

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE TO: 1) OVERTURN THE PLANNING COMMISSION'S DECISION TO DENY PLOT PLAN NO. 995, TENTATIVE TRACT MAP NO. 82890, 82891, 82892, AND INSTEAD APPROVE SAME AND GRANT APPLICANT'S APPEAL; 2) ACKNOWLEDGE AND APPROVE A NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION; AND 3) CONCURRENTLY CONDUCT A FIRST READING BY TITLE ONLY OF AN ORDINANCE TO APPROVE AND ADOPT A DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COMMERCE AND CITY VENTURES HOMEBUILDING, LLC FOR THE PROPERTIES LOCATED AT 5550 HARBOR STREET, 5625 JILLSON STREET AND 5555 JILLSON STREET

WHEREAS, Kim Prijatel, representing City Ventures, filed an application with the City for the construction of 133 single-family attached residential units on three parcels to be known as Rosewood Village. The Project will be built in three phases. The Project includes the following discretionary approvals as follows: 1) Plot Plan Review for a new Multi-Family Housing project, 2) Tentative Tract Map 82890 – creating one (1) lot for 37 residential units; 3) Tentative Tract Map 82891 – creating one (1) lot for 31 residential units; 4) Tentative Tract Map 82892 – creating one (1) lot for 65 residential units; 5) Demolition – demolition of all existing structures on the three sites, and 6) to acknowledge and recommend to the City Council for the approval of the Development Agreement – covering the details of the City's sell of the land known as Assessor's Parcel Numbers (APN) 6335-025- 902, 903, 905, and 906, to City Ventures for the development of 133 single-family attached dwelling units; and

WHEREAS, a Plot Plan review is required for the proposed housing development within the Housing Opportunity Overlay (HOO) zoning district; and

WHEREAS, Plot Plan No. 995, Tentative Tract Map No. 82890, 82891, and 82892 are for the properties located at 5550 Harbor Street, 5625 Jillson Street, and 5555 Jillson Street, Commerce, CA 90040; and

WHEREAS, staff provided notice of the public hearing for the Plot Plan review application in the Los Cerritos Community News on June 30, 2020, August 21, 2020 and September 18, 2020, and by mail to all property owners within 500 feet of the project site, and to public agencies and interested organizations; and

WHEREAS, the Planning Commission held a duly noticed public hearing on July 20, 2020 and following public testimony the Planning Commission shared concerns regarding the proposal's size, number of parking spaces and then continued the item to a future Planning Commission meeting in order for the applicant to address these concerns and also allow for a Community Meeting to discuss the proposal; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 31, 2020 that was continued from July 20, 2020 Planning Commission meeting to discuss updates from the July 20th hearing and where the Commission was updated on changes to the plans as a result of the Community Meeting which included, providing additional guest parking, as well as adding a condition to limit the number of guest parking spaces, and where ultimately the Planning Commission continued the item to a future Planning Commission meeting in order for the applicant to address parking and affordability; and

WHEREAS, the Planning Commission held a public hearing on September 28, 2020 that was continued from August 31, 2020 Planning Commission meeting to discuss updates from the previous two Planning Commission meetings, where the commission was informed that the applicant was willing and conditioned to provide for three affordable housing units; and

WHEREAS, on September 28, 2020 the Planning Commission, considered public testimony and voted to deny the Applicant's request for Plot Plan No. 995, Tentative Tract Map No. 82890, 82891, 82892 and voted against recommending approval of the Development Agreement to the City Council; and

WHEREAS, after considering the public testimony presented to the City Council at a duly noticed hearing on October 20, 2020, it was determined that justification exists to overturn the Planning Commission's Denial and approve the Applicant's request for Plot Plan No. 995, Tentative Tract Map No. 82890, 82891, 82892, vote to approve a Development Agreement, and acknowledge the CEQA determination to adopt a Mitigated Negative Declaration for the project.

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

SECTION 1: That based upon agenda and staff reports, presentations, public testimony, and all other oral and written matters presented during the duly noticed public hearing on October 20, 2020 on this item, the City Council hereby finds and declares that the foregoing recitals are true and correct and incorporates them herein as findings and as a substantive part of this Resolution.

