

includes a budget of 200 hours for Custom Reports, pending completion of Phase 1. The Licensee agrees to validate reports and any subsequent revisions within 14 days of the report or revision being made available. Licensee is responsible for all validation, unless otherwise specified in the Custom Report price.

Exhibit F: Fee Schedule

Exhibit F is included under separate cover with the Fee Proposal, as required by the Request For Proposals.



AGENDA REPORT

DATE: April 3, 2012

TO: HONORABLE CITY COUNCIL

FROM: JORGE RIFA, CITY ADMINISTRATOR

SUBJECT: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING A WATER RIGHT LEASE AND AGREEMENT WITH THE CITY OF WHITTIER

RECOMMENDATION:

Approve the Resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND/ANALYSIS:

The City of Commerce (the "City") possesses 5,081 acre-feet of pumping rights pursuant to the City's allowed pumping allocation allocated pursuant to Judgment dated October 11, 1965, and entered in Los Angeles Superior Court Case No. 786,656 entitled "Central and West Basin Water Replenishment District vs. Charles E. Adams, et al." The City has an annual allocation of 5,081 acre-feet plus its carry over from the previous year of 1,016.2 acre-feet for a total of 6,097.2 acre-feet of water pumping rights. The City only pumped 2,029.61 acre-feet of water in Water Year 2010-2011, leaving it with an unused balance of 4,067.59 acre-feet of water. The maximum carry over amount of water is 1,016.2 acre-feet.

The City of Whittier has offered to lease 3,000 acre-feet of annual pumping rights from the City in Water Year 2012-2013. City staff has determined based on offers by the City of Whittier, City of Norwalk and City of Paramount that the fair market value for such lease rights is between \$105 and \$120 per acre-foot in the current water year. The City staff has negotiated an agreement with the City of Whittier for \$115 per acre-foot for pumping rights and recommends that the City Council approve the Lease Agreement with the City of Whittier.

FISCAL IMPACT:

The City of Commerce will generate Three Hundred and Forty Five Thousand Dollars \$345,000 (3,000 AF x \$115) for FY 2012-13, as a result of the water rights lease with the City of Whittier.


Fiscal Impact Reviewed by:


Vilko Domic
Finance Director

Respectfully submitted,


Jorge Rifa,
City Administrator

Approved As To Form:


Eddie Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING A WATER RIGHT LEASE AND AGREEMENT WITH THE CITY OF WHITTIER FOR FY 2012-2013

WHEREAS, the City of Commerce (the "City") possesses 5,081 acre-feet of pumping rights pursuant to the judgment entered in *Central Basin Municipal Water District v. Adams*; and

WHEREAS, the City has an annual allocation of 5,081 acre-feet plus its carry over from the previous year of 1,016.2 acre-feet for a total of 6,097.2 acre-feet of water pumping rights; and

WHEREAS, the City only pumped 2,029.61 acre-feet of water in Water Year 2010-2011, leaving it with an unused balance of 4,067.59 acre-feet of water; and

WHEREAS, the City of Whittier has offered to lease 3,000 acre-feet of annual pumping rights from the City in Water Year 2012-2013; and

WHEREAS, City staff has determined that the current fair market value is of such lease is between \$105 and \$120 per acre-foot for pumping rights in the current Water Year; and

WHEREAS, City staff has negotiated an Agreement with the City of Whittier for the lease in the amount of \$115 per acre-foot.

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

Section 1. The City Council hereby approves the Water Right Lease and Agreement with the City of Whittier. The Mayor is hereby authorized to execute the Agreement for and on behalf of the City of Commerce.

Section 2. The City Administrator is hereby authorized to execute any additional documents necessary to implement the Agreement.

PASSED, APPROVED AND ADOPTED this _____ of _____, 2012.

Lilia Leon
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk



City of Whittier

13230 Penn Street, Whittier, California 90602-1772
(562) 567-9545

March 6, 1012

Mr. Jorge Rifa
City Administrator
City of Commerce
2535 Commerce Way
Commerce CA 90040

Subject: Water Production Rights Lease

Dear Mr. Rifa:

This letter constitutes an offer and agreement by the City of Whittier to license from the City of Commerce 3,000 acre feet of allowed pumping allocation in the Central Basin in both water year 2012-2013 and water year 2013-2014.

The amount of consideration is to be \$105 per acre foot of allowed pumping allocation each year transferred by Watermaster at the time of execution.

Upon approval of this lease by Watermaster, two equal payments of \$315,000 will each be made by July 1, 2012 and July 1, 2013.

I have included a copy of this letter, please sign and return it letter as your agreement to this transaction. I have also included two annual leases acceptable to Watermaster. One of the leases is for water year 2012-2013 and on is for the water year 2013-2014. Please sign and return both leases so that I can forward them to Watermaster

Sincerely,

Daniel Wall, P.E.
Assistant Director of Public Works

ACCEPTED BY:

City of Commerce

Date

WATER RIGHT LEASE AND AGREEMENT

For a valuable consideration, the CITY OF COMMERCE ("Licensor") hereby grants to the CITY OF WHITTIER (Licensee); a license to extract 3,000 acre-feet of Licensor's Allowed Pumping Allocation allocated to Licensor (or predecessors in interest) under and pursuant to Judgment dated October 11, 1965, and entered in Los Angeles Superior Court Case No. 786,656 entitled "Central and West Basin Water Replenishment District vs. Charles E. Adams, et al." during the period commencing July 1, 2012 and continuing to and including June 30, 2013.

Said license is granted subject to the following conditions:

- (1) Licensee shall exercise said right and extract the same on behalf of Licensor during the period above specified and put the same to beneficial use and Licensee shall not by the exercise hereunder of said right acquire any right to extract water independent of the rights of Licensor.
- (2) Licensee shall pay assessments levied on the pumping of said ground water by the Water Replenishment District of Southern California.
- (3) Licensee shall notify the District and the Watermaster that said pumping was done pursuant to this license and provide the Watermaster with a copy of this document.
- (4) Licensee shall note, in any recording of water production for the period of agreement that said pumping was done pursuant to this license.
- (5) Licensee's Allowed Pumping Allocation shall be increased by the amount hereby leased when computing carryover or allowable over extraction as provided by Part III, Subpart A and B in said Judgment.

The CITY OF COMMERCE warrants that it has 3,000 acre-feet of Allowed Pumping Allocation and that it has not pumped and will not pump or permit license of any other person to pump any part of said 3,000 acre-feet during the period of July 1, 2012 through June 30, 2013.

Dated: _____

Dated: _____

CITY OF COMMERCE

CITY OF WHITTIER

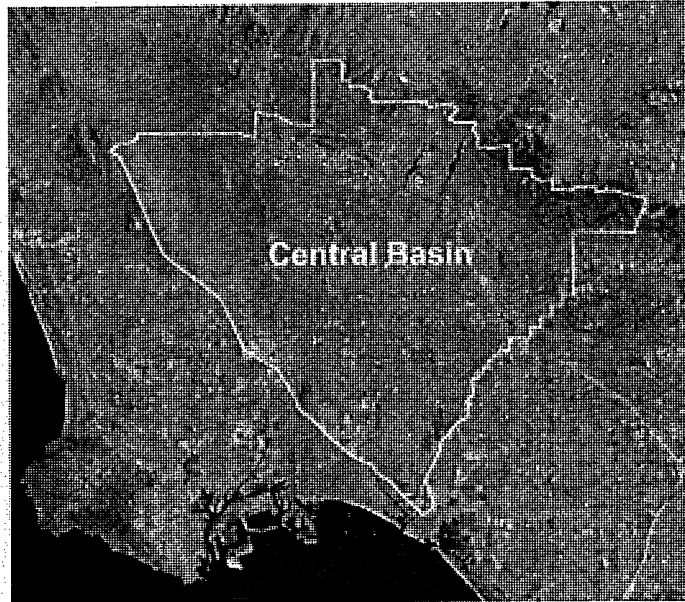
By _____

By _____

Title _____

Title _____

STATE OF CALIFORNIA
CALIFORNIA NATURAL RESOURCES AGENCY
DEPARTMENT OF WATER RESOURCES
SOUTHERN REGION



WATERMASTER SERVICE
in the
CENTRAL BASIN
Los Angeles County

July 1, 2010 - June 30, 2011



October 2011

Edmund G. Brown Jr.
Governor
State of California

John Laird
Secretary for Natural Resources
California Natural Resources Agency

Mark W. Cowin
Director
Department of Water Resources

Table 1 – Water Rights Accounting (acre-feet)

Pumper ID	Party	Sales ¹ 2010-2011	Allowed Pumping Allocation 2010-2011	Carryover from 2009-2010	Leases ¹		Allowable Extraction ²	Amount Pumped	In Lieu	Balance ³	Allowable Carryover into 2011-2012		
					With Flex	Without Flex					Drought	Normal	Total
0020	A B C Unified School District		298.00	59.60	-200.00		157.60	27.55		130.05		20.00	20.00
0107	American Textile Maintenance Company		65.00	20.00			85.00	0.00		85.00		20.00	20.00
0125	Angeles Abbey Memorial Park, Inc		4.00	8.00			12.00	0.00		12.00		12.00	12.00
0127	Aqua Capital Management LP	69.00	3,660.00	201.41	-3,814.20		47.21	0.00		47.21	47.21	0.00	47.21 ⁴
0120	Arco Metals Co, American Brass		0.00	34.46			34.46	0.00		34.46	24.46	10.00	34.46
0150	Artesia Cemetery District		12.00	20.00	-12.00		20.00	0.00		20.00	20.00	20.00	20.00
0160	Artesia, City of		24.00	3.27			27.27	26.56		0.71		0.71	0.71
0180	Arzouman, Charles and Neuart		1.00	20.00			21.00	0.00		21.00		20.00	20.00
0182	Ashland Chemical Co		0.00	0.00			0.00	0.00		0.00		0.00	0.00 ⁵
0210	Atkinson Brick Co		9.00	20.75			29.75	0.00		29.75	0.75	20.00	20.75
0220	Atlantic Richfield Co		54.00	20.00			74.00	0.00		74.00		20.00	20.00
0229	Automobile Club of Southern California		6.00	12.00			18.00	0.00		18.00		18.00	18.00
0265	Baker Commodities, Inc		60.00	20.00	-60.00		20.00	0.00		20.00		20.00	20.00
0387	Bell Gardens, City of		1,914.00	222.80	-700.00		1,436.80	916.93		519.87		242.80	242.80
0410	Bellflower, City of	12.00	1,380.00	283.60			1,663.60	217.92		1,445.68		276.00	276.00 ⁶
0420	Bellflower Home Garden Water Co		306.00	61.20	-367.00		0.20	0.00		0.20		0.20	0.20
0430	Bellflower Unified School District		89.00	0.00	-89.00		0.00	0.00		0.00		0.00	0.00
0445	Bellflower-Somersett Mutual Water Co		4,312.88	867.42	206.00		5,386.30	4,525.49		860.81		860.81	860.81
0642	Boy Scouts of America, Long Beach Area		1.00	1.00			2.00	7.61		-5.61		-5.61	-5.61
0657	Buell, Mary Dolores		1.00	10.71	-11.71		0.00	0.00		0.00		0.00	0.00
0679	California-American Water Co		2,067.00	248.15	900.00		3,215.15	2,749.96		465.19		465.19	465.19
0681	California Domestic Water Company		87.00	20.00			107.00	0.00		107.00		20.00	20.00
0686	California, State of		50.00	-21,318.01			-21,268.01	610.01		-21,878.02		-21,878.02	-21,878.02
0740	California Water Service Co		11,774.00	2,993.42	-4,550.00		10,217.42	5,734.86		4,482.56		1,444.80	1,444.80
0742	California Water Service Co (Dominguez)		6,480.00	-131.11	-2,525.00		3,548.89	2,886.34		662.55		662.55	662.55
0795	Central Basin Municipal Water District		50.65	20.00	-70.00		0.65	0.00		0.65		0.65	0.65
0826	Cerritos, City of		4,680.03	2,226.45	3,894.18		600.00	8,647.60		2,753.06		1,714.84	1,714.84
0830	Cerritos Community College District		147.00	29.40	-147.00		29.40	0.00		29.40		29.40	29.40
0855	Chang, H-Hsin and Associates		1.00	22.80			23.80	0.00		23.80	3.84	19.96	23.80
0885	Chevron U S A, Inc		94.00	20.00			114.00	0.00		114.00		20.00	20.00
0964	CMFC Transition Corporation	-1.00	0.00	0.00			0.00	0.00		0.00		0.00	0.00 ⁷
0970	Coast Packing Co		530.00	21.00	-425.00		126.00	70.79		55.21		21.00	21.00
1017	Commerce, City of		5,081.00	1,016.20			6,097.20	2,029.61		4,067.59		1,016.20	1,016.20
1020	Compton, City of		5,780.00	534.30	1,200.00		7,514.30	6,059.98		1,454.32		1,156.00	1,156.00
1030	Compton Unified School District		38.00	20.00			58.00	0.00		58.00		20.00	20.00
1165	Grandell, F J		1.00	20.75			21.75	0.00		21.75	0.75	20.00	20.75
1236	Darling-DeLaware Co, Inc		117.00	23.40			140.40	28.75		111.65		23.40	23.40
1385	Dolan, J E & Dolan, P A & Dolan, T P		2.00	8.00	-8.00		2.00	0.00		2.00		2.00	2.00
1450	Downey, City of		16,553.62	3,410.72			19,964.34	15,743.56		4,220.78		3310.72	3,310.72
1550	El Rancho Unified School District		55.00	20.00			75.00	24.51		50.49		20.00	20.00



AGENDA REPORT

Meeting Date: 04/03/2012

TO: Honorable City Council

FROM: City Administrator

SUBJECT: A Resolution of the City Council of the City of Commerce, California, Amending Resolution No. 94-35, Adopting a Standard State Conflict of Interest Code for the City of Commerce, and Resolution No. 02-8 and Superseding Resolution No. 08-9 Relating to Designated Employees

RECOMMENDATION:

Approve and adopt the Resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

BACKGROUND:

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes.

Resolution No. 94-35, adopted on September 6, 1994, adopts the terms of 2 Cal. Code of Regs. Section 18730, and any amendments thereto duly adopted by the California Fair Political Practices Commission, as the City's Conflict of Interest Code.

ANALYSIS:

From time-to-time, the List of Designated Employees, in which members and employees of the City are designated and disclosure categories are set forth, is reviewed to determine if updates are necessary. In 2002, the List of Designated Positions and Master List of Disclosure Categories were updated, as Appendices "A" and "B", respectively, to Resolution No. 02-8. Appendix "A" was again updated in 2008 with the adoption of Resolution No. 08-9.

Since 2008, the City has undergone some organizational and staffing changes that are not reflected on the List of Designated Positions. Most importantly, the position of Deputy City Administrator was created and the Commerce Community Development Commission eliminated through the adoption and signing into law of AB 1X 26 in 2011, being replaced by the City Council as Successor Agency thereto.

It is requested that the attached Resolution be approved, which amends in its entirety Appendix "A" to Resolution No. 94-35, as amended by Resolutions No. 02-8 and No. 08-9, bringing the City's List of Designated Positions up-to-date.

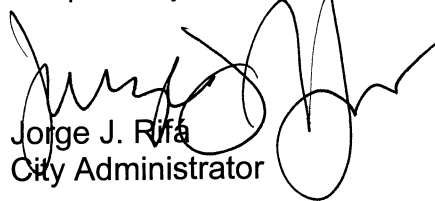
FISCAL IMPACT:

This item can be carried out without further impact on the current operating budget.

RELATIONSHIP TO 2009 STRATEGIC GOALS:

This item is not specifically related to the 2009 Strategic Goals in that it is required by State law.

Respectfully submitted,



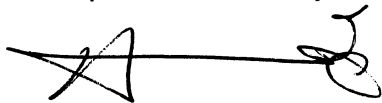
Jorge J. Rifa
City Administrator

Recommended by:



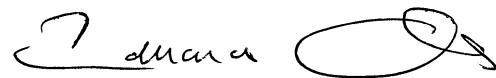
Linda Kay Olivieri
City Clerk

Fiscal impact reviewed by:



Vilko Domic
Director of Finance

Approved as to form:



Eduardo Olivo
City Attorney

Attachment: Resolution, including Appendix "A"

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING RESOLUTION NO. 94-35, ADOPTING A STANDARD STATE CONFLICT OF INTEREST CODE FOR THE CITY OF COMMERCE, AND RESOLUTION NO. 02-8 AND SUPERSEDING RESOLUTION NO. 08-9 RELATING TO DESIGNATED EMPLOYEES

WHEREAS, the City Council adopted Resolution No. 94-35 on September 6, 1994, wherein the terms of 2 Cal. Code of Regs. Section 18730, and any amendments to it duly adopted by the California Fair Political Practices Commission, were incorporated by reference, and, along with the Appendix attached to said Resolution in which members and employees were designated and disclosure categories were set forth, were designated as constituting the Conflict of Interest Code of the City of Commerce; and

WHEREAS, the Appendix to Resolution No. 94-35, in which members and employees were designated and disclosure categories were set forth, was in need of amendment due to organizational and/or staffing changes; and

WHEREAS, the City Council adopted Resolution No. 02-8 on February 19, 2002, wherein the Appendix to Resolution No. 94-35 was amended in its entirety and replaced by a new Appendix "A", entitled "List of Designated Positions", and Appendix "B", entitled "Master List of Disclosure Categories"; and

WHEREAS, due to organizational and/or staffing changes, the City Council adopted Resolution No. 08-9 on March 18, 2008, amending Appendix "A" to Resolution No. 02-8 in its entirety, and

WHEREAS, Appendix "A" to Resolution No. 94-35, as amended in its entirety by Resolutions No. 02-8 and No. 08-9, requires further amendment due to additional organizational and/or staffing changes.

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

Section 1: Appendix "A" to Resolution No. 94-35, as amended by Resolutions No. 02-8 and No. 08-9, is hereby amended in its entirety and replaced by the attached Appendix "A", entitled "List of Designated Positions".

Section 2: This Resolution hereby supersedes Resolution No. 08-9.

Section 3: Except as herein provided, all other provisions of Resolutions No. 94-35 and No. 02-8 shall remain in full force and effect.

PASSED, APPROVED AND ADOPTED this _____ day of _____, 2012.

Lilia R. Leon
Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

CITY OF COMMERCE

RESOLUTION NO. _____

CONFLICT OF INTEREST CODE

APPENDIX "A"

LIST OF DESIGNATED POSITIONS

<u>DEPARTMENT/ DIVISION</u>	<u>POSITION</u>	<u>DISCLOSURE CATEGORY</u>
Administration	Assistant City Administrator	1
	Deputy City Administrator	1
	Public Information Officer	1
City Clerk	City Clerk	1
Community Development	Director	1
	Assistant Director	1
	City Planner	1
	Senior Code Enforcement Officer	1
Community Development Public Services Division	Assistant Director	1
	Public Services Maintenance Supervisor	4,12,13
	Street and Tree Maintenance Supervisor	4,12,13
	Senior Civil Engineer	1
Community Services	Director	1
	Assistant Director	1
	Public Safety Supervisor	2,4,13,14,18
Finance	Director/City Treasurer*	1
	Assistant Director	1
	Purchasing Agent	4,12,14,19
	Deputy City Treasurer	1
	Business License Officer	2,3,4
Human Resources	Director	2,4,13,14,15,16,17,20,21
	Assistant Director	2,4,13,14,15,16,17,20,21
Library Services	Director	2,3,4,5,13,18
	Assistant Director	2,3,4,5,13,18
	Library Services Supervisor	4,5
Parks & Recreation	Director	1
	Assistant Director	1
	Parks & Recreation Manager	2,4,13
	Senior Recreation Supervisor	4,13
	Camp Supervisor	4,13
	Special Events Supervisor	4,13
	Aquatics Supervisor	4,13
Transportation	Director	1
	Assistant Director	1

DEPARTMENT/ DIVISION	POSITION	DISCLOSURE CATEGORY
Successor Agency to Commerce Community Development Commission	Board Members	1
	Executive Director	1
	Assistant Executive Director	1
	Director of Finance*	1
	Agency Counsel	1
Consultants**		1

Notes:

*Required to file pursuant to Government Code §87200.

**Consultants shall be included in the List of Designated Positions and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The City Administrator or Executive Director may determine in writing that a particular consultant, although a “Designated Position”, is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The City Administrator’s or Executive Director’s determination is a public record and shall be retained for public inspection in the same manner and location of this Conflict of Interest Code.



AGENDA REPORT

DATE: April 3, 2012

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: PUBLIC HEARING - AN ORDINANCE OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING THE ZONING PROVISIONS OF THE MUNICIPAL CODE TO CHANGE THE ZONING OF CERTAIN PARCELS OF LAND (ZONE CHANGE NO. 12-01) TO C-2 (UNLIMITED COMMERCIAL) - FIRST READING

RECOMMENDATION:

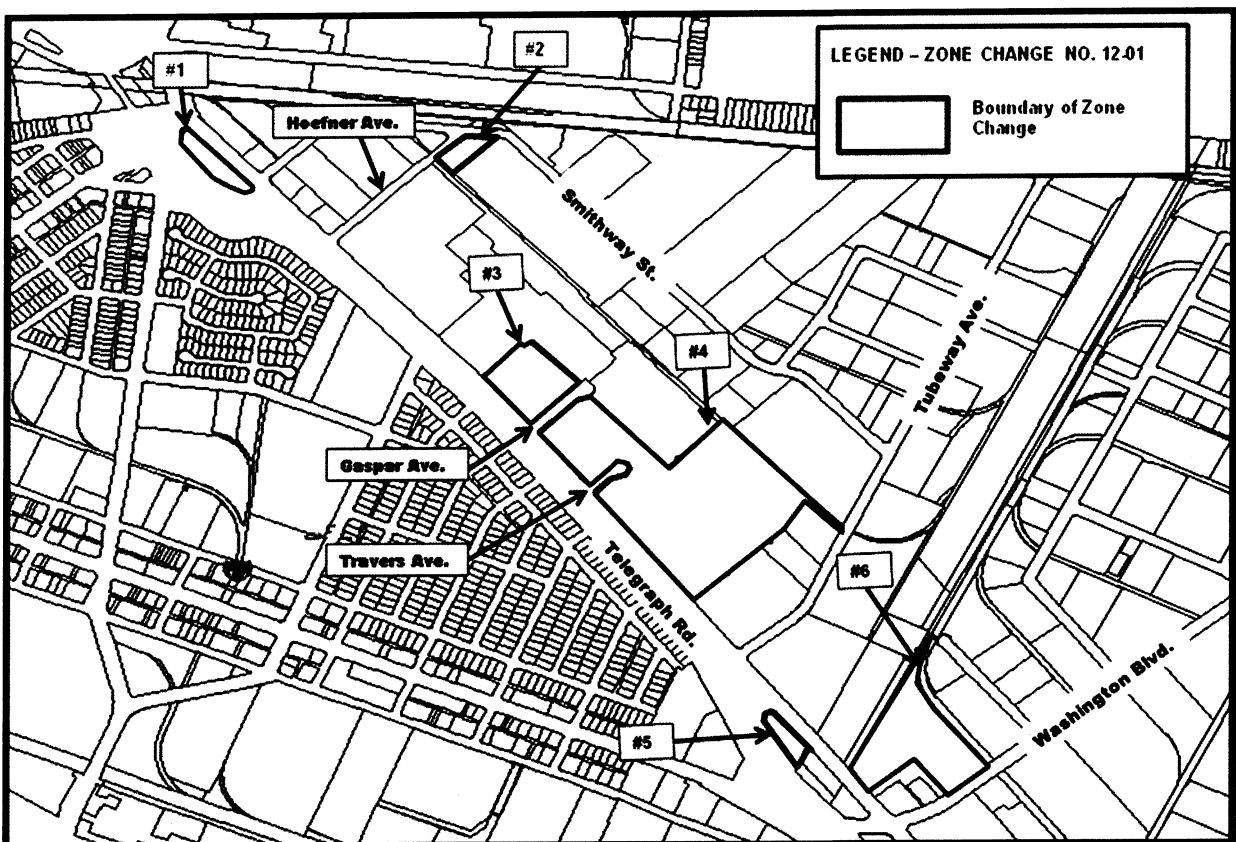
Conduct a public hearing regarding the subject Ordinance, and then consider the proposed Ordinance for first reading.

