

MODELO

VIVA MODELO

COMMERCE, CALIFORNIA
January 2022



ATTACHMENT I

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ORDINANCE



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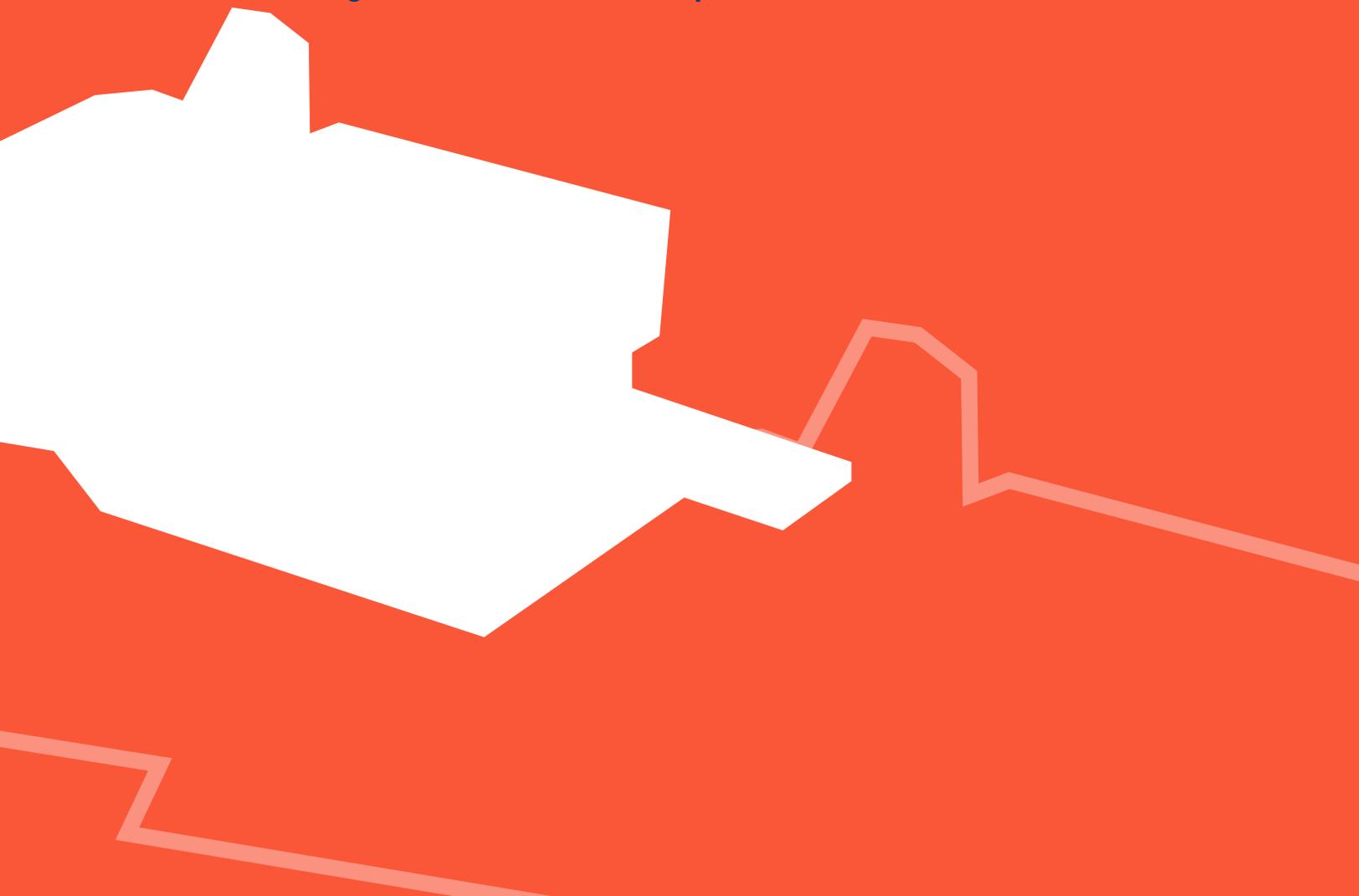


Chapter

1

INTRODUCTION

The purpose of the Modelo Specific Plan, also referred as “the Modelo Project site,” “The Modelo Project Area,” and “the Plan” within this document, is to implement the vision for the reuse and recycling of land through the establishment of land uses, design criteria, development regulations, infrastructure plans and implementation procedures that will guide development in an orderly fashion, consistent with City policies and procedures. This chapter explains the regulatory background and organization of the Modelo Specific Plan and how to use it.



1.1 WHAT IS A SPECIFIC PLAN?

A Specific Plan is a regulatory tool that local governments use to guide development in a focused area of the community. While the General Plan is the primary guide for growth and development citywide, a Specific Plan is able to focus on the unique characteristics of a special area by customizing the planning process and land use regulations to that area.

California Government Code, Title 7, Division 1, Chapter 3, Article 8, Sections 65450 through 65457, allows cities and counties to prepare Specific Plans to develop policies, programs, regulations, and guidelines to implement the jurisdiction's adopted General Plan.

As prescribed by law, a Specific Plan includes text and diagrams that generally describe the following:

- The distribution, location, and extent of all land uses.
- The standards and criteria by which new development will proceed.
- The proposed distribution, location, extent, and intensity of major components of public infrastructure, such as transportation and utility systems.
- A program of implementation measures, such as financing measures, policies, regulations, and public works projects.

The Modelo Specific Plan will be adopted by ordinance and establish the necessary plans, development standards, regulations, design guidelines, infrastructure requirements, and implementation programs on which subsequent project-related development activities within the plan area are to be founded.

1.2 PURPOSE OF THE SPECIFIC PLAN

The Modelo Specific Plan will provide applicants, City staff, the public, and decision makers with information on the Modelo Project's background, overall intent, design standards and guidelines to facilitate the project's implementation and future changes thereto. It is intended that local public works projects, design review plans, detailed site plans, grading permits and building permits or any other action requiring ministerial or discretionary approval applicable to this area be consistent with this Specific Plan.

1.3 RELATIONSHIP TO GENERAL PLAN

The Modelo Specific Plan applies to only a part of the City of Commerce General Plan, and specifies, in greater detail, the development standards for the Specific Plan area. The intent is to implement and provide consistency in the Specific Plan area with the goals, objectives and policies of the City of Commerce General Plan.

The City of Commerce 2020 General Plan was adopted in January 2008 to establish and maintain an orderly pattern of development in the City, utilize land use classification as a means to implement the City's land use policies, identify permitted land uses and their location and distribution, and establish standards for development density and intensity. To ensure consistency between the Modelo Specific Plan and the City of Commerce General Plan, the General Plan and Map will be

amended concurrent with the adoption of this Specific Plan to include a Modelo Specific Plan Land Use Designation to replace the General Plan designations for the area.

1.4 RELATIONSHIP TO MUNICIPAL CODE

The Modelo Specific Plan has been prepared consistent with Chapter 19.39, Division 15- Specific Plans of the City of Commerce Municipal Code, and initiated in a pre-proposal conference with the Economic Development and Planning Director (Director) on September 24, 2020.

To ensure consistency between this Specific Plan and the City of Commerce Zoning Code (Title 19 of the City of Commerce Municipal Code) and Map, the Zoning Code and Map will be amended concurrent with the adoption of this Specific Plan to include a Modelo Specific Plan zone. Where land use regulations and/or development standards of the City of Commerce Municipal Code are inconsistent with this Specific Plan, the standards and regulations of the Specific Plan shall prevail. Any issue not specifically covered in the Specific Plan shall be subject to the regulations in the Municipal Code. Interpretations of this Specific Plan, including how it relates to the Municipal Code, may be made as needed by the Director, per Section 5.3 of this Specific Plan.

1.5 RELATIONSHIP TO ENVIRONMENTAL IMPACT REPORT

The City, as lead agency, has prepared an Environmental Impact Report (EIR), State Clearinghouse No. 2019080312, 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.) to analyze the potential environmental effects of the Modelo Project (Modelo EIR). The Modelo EIR describes the existing, onsite environmental conditions and evaluates the potential impacts posed by the Modelo Project, including by this Specific Plan, which the lead agency has determined may be significant. The Modelo EIR includes project design features and various mitigation measures that will be implemented through either the Mitigation Monitoring and Reporting Program or the Modelo Project's Conditions of Approval to reduce or avoid significant environmental impacts. This Specific Plan assumes new development will be within the maximum envelope allocated and analyzed by the Modelo EIR.

1.6 HOW TO USE THIS PLAN

If you are using this Specific Plan for the first time, it may be useful for you to know the main components of the document and how to navigate it. Chapter 2 articulates the overall vision for the Specific Plan area. Permitted Land Uses as well as restrictions and standards for unique land uses are detailed in Section 3.2. Section 3.3 articulates development standards for overall unit sizes, building heights, open space and required parking. Section 3.5 provides a sign code unique to the Specific Plan area, designed to work in tandem with an adopted Master Sign Plan. Chapter 4 highlights infrastructure services and improvements required by the Plan. Finally, Chapter 5 establishes the administrative responsibilities and review authorities for managing the Plan over time. Definitions of terms unique to the Specific Plan may also be found in Chapter 5. Chapter 5, in combination with Section 3.3 and 3.5, will likely be of the greatest use to applicants and City staff upon the completion of the Modelo Project.

1.7 PUBLIC PARTICIPATION

Public participation and education of the Modelo Project began in summer of 2019. Following an initial presentation of the project objectives and design to the San Gabriel and Lower Los Angeles Rivers and Mountains Conservancy (RMC) in June, public outreach for Modelo kicked off with the environmental review process. This process began with an Initial Study / Notice of Preparation (IS/NOP) for the Modelo EIR which was distributed to the State Clearinghouse, interested agencies, groups, and individuals on August 19, 2019. The 30-day IS/NOP public review period ended September 17, 2019. During the IS/NOP public review period, the City held a Scoping Meeting within the City Council Chambers on August 24, 2019, to gather additional public input on the Modelo Project. During this time period, a project website was also launched at www.vivamodelo.com which provided both project information and a contact field and email (modelo@comstockrealtypartners.com) by which interested individuals could express opinions on the proposed development.

The scoping meeting comments and comment letters expressed recommendations for the Modelo Project design, as well as concerns relating to the Modelo Project's construction and operational impacts to transportation and traffic (including parking), public services (specifically the increased need for police protection services), air quality (specifically, pollution), population and housing (specifically, population increases in the area and the correlated socioeconomic repercussions, such as homelessness, security issues etc.), and cultural resources. These comments were considered during preparation of the Modelo EIR.

Following the Scoping Meeting, the project team engaged in a series of focused outreach meetings with key stakeholders, representing neighborhood associations, environmental justice organizations and labor unions, as indicated in the presentation timeline. Notwithstanding the requirements for physical and social distancing imposed by the COVID-19 pandemic that began in March 2020, public engagement related to the project continued.

The Draft Environmental Impact Report (DEIR) was released for public review on July 16, 2020, for a 45 day public review period. During this review, written comments were received from four public agencies and fifteen other interested entities. Shortly afterwards, on August 1, 2020 a community meeting was held regarding the proposed project and the DEIR. This meeting occurred in both a virtual and physically distanced in-person format. It began with an introductory presentation to the project followed by the results of the environmental review. The remaining time was dedicated to questions and answers from the community and interested parties. The comment period on the DEIR closed August 31, 2020.

The City prepared responses to the public comments on the DEIR and they are incorporated into the final EIR. The final EIR prepared for the project consists of the following: the Draft EIR; an introduction; a list of public agencies, organizations and persons commenting on the Draft EIR, comments received on the Draft EIR and the City's responses to those comments; the clarification and errata for the Draft EIR; the appendices; and all other information required by CEQA Guidelines Section 15132. A Mitigation Monitoring and Reporting Program (MMRP) was also prepared. The Final EIR was completed and made available for review on November 19, 2021.

In August 2020, the project also received a Merit Award in the Mixed-Use category from the Westside Urban Forum.

PLAN TIMELINE

2020

- Dec – Rivers and Mountains Conservancy
- Oct – Rivers and Mountains Conservancy
- Aug – Community Meeting
- July – Coalition for Responsible Equitable Economic Development (CREED LA)
- April – Carpenters' Union
- Jan – Coalition for Responsible Equitable Economic Development (CREED LA)
- Jan – Laborers' International Union of North America (Liuna)



2019

- Dec – East Yard Communities for Environmental Justice
- Oct – Rivers and Mountains Conservancy
- Oct – Vista Del Rio Homeowners Association
- Sept – Coalition for Responsible Equitable Economic Development (CREED LA)
- Aug – EIR Scoping Meeting
- Jun – Rivers and Mountains Conservancy





Chapter 2

THE PLAN

The vision for the Modelo Specific Plan and Project is to create a welcoming and open urban village that will complement and enhance the local City of Commerce and Southeast Los Angeles community that will provide an attractive lifestyle for residents, as well as draw visitors to the public space, youth sports complex, all-inclusive playground and entertainment options from all over Southern California. This chapter describes this vision, as well as the goals and context of the Modelo Project.



2.1 PLAN CONTEXT AND EXISTING CONDITIONS

2.1.1 Modelo Specific Plan Area

The Modelo Specific Plan is located at the southern portion of the City of Commerce in Los Angeles County, approximately 12 miles southeast of Downtown Los Angeles, as illustrated in Figure 2.1. The Specific Plan area is directly adjacent to the crossing of the I-5 freeway and the Rio Hondo Channel, and is near where the borders of the Cities of Commerce, Bell Gardens, Downey, Pico Rivera and Montebello converge.

2.1.2 Surrounding Land Uses

The Modelo Specific Plan area is in a highly urbanized area and is surrounded by a mix of residential, commercial, industrial, and open space land uses. The general vicinity surrounding the Modelo Specific Plan area is developed with various commercial businesses to the east, across the I-5 freeway (within the City of Montebello); a Denny's, Best Western Plus Commerce Hotel, a warehouse (east of Zindell Avenue) and single-/multi-family dwellings (west of Zindell Avenue) to the north; a single-family residential neighborhood and neighborhood commercial center to the west; and the Rio Hondo River and Path and single-family dwellings to the south (within the City of Downey).