SECTION 2: An Initial Environmental Study was prepared for the project in compliance with the California Environmental Quality Act (CEQA) and was made available for public review and comment from June 29 2020 through July 20, 2020. The analysis provided in the initial study indicates that the proposed project will not result in any unmitigable significant adverse impacts. The initial study determined that a mitigated negative declaration should be prepared for the subject project. Mitigation measures focus on the following areas: Aesthetics, Cultural Resources, Geology & Soils, Hazards & Hazardous Materials, Noise, Public Services, Transportation, Tribal Cultural Resources, and Wildfire. Please see the attached CEQA document for complete details on the analysis and subsequent mitigation measures prepared for the

project.

SECTION 3: The City Council finds that the facts of the case are as follows:

The following findings can be made, regarding the mandatory findings of significance set forth in Section 15065 of the CEQA Guidelines, based on the results of the environmental assessment:

1. The approval and subsequent implementation of the proposed project *will not* have the potential to degrade the quality of the environment.
2. The approval and subsequent implementation of the proposed project *will not* have the potential to achieve short-term goals to the disadvantage of long-term environmental goals.
3. The approval and subsequent implementation of the proposed project *will not* have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity.
4. The approval and subsequent implementation of the proposed project *will not* have environmental effects that will adversely affect humans, either directly or indirectly.

In addition to the above findings pursuant to Commerce Municipal Code Section 19.39.680, approval or disapproval of any Site Plan application shall be based upon the following factors and principles:

1. **Compliance with all applicable provisions of this Title 19.** *The proposed 133 single-family attached residential units, with mitigation measures, will comply with all applicable requirements of the Commerce Municipal Code. The proposed use is one that is permitted within the HOO (Housing Opportunity Overlay)/M-2 (Heavy Industrial) Zone, the purpose of which is to provide land suitable for residential uses. The requirements of the zone are intended to provide safeguards and to establish adequate buffer distances between uses that pose potentially adverse public health, safety, and welfare impacts.*
2. **Suitability of the site for the particular use or development intended.** *The site is located in the HOO/M-2 Zone, which allows for the residential units uses in the City. The site was previously developed with industrial use and the surrounding neighborhood is characterized by similar uses and also surround by residential uses and public facilities. The intent of the Housing Opportunity/Heavy Industrial zone is to concentrate in bringing more residential uses; while at the same time ensuring the availability of needed public services. The proposed residential units do not violate any provisions of the Commerce Municipal Code, including lot coverage, floor area and setbacks requirements.*

The project sites will accommodate all parking on-site therefore; the site is suitable for the proposed development.

3. **Physical layout of the total development, including the application of prescribed development standards.** *The project shall be so arranged to further the policies of the General Plan and zoning regulation including, but not limited to, avoiding traffic congestion, ensuring the protection of public health, safety, and general welfare, and preventing adverse effects on neighboring properties. The proposed project will further the policies in the Commerce General Plan. The site has a "Housing Opportunity Overlay" land use designation, which is intended to support the uses such as that being proposed. Adequate safeguards will be provided to ensure the protection of the public health, safety, and welfare.*
4. **Consistency with all elements of the General plan.** *General Plans are required to not only be consistent with a City's zoning ordinance, but they must also be internally consistent. Therefore, individual elements must be consistent with one another. If a project is consistent with one element of a General Plan, it should therefore be consistent with the rest of the document. The subject project includes consistency with following policies in the Housing Element of the General Plan:*
 - *Housing Policy 4.3 - The City of Commerce will encourage quality construction in new residential development and require all properties to be maintained to the greatest extent possible.*
 - *Housing Policy 4.5 - The City of Commerce will ensure that all new housing will have the same standards for design, construction, and maintenance found in housing that is more expensive.*

The abovementioned policies, along with other policies and elements identified in the General Plan will help contribute to an orderly pattern of development in the City, while helping to contribute new housing to the City.