MOTION:

1. Conduct the required public hearing.
2. Move to read the Ordinance by title only.
3. Move to approve the Ordinance for first reading.

PROPERTY LOCATION:

The properties subject to the proposed zone change are shown on the following map and described in greater detail in this report and in the ordinance attached hereto.



BACKGROUND:

Zone Change No. 12-01 would change the zoning designations of a number of parcels to C-2 (Unlimited Commercial). The C-2 designation allows for the widest range of commercial uses, including retail businesses and restaurants. The purpose for allowing for these types

of uses is to provide goods and services necessary for the Community (Additional information on the C-2 zone and other zoning designations discussed in this report is included in the Analysis section). The City's General Plan serves as the blueprint for future planning and development in the City. The City's vision for the future is expressed through the policies contained in the General Plan, which are designed to shape the physical development of the community. Such plans establish patterns of land use and development that promote the maintenance of established neighborhoods, while at the same time, accommodating future growth.

Zoning is one of the primary means of implementing a General Plan. In contrast to the long-term outlook of the General Plan, zoning classifies the specific, immediate uses of land. The typical zoning ordinance and zoning map regulate land use by dividing the community into districts or zones and specifying the uses that are to be permitted, conditionally permitted, and prohibited within each zone. The text and the map describe the distribution and intensity of land uses in categories such as residential, commercial, industrial and open space.

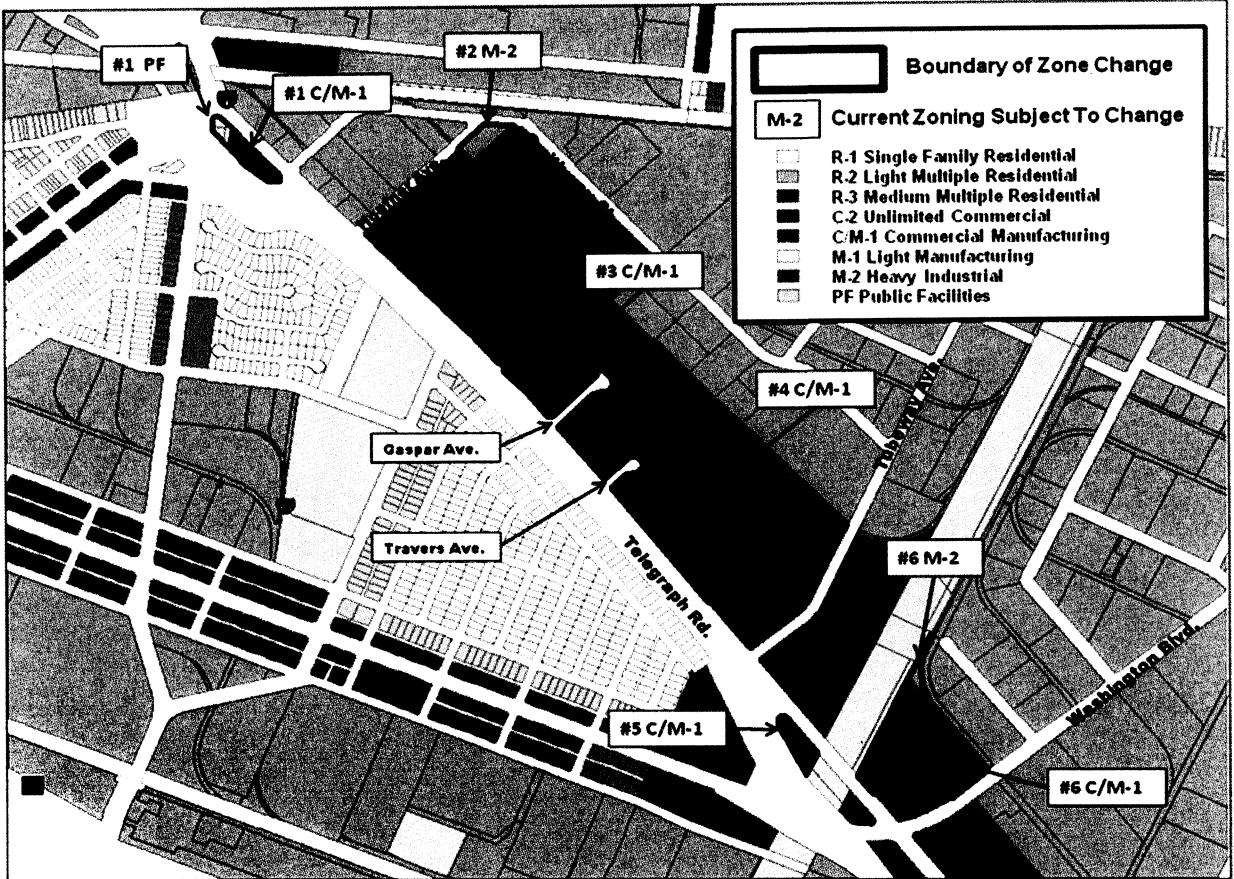
California statutory (*Government Code* Section 65860) and case law mandates a strong consistency doctrine, which requires that cities adopt an adequate General Plan and that all regulatory controls and development approvals, such as zoning ordinances, shall be consistent with the General Plan. One case has stated: "The requirement of consistency is the linchpin of California's land use and development laws. It is the principle which infused the concept of planned growth with the force of law." *De Bottari v. City of Norco* (1985) 171 Cal.App.3d 1204.

The City's last General Plan Update in 2008 sets forth certain policies and objectives. Many of these look to encourage an increase in entertainment uses along the City's Telegraph Road corridor. However, some properties in this area are currently zoned in a way that would not fully allow the City's vision, as set forth in the General Plan, to come to fruition. Therefore, the subject zone change was initiated. Because the City's General Plan contemplates the subject Zone Change, the proposal is consistent with the General Plan, is necessary to implement the goals, policies, and objectives contained therein and is required order to comply with the law.

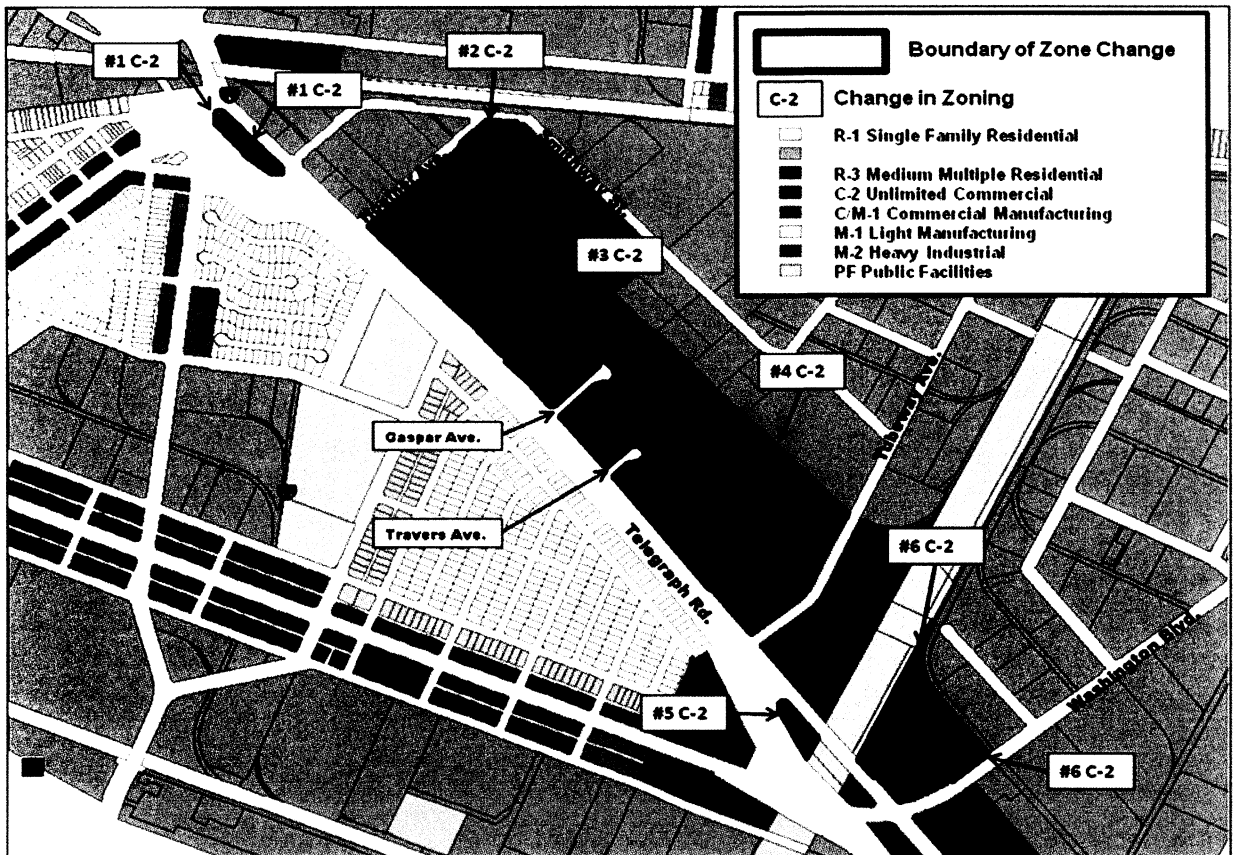
The following is an aerial image depicting the areas subject to Zone Change NO. 12-01 (PLEASE NOTE THE BOUNDARIES SHOWN ON FOLLOWING MAPS ARE APPROXIMATE):



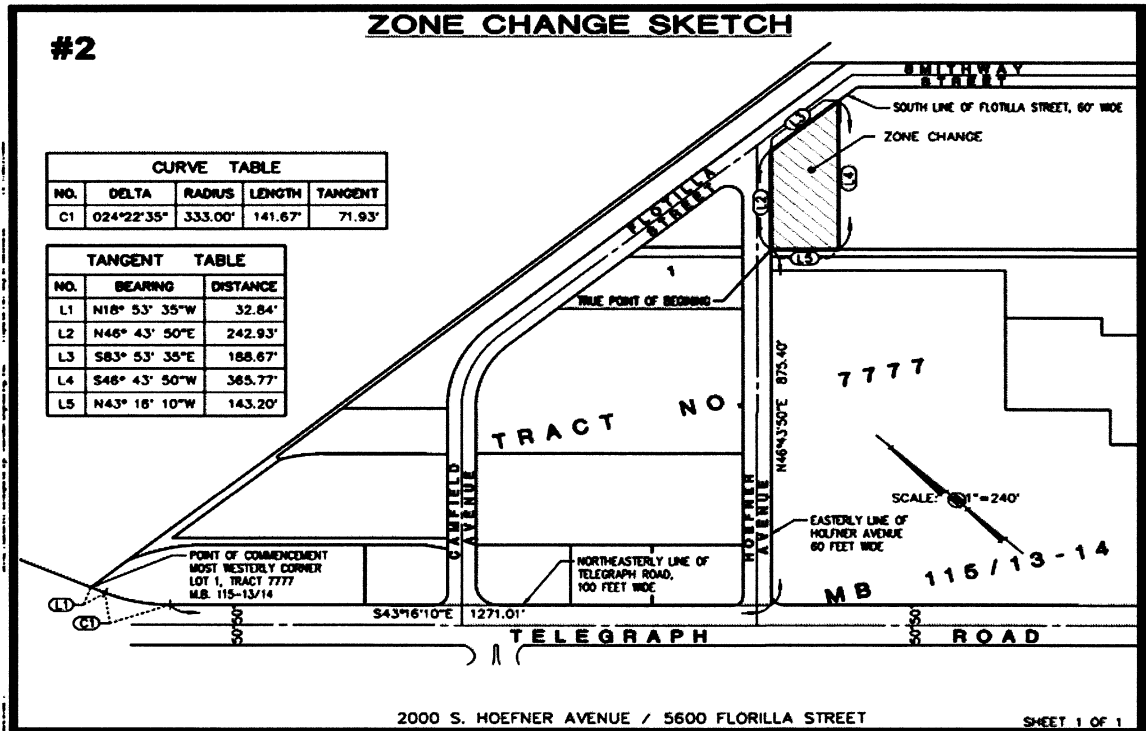
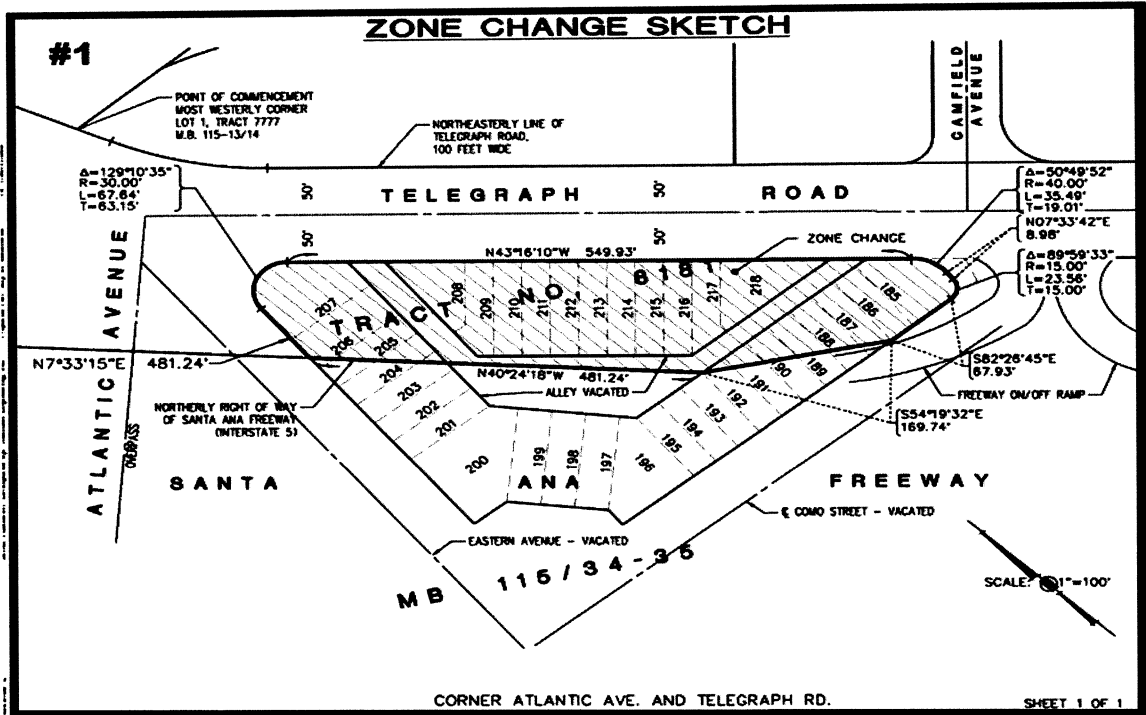
The map below shows the existing zoning designations of the properties subject to the zone change. As shown, the properties have zoning designations of PF (Public Facilities), M-2 (Heavy Industrial), and C/M-1 (Commercial Manufacturing). Each area impacted has also been assigned a number (#1, #2, etc).

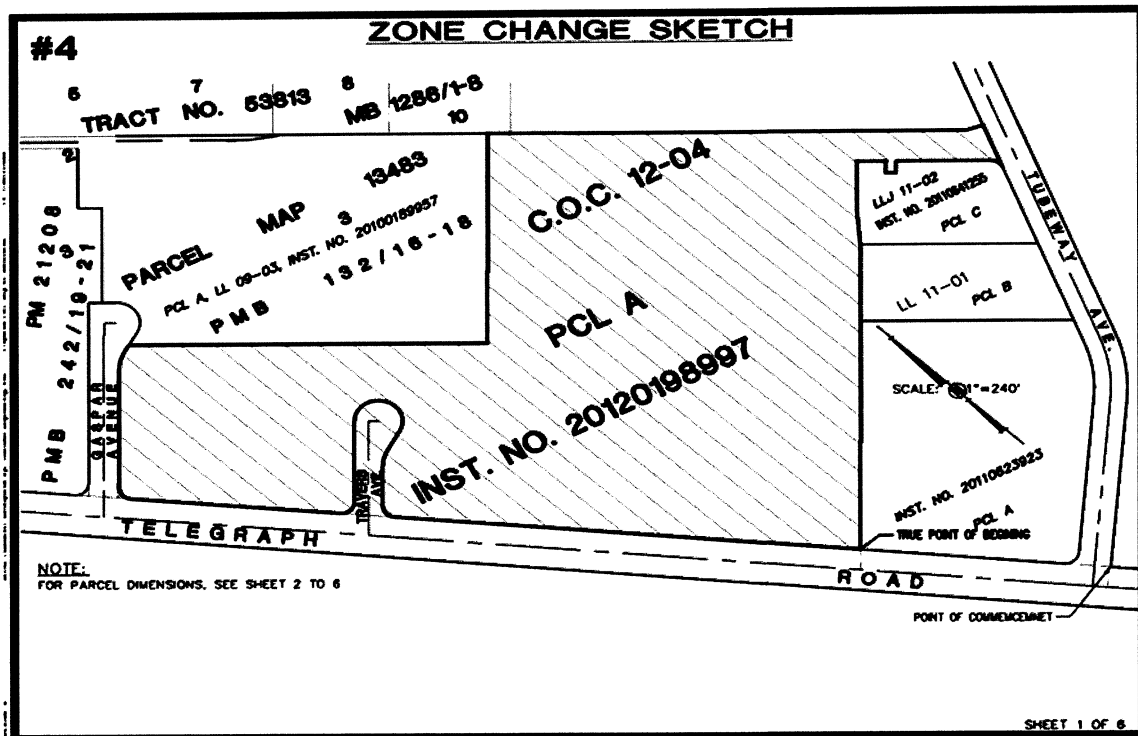
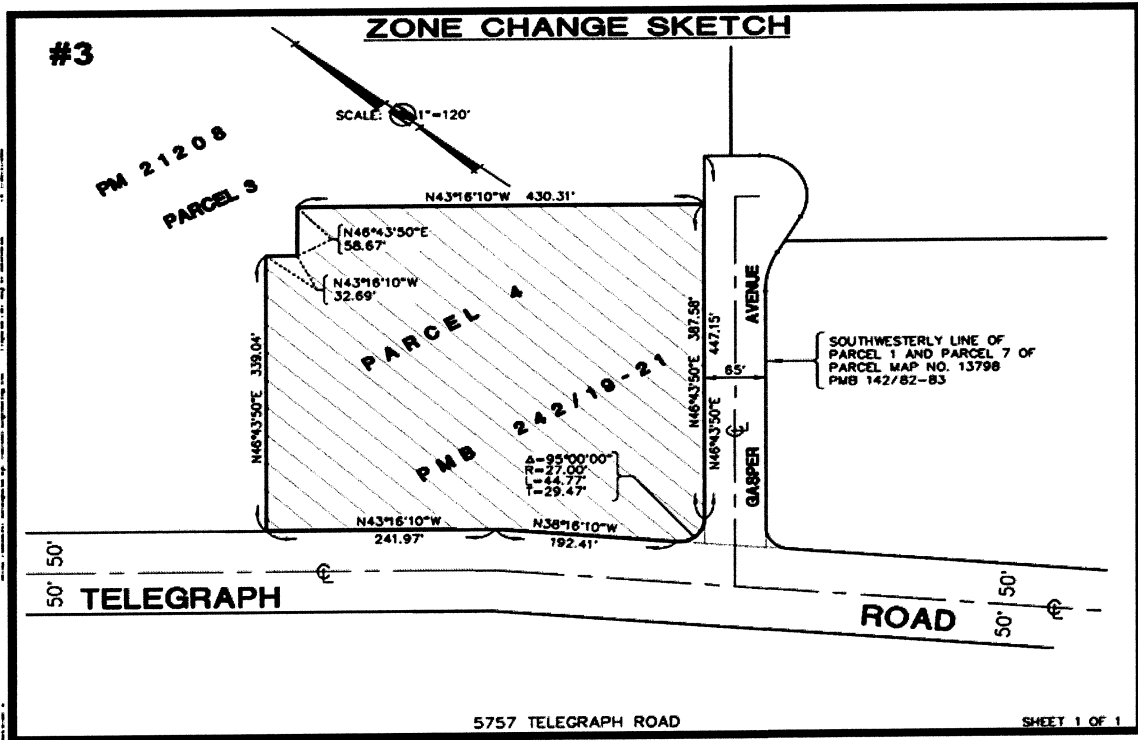


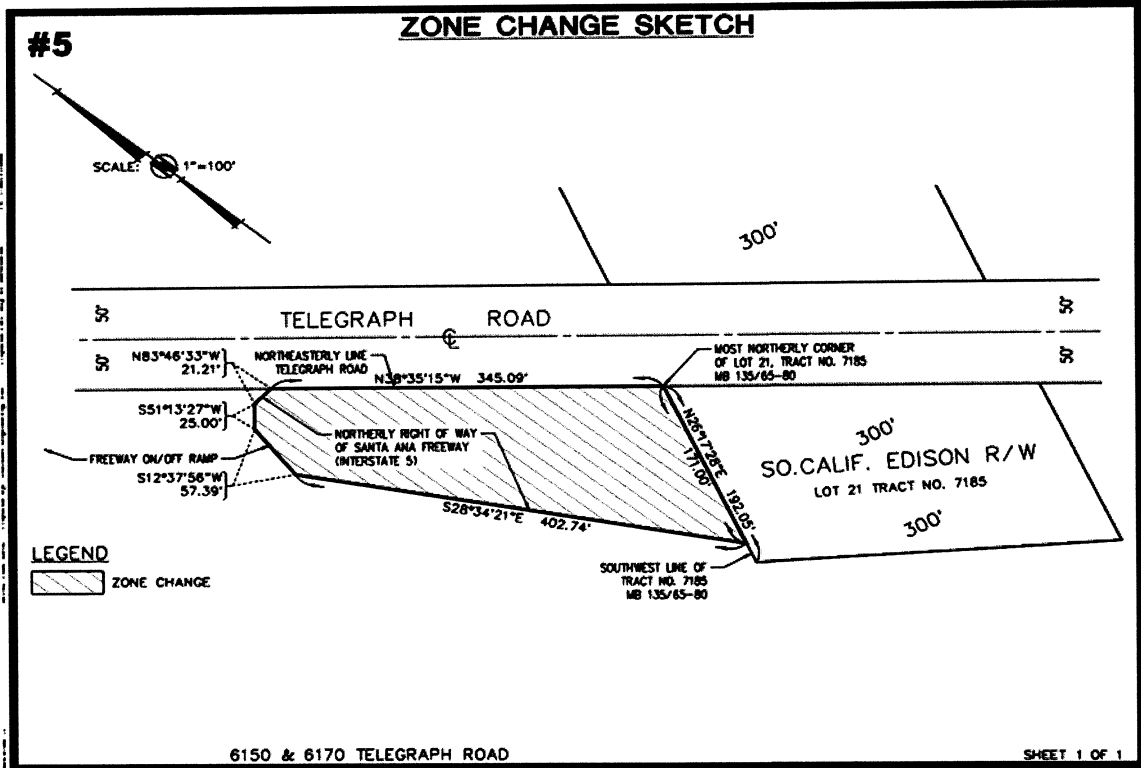
As stated earlier in this report, the properties subject to the Zone Change would have their zoning designations changed to C-2 (Unlimited Commercial). Therefore the City's official zoning map would change as shown on the map below:



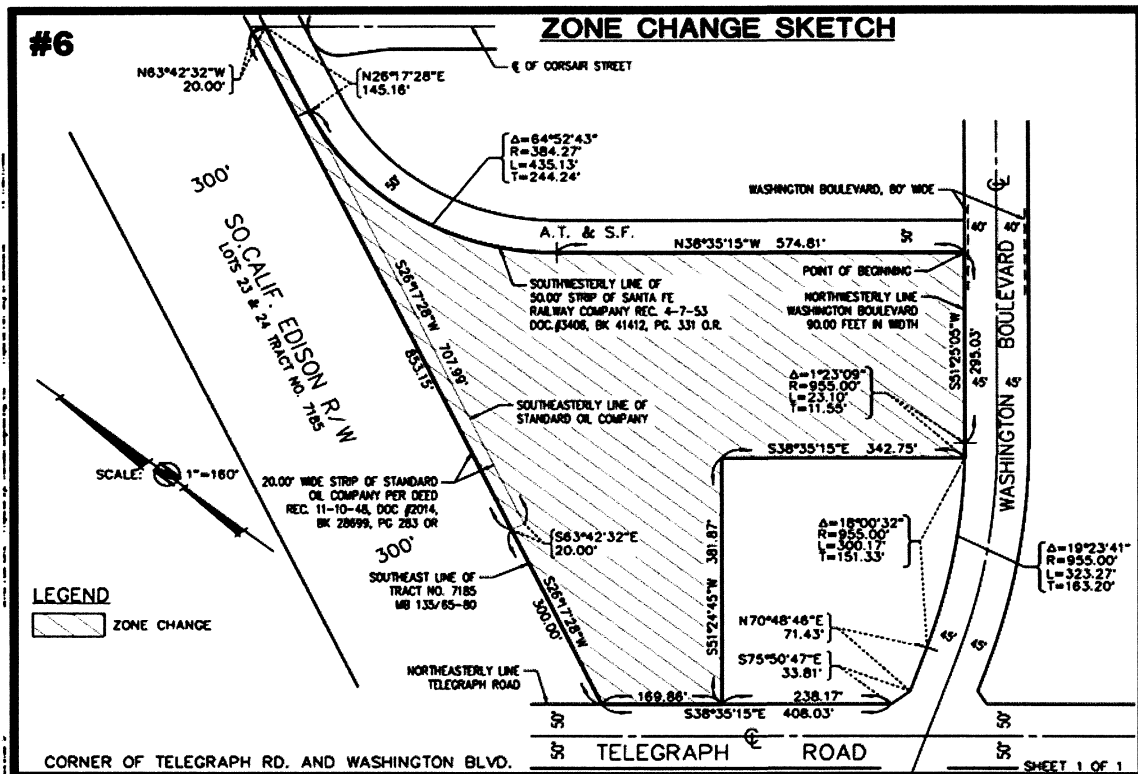
The maps above show the general areas to be impacted by the subject Zone Change. The following maps provide a detailed look at each of the properties that would have their zoning designations changed. The formal boundaries are shown on each map. The corresponding area number is located in the upper left hand corner of each map. Larger copies of the maps, along with their legal descriptions can be found in the ordinance attached to this report. These maps and their legal descriptions depict the true boundaries of the Zone Change.







Fri 3/2/2012



This item was before the Planning Commission at their March 21, 2012 meeting. At that time, they unanimously recommended approval to the City Council. Also, the Planning Commission received a letter from the Commerce Casino requesting that their properties be excluded from the subject Zone Change. Zone Change No. 12-01 does not include property owned by the Commerce Casino. In the future, if deemed necessary, additional properties may be subject to a zone change.

ANALYSIS:

As mentioned in the Background Section, the City's General Plan sets forth a vision for the entire City, including the Telegraph Road corridor. The vision for this corridor includes promoting and encouraging entertainment, retail, and commercial uses. The General Plan policies that specifically promote this vision are as follows:

- Community Development Policy 2.1: The City of Commerce will encourage and promote the development of a quality retail and commercial entertainment district in the vicinity of Telegraph Road, north of the Santa Ana Freeway.
- Community Development Policy 2.2: The City of Commerce will encourage and promote the development of quality restaurants in the City to serve residents and visitors alike, and discourage the further proliferation of fast food restaurants in the City.
- Community Development Policy 2.3: The City of Commerce will promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller "strip commercial" centers.
- Community Development Policy 2.8: The City of Commerce will continue to encourage the development of a high-intensity, highly visible, commercial corridor consisting of offices, hotels, and retail and entertainment uses along Telegraph Road, extending from Hoefner Avenue to Vail Avenue.
- Community Development Policy 4.1: The City of Commerce will explore the feasibility of developing an area devoted to active family recreation.
- Community Development Policy 4.2: The City of Commerce will promote the development of commercial enterprises that provide family entertainment.
- Community Development Policy 4.3: The City of Commerce will continue to promote the development of the Citadel and neighboring areas as a focal point for family entertainment.

The policies above detail the City's desire to create an area that would become an entertainment and/or family destination center. As the document that sets forth the blueprint for the City's future, it is clear the General Plan has a specific goal for the Telegraph Road corridor.

Currently, the zoning designations for the parcels subject to the zone change are M-2 C/M-1 and PF. The purpose of the M-2 zone is to provide land suitable for heavy industrial uses. This zone is also the only zone where adult businesses and adult entertainment enterprises may be located in the City. 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 and land uses in adjacent, more restrictive zone districts. This zone does not allow uses such as movie theaters, and only allows for many types of retail uses with approval of a conditional use permit.

As depicted on the map above, the northwest corner of the Citadel property is in the M-2 zone. This is a remnant left over from the former Uniroyal Tire plant operation at this location. M-2 zoning is not consistent with the current Citadel uses. The character of the M-2 zone as heavy manufacturing and the restrictions applicable to that zone, limit the City's ability to create a destination center along the Telegraph Road corridor, as envisioned in the General Plan.

The C/M-1 zone was established to provide for a wide variety of commercial uses and limited, compatible light industrial uses. The intent is to concentrate these uses along major arterials and in other areas that provide easy access and convenience. The industrial uses considered appropriate in the zone are limited to support services, such as machine shops and some light manufacturing. Commercial or industrial uses that might create offensive levels of noise, air pollution, glare, radioactivity or other nuisances are prohibited from this zone. Although less restrictive than the M-2 zone, the C/M-1 was developed to still allow for some lighter industrial uses. However, the General Plan does not contemplate industrial uses fronting Telegraph Road in this area.

The PF zone is intended to provide adequate space for public and quasi-public community facilities. These facilities are to be conveniently located to serve the needs of the community and protected from intrusion of other land uses. The types of uses allowed include municipal and other government buildings, public educational facilities, religious facilities, and recreational areas. Other uses, such as public service facilities, utilities and easements, and hospitals may be permitted under certain conditions. Similar to the M-2 and C/M-1 zones, this zone does not allow for entertainment type uses. As depicted on the maps in this report, a small portion of the site, which is the landscaped setback area for Commerce Hyundai is in the PF zone. This may have been a remnant from the "Mixmaster" realignment/reconstruction project several years ago. This PF zoning is not compatible with a commercial auto dealer use. Continuing to allow for the possibility for uses in the City's Zoning Ordinance, other than those contemplated in the General Plan, contradicts the General Plan's goals, policies and objectives and is contrary to the law.

The proposed change in zoning would reclassify the subject parcels as C-2 (Unlimited Commercial). The purpose of this zone is to allow for the establishment and operation of retail and business uses in conveniently located areas of the City. These uses are intended to provide a variety of goods and services necessary to meet the needs of the resident and business populations. Uses allowed in the C-2 zone include, but are not limited to, retail businesses, restaurants, personal services, offices, repair shops and parking. These uses are consistent with the vision the General Plan is promoting for the area. Therefore, the changes in zoning would be consistent with the goals and objectives of the City's General Plan and are necessary in order to implement its' goals and objectives.

FINDINGS:

Section 19.39.310 of the Commerce Municipal Code requires the following findings of fact to be made before approving a change of zone:

1. That the proposed change of zone is consistent with the goals, policies, and objectives of the General Plan. ***The City's General Plan sets forth goals and objectives for the future of the City. Specifically, the Commerce General Plan envisions the creation of an entertainment/destination center along Telegraph Road. The policies which set forth this vision are as follows:***
 - **Community Development Policy 2.1: The City of Commerce will encourage and promote the development of a quality retail and commercial entertainment district in the vicinity of Telegraph Road, north of the Santa Ana Freeway.**
 - **Community Development Policy 2.2: The City of Commerce will encourage and promote the development of quality restaurants in the City to serve residents and visitors alike, and discourage the further proliferation of fast food restaurants in the City.**
 - **Community Development Policy 2.3: The City of Commerce will promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller "strip commercial" centers.**

- **Community Development Policy 2.8:** The City of Commerce will continue to encourage the development of a high-intensity, highly visible, commercial corridor consisting of offices, hotels, and retail and entertainment uses along Telegraph Road, extending from Hoefner Avenue to Vail Avenue.
- **Community Development Policy 4.1:** The City of Commerce will explore the feasibility of developing an area devoted to active family recreation.
- **Community Development Policy 4.2** The City of Commerce will promote the development of commercial enterprises that provide family entertainment.
- **Community Development Policy 4.3:** The City of Commerce will continue to promote the development of the Citadel and neighboring areas as a focal point for family entertainment.

The subject zone change would allow for uses that are contemplated in the General Plan. The subject zone change is consistent with the General Plan, as it would help to further the City's vision of creating an entertainment/destination center.

2. That the proposed change of zone will not adversely affect surrounding properties. ***The area subject to the zone change already includes some entertainment type uses. During the last comprehensive update of the City General Plan, the City Council, as the lead agency, duly approved and certified the EIR, which concluded that approval and subsequent implementation of the General Plan: will not have the potential to degrade the quality of the environment; does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals; is not expected to have impacts, which are individually limited but cumulatively considerable when considering planned or proposed development in the immediate vicinity; and is not expected to have environmental effects that will adversely affect humans, either directly or indirectly.***

The subject Zone Change was contemplated and considered in the Final EIR, were designed to facilitate a continued transition of these areas to commercial and entertainment uses, as well as allow for greater flexibility in the event these areas are redeveloped. The EIR concluded that the implementation of the policies and programs included in the General Plan will reduce the level of impact from future development to levels that are less than significant. The Zone Change is necessary in order to implement the General Plan. Thus, the Zone Change would not adversely impact surrounding properties.

There are no environmental effects that are peculiar to the proposed Zone Change that were not sufficiently analyzed in the EIR. Therefore, pursuant to CEQA Guidelines Section 15183, no additional CEQA analysis is required.

3. That the proposed change of zone promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19. ***The proposed Zone Change promotes the public health, safety and welfare by implementing the City's goal of creating an entertainment/destination center along the Telegraph Road corridor. Transforming this area would bring quality uses to better serve the City's residents and visitors. Creating a viable commercial area would also help to contribute to the long-term economic viability of the City.***

ENVIRONMENTAL ASSESSMENT:

In January of 2008, the Commerce City Council approved and certified an Environmental Impact Report (the "EIR") regarding a comprehensive General Plan Update and approved the General Plan Update (the "Project"). The City Council, as the lead agency for the Project, found that approval and implementation of the General Plan Update: (1) will not have the potential to degrade the quality of the environment; (2) does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals; is not expected to have impacts, which are individually limited but cumulatively considerable when considering planned or proposed development in the immediate vicinity; (3) and is not expected to have environmental effects that will adversely affect humans, either directly or indirectly. The Final EIR was completed in compliance with the California Environmental Quality Act ("CEQA"). The City Council considered the information contained in the Final EIR prior to approving the Project.

CEQA Guidelines, Section 15183 provides for streamlined review of projects that are consistent with existing General Plans. That section provides that, when approving a project that is consistent with a general plan for which an environmental impact report has already been certified, a public agency need only examine those environmental effects that are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report.

In this case, the subject Zone Change was contemplated in the Final EIR. The EIR discusses a zone change and General Plan Amendment that would impact parcels in the area of Zone Change No. 12-01. Such changes were designed and anticipated to facilitate a continued transition of these areas to commercial and entertainment uses, as well as to allow for greater flexibility in the event that these areas were redeveloped. The EIR concluded that that the implementation of the policies and programs included in the General Plan will reduce the level of impact from future development to levels that are less than significant. Since the subject Zone Change and its potential impacts were addressed in the EIR, pursuant to CEQA Guidelines, Section 15183, the City is only required to examine the effects that are peculiar to the proposed Zone Change that were not analyzed or were insufficiently analyzed in the EIR. There are no environmental effects that are peculiar to the proposed Zone Change that were not sufficiently analyzed in the EIR. On the contrary, Zone Change No. 12-01 is necessary to implement the policies contained in the General Plan and was anticipated and studied in the EIR. Therefore, pursuant to Section 15183, no additional CEQA analysis is required.

FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.

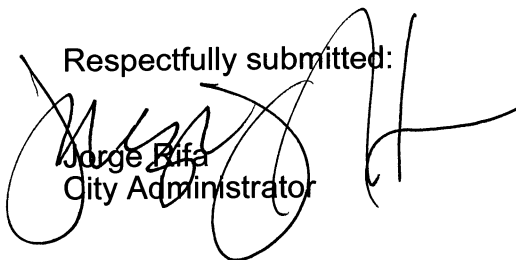
RELATIONSHIP TO 2009 STRATEGIC GOALS:

This agenda report relates to the 2009 strategic planning goal: "*Protect and Enhance the Quality of Life in the City of Commerce*".

Recommended by:


Bob Zarrilli
Director of Community Development

Respectfully submitted:


Jorge Bifa
City Administrator


Prepared by:


Matt Marquez
City Planner

Fiscal impact reviewed by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

ORDINANCE NO. __

AN ORDINANCE OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING THE ZONING PROVISIONS OF THE MUNICIPAL CODE TO CHANGE THE ZONING (ZONE CHANGE NO. 12-01) OF CERTAIN PARCELS OF LAND TO C-2 (UNLIMITED COMMERCIAL)

WHEREAS, in January of 2008, the City Council of the City of Commerce, as the lead agency, approved and certified an Environmental Impact Report ("EIR") regarding a comprehensive General Plan Update and also approved the General Plan Update; and

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

WHEREAS, zoning is one of the primary means of implementing a General Plan. In contrast to the long-term outlook of the General Plan, zoning classifies the specific, immediate uses of land; and

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

WHEREAS, the City's last General Plan Update in 2008 sets forth certain policies and objectives, many of which seek to encourage an increase in entertainment uses along the City's Telegraph Road corridor; and

WHEREAS, the General Plan Update and the EIR contemplated and evaluated a zone change that would allow for greater commercial development along Telegraph Road; and

WHEREAS, the properties that are subject to the proposed zone change are located along the Telegraph Road Corridor and are currently zoned in a way that would not fully allow the City's vision, as set forth in the General Plan, to come to fruition; and

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

WHEREAS, the EIR concluded that implementation of the policies and programs included in the General Plan would reduce the level of impact from future development to levels that are less than significant; and

WHEREAS, the City Council concluded that approval and subsequent implementation of the General Plan: (1) will not have the potential to degrade the quality of the environment; (2) did not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals; (3) is not expected to have impacts, which are individually limited but cumulatively considerable, when considering planned or proposed development in the immediate vicinity; and (4) is not expected to have environmental effects that will adversely affect humans, either directly or indirectly; and

WHEREAS, California Environmental Quality Act ("CEQA") Guidelines, Section 15183 provides for streamlined review of projects that are consistent with existing General Plans; and

WHEREAS, CEQA Guidelines, Section 15183, provides that, when approving a project that is consistent with a general plan for which an environmental impact report has already been certified, a public agency need only examine those environmental effects that

are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report; and

WHEREAS, the subject zone change was contemplated and considered in the final EIR; and

WHEREAS, the City's Zoning Map must now be updated to implement the policies contained in the General Plan; and

WHEREAS, the Planning Commission held a public hearing on March 21, 2012, for the purpose of considering the subject zone change and recommended approval to the City Council; and

WHEREAS, the City Council held a public hearing on April 3, 2012, for the purpose of considering the subject zone change; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, AND DETERMINE AS FOLLOWS:

Section 1. The recitals set forth above are true and correct.

Section 2. Pursuant to Section 19.39.310 of Chapter 19.39, Title 19 of the Commerce Municipal Code the City Council further finds as follows:

1. That the proposed change of zone is consistent with the goals, policies, and objectives of the General Plan. ***The City's General Plan sets forth goals and objectives for the future of the City. Specifically, the Commerce General Plan envisions the creation of an entertainment/destination center along Telegraph Road. The policies which set forth this vision are as follows:***
 - **Community Development Policy 2.1:** The City of Commerce will encourage and promote the development of a quality retail and commercial entertainment district in the vicinity of Telegraph Road, north of the Santa Ana Freeway.
 - **Community Development Policy 2.2:** The City of Commerce will encourage and promote the development of quality restaurants in the City to serve residents and visitors alike, and discourage the further proliferation of fast food restaurants in the City.
 - **Community Development Policy 2.3:** The City of Commerce will promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller "strip commercial" centers.
 - **Community Development Policy 2.8:** The City of Commerce will continue to encourage the development of a high-intensity, highly visible, commercial corridor consisting of offices, hotels, and retail and entertainment uses along Telegraph Road, extending from Hoefner Avenue to Vail Avenue.
 - **Community Development Policy 4.1:** The City of Commerce will explore the feasibility of developing an area devoted to active family recreation.

- **Community Development Policy 4.2** The City of Commerce will promote the development of commercial enterprises that provide family entertainment.
- **Community Development Policy 4.3:** The City of Commerce will continue to promote the development of the Citadel and neighboring areas as a focal point for family entertainment.

The subject zone change would allow for uses that are contemplated in the General Plan. The subject zone change is consistent with the General Plan, as it would help to further the City's vision of creating an entertainment/destination center.

2. That the proposed change of zone will not adversely affect surrounding properties. ***The area subject to the zone change already includes some entertainment type uses. During the last comprehensive update of the City General Plan, the City Council, as the lead agency, duly approved and certified the EIR, which concluded that approval and subsequent implementation of the General Plan: will not have the potential to degrade the quality of the environment; does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals; is not expected to have impacts, which are individually limited but cumulatively considerable when considering planned or proposed development in the immediate vicinity; and is not expected to have environmental effects that will adversely affect humans, either directly or indirectly.***

The subject Zone Change was contemplated and considered in the Final EIR, were designed to facilitate a continued transition of these areas to commercial and entertainment uses, as well as allow for greater flexibility in the event these areas are redeveloped. The EIR concluded that the implementation of the policies and programs included in the General Plan will reduce the level of impact from future development to levels that are less than significant. The Zone Change is necessary in order to implement the General Plan. Thus, the Zone Change would not adversely impact surrounding properties.

There are no environmental effects that are peculiar to the proposed Zone Change that were not sufficiently analyzed in the EIR. Therefore, pursuant to CEQA Guidelines Section 15183, no additional CEQA analysis is required.

3. That the proposed change of zone promotes public health, safety, and general welfare and serves the goals and purposes of this Title 19. ***The proposed Zone Change promotes the public health, safety and welfare by implementing the City's goal of creating an entertainment/destination center along the Telegraph Road corridor. Transforming this area would bring quality uses to better serve the City's residents and visitors. Creating a viable commercial area would also help to contribute to the long-term economic viability of the City.***

Section 3. The subject Zone Change and its potential impacts were addressed in the EIR. Pursuant to CEQA Guidelines, Section 15183, the City is only required to examine the effects that are peculiar to the proposed Zone Change that were not analyzed or were insufficiently analyzed in the EIR. There are no environmental effects that are peculiar to the proposed Zone Change that were not sufficiently analyzed in the EIR. Thus, no additional CEQA analysis is required.

Section 4. Based upon the above findings, the proposed Zone Change No. 12-01 is hereby enacted and approved.

Section 5. The "Official Zoning Map" of the City, as adopted by Section 19.03.020 of Chapter 19.39, Title 19 of the Commerce Municipal Code and previously amended, is further amended by placing the properties described in Exhibit "A" of this Ordinance into the C-2 (Unlimited Commercial) zone.

Section 6. This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____,
2012.

Lilia R. Leon, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

EXHIBIT A

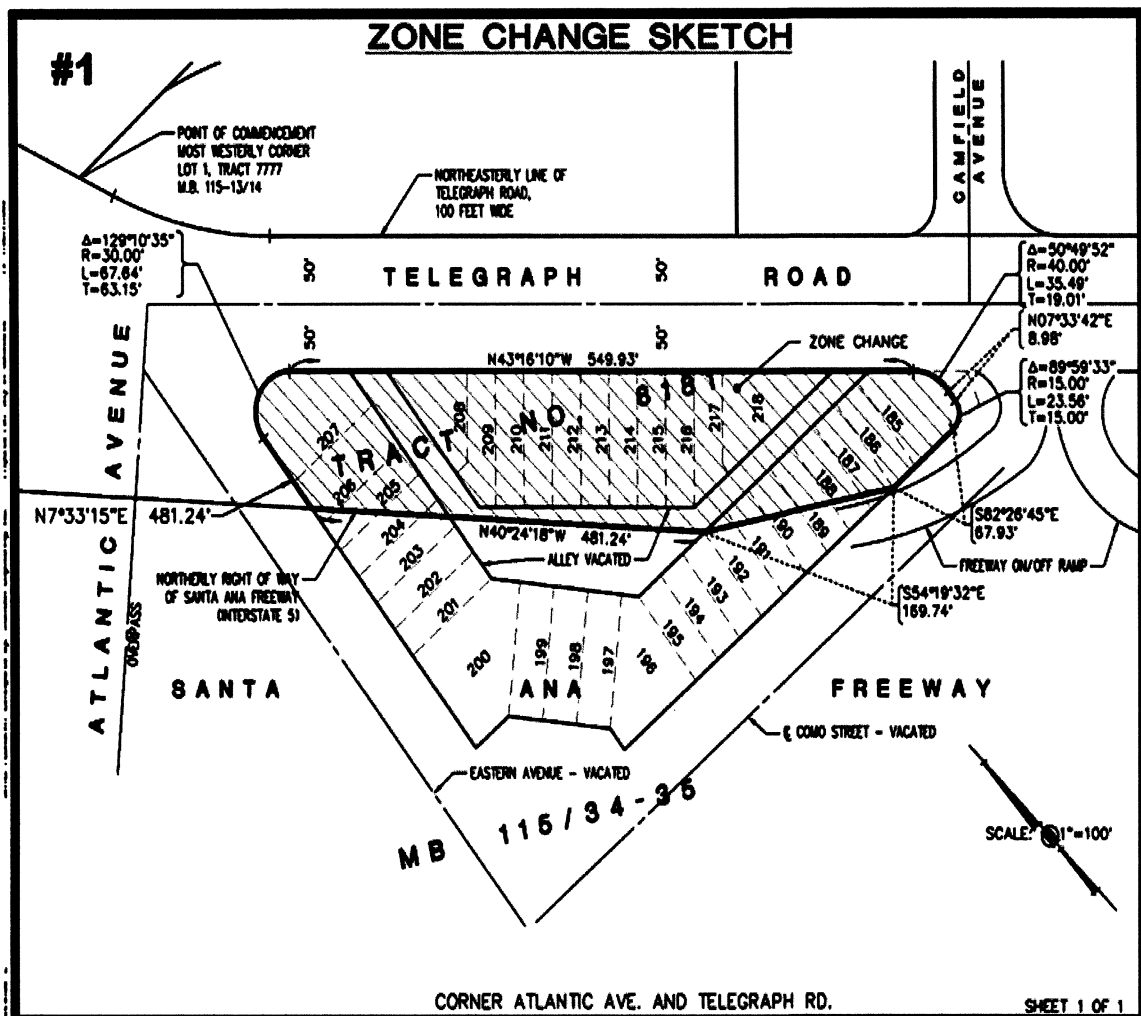
#1 THAT CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF LOTS 203 THROUGH 218 AND LOTS 185 THROUGH 192 OF TRACT NO. 8181, AS PER MAP RECORDED IN BOOK 115, PAGES 34 AND 35 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 203 THROUGH 218 INCLUSIVE OF TRACT NO. 8181, AS PER MAP RECORDED IN BOOK 115, PAGES 34 AND 35 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION LOTS 185 THROUGH 192 INCLUSIVE OF SAID TRACT NO. 8181.