2.1.3 Site Conditions

As illustrated in Figure 2.2, the approximately 17.37-acre Modelo Specific Plan area currently consists of the Veterans Memorial Park and an undeveloped vacant lot. The parcels comprising the Modelo Specific Plan area were previously part of a construction borrow-pit type of landfill created for, and during, the construction of the I-5 freeway. The native soil was removed from the Modelo Specific Plan area and placed within the footprint of the I-5 freeway. The landscape and structures that were previously within the footprint of the I-5 freeway were demolished and placed in the hole where the native soil had been removed from the Modelo Specific Plan area. The landfill operated between 1948 to 1954, before being covered and redeveloped. Limited outside waste was accepted during this period of time. The Veterans Memorial Park was constructed between 1965 and 1970, and consists of a baseball diamond, two basketball courts, a community center, a parking lot, and miscellaneous outdoor recreational spaces. Due to the age of Veterans Memorial Park, the utility of the improvements made are deteriorating and the outdoor recreational spaces are aging. In addition, the existing community center has been shuttered due to structural and safety issues, and temporary trailers are used in lieu of the community center. Over time, much of the ground surface at the Veterans Memorial Park, which is sitting atop the landfill material from 1954, has settled over the weight of different types of debris. The vacant lot to the east of Veterans Memorial Park has been vacant since 1988, at which time an industrial structure that was formerly the International Paper (grocery bag) factory was demolished. The vacant lot, although previously paved, is now characterized by sparse, emergent vegetation, which covers disparate portions of the remaining asphalt and concrete under existing conditions. The Modelo Specific Plan area will be remediated under the oversight of the Los Angeles Regional Water Quality Control Board (LARWQCB) pursuant to a Response Plan approved by the LARWQCB prior to the site's development.

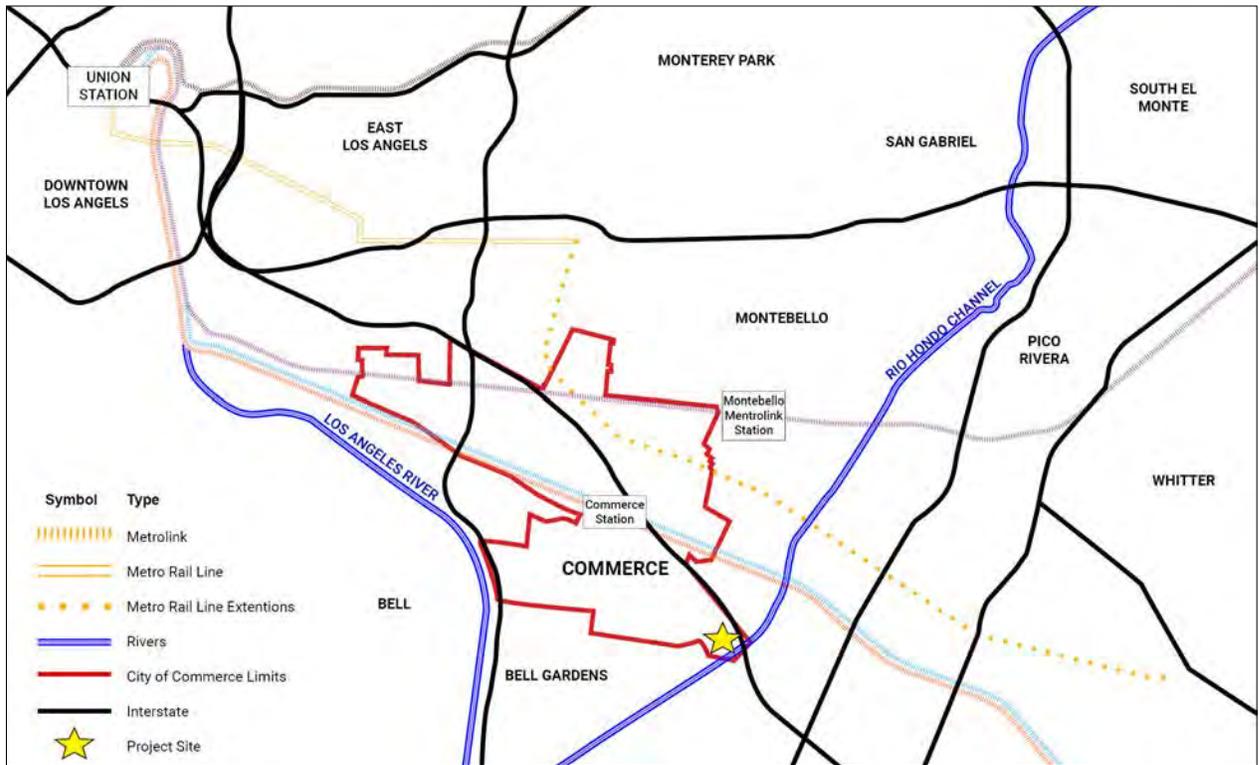


FIGURE 2.1: PLAN CONTEXT



FIGURE 2.2: EXISTING SITE CONDITIONS

2.2 GOALS AND OBJECTIVES OF THE PLAN

The primary objectives of the Modelo Specific Plan include the following:

- Provide a new mixed-use residential, commercial, retail, entertainment, and civic community furthering the General Plan's land use, economic development and urban design objectives.
- Create a welcoming pedestrian-friendly contemporary village that will complement and enhance the City and the surrounding community.
- Provide an attractive lifestyle for residents, as well as draw visitors from all over Southern California to utilize the public spaces, youth sports complex, all-inclusive playground, and entertainment options.
- Provide a revitalized Veterans Memorial Park with a new landmark community center, an all-inclusive playground, a contemporary soccer and baseball youth sports complex, a contemporary library, and ample outdoor greenspace to maximize opportunities for community events and services.
- Create open and green public spaces that will integrate the Project's community space with the mixed-use entertainment/retail and residential structures.
- Enhance transit connections between the City of Commerce and surrounding municipalities by creating a transit-oriented project that takes advantage of both the existing Metro bus service and the future Metro Gold Line extension planned for Washington Boulevard in Pico Rivera.
- Create a progressive, forward-looking and vibrant community that is a desirable place for people to live, work, and play, all while offering robust community services for all.
- Transform underutilized land into its highest and best use as a hub for community events and activities, entertainment, and residences.
- Provide connections to the Rio Hondo River and Path, as well as the surrounding neighborhood.
- Transform a deteriorating public park and vacant industrial lot into a 21st-Century mixed-use development that integrates vitally important public community uses with robust private development.
- Remediate the former on-site landfill to provide a safer environment for future park visitors, as well as residents living in the City.
- Provide hundreds of new housing units that will increase the City's supply and variety of housing types and price points.
- Provide leading edge environmentally friendly features in an effort to reduce the use of non-sustainable energy, reduce the Project's overall carbon footprint, encourage an outdoor and pedestrian lifestyle, and limit the visitors' and residents' exposure to harmful pollution.

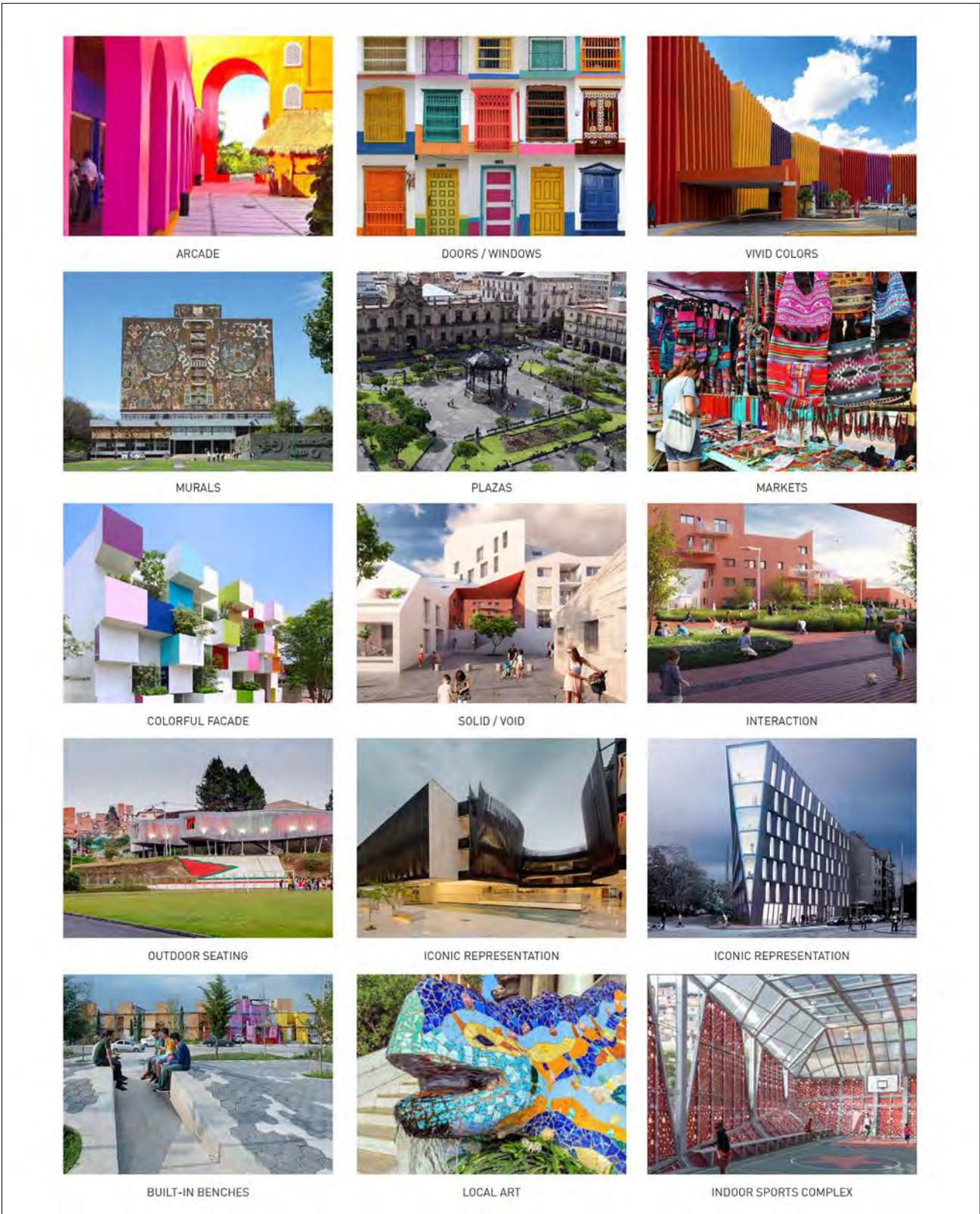


FIGURE 2.3: DESIGN INSPIRATION

2.3 PLAN DESCRIPTION

Founded in 1954 as “The Model City,” the City of Commerce will be home to a robust new mixed-use Public-Private Park, Community Center, Residential and Entertainment Retail Project, simply called Modelo, referred to at times in this Modelo Specific Plan as the Modelo Project.

The vision for Modelo is to create a welcoming and open urban village that will complement and enhance the local City of Commerce and Southeast Los Angeles community. Modelo will provide an attractive lifestyle for residents, as well as draw visitors to the public space, youth sports complex, all-inclusive playground and entertainment options from all over Southern California.

The goal is to create open and green public spaces that will integrate the community space with the mixed-use entertainment, retail and residential structures, as well as to enhance transit connections and provide both surface on-street parking and a subterranean parking structure. The landscape and architectural design will create a progressive, forward-looking and vibrant community that is a desirable place where people will want to live, work and play, all while offering robust community services for all.

With a variety of amenities and uses, Modelo will be a heart and center for entertainment, public, sports and community events and gatherings throughout the day and evening. The plan for the site is to provide connections to the Rio Hondo trail and river as well as the surrounding neighborhood. With this in mind, Modelo will create a progressively unique destination for Southeast Los Angeles and the Greater Los Angeles area.

The Project involves reconstruction of Veterans Memorial Park and development of the adjacent vacant parcel into a mixed-use development. Additionally, due to the previous use of the Modelo Project site as a landfill, Modelo involves remediation to allow for safe implementation of the project.



Images displayed are renderings of the Modelo Project and are subject to change based on the review process.



Images displayed are renderings of the Modelo Project and are subject to change based on the review process.



2.3.1 Veterans Memorial Park & Community Space

Modelo will revitalize Veterans Memorial Park with a completely new community center, an all-inclusive playground, a contemporary soccer and baseball youth sports complex, a library, and ample outdoor green space to maximize opportunity for community events and services.

The community center may include indoor sports facilities and offices, a library, and a ballroom/event space as well as supporting amenities such as offices, restrooms, and lobbies. The community center would be approximately 120 feet in height and located on the southeastern portion of the Project site along the I-5 freeway.

A Sports Complex comprising youth-sized soccer and baseball fields (to accommodate local and regional league and tournament matches), a playground, and public open space would be located immediately adjacent to the community center. The greenspace would lead towards the grass-stepped amphitheater, which includes a fountain and concrete bench steps and would essentially separate the residential development on the west of the Modelo Project site and commercial development to the east. The Modelo Project also proposes a public art component, potentially comprised of museum/gallery space and murals.



Images displayed are renderings of the Modelo Project and are subject to change based on the review process.



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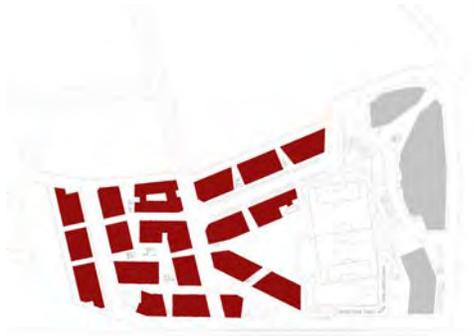
2.3.2 Entertainment-Retail

Modelo also includes approximately 165,000 square feet of entertainment and retail uses that may consist of a multi-screen cineplex, a gaming/bowling/family friendly venue, adult- and family-oriented restaurants, a grocery store or market, a pharmacy, a fitness center or workout studio, and general retail. Its plaza and fountains spilling into the grass amphitheater, the entertainment area of Modelo will have a vibrant, rhythmic life that offers members of the community and residents a place to eat, play and dream, but also provides the greater Southeast LA Region an entertainment destination. The project may also include a electric-powered trolley to facilitate transportation within the property.

The entertainment retail component of the Project would consist of two structures located along the north and east edges of the site.



Images displayed are renderings of the Modelo Project and are subject to change based on the review process.