5. **Suitability and functional development design; however, such approval shall be interpreted to require a particular style or type of architecture.** *The project was designed to meet the City's development standards, including those related to floor area and lot coverage. The project was also evaluated to ensure it met the City's site planning criteria and design guidelines. CEQA analysis of the project included a review of functionality measures of the proposal, including circulation and access. The project meets the intent and standards set forth in the Commerce Municipal Code; therefore, the proposed residential units are suitable for the project site and its surroundings.*

The California Subdivision Map Act requires that the Planning Commission make the following findings before approving the subdivision:

1. Government Code Section 66453.5

- a. **That the proposed subdivision, together with the provisions for its design and improvement, is consistent with the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of the Government Code.** *Tentative Tract Map 82890, Tentative Tract Map 82891, and Tentative Tract Map 82892 are consistent with all elements of the City's General Plan. The General Plan Land Use designation on the subject site is Housing Opportunity Overlay (HOO). The corresponding Zoning Designation for the sites is Housing Opportunity Overlay zone in conjunction with an underlying Heavy Industrial (M-2) zone, as stated in the Commerce Municipal Code Chapter 19.47.020.*

2. Government Code Section 66474

- a. **That the site is physically suitable for the proposed density of development.** *The subject sites are physically suitable to accommodate the density proposed by the applicant. The project sites located in the City of Commerce are approximately 1.98 acres, 1.33 acres, and 2.43 acres.*
- b. **The subdivision or proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish wildlife or their habitat.** *The design of the proposed project will not cause substantial environmental damage or substantially and avoidably injure fish, wildlife, or their habitat. The Project sites are developed with buildings and parking areas and are located in an urbanized setting. As such, the site does not support habitat for any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations. No natural, undeveloped open space areas are located within proximity of the Project sites. In addition, the Project sites are not located in a habitat conservation plan or designated by the County of Los Angeles as a Significant Ecological Areas (SEAs). As a result, no impacts to habitat conservation plans or natural community conservation plans will occur with the development of the Project sites.*
- c. **That the subdivision or type of improvement will not cause serious public health problems.** *The design of the subdivision or type of improvements will not likely cause serious public health problems because the project involves new development of 133 residential units, which there*

are existing residential within the immediate vicinity of the subject sites. The proposed project will not jeopardize, adversely affect, endanger, or otherwise constitute a menace to the public health, safety, and welfare of the project. The proposed project conforms to all development standards specified in the Commerce Municipal Code.

- d. **That the proposed subdivision and improvements will not conflict with easements for access through or the use of the property within the proposed subdivision.** *The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. There will be improvements of the public street to serve the subject site. Furthermore, the City notified utility companies that service the area. Responses received from these agencies did not indicate any location of easements on the proposed site.*

3. Government Code Section 66474.6

- a. **That the discharge of waste from the proposed subdivision into the existing community sewer system will not violate existing requirements of the water code.** *The design of the subdivision or type of improvements will not violate any existing requirements of the water code. The discharge of waste from the sites will have to be approved by the Sanitation District who will ensure that no existing requirements of the water code are violated.*

Section 4. The City Council does hereby grant the Applicant's appeal, overturn the Planning Commission's decision to deny, and instead conditionally approve Plot Plan No. 995, Tentative Tract Map No. 82890, 82891 and 82892, subject to the following conditions:

1. A Site Plan Review approval that is valid and in effect and granted pursuant to the provisions of Title 19 of the Commerce Municipal Code shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.
2. All conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, and use and maintenance of all land and structures within the development.
3. This permit and all rights hereunder shall terminate within twelve months of the effective date of the permit unless operations are commenced or a written time extension is granted, based on a written request submitted prior to the expiration

of the one-year period as provided in Section 19.39.720 of the Commerce Municipal Code.