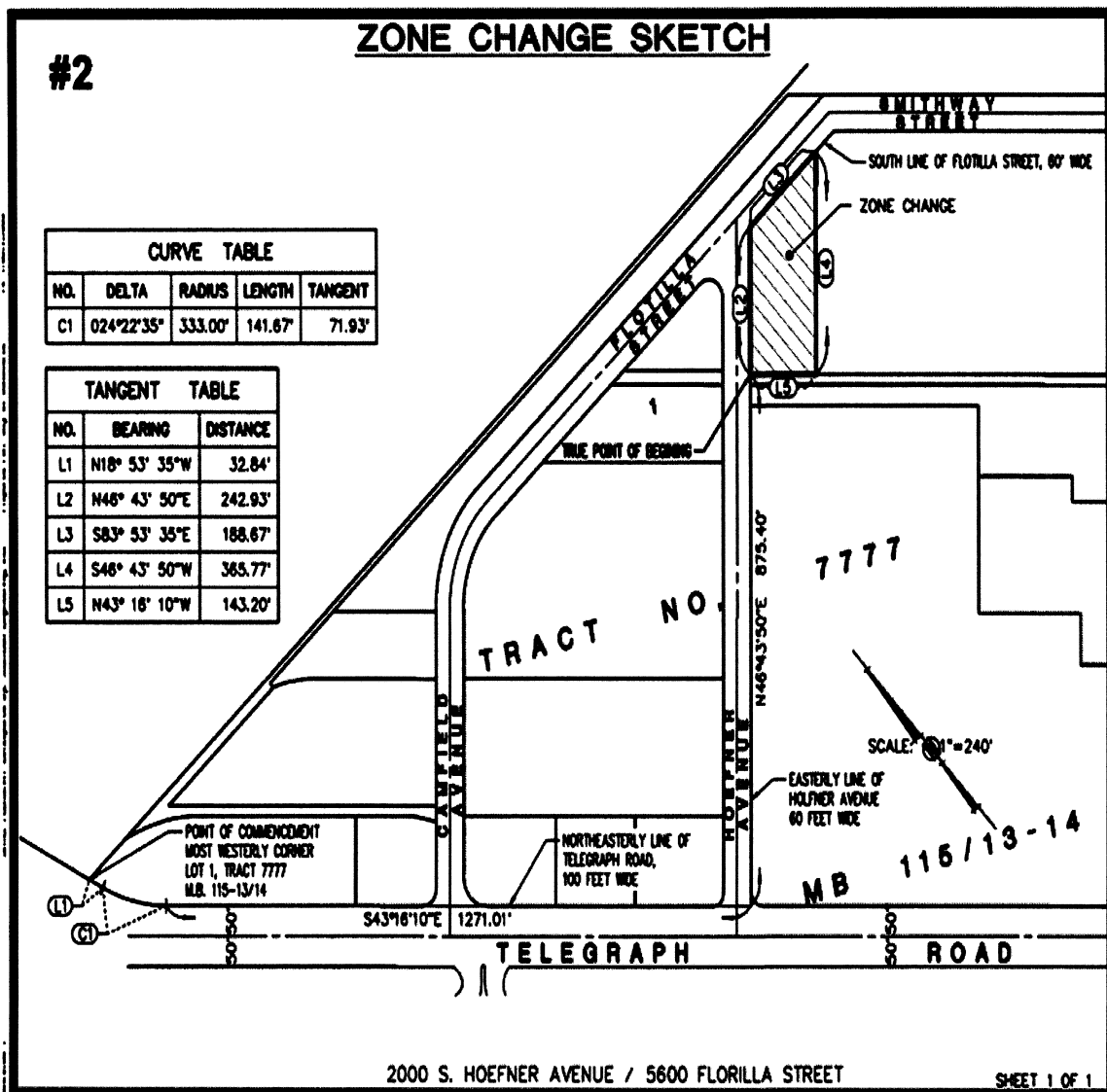
TOGETHER WITH THAT PORTION OF THE ALLEY AS SHOWN ON SAID TRACT NO. 8181 LYING ALONG THE WESTERLY BOUNDARY OF LOTS 208 THROUGH 218 OF SAID TRACT NO. 8181.

EXCEPT THEREFROM THAT PORTIONS LYING WITH THE INTERSTATE 5 FREEWAY, ALSO KNOWN AS THE SANTA ANA FREEWAY, RIGHT-OF-WAY AS IT NOW EXISTS.

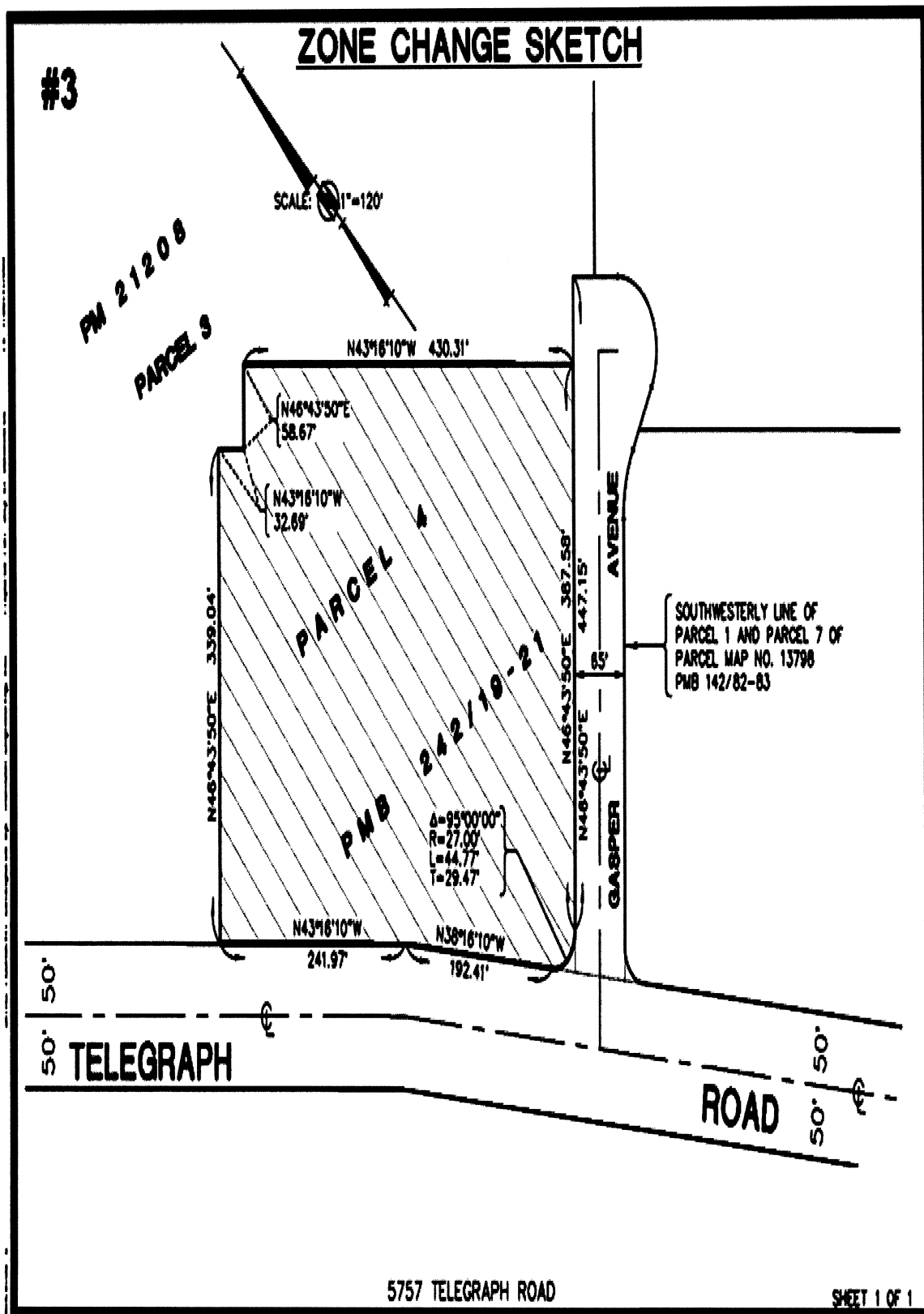


#2 THAT PORTION OF LOT 1, TRACT NO. 7777 IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 115, PAGES 13 AND 14 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT, SOUTH 18° 53' 35" EAST 32.84 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, TANGENT TO SAID LAST MENTIONED COURSE AND HAVING A RADIUS OF 333.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 141.67 FEET TO THE NORTHEASTERLY LINE OF TELEGRAPH ROAD, FORMERLY ANAHEIM-TELEGRAPH ROAD, 100 FEET IN WIDTH, AS WIDENED BY DECREE OF CONDEMNATION, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 9983 PAGE 296, OFFICIAL RECORDS; THENCE TANGENT TO SAID CURVE AND ALONG THE SAID NORTHEASTERLY LINE OF TELEGRAPH ROAD, SOUTH 43° 16' 10" EAST 1,271.01 FEET TO THE PROLONGATION OF THE EASTERLY LINE OF HOEFNER AVENUE, 60 FEET WIDE; THENCE ALONG SAID EASTERLY LINE, NORTH 45° 43' 50" EAST 875.40 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF HOEFNER AVENUE, NORTH 46° 43' 50" EAST 242.93 FEET TO THE SOUTH LINE OF FLOTILLA STREET, 60 FEET WIDE; THENCE ALONG SAID SOUTH LINE OF FLOTILLA STREET, SOUTH 83° 53' 35" EAST 188.67 FEET ; THENCE LEAVE SAID FLOTTILA STREET SOUTH LINE, SOUTH 46° 43' 50" WEST 365.77 FEET; THENCE NORTH 43° 16' 10" WEST 143.20 FEET TO THE TRUE POINT OF BEGINNING.



#3 PARCEL 4 OF VESTING PARCEL MAP NO. 21208 IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER THE MAP FILED IN BOOK 242, PAGES 19 AND 21, INCLUSIVE OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

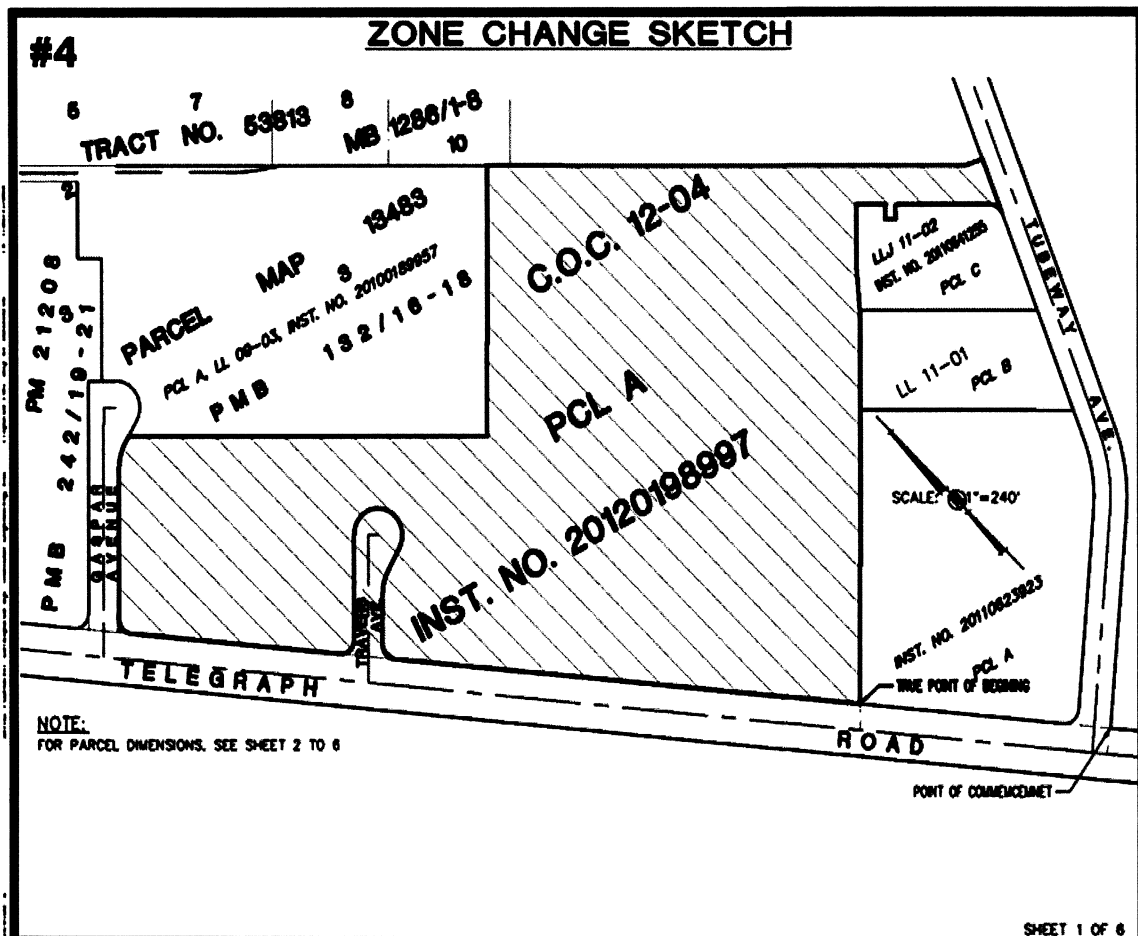


#4 THAT CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF LOT 1, TRACT NO. 7777, AS PER MAP RECORDED IN BOOK 115, PAGES 13 AND 14 OF MAPS, PARCEL 9 OF PARCEL MAP NO. 13483, AS PER MAP FILED IN BOOK 132, PAGES 16 THROUGH 18, INCLUSIVE OF PARCEL MAPS AND PARCELS 1, 2, 3, 4, 5, 6, AND 7 OF PARCEL MAP NO. 13798, AS PER THE MAP FILED IN BOOK 142, PAGES 82 AND 83, INCLUSIVE OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

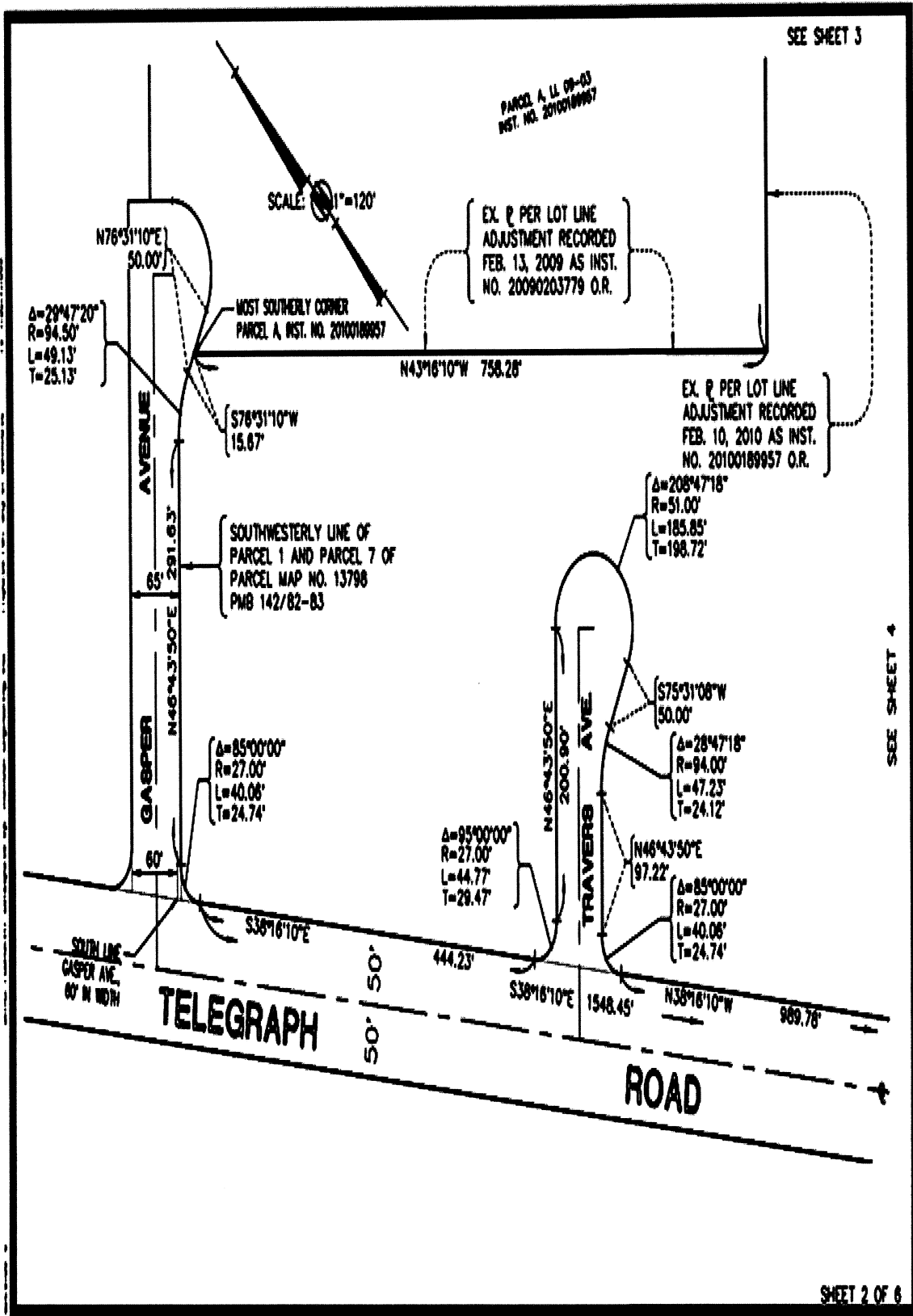
COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 1, SAID MOST SOUTHERLY CORNER ALSO BEING THE MOST SOUTHERLY CORNER OF THAT CERTAIN PARCEL NO.1, DESCRIBED IN EASEMENT TO CITY OF COMMERCE, FOR PUBLIC STREET PURPOSES, RECORDED IN BOOK D-2225, PAGE 404, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, NORTH 38° 35' 05" WEST, 3.15 FEET; THENCE NORTH 38° 16' 10" WEST 528.17 FEET TO THE **TRUE POINT OF BEGINNING**, ALSO BEING THE SOUTHWEST CORNER OF PARCEL A, CERTIFICATE OF COMPLIANCE (# 11-01), RECORDED APRIL 29, 2011, AS INSTRUMENT NO. 20110623923, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE NORTHWESTERLY LINE OF SAID CERTIFICATE OF COMPLIANCE (#11-01), NORTH 46° 43' 50" EAST 753.60 FEET TO THE MOST NORTHERLY CORNER OF PARCEL B OF SAID CERTIFICATE OF COMPLIANCE (#11-01); THENCE ALONG THE NORTHWESTERLY LINE OF PARCEL A, CERTIFICATE OF COMPLIANCE (#11-02), RECORDED MAY 04, 2011 AS INSTRUMENT NO. 20110641255, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 42° 05' 15" EAST 83.86 FEET TO A LINE THAT IS PARALLEL TO THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID PARCEL B, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 46° 43' 50" EAST 119.35 FEET TO A POINT THAT IS 75.00 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES FROM THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY LINE OF TRACT NO. 53813, RECORDED IN MAP BOOK 1286, PAGES 1 THROUGH 8 INCLUSIVE; THENCE ALONG SAID LINE PARALLEL LINE WITH THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY LINE OF SAID TRACT NO. 53183, SOUTH 43° 16' 10" EAST 61.00 FEET TO A LINE PARALLEL TO THE NORTHWESTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE SOUTH 46° 43' 50" WEST 28.00 FEET TO A LINE PARALLEL TO THE NORTHEASTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE SOUTH 43° 16' 10" EAST 22.00 FEET TO A LINE PARALLEL TO THE NORTHWESTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 46° 43' 50" EAST 28.00 FEET TO THE INTERSECTION OF THE PROLONGATION OF NORTHEASTERLY LINE OF SAID PARCEL A; THENCE CONTINUING ALONG THE PROLONGATION OF SAID NORTHEASTERLY LINE SOUTH 43° 16' 10" EAST 201.70 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 29.79 FEET, THROUGH A CENTRAL ANGLE OF 68° 16' 40" TO A TANGENT LINE, ALSO BEING THE NORTHWESTERLY LINE OF TUBEWAY AVENUE, 70 WIDE, RECORDED IN BOOK D-2225, PAGE 404, OFFICIAL RECORDS OF SAID COUNTY; THENCE LEAVING SAID PARCEL LINE AND CONTINUING ALONG THE NORTHWESTERLY OF LINE OF SAID TUBEWAY AVENUE NORTH 25° 00' 30" EAST 110.90 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE NORTH 61° 55' 35" WEST 38.39 FEET TO THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY LINE OF TRACT NO. 53813, AS PER MAP RECORDER IN BOOK 1286, PAGES 1 THROUGH 8 INCLUSIVE, THENCE CONTINUING ALONG THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY OF SAID TRACT NO. 53813, NORTH 43° 16' 10" WEST 1012.37 FEET TO THE MOST NORTHEASTERLY CORNER OF PARCEL A, CERTIFICATE OF COMPLIANCE (#09-03), RECORDED FEBRUARY 10, 2010 AS

INSTRUMENT NO. 20100189957, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#90-03) SOUTH 46° 43' 50" WEST 517.50 FEET TO THE MOST SOUTHERLY CORNER OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#90-03); THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#90-03) AND THE SOUTHWESTERLY LINE OF PARCEL A, CERTIFICATE OF COMPLIANCE (#90-01), RECORDED FEBRUARY 13, 2009 AS INSTRUMENT NO. 20090203779, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH 43° 16' 10" WEST 758.28 FEET TO THE NORTHEASTERLY SIDELINE OF GASPER AVENUE AND THE NORTHWESTERLY LINE OF PARCEL 7 OF SAID PARCEL MAP NO. 13798, ALSO BEING THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#09-03); THENCE ALONG SOUTHWESTERLY LINES OF PARCEL 7 AND PARCEL 1 OF SAID PARCEL MAP NO. 13798, SOUTH 76° 31' 10" WEST, 15.67 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 94.50 FEET, THENCE SOUTH ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 29° 47' 20", AN ARC DISTANCE OF 49.13 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVED AND ALONG THE EASTERLY LINE OF GASPAR AVENUE SOUTH 46° 43' 50' WEST 291.63 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 27.00 FEET; THENCE SOUTH ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGL OF 85° 00' 00", AN ARC DISTANCE OF 40.06 FEET TO A TANGENT LINE ALSO BEING THE NORTHEAST LINE OF TELEGRAPH ROAD, 100 FEET WIDE AND THE SOUTHWESTERLY LINE OF PARCEL 1 OF SAID PARCEL MAP NO. 13798; THENCE ALONG SAID NORTHEASTERLY LINE OF SAID TELEGRAPH ROAD, SOUTH 38° 16' 10" EAST 1548.45 FEET TO THE TRUE POINT OF BEGINNING.