2.3.3 Residential

On the western portion of the Specific Plan area, new residential units will be provided, with a mixture of for-sale and for-rent units, these units are spread over a number of distinct structures with varying levels of amenities, features and personality, to imbue a “village” feel versus a sanitized “master development” feel.

The residential apartment units would be split into several Type 5a, 5b and 3a construction structures of varying heights.

Townhomes would be constructed on the far western area of the Specific Plan area, as Type 5a or 5b and would be a maximum of four stories in height. A private pool for townhome residents would be located in close proximity to the proposed townhomes. Parking will be subterranean accessible from the structure beneath the apartment units.

The apartment units would vary from 50 feet to 85 feet (3 to 7 stories) in height including roof pitches and architectural elements. Private access pools would be allocated to every two residential structures. Each structure would include its own event spaces, amenity rooms, package rooms, and bicycle storage areas. Direct, private access from subterranean parking to each residential building will be provided.



Images displayed are renderings of the Modelo Project and are subject to change based on the review process.



Chapter 3

DEVELOPMENT STANDARDS

This chapter establishes the development standards (land uses, residential density, building height, on-site open space, parking placement and other standards) for the Specific Plan area. This chapter also provides standards for streetscape, landscape, and hardscape that occurs within public streets and publicly accessible parks, plazas, and greens.



3.1 PURPOSE AND APPLICABILITY

Structures, land uses and physical improvements such as signs, landscaping, and lighting within the boundaries of the Modelo Specific Plan shall comply with all applicable requirements of this chapter as follows.

3.2 PERMITTED LAND USES

This section of the Specific Plan establishes the permitted land uses within the Specific Plan area and the corresponding permit requirements.

The Modelo Specific Plan is intended to provide development flexibility and allow shifts of permitted Leasable Floor Area between land uses over the life of the plan without the need for additional environmental documentation pursuant to CEQA, upon a determination of the Director that such shifts of Leasable Floor Area are consistent with the intent and regulatory requirements of the Modelo Specific Plan; and would not cause significant environmental effects peculiar to the shift in Leasable Floor Area or significant environmental effects that were not previously analyzed as significant in the Modelo EIR, or increase the severity of significant environmental impacts identified in the Modelo EIR as a result of substantial new information which was not known at the time the Modelo EIR was certified.

The total development of uses within the Specific Plan area shall not exceed that defined in Table 3.1, unless this Specific Plan is amended pursuant to the Municipal Code. Allowable land uses within the Specific Plan are detailed in Table 3.2. Definitions of allowed land uses are provided in this Specific Plan, and, when not provided in this Specific Plan, in Chapter 19.45 of the Municipal Code. The Director shall have the authority to interpret the use provisions in this Specific Plan pursuant to Section 5.3 of this Specific Plan governing Interpretation.

TABLE 3.1 TOTAL ALLOWANCE

LAND USE CATEGORY	SQUARE FOOTAGE / UNITS
Residential (Including Live Work)	A maximum of 850 units (for rent or for sale or a combination thereof)
Leasable Commercial Uses	A maximum of 165,000 square feet

TABLE 3.2A ALLOWABLE LAND USE

ACCESSORY BUILDINGS, STRUCTURES AND USES	PERMIT	NOTES
Accessory Use	P	
Billboard (Digital), Outdoor Advertising	P	See Section 3.5 of Specific Plan
Home Occupation	P	
Murals	P	
Signs	P	See Section 3.5 of Specific Plan
EDUCATION, PUBLIC ASSEMBLY USES		
Child Care Center	C	See Chapter 19.31, Division 8 of CMC
Churches and Places of Worship	P	
Clubs, Private or Public	P	
College or Trade School	C	
Community Care Facilities	C	See Chapter 19.07, Division 2 of CMC
Cultural Arts Center	P	
Instructional Services	P	
Libraries	P	
Museums	P	
Parks and Playgrounds	P	
Public Use	P	
Semi-Public Use	P	
School	C	
Theater (Including movie theater, excluding adult theaters)	P	
INDUSTRIAL, MANUFACTURING, PROCESSING USES		
Broadcasting Studio	C	
RECREATION USES		
Amusement Arcade	P	See Chapter 19.31 Division 4 of CMC
Children's Indoor Play Area	P	
Cyber-Café	P	
Gaming Establishment	C	See Chapter 19.31 Division 6 of CMC
Health and Fitness	P	
Indoor Recreation Center	P	
RESIDENTIAL USES		
Dwelling, Multifamily	P	
Live/Work	P	See Section 3.2.1 of Specific Plan
Live/Work, Incorporating a Conditionally Permitted Use	C	See Section 3.2.1 of Specific Plan

FOR ADDITIONAL USES AND KEY, SEE TABLE 3.2B ALLOWABLE LAND USE CONTINUED.

TABLE 3.2B ALLOWABLE LAND USE CONTINUED

RETAIL & RESTAURANT USES		
Alcoholic Beverages, Sale of	AUP	See Section 3.2.1 of Specific Plan
Alcoholic Beverages, w/ Bars	AUP	See Section 3.2.1 of Specific Plan
Alcoholic Beverages, w/ Indoor Recreation Centers	AUP	See Section 3.2.1 of Specific Plan
Alcoholic Beverages, w/ Nightclubs	AUP	See Section 3.2.1 of Specific Plan
Alcoholic Beverages, w/ Restaurants, Limited Service	AUP	See Section 3.2.1 of Specific Plan
Alcoholic Beverages, w/ Restaurants, Sit Down	AUP	See Section 3.2.1 of Specific Plan
Alcoholic Beverages, w/ Theaters	AUP	See Section 3.2.1 of Specific Plan
Auction House or Store	C	
Christmas Tree Sales, between Nov 15 and Dec 30	T	
Greenhouse	P	
Jewelry Store	P	
Market	P	
Nursery, Flower or Plant, Retail or Wholesale	P	
Outdoor Dining	P	See Section 3.2.1 of Specific Plan
Pumpkin Patch Sales, between Oct 1 and Nov 1	T	
Retail Stores, General Merchandise	P	
Restaurant with Dancing/Entertainment	P	
Restaurant, Limited Service and Take Out	P	
Restaurant, Sit Down	P	
Seasonal, Special or Occasional Events	S	
Wholesale Business, Limited; no manufacturing/processing	P	
SERVICE AND OFFICE USES		
Banks and Financial Institutions	P	
Business Services	P	
Contractors Office and/or Storage	T	
Hotels, Motels, Lodging Houses	P	See Chapter 19.31 Division 4 of CMC
Office, Medical and Dental	P	
Office	P	
Personal Services, General	P	
TRANSPORTATION AND COMMUNICATION USES		
Parking Facilities (Lots and Structures)	P	As illustrated in first Site Plan Approval
Parking Facilities (Lots and Structures)	CUP	Additional facilities after first Site Plan Approval
Taxi Stands	C	
Antenna and Transmission Towers (>60 feet)	C	

Key
P = Permitted Use
C = Conditional Use Permit
AUP = Alcohol Use Permit
T = Temporary Use
S = Special Event Permit

3.2.1 Uses Permitted Subject to Specific Development Standards

1. Alcohol Use Permits (AUPs) for on-site consumption. Notwithstanding other provisions of this chapter and of the Modelo Specific Plan, the on-site sale, service or consumption of alcoholic beverages in restaurants, cafes, bars, theaters, indoor recreation centers, nightclubs, and similar establishments within the Specific Plan shall be subject to the requirements specified in this section. No more than twelve (12) AUPs for on-site consumption shall be authorized for concurrent use at any given time through the procedures provided in the Modelo Specific Plan. This limitation on the number of Alcohol Use Permits shall not limit the ability of any applicant to seek authorization for on-site sale, service or consumption of alcoholic beverages through the procedures set forth in the Municipal Code.

a. Definitions. For purposes of this Section, the following terms shall be defined as follows:

- i) “Owner” shall be: The individual or legal entity that owns and operates a restaurant, café, bar, theater, bowling alley, indoor recreation center, nightclub or similar establishment within the Modelo Specific Plan with the on-site sale, service and consumption of alcoholic beverages.
- ii) “Manager” shall mean: The individual(s) employed, hired or retained by an Owner to be the Owner’s representative and agent to be on site at the restaurant, café, bar, theater, bowling alley, indoor recreation center, nightclub or similar establishment in the Modelo Specific Plan with the on-site sale, service and consumption of alcoholic beverages and to manage or oversee the establishment’s day-to-day operations, including, but not limited to, taking responsibility for one or more of the following obligations:
 - Hiring, disciplining, discharging, supervising, directing, or assigning work to employees; or
 - Ensuring that employees and the establishment comply with this chapter’s provisions, the provisions of the Municipal Code related to alcoholic beverages, and other laws related to alcoholic beverages.

b. General Requirements. All restaurants, cafes, bars, theaters, bowling alleys, indoor recreation centers, nightclubs, and any other establishments which sell and serve alcohol for on-site consumption or otherwise allow the on-site consumption of alcoholic beverages shall be subject to the following standards, unless provided otherwise in a specific Alcohol Use Permit for the sale, service and consumption of alcohol at an establishment regulated by this section:

- i) Owners shall obtain and maintain all required licenses from the state alcoholic beverage control board (ABC).
- ii) Owners, Managers, and Promoters shall obey all federal, state, and municipal laws and ordinances, and comply with all conditions imposed pursuant to any permit or license related to the sales of alcoholic beverages for the establishment.
- iii) Owners (or their Managers if so designated by the Owner) and Promoters shall comply with any applicable provisions in the Municipal Code pertaining to obtaining a business license.
- iv) Establishments regulated by this section may serve alcohol from 10:00 a.m.—2:00

a.m., seven (7) days per week, unless otherwise limited by a specific license or permit.

- v) A copy of the standards in this section and any Alcohol Use Permit shall be retained at all times on the premises in each establishment and shall be produced immediately upon the request of the Director or the Los Angeles County Sheriff.
- vi) Prior to the Director issuing an Alcohol Use Permit, the Owner shall sign a notarized affidavit in a form acceptable to the city attorney acknowledging and agreeing to comply with all the standards in this section. This affidavit shall be kept on file in with the Economic Development and Planning Department.
- vii) Owners and Managers shall take all reasonable measure to ensure that alcoholic beverages purchased within the Owner's establishment are not consumed outside of the business, as specified on the ABC license.
- viii) Owners and Managers shall maintain free of litter the area adjacent to the establishment under the control of the Owner.
- ix) All public telephones shall be located within the interior of the establishment structure. No public phones shall be located on the exterior of the premises under the control of the establishment.
- x) The business shall comply with Section 19.19.160 of the Municipal Code concerning excessive noise and disturbing the peace.
- xi) The perimeter of outdoor areas approved for alcoholic beverage service shall be defined by physical barriers, and subject to the review and approval by the Director. The perimeter of any outdoor area approved for alcoholic beverage service shall be designed to prevent the unrestricted flow of persons to and from the outdoor dining area other than through the approved point of access.
- xii) Service and consumption of alcoholic beverages in outdoor areas shall comply with all applicable regulations set forth by the ABC, the Municipal Code, and any other applicable conditions imposed to protect public rights-of-way, adjoining properties and public health, safety and welfare, up to and including restrictions on occupancy and maximum seating imposed by the Director of Public Works.
- xiii) Owners and Managers shall enforce all reasonable measures to prevent any public nuisance in the outdoor area, including but not limited to, unruly behavior by patrons, or any interaction with passersby, which may contribute to unruly behavior on the street.
- xiv) All new employees of any establishment with an Alcohol Use Permit shall be enrolled in a certified training program for the responsible service of alcohol. The training shall be offered to new employees at least on a quarterly basis.
- xv) Signs recommending the use of a "designated driver" shall be posted at all bar areas. The signs shall measure at least 6" x 6".
- xvi) Establishments with an Indoor Recreation Center shall maintain a delineated area designated for the consumption of alcoholic beverages solely for patrons at least twenty-one (21) years old.

c. Additional Standards for Nightclubs. The following conditions shall apply to nightclubs

as defined in Section 5.7 of this Specific Plan:

- i) The nightclub shall provide and employ uniformed security guards as necessary onsite at the venue, and at onsite and off-site parking locations to address noise, traffic, and safety concerns.
 - ii) The front and back door of the nightclub shall be kept closed at all times while the location is open for business, except in case of emergency.
- 2. Alcohol Use Permits for off-site consumption.** No more than six (6) Alcohol Use Permit for off-site consumption shall be in use in the Specific Plan area at any given time. This limitation on the number of Alcohol Use Permits shall not limit the ability of any applicant to seek authorization for off-site sale of alcoholic beverages through the procedures set forth in the Municipal Code. Establishments that sell alcoholic beverages for off-site consumption shall obtain approvals from other jurisdictions, as required, including licenses or permits from the Department of Alcoholic Beverage Control.
- 3. Alcohol Use Permits for Temporary and Special Events.** Alcohol sales are permitted for Temporary and Special Events provided the required permits/approvals are obtained from the ABC. There is no restriction on the number of Alcohol Use Permits for Temporary or Special Events that may be issued in a calendar year.
- 4. Live/Work Units.** This subsection provides standards for the development of new live/work units and for the reuse of existing commercial and industrial structures to accommodate live/work opportunities. Live/work units are intended to be occupied by business operators who live in the same structure that contains the commercial or industrial activity. A live/work unit is intended to function predominantly as workspace with incidental residential accommodations.
- a. Uses.** Allowable uses for the nonresidential portion of the live/work unit shall be those uses permitted or conditionally permitted within the Specific Plan.
 - b. Limitations on Use.** A live/work unit shall not be established or used in conjunction with any of the following activities:
 - i) Activities or uses that have the possibility of affecting 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 would be hazardous because of materials, processes, products, or wastes, as determined by the Director.
 - c. Development Standards.**
 - i) Floor area requirements. The minimum total floor area of a live/work space shall be six-hundred (600) square feet within each unit. Not more than fifty (50) percent of the total floor area of each unit shall be used for living space. Floor areas, other than those reserved for living space, shall be reserved and regularly used for working and display space.
 - ii) Street frontage treatment. Each live/work unit located at ground level shall have a pedestrian-oriented frontage that publicly displays the interior of the nonresidential areas of the structure through windows, signage, the display of merchandise and/or other similar means.
 - iii) Access to units. Where more than one live/work unit is proposed within a single

structure, each live/work unit shall be separated from other live/work units and other uses in the structure. Access to individual units shall be from streets, common access areas, corridors, or hallways. Access to each unit shall be clearly identified to provide for emergency services.

iv) Internal layout.