4. The abandonment or non-use of this approval for a period of one year shall terminate the approval without further action of the Planning Commission or City Council, and any privileges granted thereunder shall become null and void.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the use and development of said property as set forth by this permit together with all conditions, which are a part thereof.
6. All parking areas shall be clearly identified. The surface parking area must be striped to clearly indicate the location and extent of vehicle parking, maneuvering areas, and drive aisles.
7. All loading must occur on-site. All vehicle maneuvering shall occur on-site as well.
8. During construction, all roadways shall be kept open to traffic.
9. Equipment used for construction activities shall be properly tuned to reduce exhaust emissions.
10. Construction activities shall be stopped during first and second stage smog alerts.
11. During construction, trucks and equipment that are not in use shall shut off their engines instead of idling.
12. Construction equipment shall be kept in proper tune and mufflers shall be used on all construction equipment to reduce equipment noise.
13. Roads adjacent to the project site shall be swept as needed to reduce fugitive dust from the proposed project site.
14. All grading operations will be suspended when wind speeds (as instantaneous gusts) exceed 35 miles per hour.
15. Construction activities shall be permitted between the hours of 7:00 a.m. to 7:00 p.m. Once operational, the proposed project must conform to the City's Noise Ordinance.
16. Storage of building materials related to construction activities shall be contained within the project site.

17. The project site shall be cleared of all debris prior to the issuance of a building department final inspection.
18. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
19. Contractors and subcontractors engaged in the construction activities of the project shall obtain a business license and all required permits from the City of Commerce.
20. The contractor under the observation of the soil engineer shall conduct all clearing, site preparation, or earthwork performed on the project.
21. The soils engineer shall provide inspection for site clearing and grading in order to certify that the grading was done in accordance with approved plans and grading specifications.
22. Soils binders shall be utilized on construction sites for unpaved roads and/or parking areas.
23. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.
24. Where feasible, the applicant shall use recycled materials during construction and recycle construction waste. A report shall be provided to the City of Commerce.
25. Ultra-low flow water fixtures must be installed to reduce the volume of sewage to the system.
26. The project applicant shall install energy-efficient electrical appliances and equipment in accordance with the State of California's Energy Efficiency Standards (Title 24).
27. Prior to the issuance of any occupancy permits, three (3) sets of landscaping and irrigation plans shall be prepared by a landscape architect and submitted to the City for review and approval. All designated landscaping areas shall be fully planted prior to the issuance of building permit final inspection and maintained at all times.
28. Site development shall conform to the site plan reviewed by the Planning Commission when approval of the subject project was granted.
29. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.

30. The Economic Development and Planning Director or her designee shall have the authority to initiate proceedings to suspend or revoke a Site Plan Review approval pursuant to provisions set forth in Sections 19.39.240 through 19.39.250, inclusive, of the Commerce Municipal Code, Chapter 19.39.
31. The applicant and the contractors involved in demolition and/or construction activities must comply with all pertinent South Coast Air Quality Management District (SCAQMD) regulations and requirements governing Particulate Matter (PM₁₀) generation (Rule 401, 403, etc.). PM₁₀ pollution consists of very small liquid and solid particles floating in the air. These particles are less than 10 microns in diameter – about 1/7th the thickness of the human – and are known as PM₁₀.
32. The applicant shall work with staff on the final design, layout, and treatment of the proposed warehouse building, and landscape plan to insure compliance with all provisions of the Commerce Municipal Code. The final design of the structure shall be subject to the review and approval of the City's Economic Development Subcommittee and Director of Economic Development and Planning or her designee.
33. The project shall comply with the Section 19.19.220 of the CMC (General Development Standards and Design Guidelines) as well as all other applicable sections of the CMC.
34. The applicant and future tenants will be required to obtain all pertinent operating permits from the SCAQMD for any equipment requiring such permits.
35. The proposed project shall conform to Fire, Building, and Public Works Code requirements. Notwithstanding this review, all required permits from the County Department of Building and Safety must be secured.
36. The Applicant or General Contractor shall keep the construction area sufficiently damped to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
37. All materials transported off-site shall either be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage.
38. The Applicant shall ensure that the contractors adhere to all pertinent SCAQMD protocols regarding grading, site preparation, and construction activities.
39. The Applicant shall ensure that the grading and building contractors must adhere to all pertinent provisions of Rule 403 pertaining to the generation of fugitive dust during grading and/or the use of equipment on unpaved surfaces. The contractors will be responsible for being familiar with, and implementing any pertinent best available control measures.