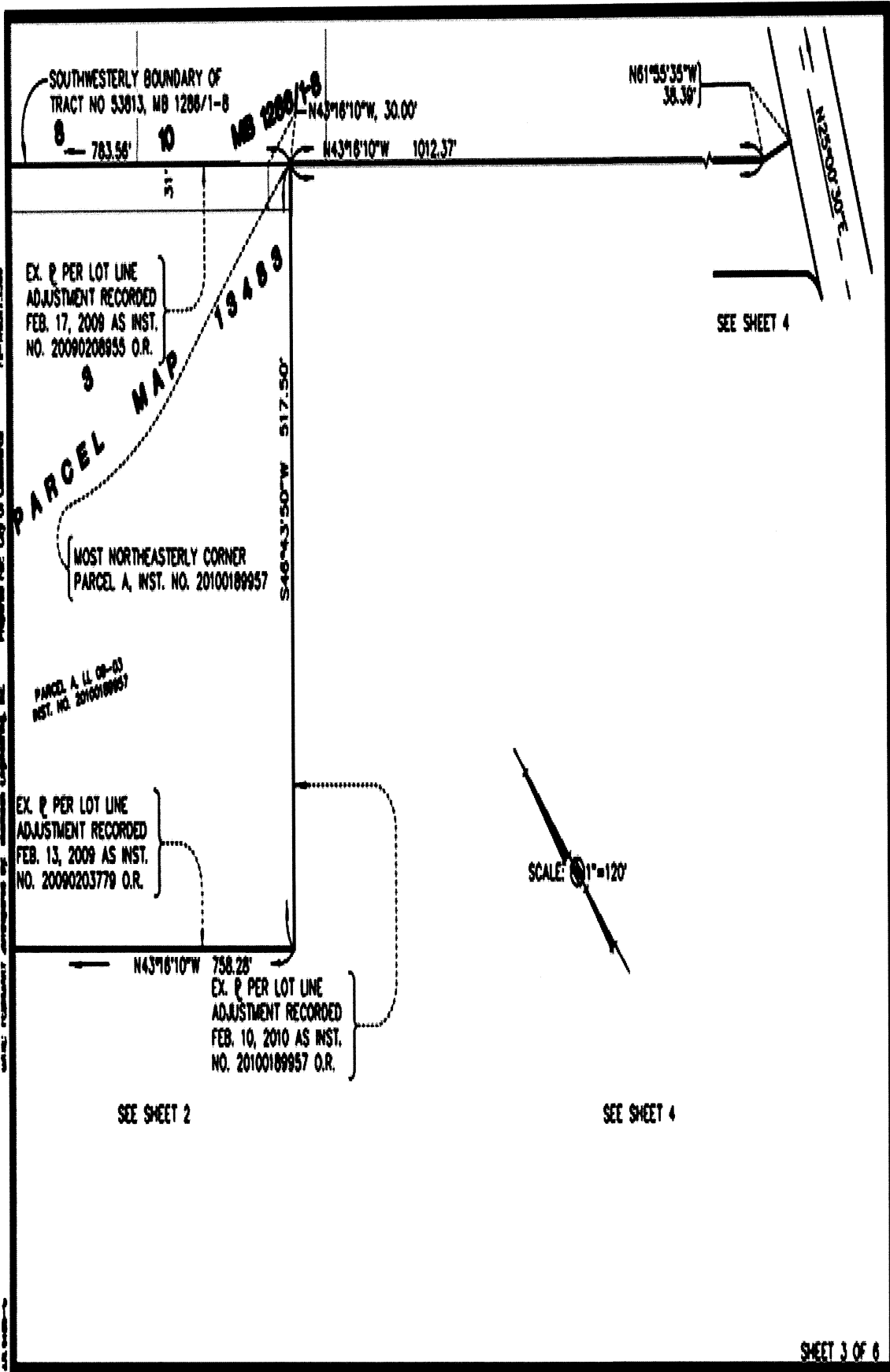
ALSO AS SHOWN AS PARCEL A IN THE CERTIFICATE OF COMPLIANCE (#12-04) RECORDED FEBRUARY 03, 2012 AS INSTRUMENT NO. 20120198997, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

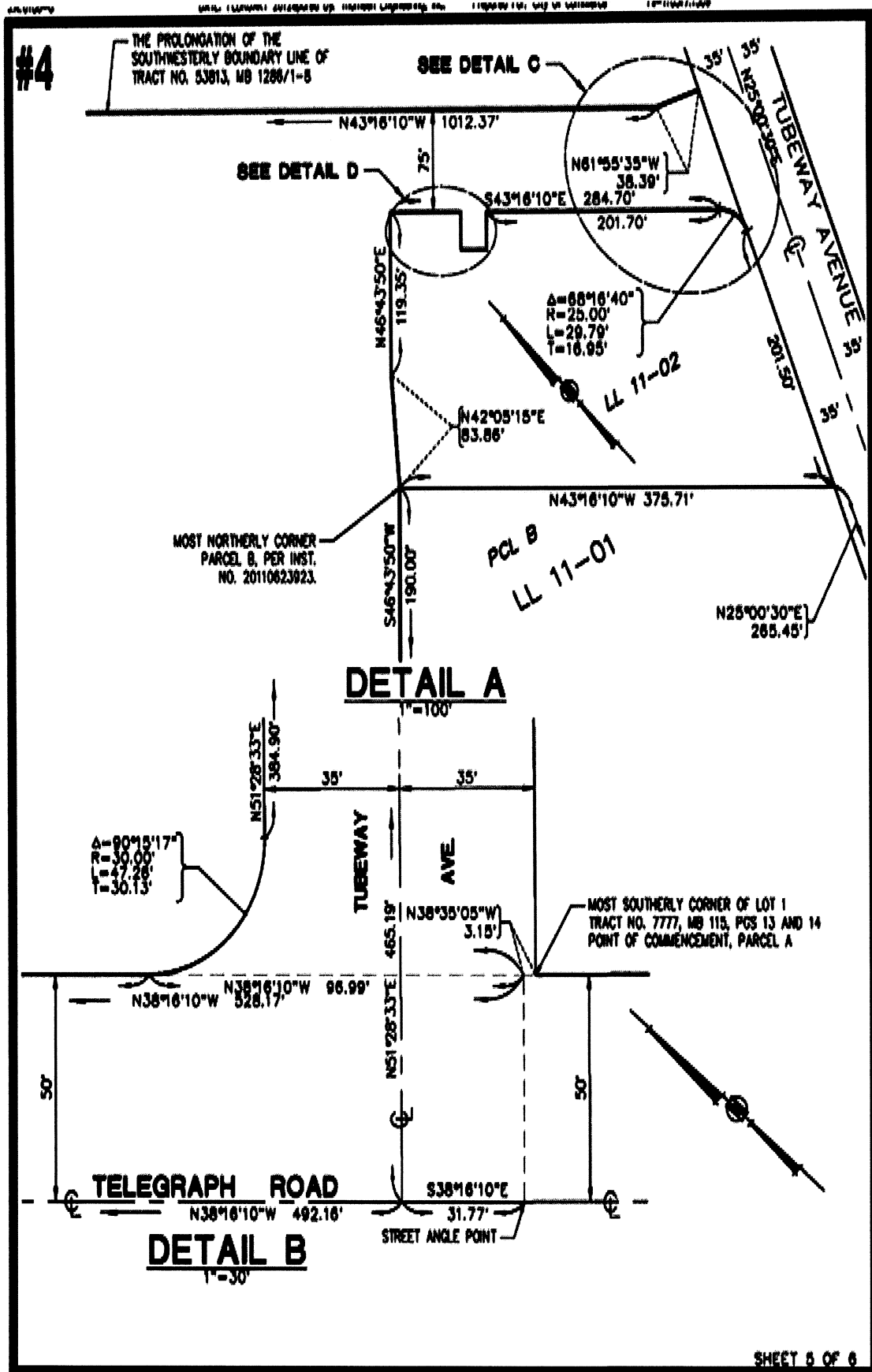


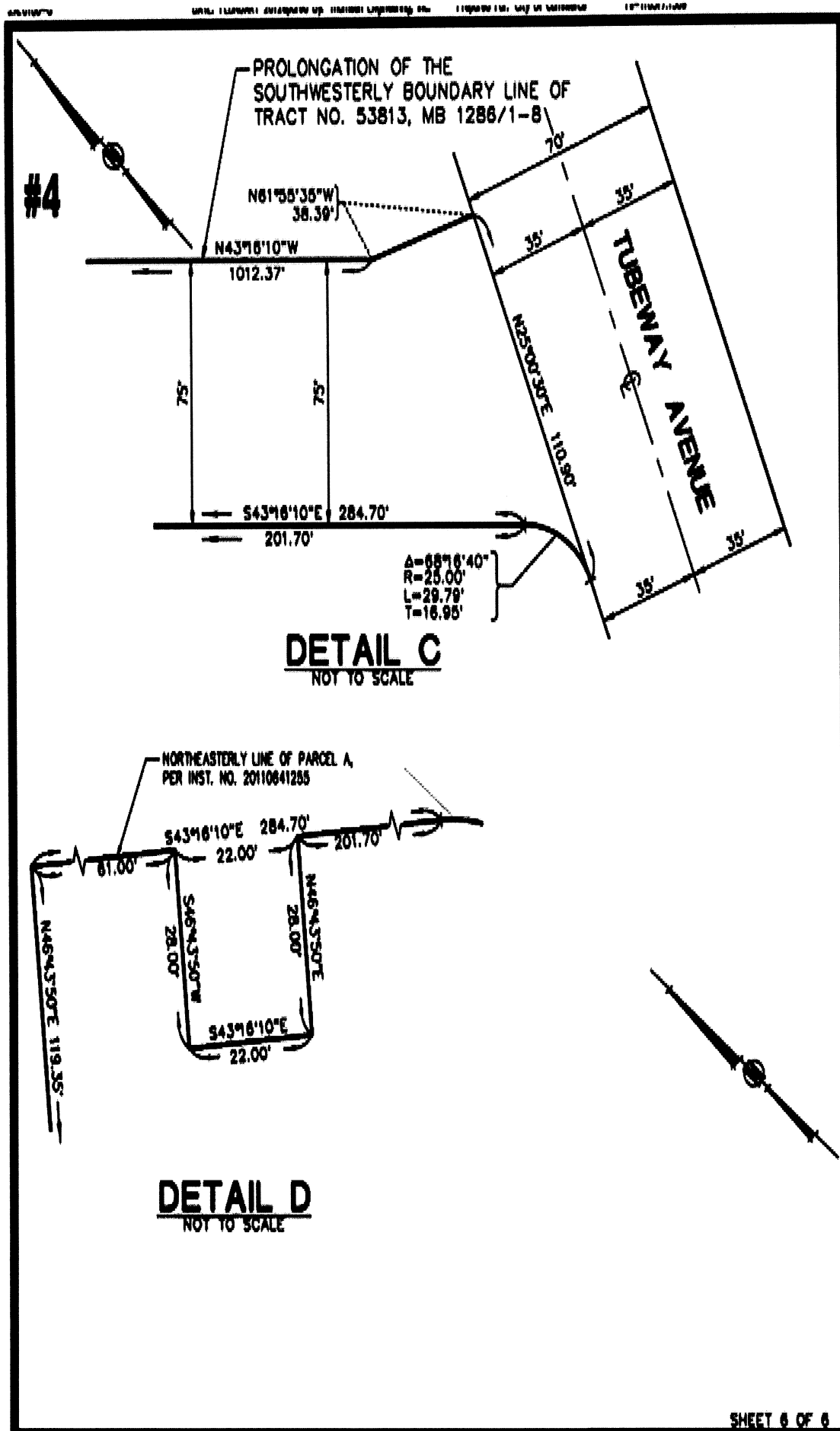
#4



#4

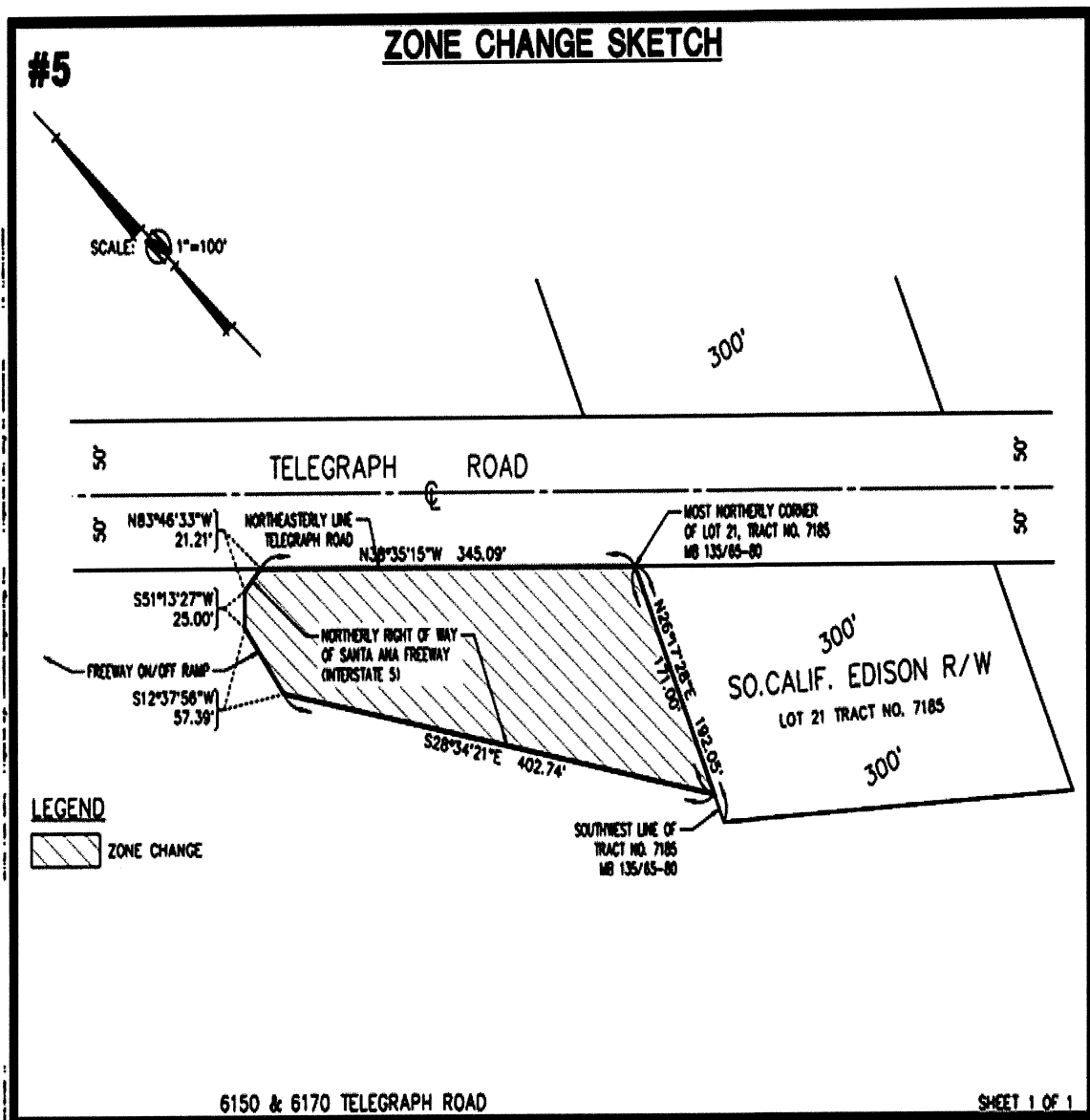






#5 THAT CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF LOT 66 OF RANCHO LAGUNA AS SHOWN ON MAP FILED AS EXHIBIT A IN CASE NO. B-25296 FO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA AS RECORDED IN BOOK 6387 PAGE 1 ET SEQ OF DEED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT MOST NORTHERLY CORNER OF LOT 21, TRACT NO 7185, AS PER MAP RECORDED IN BOOK 135 PAGES 56 THROUGH 80, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ALSO BEING ON THE NORTHEASTERLY LINE OF TELEGRAPH ROAD, FORMERLY ANAHEIM-TELEGRAPH ROAD, 100 FEET IN WIDTH, AS WIDENED BY DECREE OF CONDEMNATION, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 9983 PAGE 296, OFFICIAL RECORDS; THENCE ALONG SAID NORTHEASTERLY LINE OF SAID TELEGRAPH ROAD, 100 FEET IN WIDTH, NORTH 38° 35' 15" WEST 345.09 FEET TO THE NORTHERLY RIGHT OF WAY OF INTERSTATE 5 FREEWAY; THENCE CONTINUING ON THE NEXT FOUR (4) COURSES ALONG THE NORTHERLY RIGHT OF WAY OF INTERSTATE 5 FREEWAY, (1) NORTH 83° 46' 33" WEST 21.21 FEET; THENCE (2) SOUTH 51° 13' 27" WEST 25.00 FEET; THENCE (3) SOUTH 12° 37' 56" WEST 57.39 FEET; THENCE (4) SOUTH 28° 34' 21" EAST 402.74 FEET TO THE SOUTHWEST LINE OF SAID TRACT NO. 7185; THENCE ALONG SOUTHWEST LINE OF SAID TRACT NO. 7185, NORTH 26° 17' 28" EAST 171.00 FEET TO THE POINT OF BEGINNING.



6150 & 6170 TELEGRAPH ROAD

SHEET 1 OF 1

#6 THAT PORTION OF THE RANCHO SAN ANTONIO, IN THE CITY OF COMMERCE, AS SHOWN ON MAP THEREOF RECORDED IN BOOK 1, PAGE 389 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

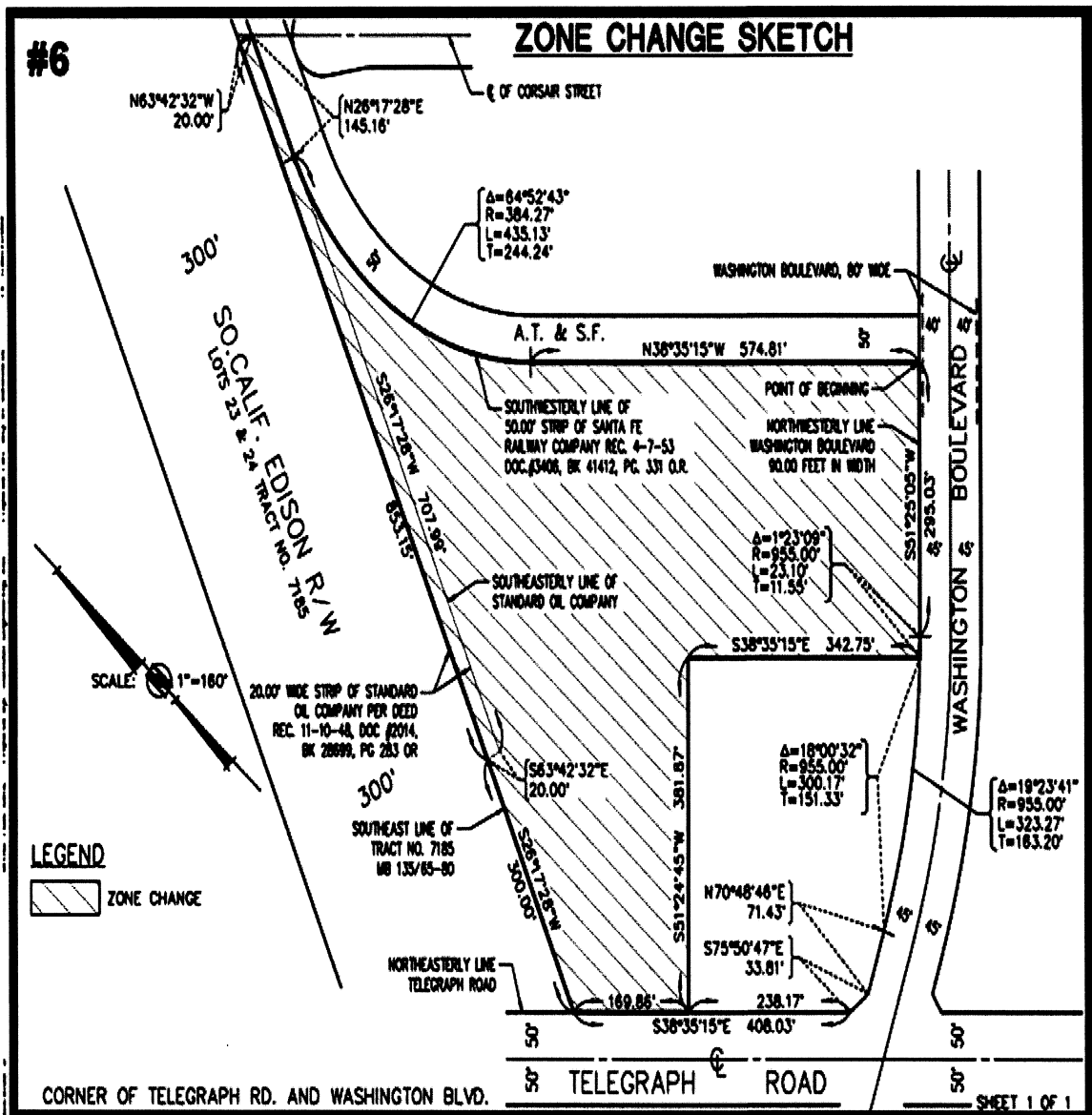
BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF WASHINGTON BOULEVARD, 90 FEET IN WIDTH, DESCRIBED AS PARCEL NO. 1 IN DEED TO THE COUNTY OF LOS ANGELES, RECORDED AUGUST 29, 1939 AS DOCUMENT NO 1085, IN BOOK 16836 PAGE 241, OFFICIAL RECORDS AND AS WIDENED BY DEED DATED JULY 25, 1973 FOR ROAD PURPOSES, RECORDED JANUARY 23, 1974 AS INSTRUMENT NO 2907, OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITH THE SOUTHWESTERLY LINE OF THAT CERTAIN 50 FOOT WIDE RAILWAY RIGHT-OF-WAY CONVEYED TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, BY DEED RECORDED APRIL 7, 1953 AS DOCUMENT NO. 3406, IN BOOK 41412 AT PAGE 331, OFFICIAL RECORDS AND REFERRED TO THEREIN AS PARCEL NO. 1, THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH 38° 35' 15" WEST 574.81 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 384.27 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE AN ARC DISTANCE OF 435.13 FEET, THROUGH A CENTRAL ANGLE OF 64° 52' 43" TO A TANGENT POINT ON THE SOUTHEASTERLY LINE OF THAT CERTAIN 20.00 FEET WIDE RIGHT-OF-WAY CONVEYED TO STANDARD OIL COMPANY BY DEED RECORDED ON NOVEMBER 10, 1948 AS DOCUMENT NO 2014, IN BOOK 28699, PAGE 283, OFFICIAL RECORDS; THENCE TANGENT ALONG SAID SOUTHEASTERLY LINE SOUTH 26° 17' 28" WEST 707.99 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE SOUTH 63° 42' 32" WEST 20.00 FEET TO THE SOUTHEASTERLY LINE OF TRACT NO. 7185 AS SHOWN ON MAP RECORDED IN BOOK 135, PAGES 65 TO 80 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY TRACT LINE SOUTH 26° 17' 28" WEST 300.00 FEET TO THE NORTHEASTERLY LINE OF TELEGRAPH ROAD, FORMERLY ANAHEIM-TELEGRAPH ROAD, 100 FEET IN WIDTH, AS WIDENED BY DECREE OF CONDEMNATION, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 9983 PAGE 296, OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHEASTERLY LINE OF TELEGRAPH ROAD SOUTH 38° 35' 15" EAST 408.03 FEET; THENCE CONTINUING ALONG SAID WASHINGTON BOULEVARD NORTHERLY LINE, SOUTH 75° 50' 47" EAST 33.81 FEET TO THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90.00 FEET IN WIDTH; THENCE ALONG SAID NORTHWESTERLY LINE OF WASHINGTON BOULEVARD NORTH 70° 48' 46" EAST 71.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 955.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE AND SAID CURVE AN ARC DISTANCE OF 323.27 FEET, THROUGH A CENTRAL ANGLE OF 19° 23' 41"; THENCE TANGENT TO SAID CURVE, ALONG THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90 FEET IN WIDTH, NORTH 51° 25' 05" EAST 295.03 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH THAT PORTION OF SAID RANCHO SAN ANTONIO DESCRIBED AS FOLLOWS:

THE SOUTHERLY 853.15 FEET OF THE 20.00 FEET WIDE STRIP OF STANDARD OIL COMPANY PER DEED RECORDED NOVEMBER 10, 1948 AS DOCUMENT NUMBER 2014 IN BOOK 28699, PAGE 283 OF OFFICIAL RECORDS

EXCEPT THEREFROM THAT PORTION OF SAID RANCHO SAN ANTONIO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90 FEET IN WIDTH, WITH THE SOUTHWESTERLY LINE OF THAT SAID CERTAIN 50 FOOT WIDE RAILWAY RIGHT-OF-WAY CONVEYED TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY; THENCE ALONG THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90 FEET IN WIDTH, SOUTH 51° 25' 05" WEST 295.03 FEET TO A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 955.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE AND SAID CURVE AN ARC DISTANCE OF 23.10 FEET, THROUGH A CENTER ANGLE OF 01° 23' 09" TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID NORTHWESTERLY LINE NORTH 38° 35' 15" EAST 342.75 FEET; THENCE SOUTH 51° 24' 45" WEST 381.87 FEET TO THE NORTHEASTERLY LINE OF SAID TELEGRAPH ROAD, 100 FEET IN WIDTH; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE, SOUTH 38° 35' 15" EAST 238.17 FEET; THENCE CONTINUING ALONG SAID WASHINGTON BOULEVARD NORTHERLY LINE, SOUTH 75° 50' 47" EAST 33.81 FEET TO THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90.00 FEET IN WIDTH; THENCE ALONG SAID NORTHWESTERLY LINE OF WASHINGTON BOULEVARD NORTH 70° 48' 46" EAST 71.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 955.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE AND SAID CURVE AN ARC DISTANCE OF 300.17 FEET, THROUGH A CENTRAL ANGLE OF 18° 00' 32" TO THE TRUE POINT OF BEGINNING.