- The living space within the live/work unit shall be contiguous with, and an integral part of the working space, with direct access between the two areas, and not as a separate stand-alone dwelling unit.
- The residential component shall not have a separate street address from the business component.

d. Operating Standards.

- i) Occupancy. A live/work unit shall be occupied and used only by a business operator, and/or a household of which at least one member shall be the business operator.
- ii) No portion of live/work unit may be leased, rented, sold, or occupied separately from all other portions of that same live/work unit.
- iii) Notice to occupants. The owner or developer of any structure containing live/work units shall provide written notice to all live/work occupants and users that the surrounding area may be subject to levels of dust, fumes, noise, or other impacts associated with commercial and industrial uses at higher levels than would be expected in more typical residential areas. Noise and other standards shall be those applicable to commercial or industrial properties in the applicable zone.
- iv) On-premises sales. On-premises sales of goods is limited to those produced within the live/work unit; provided, the retail sales activity shall ; provided, the retail sales activity shall be incidental to the primary production work within the unit. These provisions shall allow occasional open studio programs and gallery shows.
- v) Nonresident employees. Up to two (2) persons who do not reside in the live/work unit may work in the unit.

5. Outdoor eating areas. Outdoor eating areas shall be subject only to the following provisions:

- a. Within the Specific Plan area, there shall be no restriction on the number or square footage of outdoor dining areas throughout the Modelo Specific Plan, nor the square footage of an individual outdoor dining area.
- b. All outdoor eating areas shall maintain a minimum sidewalk clearance of four (4) feet between any such outdoor eating area and light poles, trees, signposts, newsracks, utility poles, temporary farmers' market booths, and similar sidewalk obstructions. Outdoor dining facilities such as chairs, tables, fences, planters and such related furnishings and equipment shall not exceed seventy-eight (78) inches in height and if permanently installed must have a transparency of at least 80%. Umbrellas, awnings, or other shade covering, plant material, temporary partition or other movable items used in conjunction with afore-mentioned chairs, tables, fences, planters and such related furnishings and equipment may exceed seventy-eight (78) inches in height and are not subject to transparency restrictions.
- c. There is no minimum or maximum number of tables or chairs which are permitted

pursuant to this section; provided however that the maximum total number of tables, chairs, or other items of furniture or equipment located within all outdoor dining facilities shall be consistent with the health and safety requirements as set forth in the Municipal Code.

- d. Live entertainment or music shall be permitted at any outdoor eating area in compliance with Title 5 of the Municipal Code.
- e. Alcoholic beverages may be served in an outdoor eating area of a sit-down restaurant, limited service restaurant, tavern, theatre, or nightclub as defined by this Specific Plan, provided the business operating the outdoor eating area has obtained an Alcohol Use Permit pursuant to this Specific Plan or other approval authorized by the Municipal Code to serve alcoholic beverages on-site and has obtained and maintains all approvals required by the ABC.
- f. No parking requirement or sewer facility fee shall be assessed to outdoor eating areas.

6. Outdoor vendor cards, kiosks and food service pavilions

Notwithstanding any other provisions of the Municipal Code, the operation of (i) attended freestanding, non-motorized vending cards, (ii) fixed kiosks, and (iii) food service pavilions for the purpose of selling food and beverages (alcoholic and nonalcoholic), merchandise, advertising, information services and shoe shines, shall be subject only to the following requirements:

- a. Each attended cart, kiosk or food service pavilion shall be approved individually by the Director. The Director may deny an such an application if the proposed cart, kiosk or pavilion will impede access to the site by life-safety vehicles, conflict with ADA clear paths of travel, obstruct safe pedestrian flow across the site, or otherwise present an identifiable health and safety risk.
- b. Food Service carts, kiosks and food service pavilions may be provided with portable tables and chairs for their non-exclusive use.
- c. Signs shall be in compliance with Section 3.5 of this Specific Plan.

7. Wireless Communication Facilities

- a. Antennas permitted by right. The following are permitted as a matter of right in the Modelo Specific Plan as an accessory use, subject to the standards outlined in Section 19.27.050 (nonresidential zones) of the Municipal Code:
 - i) Common skeletal-type radio and television antenna used to receive UHF, VHF, AM and FM signals of off-air broadcasts from radio and television stations.
 - ii) All satellite dish antennas that are two meters or less in diameter.
- b. Antennas requiring conditional use permit. Building or ground-mounted cellular, personal communications service (“pcs”), or other wireless antenna shall be considered a public utility use subject to a conditional use permit review and approval, as specified in Chapter 19.39, Division 7 of the Municipal Code. Exempted from conditional use permit review and approval is “any eligible facilities request for a modification of an existing wireless tower or base station that does not substantially change the physical dimensions of such tower or base station” under Section 6409(a) of the Spectrum Act (codified at 47 U.S.C. 1455). Such modifications are covered by Section 19.27.090 of the Municipal Code.

3.3 DEVELOPMENT STANDARDS

3.3.1 Residential Unit Size

The Floor Area of any dwelling unit in the Specific Plan shall not be less than provided herein. For the purposes of this section, dens, studies or other similar rooms, which may be used as bedrooms, shall be considered bedrooms, if separated from adjoining rooms with permanent partitions and a door, except in the case of efficiency units for which the minimum size is not based on the number of bedrooms. Living rooms, dining rooms, kitchens, closets, hallways, garages, alcoves, or bathrooms shall not be considered as bedrooms.

- Efficiency units: a minimum of five-hundred (500) square feet.
- One (1) bedroom units: a minimum of six-hundred (600) square feet.
- Two (2) bedrooms units: a minimum of eight-hundred, twenty-five (825) square feet.
- Three (3) bedrooms units: a minimum of nine-hundred, fifty (950) square feet.

3.3.2 Setbacks

No use shall be required to provide front, side or rear yard setbacks from any other use or property line. The minimum distance between buildings shall be as required by applicable fire, building and safety codes.

3.3.3 Outdoor Space

At least fifty (50) percent of the units shall have dedicated outdoor balcony or space. Any common outdoor space shall have a minimum level surface dimension of twenty (20) feet and minimum area of four hundred (400) square feet. The total open space, as an aggregate of private open space, common open space, and public open space, shall not be less than provided by the project as illustrated during Master Site Plan approval.

3.3.4 Landscaping

- All areas within the Specific Plan area not occupied by buildings, parkways, walkways or other incidental commercial or residential activities shall be fully and permanently landscaped with live plant materials and shall be permanently maintained in a neat and orderly manner. For the purposes of this section, permanent landscaping shall consist of landscaped areas at the ground level, in planters or in potted containers.
- Pedestrian walks, decoratively paved plazas, vehicular accessways, plazas, fountains, decorative and directional lighting, artwork and similar amenities shall be permitted in such landscaped areas.
- Permanent and automatic irrigation facilities shall be provided in all permanent landscaped areas except potted containers.
- Landscape and irrigation plans shall be prepared by those licensed in the State of California to prepare such plans.

3.3.5 Height

The Modelo Specific Plan area is divided into three height zones, per Figure 3.1.

Within height zone A, no building shall exceed a height at any point of eight (8) stories (excluding mezzanines as defined under applicable building codes) or one hundred (110) feet, whichever is greater.

Within height zone B, no building shall exceed a height at any point of seven (7) stories (excluding mezzanines as defined under applicable building codes) or eighty-five (85) feet, whichever is greater.

Within height zone C, no building shall exceed a height at any point of four (4) stories (excluding mezzanines as defined under applicable building codes) or sixty (60) feet, whichever is greater.

Height shall be measured from the average elevation of the finished grade to the roof point indicated in Figure 19.45.020-1 of the Municipal Code. For the purposes of this Specific Plan, finished grade shall be established by the centerline of any proposed vehicular roadways within the Plan area.

Elevator penthouses, mechanical screens, rooftop equipment, wireless communication equipment, projections of towers, stair towers, cupolas, mansards, domes and similar architectural features and signage shall not be included in the measurement of the vertical dimension, provided such projections do not exceed the heights set forth in this section. For exceptions to height limits for wireless telecommunications facilities, see Chapter 19.27 of the Municipal Code.

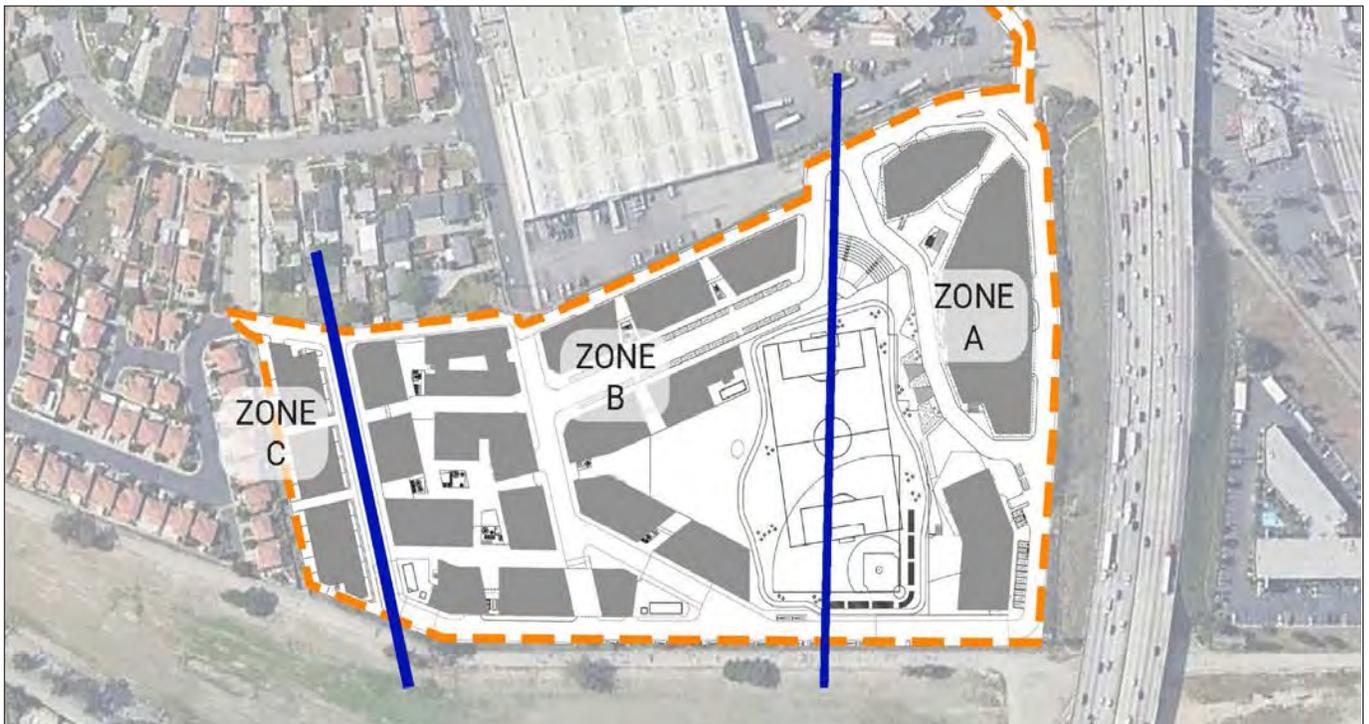


FIGURE 3.1: HEIGHT ZONES

3.3.6 Parking & Loading

There shall be provided at the time of occupancy of any building or structure a minimum number of off-street parking and loading spaces as required for said building or structure with adequate provision for safe ingress and egress.

Parking shall be provided at the following minimums:

- 1393 parking spaces dedicated to residential uses, but no less than 1 parking space per bedroom.
- 723 parking spaces dedicated to commercial, institutional, assembly, or recreational uses.

Parking stall standards shall be provided per Municipal Code Section 19.21.060 except for:

- Tandem spaces for up to two (2) cars may be permitted for residential parking, provided the spaces are assigned to the same residential unit.
- The minimum width of drive aisles for standard parking stalls located perpendicular (i.e. 90-degrees to the path of travel) is 25 feet.
- Up to 30% of the total required parking spaces may be compact spaces as dimensioned by Municipal Code Section 19.21.060.

Loading spaces shall be provided per Municipal Code Section 19.21.130.

3.3.7 Lighting

Lighting for uncovered parking areas, vehicular accessways and walkways shall not exceed a height of twenty-five (25) feet. Lighting within the Specific Plan area shall be directed to driveways, walkway and parking and away from adjacent properties and public rights-of-way.

Outside of “public” areas of the Plan Area, lighting temperatures shall not exceed 3000 Kelvin.

3.4 OPEN, PUBLIC, PARK LANDS

As illustrated in Figure 3.2, the Specific Plan area shall incorporate a Community Center and public open space of approximately 100,000 sf, which may include: in the sports fields, a walking/fitness track, volleyball, basketball, and futsal soccer courts, and outdoor sports fields comprised of youth-sized soccer and baseball fields to accommodate local and regional leagues and tournament matches; in the open space, an all-inclusive playground, splash pad, and picnic area; and in the Community Center, a library, computer lab, day-care center, senior center, and meeting rooms.



FIGURE 3.2: PARK AREA PROPOSED

3.5 SIGNS

3.5.1 Applicable Sign Requirements.

Except as set forth below or elsewhere within this Specific Plan, all signs shall comply with the Municipal Code Chapter 19.25 and an approved Master Sign Plan as set forth below in Section 3.5.2.

3.5.2 Master Sign Plan

Prior to the issuance of any sign permits by the Building and Safety Division of the Economic Development and Planning Department, a Master Sign Plan for the Specific Plan area shall be submitted to and approved by the City. Sign permits issued by the Building and Safety Division shall be in substantial conformance with the approved Master Sign Plan. For proposed signs that are consistent [or “not consistent” as the case may be] with this section and with the Master Sign Plan, the sign applicant shall submit a building permit application to the Building and Safety Division; no application to the Planning Division is required. For proposed signs that are consistent with the Master Sign Plan, the Master Sign Plan will control and supersede inconsistent City regulations. For proposed signs that are not consistent with the Master Sign Plan, the sign applicant shall follow the procedures and regulations for such applications set forth in the Municipal Code.

