feet of frontage on Atlantic Boulevard and Washington Boulevard, as set forth in Table 19.49.040A (Mixed Use Overlay Zone Development Standards). Trees may be placed at regular intervals along the setback or may be clustered within the setback. See also Figure 19.49.050-4: Tree Requirements for Residential Ground Floor Use.

Figure 19.49.050-4: Tree Requirements for Residential Ground Floor Use



- F. Drainpipes and Roof Gutters.** Drainpipes and roof gutters shall be architecturally integrated into the structure or structures. No drainpipe or roof gutter shall be designed and operated to discharge directly onto any public right-of-way.
- G. Nonconforming Uses and Structures.** Nonconforming uses and structures within the MU-O zone shall comply with the standards in Chapter 19.37 (Nonconforming Uses and Structures).

19.49.060 – Application Review

A. Processing.

1. Tier 1.

- a. Projects with at least 20 percent affordable units are allowed by right, as defined by California Government Code 65583.2(i).
- b. Projects with less than 20 percent affordable units are subject to Chapter 19.39 Division 10 (Site Plan Review), as applicable.

- 2. Tier 2.** Tier 2 projects are subject to Chapter 19.39 Division 10 (Site Plan Review), with a recommendation to City Council for approval of identified community benefits and density bonuses.

B. No Net Loss.

- 1. Finding of No Net Loss.** To ensure compliance with state housing law by preventing a reduction in citywide housing capacity for lower-income units, the following projects proposed within the MU-O zone shall require a finding of no net loss:
 - a. Applications for residential or mixed-use development that propose an overall residential density for that site that is less than the residential density and number of units that was assumed in the Housing Element.
 - b. Applications for nonresidential development (i.e., projects that do not contain residential uses).
- 2. Required Finding.** Before a project application consistent with Sections 19.49.060.B(1)(a) or 19.49.060.B(1)(b) may be granted approval, the review authority shall make the finding from the evidence as submitted that one of the following conditions exists in reference to the property being considered:
 - a. The project does not limit the remaining sites identified in the Housing Element sites inventory from accommodating the City's remaining unmet RHNA by each income category, due to adequate surplus; or
 - b. It has been identified that an additional specific site is being allocated to accommodate the City's required residential unit capacity."

Section 4. Based upon the above findings, the City Council hereby take the following actions: 1) adopt the General Plan EIR Addendum (Attachment 1) and a Categorical Exemption under the provisions of the California Environmental Quality Act (Public Resources Code §§ 21000, 21080.085, et seq. “CEQA”) and the regulations promulgated thereunder (14 Cal. Code of Regs. §§ 15000, et seq., the “CEQA Guidelines”) (CEQA Guidelines § 15060(c)(2), § 15378(b)(5) § 15301 § 15303 and § 15061(b)(3)); and 2) adopt this Ordinance approving Zoning Ordinance Text Amendment No. 25-03 and Zone Change No. 25-01, including Attachment Nos. 2 and 3.

Section 5. The City Clerk shall certify the passage and adoption of this Ordinance and it shall go into effect thirty (30) days following its adoption.

[Signatures on the following page]

PASSED, APPROVED AND ADOPTED this _____th day of _____ 2025.

Ivan Altamirano, Mayor

ATTEST:

Lena Shumway
City Clerk

Attachment 1 – Initial Study/Addendum to the General Plan EIR

Attachment 2 – Table of Existing and Proposed General Plan and Zoning for Housing Element Rezoning Sites

Attachment 3 –Proposed Zoning Maps