AGENDA REPORT

DATE: April 3, 2012

TO: HONORABLE CITY COUNCIL

FROM: ACTING CITY ADMINISTRATOR

SUBJECT: PUBLIC HEARING – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 12-01.

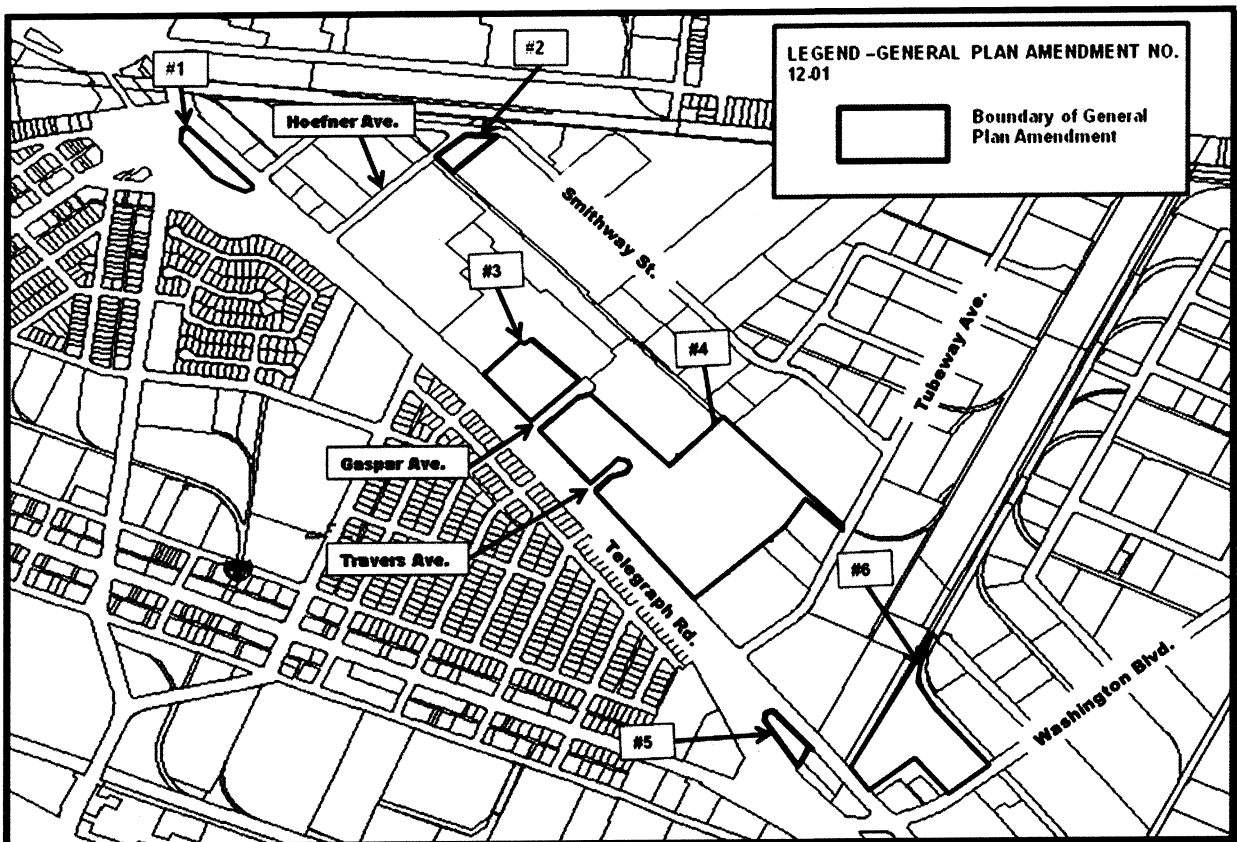
RECOMMENDATION:

Approve and adopt the subject resolution and assign the number next in order.

MOTION:

Move to approve the recommendation.

PROPERTY LOCATION: The properties subject to the proposed General Plan Amendment are shown on the following map and described in greater detail in this report and in the resolution attached hereto.



BACKGROUND:

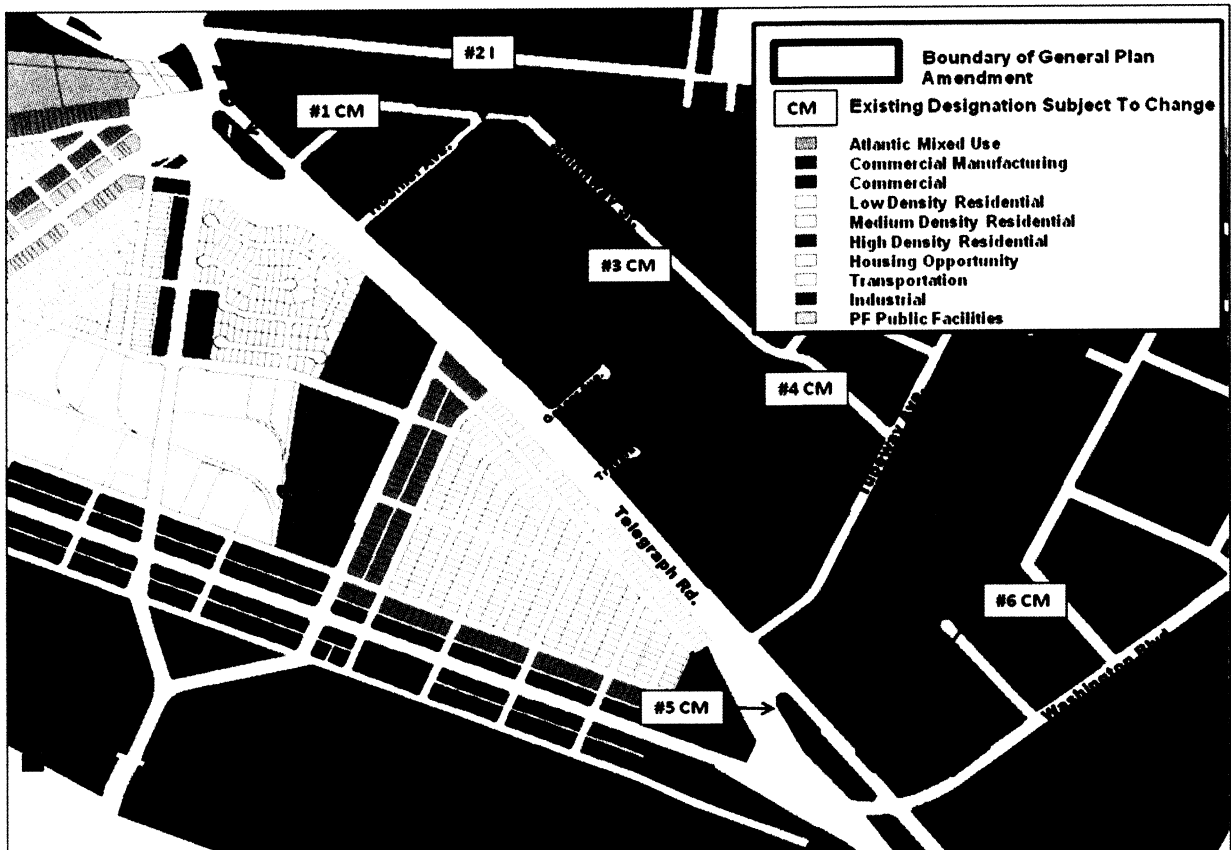
California state law requires each city and county to adopt a General Plan for the “physical development of the county or city, and any land outside its boundaries which bears relation to its planning” (Governor’s Office of Planning and Research). The General Plan expresses the community’s development goals and embodies public policy relative to the distribution of future land uses both public and private. The policies of the General Plan are intended to underlie most land use decisions. Pursuant to state law, subdivisions, capital improvements, development agreements, and many other land use actions must be consistent with the adopted General Plan.

The City of Commerce 2020 General Plan serves as the blueprint for the planning and development of the City. This plan indicates the community's vision for the future through policies that will shape the City's physical development. Public and private decision makers must refer to this plan to identify the needs and desires of the community.

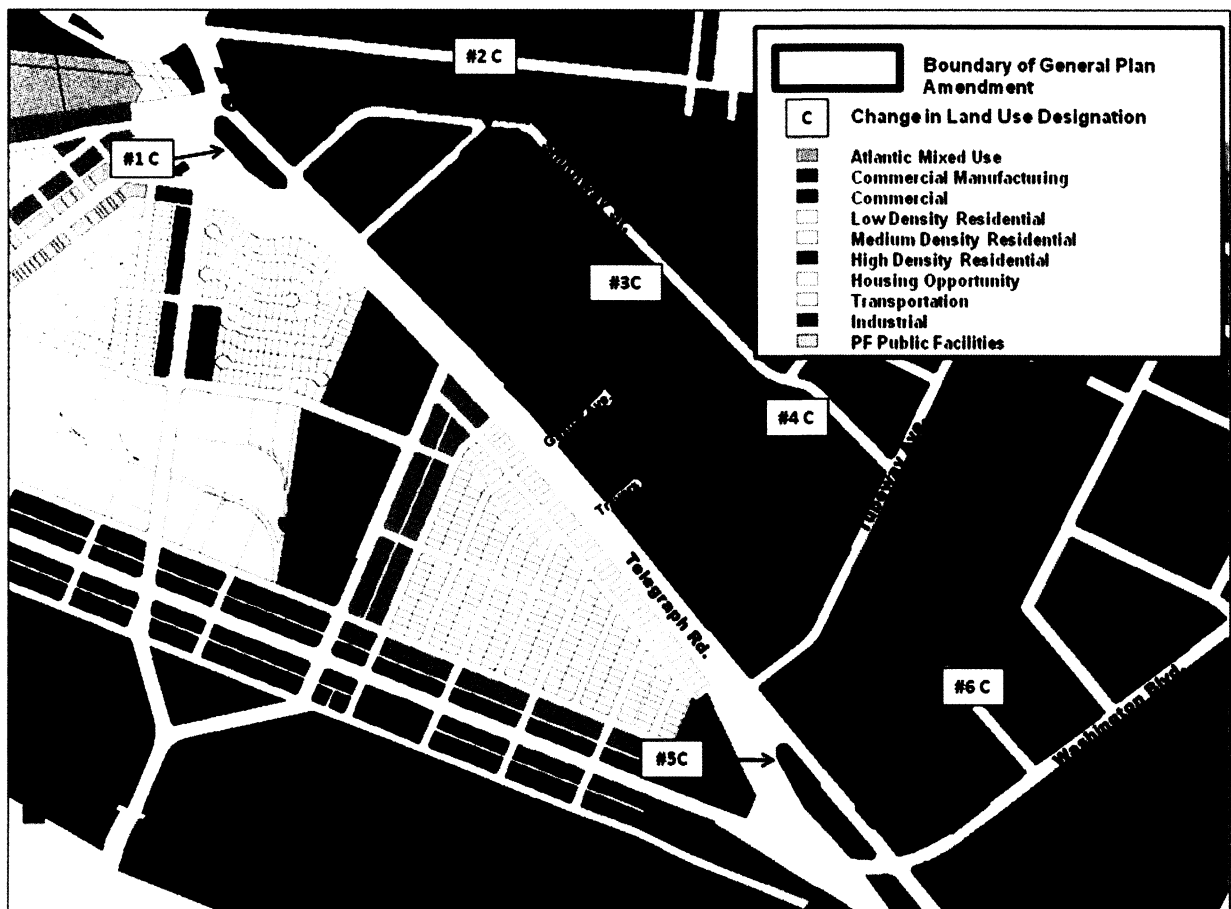
In setting forth a vision for the City's future, the Commerce General Plan calls for entertainment type uses along a portion of Telegraph Road. Based on the vision set forth in the Plan, General Plan Amendment No. 12-01 and a corresponding Zone Change (No. 12-01) were initiated. The Zone Change would re-designated the properties as C-2 or unlimited commercial. The General Plan sets forth land use designations that correspond to specific zoning designations. The C-2 zoning designation corresponds to the Commercial General Plan land use designation. These two designations allow for the greatest amount of commercial and retail activities within the City. These actions are consistent with the General Plan and are necessary to fully implement it goal, policies and objectives. The policies which set forth this vision are as follows:

- Community Development Policy 2.1. The City of Commerce will encourage and promote the development of a quality retail and commercial entertainment district in the vicinity of Telegraph Road, north of the Santa Ana Freeway.
- Community Development Policy 2.2. The City of Commerce will encourage and promote the development of quality restaurants in the City to serve residents and visitors alike, and discourage the further proliferation of fast food restaurants in the City.
- Community Development Policy 2.3. The City of Commerce will promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller "strip commercial" centers.
- Community Development Policy 2.8. The City of Commerce will continue to encourage the development of a high-intensity, highly visible, commercial corridor consisting of offices, hotels, and retail and entertainment uses along Telegraph Road, extending from Hoefner Avenue to Vail Avenue.
- Community Development Policy 4.1. The City of Commerce will explore the feasibility of developing an area devoted to active family recreation.
- Community Development Policy 4.2. The City of Commerce will promote the development of commercial enterprises that provide family entertainment.
- Community Development Policy 4.3. The City of Commerce will continue to promote the development of the Citadel and neighboring areas as a focal point for family entertainment.

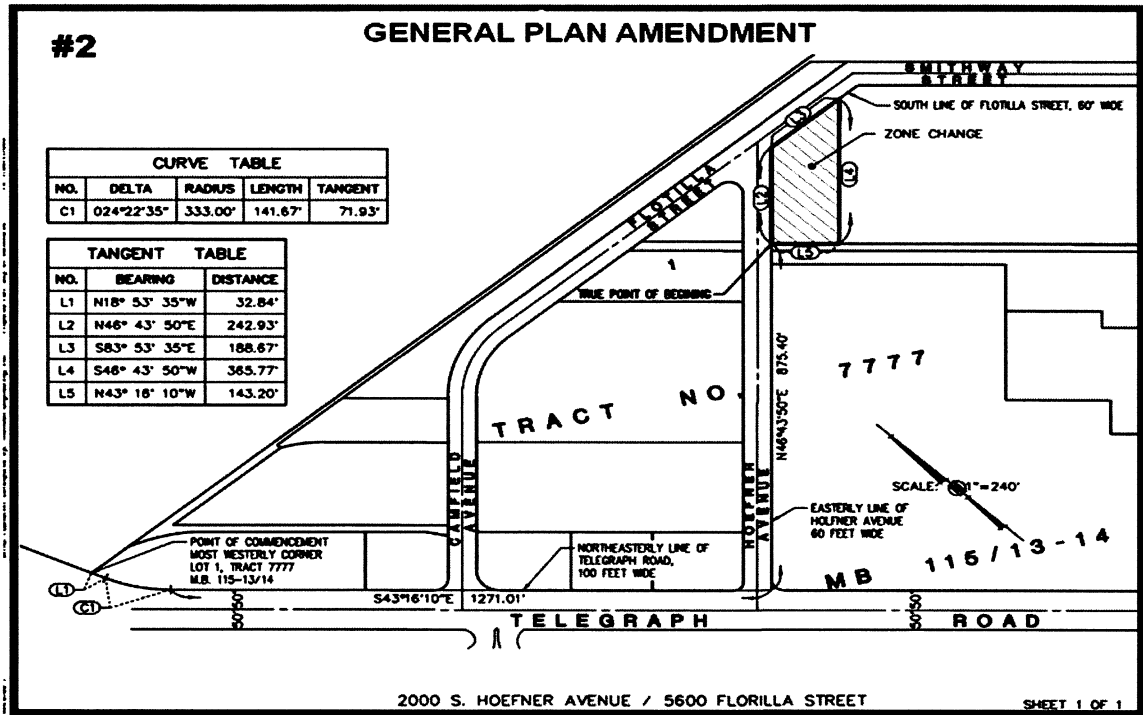
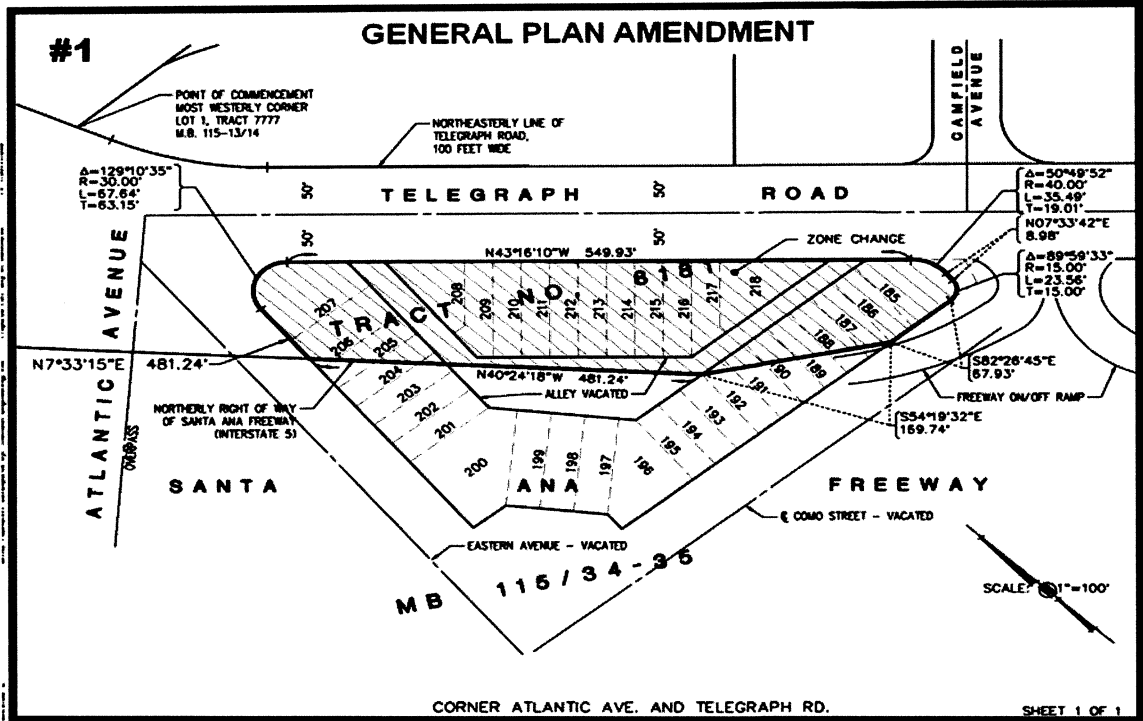
The map below shows the existing land use designations for the properties subject to the Amendment. As shown, the properties have current land use designations of CM (Commercial Manufacturing) and I (Industrial). Each area impacted has also been assigned a number (#1, #2, etc):