3.5.3 Definitions

Definitions applicable to this Section 3.5 are set forth in this section and Section 5.7 of this Specific Plan and shall supersede inconsistent definitions in the Municipal Code, and to the extent this section and Section 5.7 do not define a term, Section 19.25.020 of the Municipal Code shall apply.

3.5.4 Exempt Signs

In addition to the Exempt Signs provided by Section 19.25.050 of the Municipal Code, the following sign types shall not be subject to any signage restrictions in this Specific Plan or to Chapter 19.25 of the Municipal Code, including any subsequent amendments to said chapter. Applicants for such signs may proceed to apply for building permits as needed without prior signage approvals from the Planning Division:

- Safety Signs less than ten (10) square feet
- Building Address Signs less than ten (10) square feet
- Service and Delivery Directional Signs less than ten (10) square feet
- Identification signs not exceeding two (2) square feet in area
- The changeable copy such as is found on theater marquees and similar changeable copy signs
- Non-illuminated window signs
- Wayfinding and Directional Signs consistent with an approved Master Sign Plan
- Educational and Amenity Signs consistent with an approved Master Sign Plan
- Parking Signs consistent with an approved Master Sign Plan

3.5.5 On-Site Sign Requirements

1. **Project Identification Signs.** Project Identification signs are signs that communicate the name of the project, building, or development and are generally directed to an audience or viewers located outside the project area.
 - a. **City of Commerce Identification Sign** means a sign mounted on building for the purposes of identifying the City of Commerce.
 - i) Allowance: One (1) City of Commerce Identification Sign is permitted.
 - ii) Location: In substantial conformance with the Master Sign Plan adopted for the Modelo Specific Plan area.
 - iii) Style and Illumination: The City of Commerce Identification Sign may be internally and/or externally illuminated.
 - iv) Dimensions and Area: The City of Commerce Identification Sign shall not exceed a height of 30 feet and an area of 2,000 square feet.
 - b. **Building Mounted Identification Signs** means Project Identification Signs mounted on buildings as either wall signs or blade signs.
 - i) Allowance: Three (3) Building Mounted Project Identification Signs are permitted within the Modelo Specific Plan area.
 - ii) Locations: In substantial conformance with the Master Sign Plan adopted for the Modelo Specific Plan area.
 - iii) Style and Illumination: Building Mounted Project Identification Signs can be internally and externally illuminated.
 - iv) Dimensions and Area: Building Mounted Project Identification Signs shall not exceed a height of 25 feet and an area of 500 square feet.
2. **Recreational Center Sign Requirements**
 - a. Allowance: For each occupancy of the Recreational Center, up to two (2) wall signs may be permitted on the ground and second floor for each building wall which directly faces a dedicated street, dedicated alley, pedestrian pathway, mall or parking area; provided, however, that no more than one (1) wall sign shall be permitted per each dedicated street, dedicated alley, pedestrian pathway, mall or parking area.
 - b. Locations: Wall signs shall only be attached to building walls having a vertical plane angle less than twenty (20) degrees. No wall sign shall extend more than two (2) feet above any parapet or eave line or have more than fifty (50) percent of its height above any parapet or eave line. No wall sign shall cover wholly or partially any required wall opening.
 - c. Style and Illumination: Wall mounted signs may be internally and externally illuminated.
 - d. Dimensions and Area: One-and-a-half (1.5) square foot per foot of length of frontage of the building for each ground floor and second floor building length which directly faces a dedicated street, dedicated alley, pedestrian pathway, mall or parking area.
3. **Tenant Sign Requirements.** Tenant signs, as shown in Figure 3.4, provide retail and commercial businesses within the Specific Plan the ability to promote announcements, business names, and/or advertising of goods, services or products.

a. Wall Mounted Signs

- i) Allowance: For each occupancy of a building, up to two (2) wall signs may be permitted on the ground and second floor for each building wall which directly faces a dedicated street, dedicated alley, pedestrian pathway, mall or parking area; provided, however, that no more than one (1) wall sign shall be permitted per each dedicated street, dedicated alley, pedestrian pathway, mall or parking area.
- ii) Locations: Wall signs shall only be attached to building walls having a vertical plane angle less than twenty (20) degrees. No wall sign shall extend more than two (2) feet above any parapet or eave line or have more than fifty (50) percent of its height above any parapet or eave line. No wall sign shall cover wholly or partially any required wall opening.
- iii) Style and Illumination: Wall mounted signs may be internally and externally illuminated.
- iv) Dimensions and Area: One-and-a-half (1.5) square foot per foot of length of frontage of the building for each ground floor and second floor building length which directly faces a dedicated street, dedicated alley, pedestrian pathway, mall or parking area.

b. Blade Signs

- i) Allowance: For each occupancy of a building, up to two (2) blade signs may be permitted on the ground and second floor for each building wall which directly faces a dedicated street, dedicated alley, pedestrian pathway, mall or parking area; provided, however, that no more than one (1) blade sign shall be permitted per each dedicated street, dedicated alley, pedestrian pathway, mall or parking area.
- ii) Locations: Blade signs shall have a minimum clearance of eight (8) feet between the bottom of such signs and the ground surface.
- iii) Style and Illumination: Blade signs may be internally and externally illuminated.
- iv) Dimensions and Area: Blade signs may not exceed twelve (12) square feet.

c. Window Signs

- i) Allowance: For each ground floor occupancy of a building, one (1) illuminated window sign shall be permitted in each window to a maximum of two (2) which directly faces a dedicated street, dedicated alley, pedestrian pathway, mall or parking lot area.
- ii) Locations: Window Signs are permitted within any commercial storefront window.
- iii) Style and Illumination: Any lighting of window signs shall be in compliance with the electrical code and shall not cause disturbing glare onto any adjacent areas due to excessive brightness or method of illumination. Signs shall also be designed, installed, and maintained in such a manner that the spillover of any illumination of signs onto property located in a residential zone shall not exceed two (2) foot candles above ambient light levels.
- iv) Dimensions and Area: The area of an illuminated window sign shall not exceed four (4) square feet. Any signs constructed exclusively of neon tubing shall not exceed twenty-five (25) percent of the window area or a maximum of one hundred (100) square feet, whichever is less. Signs constructed of stained glass shall be permitted to cover the entire area of any window. Signs constructed of any other permitted

material that is not illuminated shall be permitted only on the interior surface of the window glass, provided that no combination of any window signs covers more than twenty-five (25) percent of the area of any window.

3.5.6 Off-Site Sign Requirements

1. **Advertising Kiosk Signs** means large backlit printed or digital advertising space located along surface streets and in community centers where they reach audiences both pedestrians and vehicular traffic.
 - a. Allowance: Twelve (12) freestanding Advertising Kiosk Signs are permitted within the Modelo Specific Plan area.
 - b. Locations: In substantial conformance with the Master Sign Plan adopted for the Modelo Specific Plan area.
 - c. Style and Illumination: Ground mounted Advertising Kiosk Signs may be internally and externally illuminated.
 - d. Dimensions and Area: Advertising Kiosk Signs shall not exceed a height of 10 feet and an area of 30 square feet.
2. **Wall Advertising** means wall-mounted advertising displays (with either static printed panels and/or changeable digital illumination).
 - a. **Screen Wall Displays**
 - i) Allowance: Eight (8) wall mounted Screen Wall Display signs are permitted.
 - ii) Locations: Mounted to architectural screen walls along the primary entry off East Gage Ave, as established by an adopted Master Sign Plan.
 - iii) Style and Illumination: Screen Wall Displays may be illuminated static signs and/or changeable digital displays.
 - iv) Dimensions and Area: Screen Wall Displays shall not exceed a height of 15 feet and an area of 100 square feet.
 - b. **Highway Tower Signs**
 - i) Allowance: Two (2) building-mounted Highway Tower Signs are permitted.
 - ii) Locations: Integrated into north and south facing elevations of condominium tower, visible from Interstate 5, as established by an adopted Master Sign Plan.
 - iii) Style and Illumination: Highway Tower Signs may be illuminated static signs and/or changeable digital displays integrated into the architecture of the tower.
 - iv) Dimensions and Area: Highway Tower Signs shall not exceed a height of 200 feet and an area of 4,000 square feet.
 - c. **Highway Wall Displays:**
 - i) Allowance: Six (6) Building-mounted Highway Wall Displays are permitted.
 - ii) Locations: Highway Wall Displays will be integrated into project's eastern edge and to be visible from Interstate 5, as established by an adopted Master Sign Plan.
 - iii) Style and Illumination: Highway Wall Displays may be illuminated static signs and/or changeable digital displays.
 - iv) Dimensions and Area: Highway Wall displays shall not exceed a height of 20 feet and an area of 200 square feet.



4.1 OFF-SITE WAYFINDING IMPROVEMENTS

To provide clear identity for the Modelo development and to facilitate vehicular wayfinding to the Modelo site from Slauson, Zindell and East Gage Avenues, a variety of off-site wayfinding improvements are proposed, as indicated in Figure 4.1.

Project Entry Monument: The primary function of the Entry Monument Sign is to identify the project for vehicular traffic with the brand mark and identify the primary site edges. Illumination may be internal and/or external with materials to match the overall character of the project. The Project Entry Monument will be ground mounted and freestanding located primary entry off East Gage Avenue. The Project Entry Monument shall not exceed a height of 20 feet and an area of 200 square feet.

Light Pole Banners: Banners advertising the Modelo brand name, landmark or other property advertising and promotions may be located on light poles along Slauson, Zindell and East Gage Avenues leading to the entry points of the Specific Plan area. Banners may be mounted to existing, upgraded and/or new city light poles and are not to be illuminated. Light Pole Banners shall not exceed a height of 8 feet and an area of 20 square feet. No more than two (2) banners will be affixed to any given light pole.

Bike Path/Trail Directional Signs: Directional signs specific to bike paths and trails may be installed at connection to Rio Hondo Bike Path as established by an adopted Master Sign Plan. Such signs shall not exceed a height of 10 feet and an area of 20 square feet, and may be internally or externally illuminated.



FIGURE 3.3: OFF-SITE WAY-FINDING IMPROVEMENT

OP2: Project Entry Monument

Proposed Max Height	20'-0"
Proposed Max Sign Area	200 sq. ft.
Installation Location	Ground Mounted

Sign Description / Additional Info:
 Freestanding, internally illuminated project identity located at primary entry off Gage Ave.

Images are for "Type" reference only.





Project Entry Monument

OP1: City of Commerce Light Pole Banners

Proposed Max Height	8'-0"
Proposed Max Sign Area	20 sq. ft.
Installation Location	Mounted to Light Pole

Sign Description / Additional Info:
 Digitally printed project banners mounted to existing/ upgraded city light poles near project entry on Gage Ave., Slauson Ave. and Zindell Ave.

Images are for "Type" reference only.





Light Pole Banners

4.2 TRANSPORTATION AND CIRCULATION

Regional access in the City of Commerce is provided by the I-5 freeway, the Metrolink Orange and Riverside Lines, and the Los Angeles Metropolitan Transportation Authority's (Metro) Gold Line railway, as shown in Figure 2.1.

The Metro Gold Line's eastern terminus at the Atlantic Station in East Los Angeles is approximately 4.34 miles northwest of the Project site. From the Atlantic Station, several Metro Local Lines would connect to the Project site. Metro Local Line stops located within 0.5-mile of the Project site include Line 62 at Telegraph Road and Slauson Avenue and Line 108 at Slauson Avenue and Gage Avenue. Additionally, Commerce Bus Line stops located within 0.5-mile of the Project site include the Orange Route stop at Eastern Avenue and Washington Boulevard, the Green Route stop at Kuhl Drive and Zindell Avenue, and the Yellow Route at Greenwood Avenue and Gage Avenue.

In addition to the existing transit described above, planned transit in the vicinity of the Project site includes the Eastside Transit Corridor Phase 2 Project (Eastside Transit Project). The Eastside Transit Project proposes to extend the Gold Line further east from its current terminus at the Atlantic Station in East Los Angeles to South El Monte via State Route 60 (SR-60) and/or Whittier along Washington Boulevard in Pico Rivera. The proposed Washington Boulevard extension would place a station at Washington Boulevard and Rosemead Boulevard, approximately 1.6 miles northeast of the Project site.

4.2.1 Off-Site Vehicle Circulation

The I-5 freeway, an eight-lane-above-grade facility, runs northwest to southeast through the City and is located approximately 60 feet to the Project site's eastern boundary. Local access to the Project site is provided via the I-5 freeway northbound (NB) and southbound (SB) ramps at Slauson Avenue. Major streets surrounding the Project site include Slauson Avenue, Telegraph Road, Gage Avenue, Garfield Avenue, and Florence Avenue.

4.2.2 On-Site Vehicle Circulation, Parking & Loading

On-site vehicle circulation within the Specific Plan area is provided via a number of roadways, as illustrated in Figure 4.10. These roadways provide access to the site's parking and loading areas.

Parking will be provided in a both surface on-street parking and a subterranean parking structure. Access to the parking garage would be provided via multiple driveways from the Project's internal site circulation system.

A portion of the Parking Structure shall be reserved for exclusive use by the users of the Residential Element; a portion of the Parking Structure shall be reserved for exclusive use by users of the Commercial Element (exclusive of the Additional Community Amenities), and a portion of the Parking Structure shall be available for use by members of the public who use the Community Element and Additional Communities Amenities.