40. During construction, disposal of refuse and other materials should occur in a specified and controlled temporary area on-site physically separated from potential storm water runoff, with ultimate disposal in accordance with local, State and Federal requirements.
41. Sediment from areas disturbed by construction shall be retained on-site using structural controls to the maximum extent practicable.
42. The project shall comply with the City's Low Impact Development Standards and Green Street Policy.
43. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.
44. The CC & R (Covenants, Conditions & Restriction) shall state that all new owners of the homes shall be limited to two vehicles and shall be parked within their designated garage.
45. The applicant shall work with the City to study, and if appropriate, dedicate a portion of the project to affordable housing. To the maximum extent feasible, the number of units and affordability range shall be determined at a later time.
46. The Applicant is required to install artwork or pay an in-lieu fee subject to the City's Art in Public Places Ordinance. The cost of the artwork or in-lieu fee shall be equal to 1% of the projects valuation.
47. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.
48. The Director of Economic Development and Planning or her designee is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
49. The Applicant shall sign, notarize, and return to the Economic Development and Planning Department an affidavit accepting all Conditions of Approval within 10 days from the date of the approval, unless appealed. The Applicant acknowledges and understands that all conditions set forth in this Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render this Condition Use Permit non-binding as against the City and shall confer Applicant no legal rights under the law.
50. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or

proceeding brought against the city, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the applicant, the city, and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the applicant's obligation to indemnify the city for all the city's costs, fees, and damages that the city incurs in enforcing the indemnification provisions set forth herein. The city shall have the right to choose its own legal counsel to represent the city's interest in the proceedings.

DEPARTMENT OF BUILDING DIVISION CONDITIONS:

The following work items are to be designed, installed, and completed at the sole expense of the applicant/developer/property owner.

GENERAL REQUIREMENT FEES

1. Prior to issuance of grading, building or other permits as appropriate, the applicant shall pay all necessary and nominal fees to the City.
2. Sewer fee will be required in addition to the fees paid to the Sanitation Districts of Los Angeles County, and shall be paid prior to building permit issuance.
3. Water service connection fees will be required and paid to California Water Service (Cal Water).
4. Separate public encroachment permit and Public Works inspection fees payment are required for all work in the public rights-of-way in the City.

BUILDING DIVISION CONDITIONS AND CODE REQUIREMENTS

The following conditions or code requirements of the Building Division shall be provided:

1. The second sheet of building plans is to list all City of Commerce conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check. Conditions are required from the following departments: Planning, Building, Fire, Public Works and Utility Department.
2. School Developmental Fees shall be paid to the Commerce School District prior to the issuance of the building permit.
3. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.

4. An application to assign unit numbers shall be filed with Building Division prior to plan check submittal.
5. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
6. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
7. When a tract or parcel map is required to be recorded as part of the development, the building permit will not be issued until the property has been surveyed and the boundaries marked by a land surveyor licensed by the State of California.
8. City records indicate the proposed site involves a change of parcel boundary between ownerships. A lot line adjustment by document shall be processed prior to issuance of the building permit.
9. City records indicate the proposed site is a combination of lots under common ownership. A parcel merger by document shall be processed prior to issuance of the building permit.
10. Building permits shall not be issued until the final map has been prepared to the satisfaction of the Building Official.
11. Foundation inspection will not be made until setback on each side of each proposed building along the property line has been surveyed and the location of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
12. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a) Observation of cleared areas and benches prepared to receive fill;
 - b) Observation of the removal of all unsuitable soils and other materials;
 - c) The approval of soils to be used as fill material;
 - d) Inspection of compaction and placement of fill;
 - e) The testing of compacted fills; and
 - f) The inspection of review of drainage devices.

13. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
14. Prior to permit issuance the pdf copy of the soils report shall be provided by the applicant
15. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
16. Grading security shall be posted with the City Building Division prior to issuance of the grading permit whenever the cut or fill yardage exceeds 1,000 cubic yards.
17. A Stormwater Pollution Prevention Program ("SWPPP") is required to be submitted. The SWPPP shall contain details of best management practices, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to control construction-related pollutants which originate from the site as a result of construction related activities. No grading permit will be issued until the SWPPP has been submitted to and accepted by the building official.
18. For sites where the disturbed area is one acre or more, applicants must file a Notice of Intent (NOI) and a State SWPPP and obtain a Waste Discharge Identification number (WDID No.). Both the NOI and the WDID No. must be stated on the first sheet of the plans.
19. A (re)development project, where a proposed building in a separate parcel alone meets the definition of "Planning Priority Projects", is required to comply with the requirements in the Low Impact Development (LID) Standards. A maintenance covenant of the required LID features for each parcel shall be prepared and recorded at County Recorder's office.
20. A Multi-Phased Project, where multiple buildings are located within one parcel and to be developed over more than one phase, is subject to the requirements of the Low Impact Development (LID) Standards. If the stormwater mitigation system is designed such that LID standards and requirements are satisfied for multiple buildings, a maintenance covenant of the required LID features for all buildings in the subject parcel shall be prepared by the owner(s) and recorded at County Recorder's office.

21. When, as determined by the City, 100 percent onsite retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
 - a. The infiltration rate of saturated in-situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bio retention BMPs in retaining the SWQDv onsite.
 - b. Locations where seasonal high groundwater is within five to ten feet of surface grade;
 - c. Locations within 100 feet of a groundwater well used for drinking water;
 - d. Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - e. Locations with potential geotechnical hazards;
 - f. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.
 - g. Additional alternative compliance options such as offsite infiltration may be available to the project site. The project site should contact the City to determine eligibility. Alternative compliance options are further specified in County of Los Angeles LID Standards Manual 2009 or as may later be amended.
22. If partial or complete onsite retention is technically infeasible, the project Site may bio filtrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Bio filtration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.
23. The remaining SWQDv that cannot be retained or bio-filtered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required per the Municipal NPDES Permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:
 - h. 0.2 inches per hour, or
 - i. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
24. City of Commerce Storm Water Program Planning Priority Project Checklist completed by Engineer of Record and approved by Environmental Division shall be copied on the first sheet of Building Plans and on the first sheet of Grading Plans.
25. Electrical plan check is required.

26. Mechanical plan check is required.
27. Plumbing plan check is required.
28. No form work or other construction materials will be permitted to encroach into adjacent property without written approval of the affected property owner.
29. South Coast Air Quality Management District must be contacted prior to any demolition or renovation. Call (909) 396-2000 for further information. Failure to comply with the provisions of Rule 1403 may result in a penalty of up to \$25,000 per day.
30. Demolition permit is required for any existing buildings, which are to be demolished.
31. The governing codes shall be determined individually for each building at the time of plan check submittal and shall apply throughout the duration of each phase until completion.
32. Separate plans, applications, and fees are required for each building or development phase prior to plan review of electrical, plumbing, mechanical, or grading plans.
33. Rules and regulations for expiring plan check and permit applications for each building shall be enforced separately by the governing codes as determined at the time of plan check submittal.
34. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).
35. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
36. Separate permit is required for Fire Sprinklers
37. Townhouse building construction shall comply with the governing Los Angeles County Residential Code.
38. Construction, projections, openings and penetrations of exterior walls of each townhouse building, a cluster consists of 2 or more dwelling units, equipped throughout with an automatic sprinkler system installed in accordance with Section R313 shall comply with Table R302.1(2).