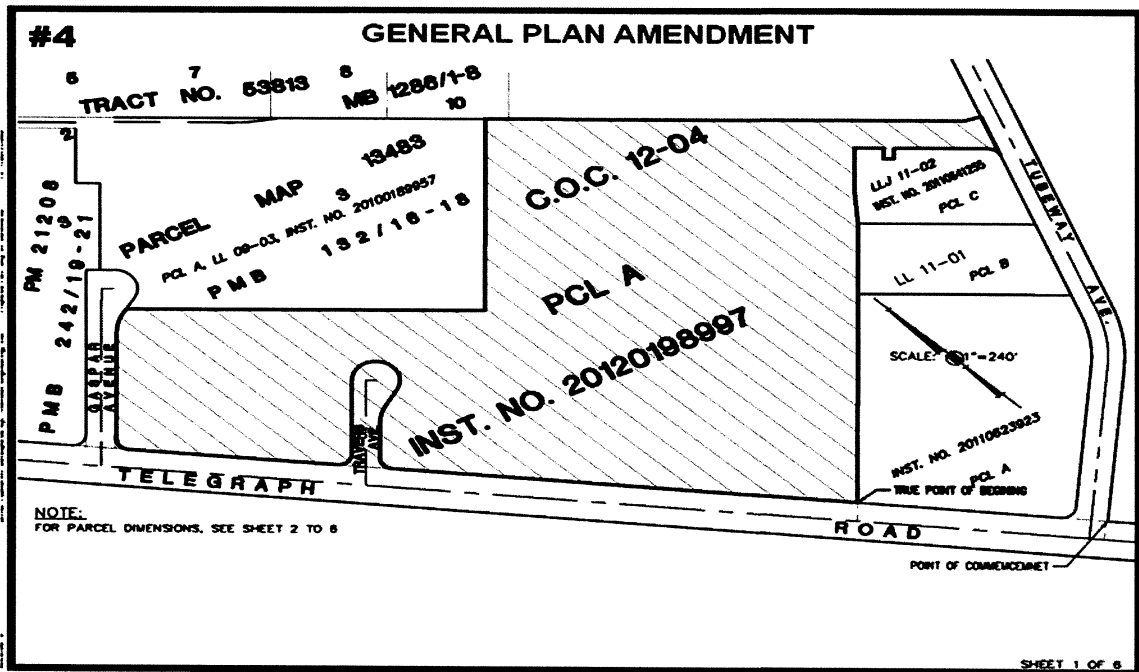
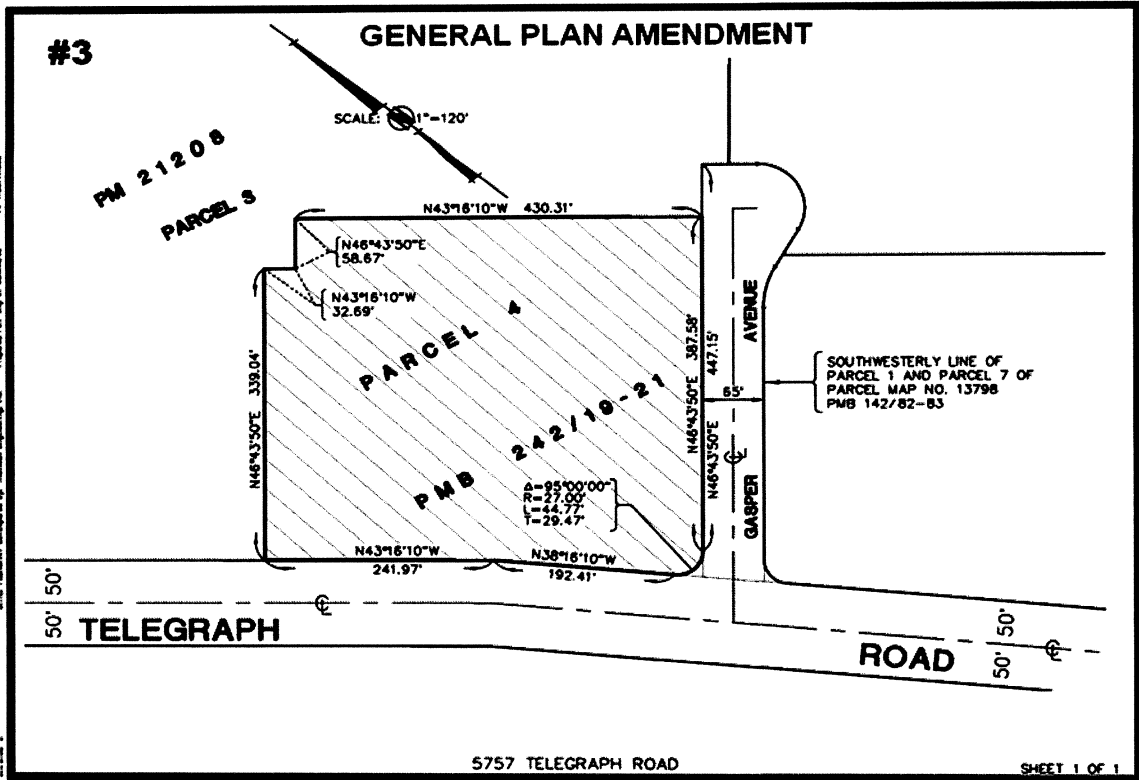


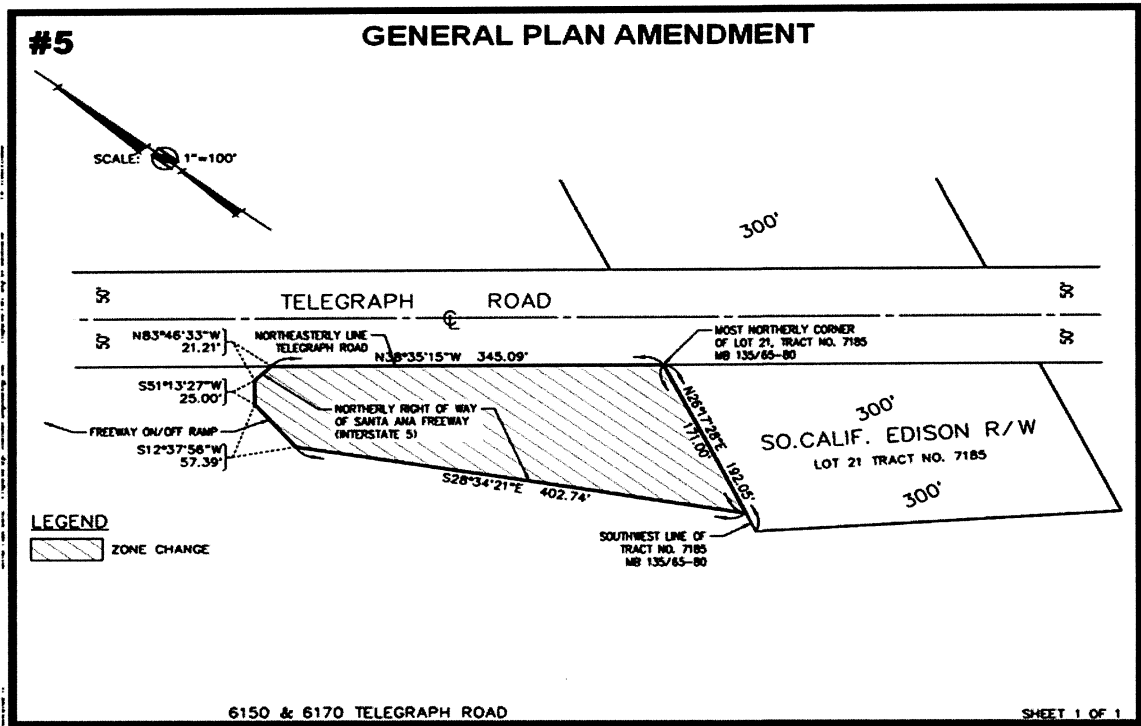
Currently the properties subject to the Amendment have land use designations of Commercial Manufacturing and Industrial. These land use categories correspond to the City's C/M-1 (Commercial Manufacturing) and M-2 (Heavy Industrial) zoning designations. These designations allow for both light and the heaviest manufacturing uses in the City. As stated, the subject Amendment would change the General Plan Land Use Designations of the subject properties to Commercial. If approved, the amended Land Use Map would change as follows:



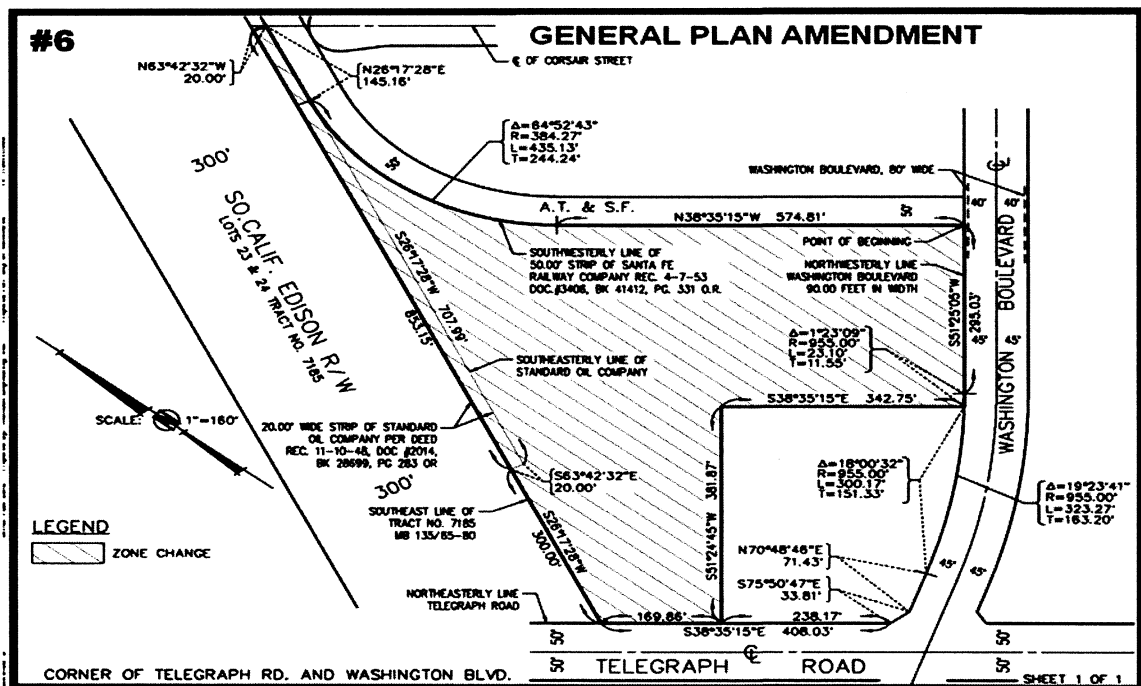
The maps below are detailed depictions of each property subject to the General Plan Amendment. These, along with the legal descriptions attached to this report, shall serve as the official boundaries of the subject Amendment.







Fri 3/2/2012



This item was before the Planning Commission at their March 21, 2012 meeting. At that time, they unanimously recommended approval to the City Council. Also, the Planning Commission received a letter from the Commerce Casino requesting that their properties be excluded from the subject General Plan Amendment. General Plan Amendment No. 12-01 does not include property owned by the Commerce Casino. In the future, if deemed necessary, additional properties may be subject to an Amendment.

ANALYSIS:

The Commerce General Plan sets forth the blueprint for the City's future. The City's Zoning Ordinance is the primary means of implementing the General Plan. In contrast to the long-term outlook of the General Plan, zoning classifies the specific, immediate uses of land. The typical Zoning Ordinance and map regulate land use by dividing the community into districts or zones and specifying the uses that are to be permitted, conditionally permitted, and prohibited within each zone. Text and a map describe the distribution and intensity of land uses in such categories as residential, commercial, industrial and open space. Cities are required to maintain consistency between their Zoning Ordinance and map, and their adopted General Plan and its

map. Where the consistency requirement applies, every zoning action, such as the adoption of new Zoning Ordinance text or the amendment of a Zoning Map, must be consistent with the General Plan. The City's last General Plan Update in 2008 sets forth certain policies and objectives. Many of the policies look to encourage an increase in entertainment uses along the City's Telegraph Road corridor. Some properties in this area are zoned in a way that would not fully allow for the City's vision to come to fruition. Therefore, Zone Change No. 12-01 was initiated. As stated in the Background section of this report, the Zone Change would change the zoning designations of the properties shown on the maps above to C-2.

The purpose of the City's C-2 (Commercial) zone is to allow for the establishment and operation of retail and business uses in conveniently located areas of the City. These uses are intended to provide a variety of goods and services necessary to meet the needs of the resident and business populations. Uses allowed in the C-2 zone include, but are not limited to, retail businesses, restaurants, personal services, offices, repair shops and parking. Each zoning designation corresponds to a General Plan Land Use Designation. The C-2 zone corresponds to the Commercial designation.

The General Plan not only assigns land use designations to properties, but it also creates planning areas. The majority of the properties included in the subject Amendment have designations of Commercial-Manufacturing. One site has a designation of Industrial. As depicted on the maps in this report, the northwest corner of the Citadel property is designated Industrial. This is a remnant left over from when the former Uniroyal Tire plant operation took place at this location. The Industrial Designation is not consistent with the current Citadel uses. The properties included in General Plan Amendment No. 12-01, are part of the Town Center Planning Area. This area supports both commercial and industrial land uses. However, the tremendous freeway exposure available to the Telegraph Road corridor offers a multitude of opportunities for higher intensity office and service/retail/highway commercial uses. The Citadel development serves as the areas' visual focal point. The Telegraph Road corridor, which is currently designated commercial manufacturing, should become a high-intensity, high-visibility office/hotel/restaurant commercial corridor. Foremost, the Citadel Outlets and the adjacent properties will support uses that not only provide long-term economic benefit of the City, but that also spur development of related office, commercial, and entertainment related uses within the area.

The subject General Plan Amendment, in conjunction with Zone Change No. 12-01 would bring the impacted properties into greater compliance with the City's General Plan and the goals and objectives contained within it. The action outlined in this report was analyzed during the General Plan update and was included in its Environmental Impact Report. In order to fully implement the policies contained in the General Plan, actions like the subject one are necessary.

REQUIRED FINDINGS:

Commerce Municipal Code Section 19.39.370 requires that the City shall make the following findings:

1. That the proposed amendment is in the public interest and that there will be a community benefit resulting from the amendment. ***The subject amendment will further the goals and objectives of the City's General Plan. The Plan calls for the creation of an entertainment/destination center along the Telegraph Road corridor. The current land use designations do not fully allow for this transition to occur. Therefore, the subject General Plan Amendment is necessary for the vision set forth in the General Plan to be realized. Entertainment type uses are currently under represented in The City of Commerce. Promoting the development of quality entertainment, retail and service uses will serve residents and visitors alike, while contributing to the long-term economic viability of the City. Therefore, the proposed amendment is in the public interest and a benefit to the community will be realized.***

2. That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan. ***The subject amendment would help promote the following policies in the Commerce General Plan:***
- ***Community Development Policy 2.1. The City of Commerce will encourage and promote the development of a quality retail and commercial entertainment district in the vicinity of Telegraph Road, north of the Santa Ana Freeway.***
 - ***Community Development Policy 2.2. The City of Commerce will encourage and promote the development of quality restaurants in the City to serve residents and visitors alike, and discourage the further proliferation of fast food restaurants in the City.***
 - ***Community Development Policy 2.3. The City of Commerce will promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller “strip commercial” centers.***
 - ***Community Development Policy 2.8. The City of Commerce will continue to encourage the development of a high-intensity, highly visible, commercial corridor consisting of offices, hotels, and retail and entertainment uses along Telegraph Road, extending from Hoefner Avenue to Vail Avenue.***
 - ***Community Development Policy 4.1. The City of Commerce will explore the feasibility of developing an area devoted to active family recreation.***
 - ***Community Development Policy 4.2. The City of Commerce will promote the development of commercial enterprises that provide family entertainment.***
 - ***Community Development Policy 4.3. The City of Commerce will continue to promote the development of the Citadel and neighboring areas as a focal point for family entertainment.***

State law requires that every city prepare and adopt a comprehensive General Plan to serve as a guide for development. General Plans must be internally consistent. According to the Governor’s Office of Planning and Research, this concept holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate General Plan. The five dimensions of internal consistency that are required of all General Plans are as follows: equal status among elements, consistency between elements, consistency within elements, area plan consistency, and text and diagram consistency. The last comprehensive update of the City’s General Plan, was adopted and met these consistency requirements. The subject amendment to the General Plan is necessary to help further several of its policies and is therefore consistent with other goals, policies and objectives contained therein.

3. That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations. ***The proposed Amendment would not conflict with the provisions of the Zoning Ordinance or subdivision regulations. The Amendment would create greater consistency with the General Plan. Planning case law has placed the General Plan atop the hierarchy of local government laws that regulate land use and development. Consequently, State planning law mandates consistency between the General Plan and all other land use plans. The zoning***

ordinance, which includes subdivision regulations, must all be consistent with the policies, plans, and standards contained in the General Plan. The last General Plan comprehensive update process contemplated certain areas of the City being rezoned at some future date (within a reasonable period of time as prescribed by State law) to ensure compatibility between the General Plan's land use policy and the Zoning Ordinance text. Therefore, the proposed General Plan Amendment would not conflict with provisions of the City's Zoning or Subdivision ordinances.

4. **In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties. The General Plan Amendment will not adversely affect surrounding properties, as it will serve to promote consistency and compatibility along the City's Telegraph Road corridor. During the last comprehensive update of the Commerce General Plan, the City Council found that approval and subsequent implementation of the General Plan will not have the potential to degrade the quality of the environment, the proposed General Plan does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, the proposed General Plan is not expected to have impacts, which are individually limited but cumulatively considerable when considering planned or proposed development in the immediate vicinity, and the proposed General Plan is not expected to have environmental effects that will adversely affect humans, either directly or indirectly. Furthermore, the Final EIR was completed in compliance with CEQA, including a public review process. The City Council considered the information contained in the Final EIR prior to approving the project, and the Final EIR reflects the lead agency's independent judgment and analysis.**

CEQA Guidelines 15183 provides for streamlined review of projects that are consistent with existing General Plans. The subject General Plan Amendment was contemplated in the Final EIR. The EIR discusses a Zone Change and General Plan Amendment that would impact parcels in the area of Zone General Plan Amendment No. 12-01. These changes were designed to facilitate a continued transition of these areas to commercial and entertainment uses, as well as allow for greater flexibility in the event these areas redevelop. The EIR states that the implementation of the policies and programs included in the General Plan will reduce the level of impact from future development to levels that are less than significant. Since the subject Amendment and its potential impacts were addressed in the EIR, pursuant to CEQA Guidelines Section 15183, when approving a project that is consistent with a general plan for which an environmental impact report has already been certified, a public agency need only examine those environmental effects that are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report. General Plan Amendment No. 12-01 is necessary to further implement the policies contained in the General Plan. There are no environmental effects that are peculiar to the proposed General Plan Amendment that were not sufficiently analyzed in the prior EIR for the General Plan Update. Therefore, the project does not require further analysis pursuant to CEQA. Any specific development on the affected parcels would be subject to a separate analysis pursuant to CEQA. Thus, the surrounding properties would not be adversely affected.

ENVIRONMENTAL ASSESSMENT:

In January of 2008, the Commerce City Council approved and certified its Environmental Impact Report (EIR) for a comprehensive General Plan Update and approved the General Plan Update. The City Council, as the lead agency, found that approval and subsequent implementation of the General Plan: (1) will not have the potential to degrade the quality of the environment; (2) does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals; (3) is not expected to have impacts, which are individually limited but cumulatively considerable when considering planned or proposed development in the immediate vicinity; and (4) is not expected to have environmental effects that will adversely affect humans, either directly or indirectly. The Final EIR was completed in compliance with the California Environmental Quality Act ("CEQA").

CEQA Guidelines, Section 15183 provides for streamlined review of projects that are consistent with existing General Plans. The subject General Plan Amendment was contemplated in the Final EIR. The EIR discusses a zone change and General Plan Amendment that would impact parcels in the area of General Plan Amendment No. 12-01. These changes were designed to facilitate a continued transition of these areas to commercial and entertainment uses, as well as allow for greater flexibility in the event these areas redevelop. The EIR states that the implementation of the policies and programs included in the General Plan will reduce the level of impact from future development to levels that are less than significant. Since the subject Amendment and its potential impacts were addressed in the EIR, pursuant to CEQA Guidelines Section 15183, when approving a project that is consistent with a general plan for which an environmental impact report has already been certified, a public agency need only examine those environmental effects that are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report. General Plan Amendment No. 12-01 is necessary to further implement the policies contained in the General Plan. Therefore, the project does not require further analysis pursuant to CEQA. There are no environmental effects that are peculiar to the proposed General Plan Amendment that were not sufficiently analyzed in the prior EIR for the General Plan Update.

FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.

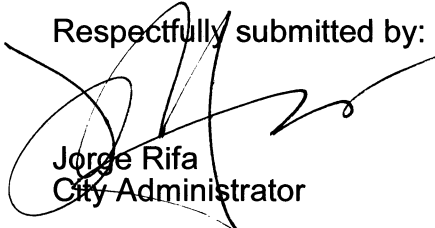
RELATIONSHIP TO 2009 STRATEGIC GOALS:

This agenda report relates to the 2009 strategic planning goal: *"Protect and Enhance the Quality of Life in the City of Commerce"*.

Recommended by:


Bob Zarrilli
Director of Community Development

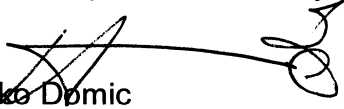
Respectfully submitted by:


Jorge Rifa
City Administrator

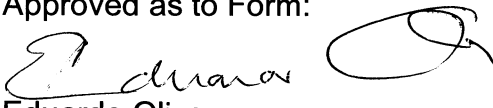
Prepared by:


Matt Marquez
City Planner

Fiscal impact reviewed by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 12-01

WHEREAS, in January of 2008, the City Council of the City of Commerce, as the lead agency, approved and certified an Environmental Impact Report ("EIR") regarding a comprehensive General Plan Update and also approved the General Plan Update; and

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

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

WHEREAS, the City's last General Plan Update in 2008 sets forth certain policies and objectives, many of which seek to encourage an increase in entertainment uses along the City's Telegraph Road corridor; and

WHEREAS, the General Plan Update and the EIR contemplated and evaluated a General Plan Amendment that would allow for greater commercial development along Telegraph Road; and

WHEREAS, the properties that are subject to the proposed General Plan Amendment are located along the Telegraph Road Corridor and currently have land use designations that would not fully allow the City's vision, as set forth in the General Plan, to come to fruition; and

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

WHEREAS, the EIR concluded that implementation of the policies and programs included in the General Plan would reduce the level of impact from future development to levels that are less than significant; and

WHEREAS, the City Council concluded that approval and subsequent implementation of the General Plan: (1) will not have the potential to degrade the quality of the environment; (2) did not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals; (3) is not expected to have impacts, which are individually limited but cumulatively considerable, when considering planned or proposed development in the immediate vicinity; and (4) is not expected to have environmental effects that will adversely affect humans, either directly or indirectly; and

WHEREAS, California Environmental Quality Act ("CEQA") Guidelines, Section 15183 provides for streamlined review of projects that are consistent with existing General Plans; and

WHEREAS, CEQA Guidelines, Section 15183, provides that, when approving a project that is consistent with a general plan for which an environmental impact report has already been certified, a public agency need only examine those environmental effects that are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report; and

WHEREAS, the subject General Plan Amendment was contemplated and considered in the final EIR; and

WHEREAS, the General Plan Land Use Map must now be updated to implement the policies contained in the General Plan; and

WHEREAS, the Planning Commission held a public hearing on March 21, 2012, for the purpose of considering the subject General Plan Amendment. After review and consideration, the Planning Commission voted to recommend that the City Council approve the General Plan Amendment; and

WHEREAS, the City Council has conducted a noticed public hearing, pursuant to the provisions of the Commerce Municipal Code, for the purpose of considering approval of General Plan Amendment No. 12-01; and

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

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA DOES HEREBY RESOLVE, DECLARE, AND DETERMINE AS FOLLOWS:

SECTION 1. The recitals set forth above are true and correct.

SECTION 2. The subject General Plan Amendment and its potential impacts were addressed in the EIR. Pursuant to CEQA Guidelines, Section 15183, the City is only required to examine the effects that are peculiar to the proposed General Plan Amendment that were not analyzed or were insufficiently analyzed in the EIR. There are no environmental effects that are peculiar to the proposed General Plan Amendment that were not sufficiently analyzed in the EIR. Thus, no additional CEQA analysis is required.