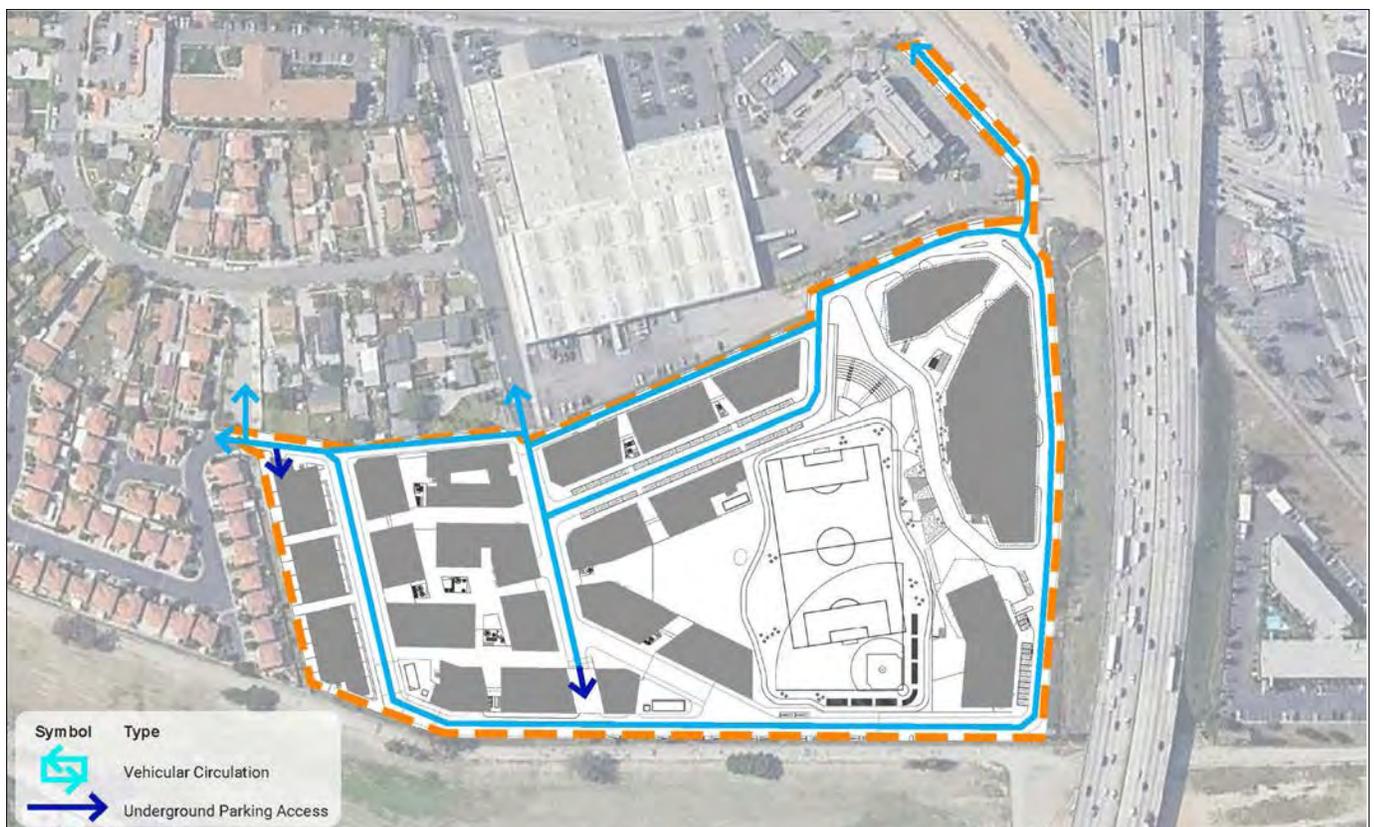


FIGURE 4.9: VEHICULAR CIRCULATION

4.2.3 Bicycle and Pedestrian Circulation

Pedestrian facilities in the Project vicinity consist of sidewalks along street frontages. Sidewalks exist along the length of Zindell Avenue and Gage Avenue in the vicinity of the Specific Plan area.

Currently, there are no bicycle facilities along any of the streets in the Plan vicinity. Rio Hondo Bike Path, a bicycle and off-road biking trail exists south of the Plan area and connects to the regional bike path along the Rio Hondo channel. The project will provide cycle connections to Rio Hondo Bike Path.

In October 2020, the City of Commerce approved a Bicycle and Pedestrian Master Plan to establish a vision to make bicycling and walking a more viable transportation option for its residents. This document contains policy and infrastructure recommendations that the City will implement to incorporate bicycling and walking- friendly elements. A class III master planned bike route is planned along Zindell Avenue leading to the Project site; however, specific details are not known at this time.

Pedestrian and bicycle circulation adjacent to and within the Specific Plan area is illustrated in Figure 4.10.

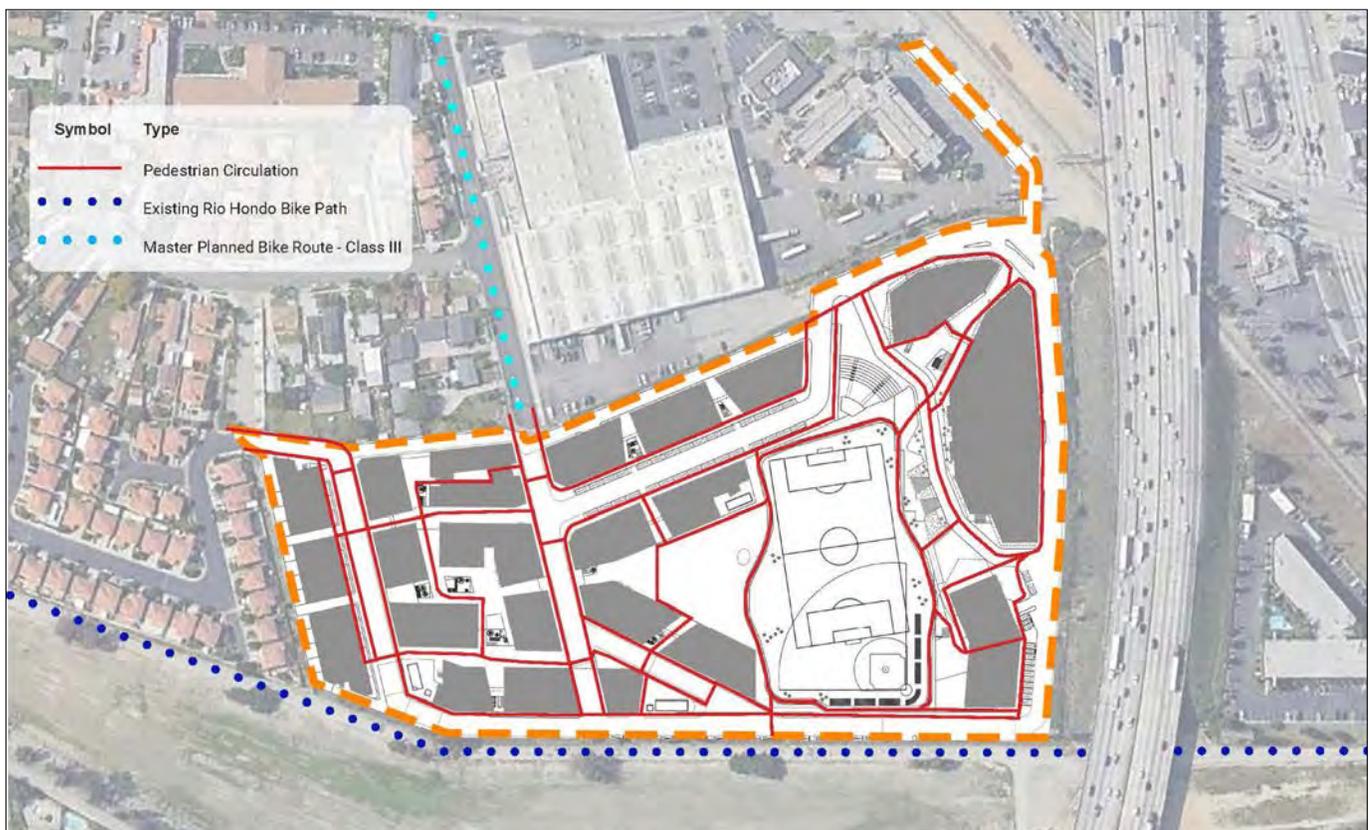


FIGURE 4.10: PEDESTRIAN AND BICYCLE CIRCULATION

4.3 DRAINAGE & STORMWATER

The Specific Plan is located within the jurisdiction of the Los Angeles Regional Water Quality Control Board (RWQCB), which administers the Basin Plan and other water quality programs within the coastal watershed of Los Angeles and Ventura Counties. The Los Angeles RWQCB is a 5,600-square-mile area that encompasses all coastal drainages flowing to the Pacific Ocean between Rincon Point (on the coast of western Ventura County) and the eastern Los Angeles County line.

Figure 4.12 shows the watersheds that encompass the Plan area as designated by the United States Geological Survey (USGS) Watershed Boundary Dataset (Figure 4.12), as well as the Los Angeles RWQCB Basin Plan (Figure 4.13). The Plan area is located within the Coastal Plain hydrologic area of the Los Angeles – San Gabriel River hydrologic unit (No. 405.1), and more specifically within the Central hydrologic sub-area (No. 405.15), within the Los Angeles RWQCB (Figure 4.13). The USGS Watershed Boundary Dataset indicates the Plan area lies within the 52.7-square-mile Alhambra Wash sub-watershed of the Rio Hondo watershed, located in the Los Angeles sub-basin in the Ventura/San Gabriel basin (Figure 4.12).



FIGURE 4.11: USGS WATERSHEDS



FIGURE 4.12: RWQCB HYDROLOGIC AREAS

The overall Plan area is split over three different parcels including and adjacent to the current Veterans Memorial Park. Existing site drainage can generally be described as flowing slightly southwest on the undeveloped parcel, while drainage at Veterans Memorial Park flows to a storm drain system between the two parcels. The Project site's highpoint is near its northeast corner, at about 156 feet above mean sea level (amsl), and its low point, at about 145 feet amsl, lies at the southwest corner of the site. This 11-foot grade difference over the site creates a relatively flat area with slopes generally being less than 1%.

Site stormwater on the undeveloped parcel presently infiltrates, although there is a drainage ditch between Interstate 5 and this parcel, sloping south to the flood control basin. Site stormwater at the Park is presently conveyed to five catch basins along the center of the park, which drain via a 24" reinforced concrete pipe into the flood control basin to the south of the park (Figure 4.14). Impervious areas of the Project site are limited to parking areas, a building, and concrete walkways. Most of the site allows for infiltration of groundwater.

In the larger vicinity, stormwater runoff is collected in streets through inlets, catch basins and underground storm drains maintained by the Los Angeles County Flood Control District. Stormwater is then conveyed through the storm drain system to the Rio Hondo channel, located south of the Project site. Therefore, the "receiving waters" for the Specific Plan area (i.e., all waters within the flow network downstream of the Plan area) include Rio Hondo, the Los Angeles River and the Pacific Ocean.

The City of Commerce has established Low Impact Development (LID) Guidelines, which consist of design strategies using softscape and hardscape surfaces to retain or filter stormwater and urban runoff. The intent of a LID is to curb the transport of pollutants to downstream receiving waters caused by impervious surfaces such as roadways, parking lots, and buildings. The City of Commerce has also established Green Streets Policy Guidelines, which provide for source controls for stormwater runoff and pollutant loads. The approaches outlined in the Green Streets Policy Guidelines complement street facility upgrades, street aesthetic improvements, and urban tree canopy efforts that also make use of the right-of-way and allow it to achieve multiple goals and benefits. Development within the Specific Plan area would be subject to the City's LID and Green Streets Policy Guidelines standards.



FIGURE 4.13: FLOOD ZONES AND STORMWATER DRAINAGE INFRASTRUCTURE

4.4 WASTEWATER & SEWER

Los Angeles County Sanitation District (LACSD) No. 2 provides sewer collection and treatment to the City of Commerce.

As of 2016, wastewater from existing infrastructure within the Plan area is served by 8-inch diameter local sewer lines within Zindell Ave and Avenida Aguas Calientes.

4.5 WATER SUPPLY

Water service is provided to the City of Commerce by Cal Water East Los Angeles District.

Based on a Water Infrastructure Map provided by the City of Commerce, water service for existing infrastructure within the Plan area is provided by a 10-inch water line located in Zindell Avenue, as well as an existing 6-inch waterline which extends laterally from Kuhl Drive to the northwest corner of the Veterans Memorial Park. The 10- inch water main extends to the northwest corner of the vacant lot.

This improvements are repeated here. Should a conflict exist between the Specific Plan and the FEIR, the Final Environmental Impact Report prevail.

UTL-1 Prior to the issuance of a grading permit, the Applicant shall demonstrate that off-site water infrastructure is sufficient to provide the anticipated water demand for the Project (i.e., net increase in water demand of approximately 211,668 gpd [237.26 AFY]).

4.6 DRY UTILITIES

The Plan area will be serviced by Southern California Edison (electricity), Southern California Gas Company (natural gas), and Verizon (telephone).

4.7 GENERAL INFRASTRUCTURE AND SERVICE REQUIREMENTS

- Any offsite installation of curbs, sidewalks, street and driveway paving, and street lighting as may be required by the City shall be subject to the provisions of the City's Municipal Code.
- All onsite water supply, wastewater collection, storm drainage lines, and facilities shall be provided by the developer.
- All utility lines serving the project area shall be placed underground by the developer as a condition of approval of building permits.
- Development of the project area shall comply with all requirements of the Los Angeles County Fire Department in providing adequate fire flow, number, and location of hydrants, building clearances, and street and driveway/aisle turning radii for access.
- The developer shall review with the Los Angeles County Sheriff's Department the nature and design of the development, and types of security measures to be implemented.