39. Each townhouse shall be considered a separate building and shall be separated by fire-resistance rated wall assemblies meeting the requirements of Section R302.1 for exterior walls per Section R302.2.
40. The garage shall be separated from each dwelling unit as required by Table R302.6. Openings in garage walls shall comply with Section R302.5.
41. All State of California disability access regulations for accessibility and adaptability shall be complied with.
42. Dwelling units in a building consisting of three or more dwelling units or four or more condominium units shall meet the requirements of the California Building Code Chapter 11A. Covered Multifamily Dwellings include but are not limited to dwelling units listed in Section 1.8.2.1.2. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.
43. At least 10 percent but not less than one of the multistory condominium dwellings in buildings, which contain Covered Multifamily Dwellings, with no elevator shall comply with the requirements listed in Section 1102A.3.1.
44. Private garages accessory to covered multifamily dwelling units, shall be accessible per Section 1109A.2.1.
45. When parking is provided for covered multifamily dwellings and is not assigned to a resident or a group of residents at least 5 percent of the parking spaces shall be accessible and provide access to grade-level entrances of covered multifamily dwellings and facilities (e.g., swimming pools, club houses, recreation areas, and laundry rooms) that serve covered multifamily dwellings per Section 1109A.5.
46. Each dwelling unit shall comply with the CalGreen Residential mandatory requirements.
47. Single-family residences located in subdivisions with ten or more single-family residences and where the application for a tentative subdivision map for the residences has been deemed complete by the City of Commerce shall comply with the solar ready buildings requirements per Section 110.10 (a) of the California Energy Code.
48. Separate drainage easement(s) shall be provided for any subject parcel whose finish surfaces are graded to drain through adjacent parcel(s) or whose underground drainage structures are connected to similar devices located at adjacent parcel(s) for the purpose of achieving Multi-Phased Project LID design. Drainage easements shall be for the full width of the property.

49. Fire-resistance rating requirements for exterior walls and maximum area of exterior wall openings and degree of open protection based on fire separation distance 0 feet to 3 feet, dwellings and accessory buildings with automatic residential fire sprinkler protection shall comply with Table R302.1(2).

PUBLIC WORKS CONDITIONS / REQUIREMENTS

Separate plans for improvements within the public right-of-way are required. The following are required for the off-site improvements:

1. Applicant shall construct sidewalk/curb bulb-outs on Jillson within the frontage of their development per City's direction. This was discussed as a potential off-site improvements measure with the developer's staff at the beginning of the project.
2. Since details of the Bike Master Plan for Harbor are not known at this time, the proposed curb bulb out on Harbor are no longer required. However, instead of the curb bulb out in front of the proposed development, an in lieu fee will be collected by the City. The applicant shall provide the City with an engineer's cost estimate including 25% for contingencies (design inspection, material testing, etc.) for our review. The proposed bulb out and/or any required improvements in the area will be implemented after completion and adoption of the Bike Master Plan, Traffic study, etc. in the future.
3. The applicant shall work in good faith with the City to address all utilities, which may include but not be limited to relocation and undergrounding.
4. Applicant shall pay in-lieu fee for the street rehabilitation of half of the street width within the frontage of their property along Jillson and Harbor. The in lieu fees shall be calculated during plan review.
5. Applicant shall provide ADA compliant sidewalk and ramps as necessary along the sidewalks adjacent to the development within the frontage of their property along Jillson and Harbor.
6. Applicant shall provide ADA compliant sidewalk and ramps as necessary along the sidewalks adjacent to the development within the frontage of their property along Jillson and Harbor.
7. Applicant shall repair all damaged, broken, non-compliant, non-standard, curb, gutter, sidewalk and ramps as necessary along the sidewalks adjacent to the development within the frontage of their property along Jillson and Harbor.
8. Applicant shall be required to execute and record a Landscape and Maintenance Agreement for Landscape and Irrigation proposed to be installed in the five foot (5'-0") public right-of-way adjacent to the subject development to be used a

landscape puffer for the residential development. The applicant must complete this process prior to the issuance of a grading permit. The developer shall accept the maintenance in the public right-of-way in perpetuity, at their own expense.

9. Sewer Study shall be reviewed and approved by the City Engineer or his/her designee, prior to the issuance of permits. If sewer is found to be inadequate, sewer improvement plans shall be submitted to the City for approval and required improvements shall be made at the sole cost to the property owner/developer.
10. Project shall be reviewed and approved by the City Traffic Engineer, prior to the issuance of permits. Any mitigation measures shown on the traffic study if any shall be made at the sole cost to the property owner/developer.