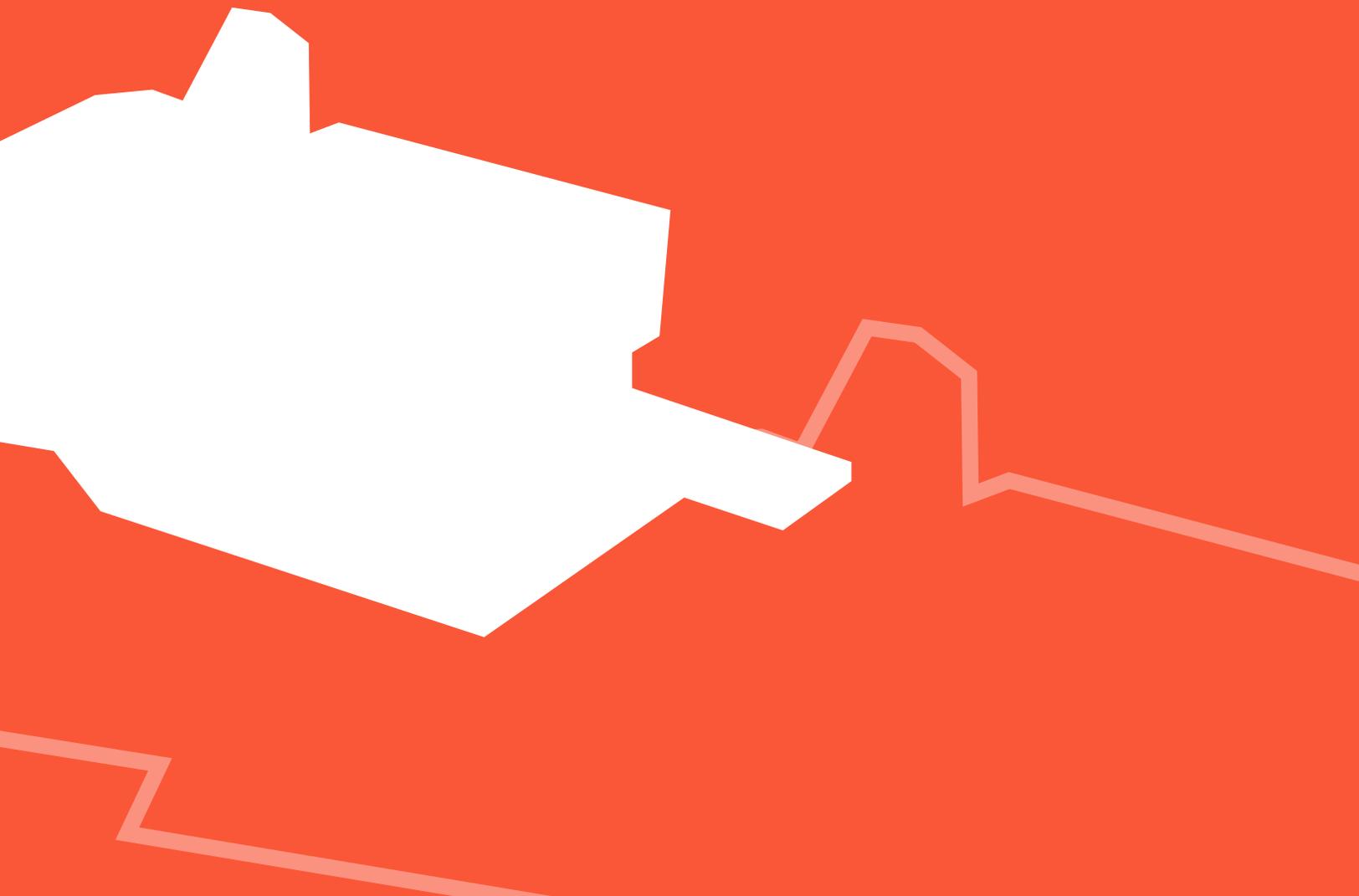


Chapter

5

ADMINISTRATION

Due to the unique character of the Modelo Specific Plan, this chapter details the administrative procedures, authority, and responsibility for administering the Specific Plan and lists the actions necessary to ensure the orderly implementation of the goals and objectives of the Plan.



5.1 RESPONSIBILITIES

The Planning Division shall be the primary body responsible for administering the Modelo Specific Plan.

5.2 ADMINISTRATIVE PROCEDURES AND REVIEW

This Section of the Specific Plan identifies the responsible body or individual that has the responsibility and authority to review and act upon applications submitted to the City for development within the Specific Plan.

5.2.1 Type of Review Procedures

The following types of applications shall be reviewed and acted upon as listed in Table 5.1.

TABLE 5.1 APPLICATIONS REVIEW AUTHORITIES

Type of Application	Director		Planning Commission
	Authority to Approve or Deny (a)	Advisory to Planning Comm. Only	Authority to Approve or Deny (b)
Alcohol Use Permit (d)	■		
Conditional Use Permit		■	■
Home Occupation Permit (d)	■		
Master Sign Plan (d)		■	■
Amendments to approved Master Sign Plan (d)	■		
Sign Permit Pursuant to Master Sign Plan (d)	■		
Modification of Standards (d)	■		
Site Plan Review (c)		■	■
Special Event Permits		■	■
Temporary Use Permits (d)	■		

(a) All decisions of the Director may be appealed to the Planning Commission.

(b) All decisions of the Planning Commission may be appealed to the City Council.

(c) Site plan review are heard before the planning commission as scheduled matters. No public hearing is required.

(d) No public hearing is required.

5.2.2 Alcohol Use Permit

1. **Intent and Purpose:** The purpose of the alcohol use permit is to allow special consideration for alcohol related uses, without the need for a noticed public hearing, to be located in the Specific Plan.
2. **Initiation:**
 - a. An application for an Alcohol Use Permit may be initiated by the Commercial Property owner, business owner, property lease-holder, or their authorized agent. The 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 Chapter 19.39 of the Municipal Code.
3. **Proceedings:**
 - a. Upon acceptance of an Alcohol Use Permit application as complete, the Director or his/her designee shall review the application for conformance with the provisions of this Specific Plan and Title 19 of the Municipal Code, to the extent applicable and not superseded by this Specific Plan. No public hearing shall be required. Based on this review, the Director shall act to approve or deny the application.
 - b. The decision of the Director shall become effective fourteen calendar (14) days following the date of the decision, unless an appeal is filed pursuant to the provisions of Division 4 (Appeals and Revocations) of Chapter 19.39 of the Municipal Code.
4. **Findings of Fact:** An Alcohol Use Permit shall be granted only if the Director first finds that each of the following exists:
 - a. That the proposed use will be consistent with the objectives of this Specific Plan.
 - b. That the use and its associated structures and facilities will not be detrimental to the public health or safety, the general welfare, or the environment.
 - c. That the use and facilities will not adversely affect or conflict with adjacent uses or impede the normal development of surrounding property.
 - d. That adequate public and private facilities such as utilities, landscaping, parking spaces and traffic circulation measures are or will be provided for the proposed use.
5. **Revocation:** The Director shall have the authority to initiate proceedings to suspend or revoke an Alcohol Use Permit pursuant to provisions set forth in Sections 19.39.240 through 19.39.250, inclusive, of Chapter 19.39 of the Municipal Code.

5.2.3 Conditional Use Permits

Conditional Use Permits shall be filed and processed per Chapter 19.39 of the Municipal Code.

5.2.4 Home Occupation Permits

Home Occupation Permits shall be filed and processed per Chapter 19.39 of the Municipal Code.

5.2.5 Master Sign Plan

A Master Sign Plan shall be filed and processed per Chapter 19.39 of the Municipal Code. Subsequent amendments or modifications to an approved Master Sign Plan covering this or a portion of this Specific Plan area may be approved by the Director.

5.2.6 Modifications of Standards

1. Intent and purpose:

- a. Intent. The modification of standards procedure is established to grant minor relief from development standards, under limited circumstances, when the granting of such relief will provide for better design and function of the structure, or addition to a structure, proposed.
- b. Applicability.
 - i) For the purposes of this Section, a Modification of Standards application may be sought for minor variations in the Specific Plan area from existing development standards. Minor variations are variations consisting of or similar to the following:
 - An increase of not more than ten percent of the maximum permitted building height.
 - An increase of not more than ten percent in the permitted maximum height of a fence or wall.
 - A decrease of not more than five percent of the total open space as provided from the first approved Site Plan Review.
 - Any other development standards so long as the change does not result in an increase in the Project's increase in total residential units or increase in total commercial square footage as defined by this Specific Plan.
 - ii) Modifications in excess of those cited in subsection above shall require a variance.

2. Initiation and Proceedings:

- a. Modifications of Standards shall be filed and processed per Chapter 19.39.570 and 19.39.630, inclusive, of the Municipal Code.

5.2.7 Site Plan Review

Concurrent with the adoption of this Specific Plan, the Modelo Project shall be granted site plan review in a separate City approval. Subsequent applications or modifications of the Modelo Project shall be processed per Chapter 19.39 of the Municipal Code.

5.2.8 Special Event Permits

Within this Specific Plan, a Special Use Permit is a permit granted to allow the occurrence of an event, activity, or use for a period of four or more days, but not exceeding thirty consecutive days, and no more than sixty days in any calendar year. Special Event Permits shall be filed and processed per Chapter 19.39 of the Municipal Code.

5.2.9 Temporary Use Permits

Temporary Use Permits shall be filed and processed per Chapter 19.39 of the Municipal Code.

5.2.10 Variances

Variances shall be filed and processed per Chapter 19.39 of the Municipal Code.

5.3 INTERPRETATIONS

The Director shall have the authority to interpret the provisions applicable to this Specific Plan.

1. **Standards:** Upon the request of an interested person regarding a perceived ambiguity with respect to any standard, provision, term, phrase, or other items set forth in this Specific Plan and the Municipal Code, the Director shall, ascertain all pertinent facts, and set forth in writing his/her interpretation and the following findings:
 - a. That the interpretation is consistent with the other goals, policies, and objectives of this Specific Plan; and
 - b. That the interpretation will not conflict with provisions of the zoning ordinance or subdivision regulations; and
 - c. That the interpretation will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the Specific Plan area or neighborhood in which the Specific Plan is located; and
 - d. That the interpretation will not create any inconsistency with any objective contained in the General Plan.

The Director may, at the Director's discretion, refer the request for an interpretation to the planning commission as a scheduled matter not requiring public hearing, and the findings and interpretations of the planning commission shall be set forth in the recorded minutes. Thereafter, such interpretations shall govern. The Director shall maintain a permanent database of all interpretations of this Specific Plan.

2. **Land Use and Definitions:** In the event that a specific use or type of use is not listed, the Director shall have the authority to determine, based on the standards and considerations set forth below, whether the use is permitted, permitted subject to a conditional use permit, permitted as a temporary use, or prohibited.

For purposes of arriving at determinations for classifying any use of land, the degree of compatibility of any such use of land to any other land use shall be fully evaluated. Insofar as technical evidence and scientific means of measurement are available, such evidence and measurement shall be considered in determining the form and intensity of performance standards typically associated with any identifiable type of land use. The term "performance standards" as employed herein means and refers to such conditions, effects or results which flow from the maintenance or operation of any primary use, including but not limited to:

- a. The flow of sound measured in decibels;
- b. Ambient level of sound;
- c. Vibrations above and below the auditory range;

- d. Odors, fumes, smoke or other emissions, whether toxic or nontoxic;
- e. Incidence of hazard, including explosion or contamination;
- f. The identification and classification in terms of chemical composition of the emissions generated from any type of land use, whether industrial, commercial or domestic;
- g. The traffic-generating capacity, both in terms of freight and passengers, the volume of either or both, and the time or times of daily cycle that represent peak flow or minimum flow;
- h. The consuming capacity of and need for electrical energy, natural gas, oil and fuel, water, sewage disposal and transportation facilities, including highway, rail, and air.

The Director shall also consider whether the proposed use is similar to a listed use and should, on that basis, be permitted, permitted conditionally, or permitted as a temporary use. The Director, after review of the application, shall make their determination in writing, including setting forth the findings above in Section 5.3(i). The Director shall maintain a permanent record of such decisions.

3. Initiation and Proceedings:

- a. Interpretations shall be filed and processed per Chapter 19.03 and Chapter 19.39, inclusive, of the Municipal Code.

5.4 SUBDIVISIONS

Submittal requirements for subdivisions within the Modelo Specific Plan shall be those set forth in the Subdivision Map Act of the State of California and Title 18 of the Municipal Code

5.5 AMENDMENTS

Amendments to the Modelo Specific Plan will be prepared consistent with Chapter 19.39, Division 15 - Specific Plans of the Municipal Code.

5.6 IMPLEMENTATION

The ownership, construction, management, and operation of the Specific Plan area is described in a separate Development Agreement.

5.7 DEFINITIONS

"ABC" means State of California Department of Alcoholic Beverage Control

"Accessory Use" means a use of a lot or building or portion thereof that is related and incidental or subordinate to the principal use of the lot or building on the same lot.

"Alcoholic Beverage Sales" means the sale, service or consumption of beer, wine, and/or other alcoholic beverages for on- or off-premises consumption regardless of whether it is subordinate to another use.

"Amusement Arcade" means a business, place, or location where four or more coin-operated amusement games are available for public use; or a business, place, or location where three or more coin-operated amusement games are available for public use if such games provide the

business with more than fifty percent of its gross revenue.

“Amusement Game Machine, Coin-Operated” means any mechanical, electric, or electronic device which, upon insertions of a coin, slug, token, or similar object, operates as a game contest or amusement through the exercise of chance or skill

“Antenna and Transmission Tower” means broadcasting and other communication services accomplished through electronic or telephonic mechanisms, as well as structures designed to support one or more reception or transmission systems. Typical uses include wireless telecommunication towers and facilities, radio towers, television towers, telephone exchange/microwave relay towers, and cellular telephone transmission/personal communications systems towers. See Chapter 19.27 of the Municipal Code, for further details.

“Auction House” means a business operating as either a full-time enterprise or a temporary use, involved in the public sale of property to the highest bidder.

“Banks and Financial Institutions” means a financial institutions including banks and trust companies and lending and thrift institutions.

“Bar” means an establishment used primarily for the serving of alcoholic beverages to the public, and where food may be served and sold as an accessory use.

“Blade Sign” means any sign the surface or plane of which is not substantially parallel to the surface or plane of the supporting wall, fence, canopy or marquee to which it is attached.

“Broadcasting Studio and Indoor Support Facilities (Production)” a commercial and public communications uses including radio and television broadcasting and receiving stations and studios, with facilities entirely within buildings. Transmission and receiving apparatus, including antennas and towers, are separately defined. Also this use includes administrative and technical production support facilities including administrative and production office, post-production facilities (editing and sound recording studios, foley stages, etc.), optical and special effects units, film processing laboratories, etc. associated with facilities for motion picture, television, video, sound, computer, and other communications media production

“Business Support Services” means establishments providing other businesses with services such as maintenance, repair and service, testing, rental, etc. Examples of business support services include, but are not limited to:

“Business Equipment Repair Services” (typewriter and office machine sales and service, computer typesetting);

- Computer typesetting;

- Copying services, including but not limited to photostating and blueprinting;

- Computer-related services (rental, rep air);

- Copying, quick printing, and blueprinting services;

- Parcel delivery and pick-up services;

- Photocopying;

- Photo developing stores and services;

Printing, other than publishing

“Child Care Center” means a day care facility not conducted in a residence in which nonmedical care and supervision is provided for children between the ages of two and eighteen in a group setting on a less than twenty-four-hour basis, and any other day care facility licensed by the State of California.

“Children’s Indoor Play Area” means a business consisting of indoor recreation facilities used for children’s parties and other similar children’s functions and containing no cooking facilities; parties and functions may be private or open to the general public. This definition does not include an “arcade establishment,” or “cyber-cafe establishment.”