The following are general requirements for off-site improvements:

- A. Any existing improvements in the public right of way that is damaged, made off-grade during construction, including but not limited to the following: traffic signals, light standards, aprons, sidewalk, curb ramps, curb, and/or gutter, shall be removed and replaced with the appropriated SPPWC Standard or as directed by the Public Works & Development Services Department.
- B. All site drainage shall be collected and deposited in the adjacent gutter, alley, storm drain or similar structure or device, and if necessary, filtered per NPDES regulations. Site storm and/or nuisance water shall not flow across the city sidewalk.
- C. All new and existing, non-complying driveway aprons shall be constructed in accordance with SPPWC standards and shall provide a minimum 4 feet wide path of travel at no more than 2% cross-slope at the top of apron. Where limited parkway width occurs, the sidewalk shall be depressed at the back of apron to provide a disable access complying path of travel across the driveway apron. Top of driveway apron X shall be 5 feet minimum from any trees, power poles, traffic signal controllers, electric services, or similar improvements in the public right-of-way.
- D. All existing driveways aprons to be closed shall be removed and replaced with new curb, gutter, and sidewalk constructed in accordance with SPPWC standards.

- E. All damaged or off-grade curb, gutter, and sidewalk shall be removed and replaced in accordance with SPPWC standards.
- F. All necessary permits, including encroachment permits, utility connection permits, etc., shall be first secured from the City of Commerce, and any other responsible or underlying agency, before any work can commence within the public right of way.
- G. All work in the public right-of-way shall be done in accordance with established City standards or as directed by the Director of Public Works and/or the City Engineer.

TENTATIVE TRACT MAP REQUIREMENTS

Following information is provided for applicant's convenience. Project shall comply with all applicable requirements for Tract Maps.

1. A final tract map prepared by or under the direction of a registered civil engineer or licensed land surveyor shall be submitted to and approved by the City prior to being filed with the Los Angeles County Recorder.
2. A soils report is required.
3. A preliminary tract map guarantee shall be provided which indicates all trust deeds (to include the name of the trustee), all easement holders, all fee interest holders, and all interest holders whose interest could result in a fee. The account for this title report shall remain open until the final tract map is filed with the Los Angeles County Recorder.
4. Easements shall not be granted or recorded within any area proposed to be dedicated, offered for dedication, or granted for use as a public street, alley, highway, right of access, building restriction, or other easements until after the final tract map is approved by the City and filed with the Los Angeles County Recorder; unless such easement is subordinated to the proposed dedication or grant. If easements are granted after the date of tentative approval, subordination shall be executed by the easement holder prior to the filing of the final tract map.
5. Monumentation of tract map boundaries, street centerlines, and lot boundaries is required if the map is based on a field survey.
6. All conditions from City Departments and Divisions shall be incorporated into the tract map prior to submitting the tract map for review.

7. In accordance with California Government Code Sections 66442 and/or 66450, documentation shall be provided indicating the mathematical accuracy and survey analysis of the tract map and the correctness of all certificates. Proof of ownership and proof of original signatures shall also be provided.
8. Proof of Tax clearance shall be provided at the time of tract map review submittal.
9. Upon submittal of the parcel map for review by the City, a letter signed by both the subdivider and the engineer shall be provided which indicates that these individuals agree to submit one (1) blueprints and one sepia mylar and pdf copy on a CD of the recorded map to the City Public Works Department.
10. A reciprocal easement for ingress and egress, sanitary sewer, utility, drainage, water shall be provided for each property that does not front on or have direct access to the public way. Services to each property shall be underground and shall be located in a trench within this easement.
11. Existing structures shall be demolished prior the approval of the map.

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

PASSED, APPROVED AND ADOPTED this 20th day of October 2020.

Ivan Altamirano
Mayor

ATTEST:

Lena Shumway
City Clerk