“Christmas Tree Sales Lot” means and includes any of the following: any real property or portion thereof on which cut Christmas trees and other Christmas paraphernalia are offered for sale and are maintained between November 1st and December 31st. Christmas paraphernalia shall include but not be limited to boughs, branches, wreaths and any other items composed and/or constructed of live vegetation.

“Church and Places of Worship” means any property used for regular religious worship and related activities, maintained and controlled by a religious body organized to support public worship.

“City” means the City of Commerce.

“Club, Private or Public” means a building or premises used by an incorporated or unincorporated group of persons organized for the purposes of promoting literature, science, politics, good fellowship, or other common cause, excluding services customarily carried on as a business.

“College and Trade School” means institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees, including conference centers and academic retreats associated with such institutions. Examples of “College and Trade School” include, but are not limited to: junior colleges, business and computer schools, management training, technical and trade schools, but excludes personal instructional services such as music lessons.

“Community Care Facility” means any facility, place, or building which is maintained and operated to provide nonmedical residential care, day treatment, adult day care, foster care, or agency services to children and/or adults including, but not limited to, physically handicapped, mentally impaired, the mentally incompetent, substance abusers, battered persons, and abused or neglected people.

“Contractor’s Office” means supervisory offices with storage of tools and equipment for the building and construction services including but not limited to: carpentry, electrical, glass, insulation, iron work, masonry, plastering, roofing, and tile. A contractor’s office does not include temporary office and storage associated with construction on a project site. (See “Contractor’s office and storage, temporary.”)

“Contractor’s Office and Storage, Temporary” means temporary structures for the storage of tools and equipment or containing supervisory offices of the minimum necessary in connection with a project on site only during the process of active construction under an effective grading, building,

utility, street, or other development permit. Such temporary structure(s) shall be immediately removed upon expiration of the applicable permits.

“Council” means the City of Commerce City Council

“Cultural Art Centers” means facilities engaged in activities to serve and promote aesthetic and educational interest in the community that are open to the public on a regular basis. This classification includes performing arts centers for theater, music, dance, and events; spaces for display or preservation of objects of interest in the arts or sciences; libraries; museums; historical sites; aquariums; art galleries; and zoos and botanical gardens. It does not include “College and Trade School.”

“Cyber-Cafe Establishment” means any establishment that provides five (5) or more cyber-cafe devices to the public for compensation in any manner, including but not limited to memberships. Cyber-cafe establishments shall not include businesses where cyber-cafe devices, as determined by the director, are clearly incidental to a permitted or conditionally permitted use in this title or permit adult business and sexual encounter establishment uses as provided for in Chapter 5.58 and Chapter 19.31, Division 1 of the Municipal Code. Cyber-cafe shall be synonymous with PC cafes, Internet cafe, and cyber centers.

“Director” means the City of Commerce Economic Development & Planning Director, or Community Development Director as defined by the City of Commerce Municipal Code, or his/her designee.

“Division” means the City of Commerce Economic Development & Planning Department Planning Division.

“Dwelling or Dwelling Unit” means any building or portion thereof designed for living and sleeping purposes that contains independent cooking and sanitation facilities.

“Dwelling, Multi-Family” means a building or a portion thereof containing two or more dwelling units designed for the independent occupancy of two or more households.

“Efficiency Unit” means a dwelling unit of not more than one (1) room in addition to a kitchen and bathroom and containing no separately walled-in bedroom area. Also known as a “studio unit.”

“Educational, Amenity, and Interpretive Signs” communicate specific information and orientation messages to visitors and residents that may provide educational information and/or relate to administration concerns. Such signs may include, but are not limited to: wall-mounted, freestanding and/or ground mounted signs that communicate information regarding the public amenities within the Modelo development, such as but not limited to the amphitheater, fountains, or open spaces; and wall-mounted, freestanding and/or ground mounted signs that communicate educational or interpretive information regarding the architecture, landscape, or history of the Modelo development, the City of Commerce and/or adjacent neighborhoods.

“Entertainment Establishment” means a place of business wherein the primary purpose is to provide any form of live performance, exhibition, show, or act, including but not limited to the playing of musical instruments; singing; dancing; performing in a play, sketch, or scene; reciting prose or poetry; or exhibiting any clothing, wearing apparel, or costumes for the purpose of

gaining, diverting, or holding the attention of guests, patrons, or invitees. A business or use shall be considered an entertainment establishment if such entertainment is either the primary business conducted on the premises or is provided in conjunction with any other primary business.

“Health and Fitness” means fitness centers, gymnasiums, health and athletic clubs, which may also include indoor sauna, spa or hot tub facilities and accessory court game uses such as indoor tennis, handball, racquetball, and other indoor sports activities. This classification includes exercise clubs and studios offering martial arts, physical exercise, yoga training and similar types of instruction. This classification also includes massage establishments in which all persons engaged in the practice of massage are certified pursuant to the California Business and Professions Code Section 4612. Health and Fitness uses are not Indoor Recreation Centers which are defined separately.

“Home Occupation” means any commercial activity conducted entirely within a particular dwelling by the inhabitants of that dwelling. Home occupations are incidental uses that do not change the character of the dwelling nor adversely affect permitted uses in adjacent areas.

“Hotel or Motel” means a building or group of buildings containing six or more guest rooms. Hotels offer transient lodging accommodations to the general public and may or may not provide incidental services such as meals.

“Indoor Recreation Centers” means indoor establishments providing amusement/entertainment services for a fee or admission charge, including but not limited to: bowling alleys, ice skating rinks, roller rinks, virtual reality arenas, fantasy sport arenas, and indoor game facilities, including: racquetball, tennis, paddleball, badminton and volleyball courts, and similar uses. These centers shall exclude arcade establishments, and health and fitness uses which are defined separately

“Instructional Services” means establishments that offer specialized programs in personal growth and development, typically in a classroom setting. Examples of Instructional Services include, include are but are not limited to, classes, instruction, or tutoring in music, health, athletics, art, or academics. Instructional Services may include rehearsal studios as an accessory use. This use type excludes instructional services associated with Colleges and Trade Schools or with health and fitness uses.

“Jewelry Store” means an establishment primarily specializing in the sale of jewelry, and may include repair and incidental fabrication but may not include casting of metals.

“Libraries” means public or quasi-public facilities in which literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints, records, and tapes, are kept for reading, reference, or lending.

“Live/Work” means an integrated dwelling unit and working space (e.g., the creation and retail sales of arts and crafts), occupied and utilized by a single housekeeping unit in a structure that has been modified or designed to accommodate joint residential occupancy and work activity, and which includes complete kitchen and sanitary facilities in compliance with applicable building standards and working space reserved for and regularly used by one (1) or more occupants of the unit, in addition to any other employees. The commercial use must be one permitted in the Modelo

Specific Plan.

“Market” means retail food markets of food and grocery items primarily for offsite preparation and consumption. Typical uses include, but are not limited to, supermarkets, grocery stores, and specialty food stores such as retail bakeries; candy, nuts and confectionary stores; meat or produce markets; vitamin and health food stores; cheese stores; and delicatessens. This classification may include small-scale specialty food production with retail sales such as pasta shops.

“Medical and Dental Offices” means facilities primarily engaged in furnishing outpatient medical, mental health, surgical and other personal health services. Such facilities include but are not limited to: medical, dental and psychiatric offices (counseling services by other than medical doctors or psychiatrists are included under “Offices”); out-patient care facilities; chiropractic offices; alternative health care services (e.g., acupuncture, etc.); and allied health services. Associations or groups primarily engaged in providing medical or other health services to members are included.

“Municipal Code” means the City of Commerce Municipal Code..

“Mural” means a picture painted or otherwise permanently applied directly to an exterior surface of a structure that does not contain any commercial message – either in graphic or written form – related to a business, product, or service.

“Museums” means a building, place, or institution devoted to the acquisition, conservation, study, exhibition, and educational interpretation of objects having scientific, cultural, historical, or artistic value.

“Nightclub” means an establishment wherein entertainment is offered or provided, but which is not an Entertainment Establishment except that occasionally live music and/or musical performances may be offered, and the preparation and retail sale of alcoholic beverages are also provided.

“Office” means establishments providing administrative, service, professional or production work, but not medical or dental care. Examples of Offices include, but are not limited to:

- Answering services;

- Civic and social organizations;

- Data processing firms;

- Detective agencies;

- Employment agencies;

- Escrow services;

- Financial services including credit agencies; brokers and dealers in securities and commodity contracts; security and commodity exchanges; holding (but not predominantly operating) companies; and other investment companies; vehicle finance (equity) leasing agencies;

- Institutions, philanthropic;

- Insurance offices;

- Interior decorator shops;

Labor union offices;
Lock and key businesses;
Political offices;
Professional offices;
Real estate offices;
Sales representative offices; and
Travel agencies.

“Parks and Playgrounds, Private” means private use of facilities or area of land for active and/or passive recreation for neighborhood or community use.

“Parks and Playgrounds, Public” means public use of facilities or area of land for active and/or passive recreation for neighborhood or community use. These uses may also include publicly owned open space areas that may have recreational facilities and may be open for public use

“Parking Lots or Structures” means the storing of operative cars, buses, recreational vehicles and other motor vehicles. These uses include both day-use and long-term public and commercial garages, parking lots and structures, except when accessory to an on-site principal use. All principal uses are considered to include any customer or public use off-street accessory parking. These uses include sites where vehicles are stored for rental or leasing and do not include dismantling yards (classified in “recycling, scrap and dismantling yards”).

“Parking Signs” provide information about parking locations, and for what purposes a vehicle may park on-street or to designate specific curb uses as well as parking zones and garages. Parking Signs may include, but are not limited to: signs that notify visitors and residents of valet service areas for loading and drop-off access, as well as locations for rideshare services; building mounted signs which display clearance heights, garage identification, and connecting accessible routes within a garage; and signs for guiding drivers to various parking garage entries on the Modelo site.

“Personal Services, General” means uses providing recurrently needed services of a personal nature. This classification includes but is not limited to barber shops and beauty salons, seamstresses, tailors, dry cleaning agents (excluding large-scale bulk cleaning plants), shoe repair shops, self-service laundries, video rental stores, and travel agencies mainly intended for the consumer. This classification does not include gyms, exercise clubs, or studios offering performing arts, martial arts, physical exercise, or yoga training and similar types of instruction. These uses may also include accessory retail sales of products related to the services provided.

“Planning Commission” or “Commission” means an appointed body in the City of Commerce authorized to conduct public hearings and render decisions on development applications pursuant to the provisions set forth in Chapter 2.16 of the Municipal Code.

“Principal Use” means the primary or predominant use of any building or structure.

“Public Use” means a use conducted exclusively by a public agency for public health, safety, or general welfare purposes, such as public schools, parks, playgrounds, hospitals, and administrative

and service facilities.

“Projecting Sign” see “Blade Sign.”

“Pumpkin Sales Lot” means and includes any of the following: any real property or portion thereof where pumpkins and other Halloween or Thanksgiving paraphernalia are offered for sale. Halloween and Thanksgiving paraphernalia shall include but not be limited to pumpkins, hay, straw, cornstalks and Indian corn or any other item intended as decorations for use on or about the dates known as Halloween and Thanksgiving Day

“Restaurant, Limited Service and Take Out” means establishments where food and beverages may be consumed on the premises, taken out, or delivered. This classification includes but is not limited to cafes, cafeterias, coffee shops, delicatessens, fast-food restaurants, sandwich shops, limited-service pizza parlors, self-service restaurants, ice cream and frozen yogurt shops, and snack bars with indoor or outdoor seating for customers. This classification includes bakeries that have tables for on-site consumption of products. It excludes catering services that do not sell food or beverages for on-site consumption.

“Restaurant, Sit-Down” means an establishment where food and drink are prepared, served, and consumed primarily onsite.

“Retail Stores, General Merchandise” means stores selling new or used merchandise. Examples of Retail Stores, General Merchandise include, but not limited to:

- Antique stores;
- Art stores or galleries;
- Bicycle, sales and service;
- Book stores;
- Camera stores;
- Carpet and floor covering stores;
- China and glassware stores;
- Clothing and apparel stores;
- Department stores;
- Drapery stores;
- Drugstores;
- Florist and plant shops;
- Furniture stores;
- Gift shops;
- Hobby shops;
- Lighting stores;
- Mail order houses, retail and catalogue;
- Music stores;
- Pet shops;

Portrait studios;
Radio, television and similar electronic component stores;
Shoe stores;
Sporting goods store;
Stamp and coin shops;
Stationary stores;
Telephone and communication services;
Tobacco shops; and
Toy stores

“Seasonal, Special or Occasional Events” means events organized by the City and/or an operating company that have a limited duration, defined geographic footprint, and may or may not charge admission. Such events may include, but are not limited to, weekly farmers markets, “taste-of” food fairs, holiday craft fairs, music festivals and concerts, sports competitions, fashion shows, political rallies, and civic gatherings such as July 4 celebrations.

“Semi-Public Use” means a use owned or operated by a private nonprofit, religious, or charitable institution that provides educational, cultural, recreational, religious, or similar types of programs to the general public.

“School” means any public or private child care facility or educational institution for minors that offers instruction in those courses of study required by the California Education Code or that is maintained pursuant to standards set by the State Board of Education. Schools include schools with any of the grades kindergarten through twelfth grade, or any special educational institution for minors. School does not include College and Trade School, Cultural Arts Centers, or Instructional Services.

“Signs” Signs are defined as established in Chapter 19.25 (Signs) of the Municipal Code.

“Theater” means a building or part of a building devoted to showing films or videos, or for dramatic, musical, or live performances. For adult theater, see “Adult business or adult entertainment enterprise” definitions in the Municipal Code.

“Wayfinding and Directional Signs” are any type of sign that gives direction. Such signs guide residents and visitors with finding their destinations, and current locations without complicated mapping or descriptions. Wayfinding and Directional Signs may include, but are not limited to: ground signs oriented towards pedestrians with integrated urban site map used by businesses, offices and special events to display informative messages and locations; pole-mounted vehicular and pedestrian-oriented signs to direct public to businesses, offices and special event locations, and mounted to poles; banners affixed to light poles, intended to be installed and maintained for no more than six (6) months; and directional signs specific to bike paths and trails.

“Wholesale” means the sale of goods by bulk for resale purposes and not for direct consumption.

“Zoning Code” means the City of Commerce Municipal Code, Title 19.

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