SECTION 3. The City Council further finds as follows:

1. That the proposed amendment is in the public interest and that there will be a community benefit resulting from the amendment. ***The subject amendment will further the goals and objectives of the City's General Plan. The Plan calls for the creation of an entertainment/destination center along the Telegraph Road corridor. The current land use designations do not fully allow for this transition to occur. Therefore, the subject General Plan Amendment is necessary for the vision set forth in the General Plan to be realized. Entertainment type uses are currently under represented in The City of Commerce. Promoting the development of quality entertainment, retail and service uses will serve residents and visitors alike, while contributing to the long-term economic viability of the City. Therefore, the proposed amendment is in the public interest and a benefit to the community will be realized.***
2. That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan. ***The subject amendment would help promote the following policies in the Commerce General Plan:***
 - ***Community Development Policy 2.1. The City of Commerce will encourage and promote the development of a quality retail and commercial entertainment district in the vicinity of Telegraph Road, north of the Santa Ana Freeway.***
 - ***Community Development Policy 2.2. The City of Commerce will encourage and promote the development of quality restaurants in the City to serve residents and visitors alike, and discourage the further proliferation of fast food restaurants in the City.***

- **Community Development Policy 2.3. The City of Commerce will promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller “strip commercial” centers.**
- **Community Development Policy 2.8. The City of Commerce will continue to encourage the development of a high-intensity, highly visible, commercial corridor consisting of offices, hotels, and retail and entertainment uses along Telegraph Road, extending from Hoefner Avenue to Vail Avenue.**
- **Community Development Policy 4.1. The City of Commerce will explore the feasibility of developing an area devoted to active family recreation.**
- **Community Development Policy 4.2. The City of Commerce will promote the development of commercial enterprises that provide family entertainment.**
- **Community Development Policy 4.3. The City of Commerce will continue to promote the development of the Citadel and neighboring areas as a focal point for family entertainment.**

State law requires that every city prepare and adopt a comprehensive General Plan to serve as a guide for development. General Plans must be internally consistent. According to the Governor’s Office of Planning and Research, this concept holds that no policy conflicts can exist, either textual or diagrammatic, between the components of an otherwise complete and adequate General Plan. The five dimensions of internal consistency that are required of all General Plans are as follows: equal status among elements, consistency between elements, consistency within elements, area plan consistency, and text and diagram consistency. The last comprehensive update of the City’s General Plan, was adopted and met these consistency requirements. The subject amendment to the General Plan is necessary to help further several of its policies and is therefore consistent with other goals, policies and objectives contained therein.

3. **That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations. The proposed Amendment would not conflict with the provisions of the Zoning Ordinance or subdivision regulations. The Amendment would create greater consistency with the General Plan. Planning case law has placed the General Plan atop the hierarchy of local government laws that regulate land use and development. Consequently, State planning law mandates consistency between the General Plan and all other land use plans. The zoning ordinance, which includes subdivision regulations, must all be consistent with the policies, plans, and standards contained in the General Plan. The last General Plan comprehensive update process contemplated certain areas of the City being rezoned at some future date (within a reasonable period of time as prescribed by State law) to ensure compatibility between the General Plan’s land use policy and the Zoning Ordinance text. Therefore, the proposed General Plan Amendment would not conflict with provisions of the City’s Zoning or Subdivision ordinances.**
4. **In the event that the proposed amendment is a change to the land use policy map, that the amendment will not adversely affect surrounding properties. The General Plan Amendment will not adversely affect surrounding properties, as it will serve to promote consistency and compatibility along the City’s Telegraph Road corridor. During the last comprehensive update of the Commerce General Plan, the City Council found that approval and**

subsequent implementation of the General Plan will not have the potential to degrade the quality of the environment, the proposed General Plan does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals, the proposed General Plan is not expected to have impacts, which are individually limited but cumulatively considerable when considering planned or proposed development in the immediate vicinity, and the proposed General Plan is not expected to have environmental effects that will adversely affect humans, either directly or indirectly. Furthermore, the Final EIR was completed in compliance with CEQA, including a public review process. The City Council considered the information contained in the Final EIR prior to approving the project, and the Final EIR reflects the lead agency's independent judgment and analysis.

CEQA Guidelines 15183 provides for streamlined review of projects that are consistent with existing General Plans. The subject General Plan Amendment was contemplated in the Final EIR. The EIR discusses a Zone Change and General Plan Amendment that would impact parcels in the area of Zone General Plan Amendment No. 12-01. These changes were designed to facilitate a continued transition of these areas to commercial and entertainment uses, as well as allow for greater flexibility in the event these areas redevelop. The EIR states that the implementation of the policies and programs included in the General Plan will reduce the level of impact from future development to levels that are less than significant. Since the subject Amendment and its potential impacts were addressed in the EIR, pursuant to CEQA Guidelines Section 15183, when approving a project that is consistent with a general plan for which an environmental impact report has already been certified, a public agency need only examine those environmental effects that are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report. General Plan Amendment No. 12-01 is necessary to further implement the policies contained in the General Plan. There are no environmental effects that are peculiar to the proposed General Plan Amendment that were not sufficiently analyzed in the prior EIR for the General Plan Update. Therefore, the project does not require further analysis pursuant to CEQA. Any specific development on the affected parcels would be subject to a separate analysis pursuant to CEQA. Thus, the surrounding properties would not be adversely affected.

SECTION 5. Based upon the above findings, the City Council of the City of Commerce adopts General Plan Amendment No. 12-01, changing the land use designation of properties shown and described in Exhibit "A" of this Resolution, to Commercial.

SECTION 4: This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2012.

Lilia R. Leon, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk

EXHIBIT A

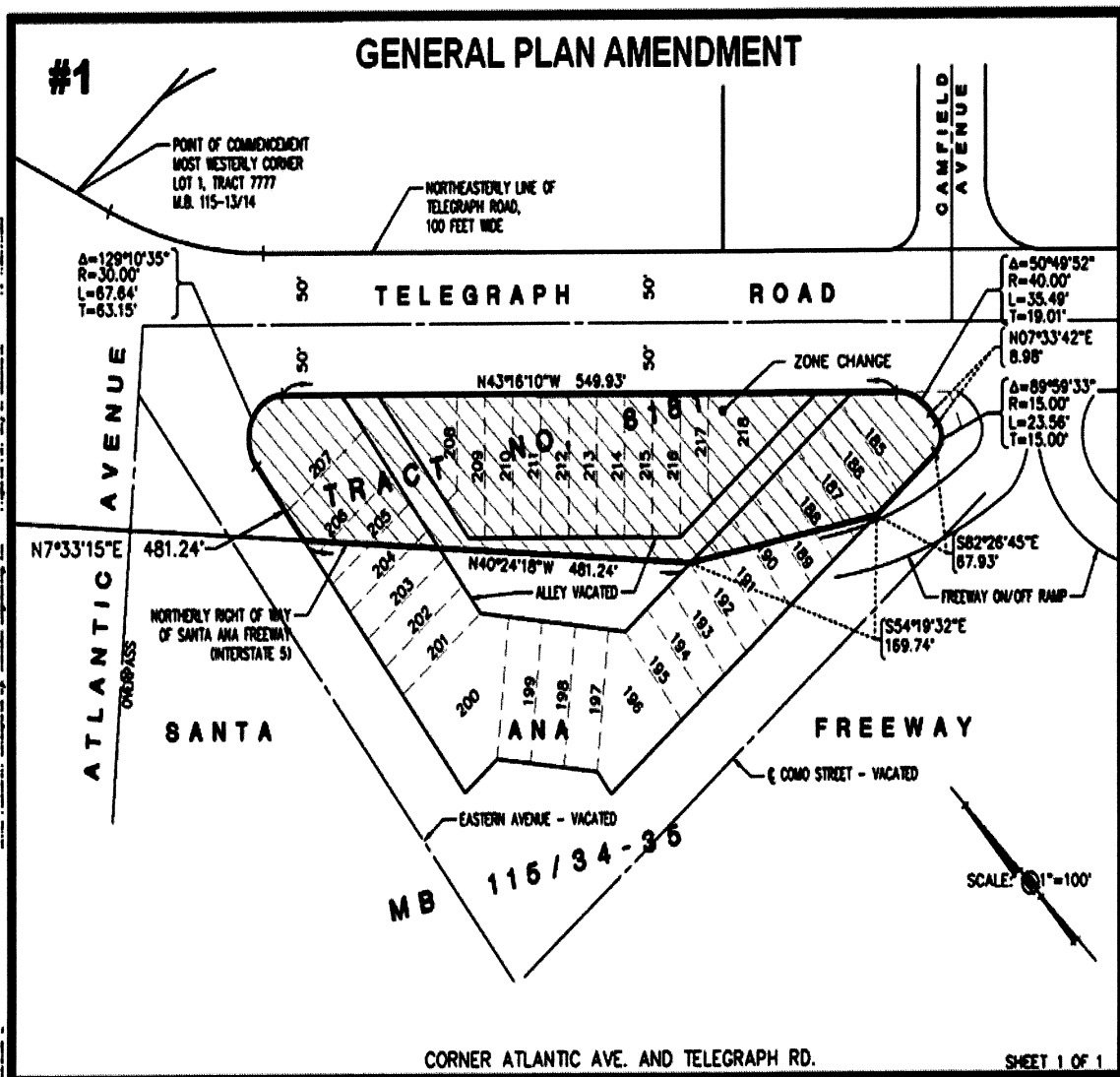
#1 THAT CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF LOTS 203 THROUGH 218 AND LOTS 185 THROUGH 192 OF TRACT NO. 8181, AS PER MAP RECORDED IN BOOK 115, PAGES 34 AND 35 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 203 THROUGH 218 INCLUSIVE OF TRACT NO. 8181, AS PER MAP RECORDED IN BOOK 115, PAGES 34 AND 35 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

TOGETHER WITH THAT PORTION LOTS 185 THROUGH 192 INCLUSIVE OF SAID TRACT NO. 8181.

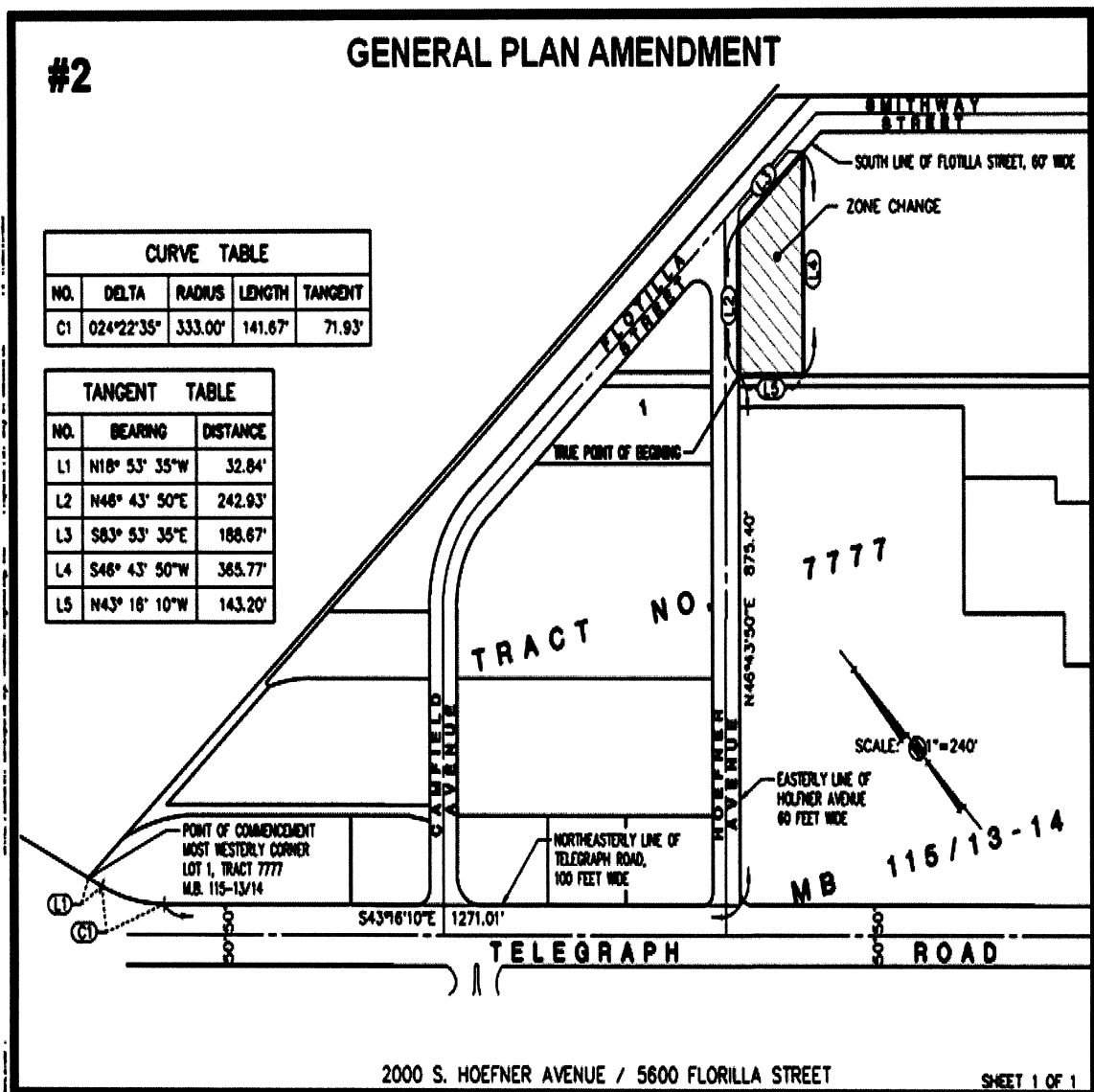
TOGETHER WITH THAT PORTION OF THE ALLEY AS SHOWN ON SAID TRACT NO. 8181 LYING ALONG THE WESTERLY BOUNDARY OF LOTS 208 THROUGH 218 OF SAID TRACT NO. 8181.

EXCEPT THEREFROM THAT PORTIONS LYING WITH THE INTERSTATE 5 FREEWAY, ALSO KNOWN AS THE SANTA ANA FREEWAY, RIGHT-OF-WAY AS IT NOW EXISTS.

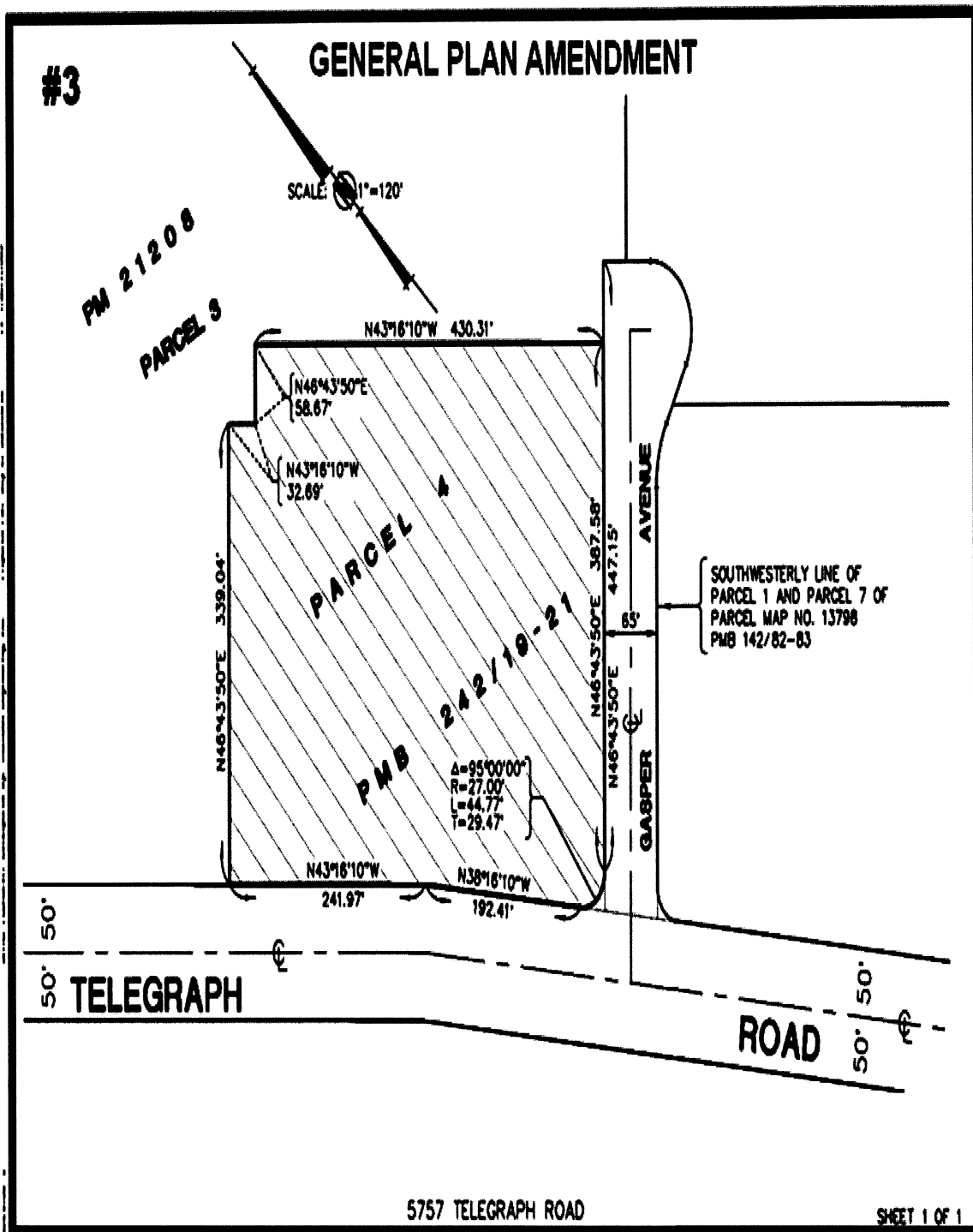


#2 THAT PORTION OF LOT 1, TRACT NO. 7777 IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 115, PAGES 13 AND 14 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST WESTERLY CORNER OF SAID LOT 1; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT, SOUTH 18° 53' 35" EAST 32.84 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY, TANGENT TO SAID LAST MENTIONED COURSE AND HAVING A RADIUS OF 333.00 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE 141.67 FEET TO THE NORTHEASTERLY LINE OF TELEGRAPH ROAD, FORMERLY ANAHEIM-TELEGRAPH ROAD, 100 FEET IN WIDTH, AS WIDENED BY DECREE OF CONDEMNATION, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 9983 PAGE 296, OFFICIAL RECORDS; THENCE TANGENT TO SAID CURVE AND ALONG THE SAID NORTHEASTERLY LINE OF TELEGRAPH ROAD, SOUTH 43° 16' 10" EAST 1,271.01 FEET TO THE PROLONGATION OF THE EASTERLY LINE OF HOFNER AVENUE, 60 FEET WIDE; THENCE ALONG SAID EASTERLY LINE, NORTH 45° 43' 50" EAST 875.40 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID EASTERLY LINE OF HOFNER AVENUE, NORTH 46° 43' 50" EAST 242.93 FEET TO THE SOUTH LINE OF FLOTILLA STREET, 60 FEET WIDE; THENCE ALONG SAID SOUTH LINE OF FLOTILLA STREET, SOUTH 83° 53' 35" EAST 188.67 FEET ; THENCE LEAVE SAID FLOTTILA STREET SOUTH LINE, SOUTH 46° 43' 50" WEST 365.77 FEET; THENCE NORTH 43° 16' 10" WEST 143.20 FEET TO THE TRUE POINT OF BEGINNING.



#3 PARCEL 4 OF VESTING PARCEL MAP NO. 21208 IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER THE MAP FILED IN BOOK 242, PAGES 19 AND 21, INCLUSIVE OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

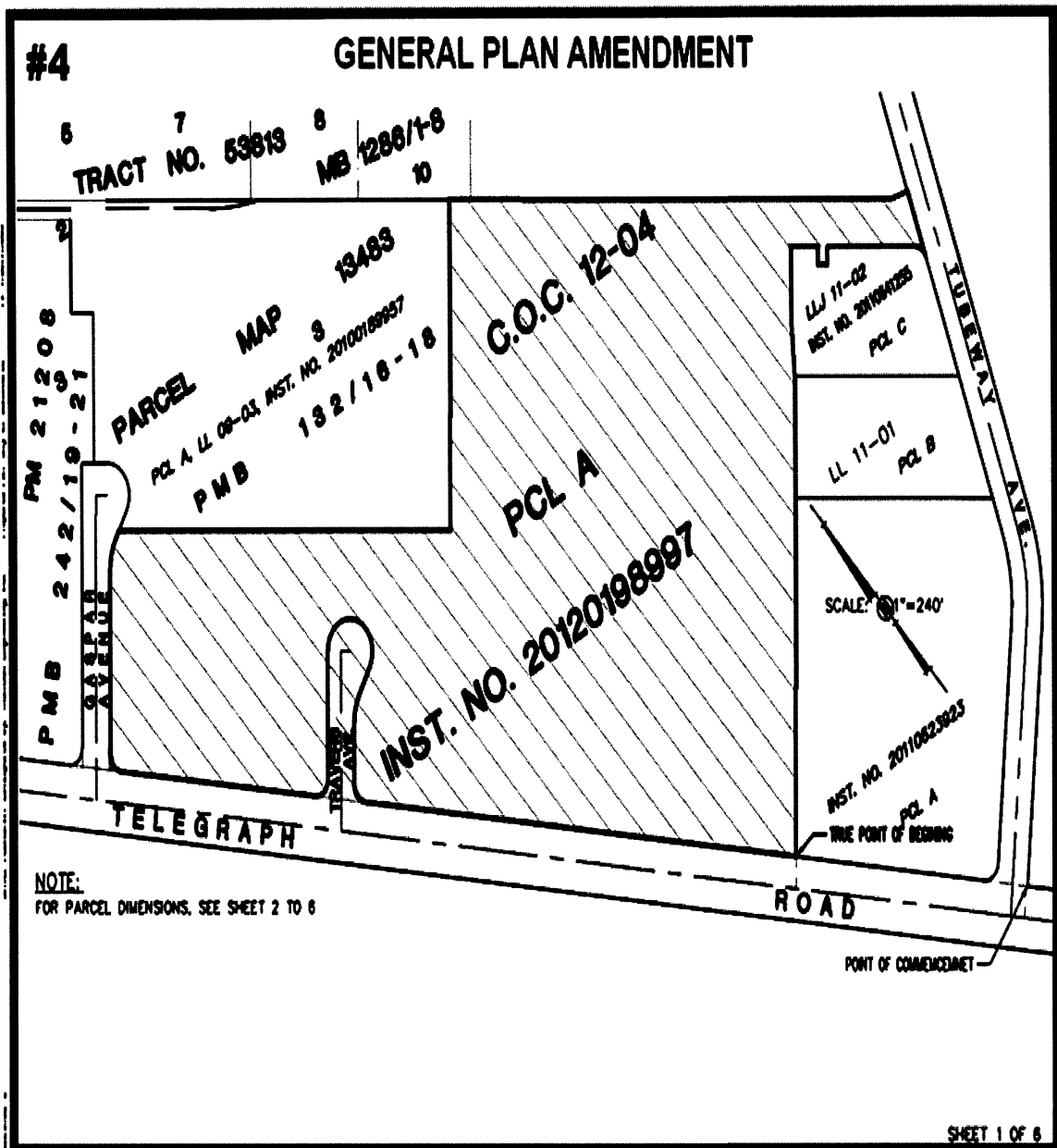


#4 THAT CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF LOT 1, TRACT NO. 7777, AS PER MAP RECORDED IN BOOK 115, PAGES 13 AND 14 OF MAPS, PARCEL 9 OF PARCEL MAP NO. 13483, AS PER MAP FILED IN BOOK 132, PAGES 16 THROUGH 18, INCLUSIVE OF PARCEL MAPS AND PARCELS 1, 2, 3, 4, 5, 6, AND 7 OF PARCEL MAP NO. 13798, AS PER THE MAP FILED IN BOOK 142, PAGES 82 AND 83, INCLUSIVE OF PARCEL MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

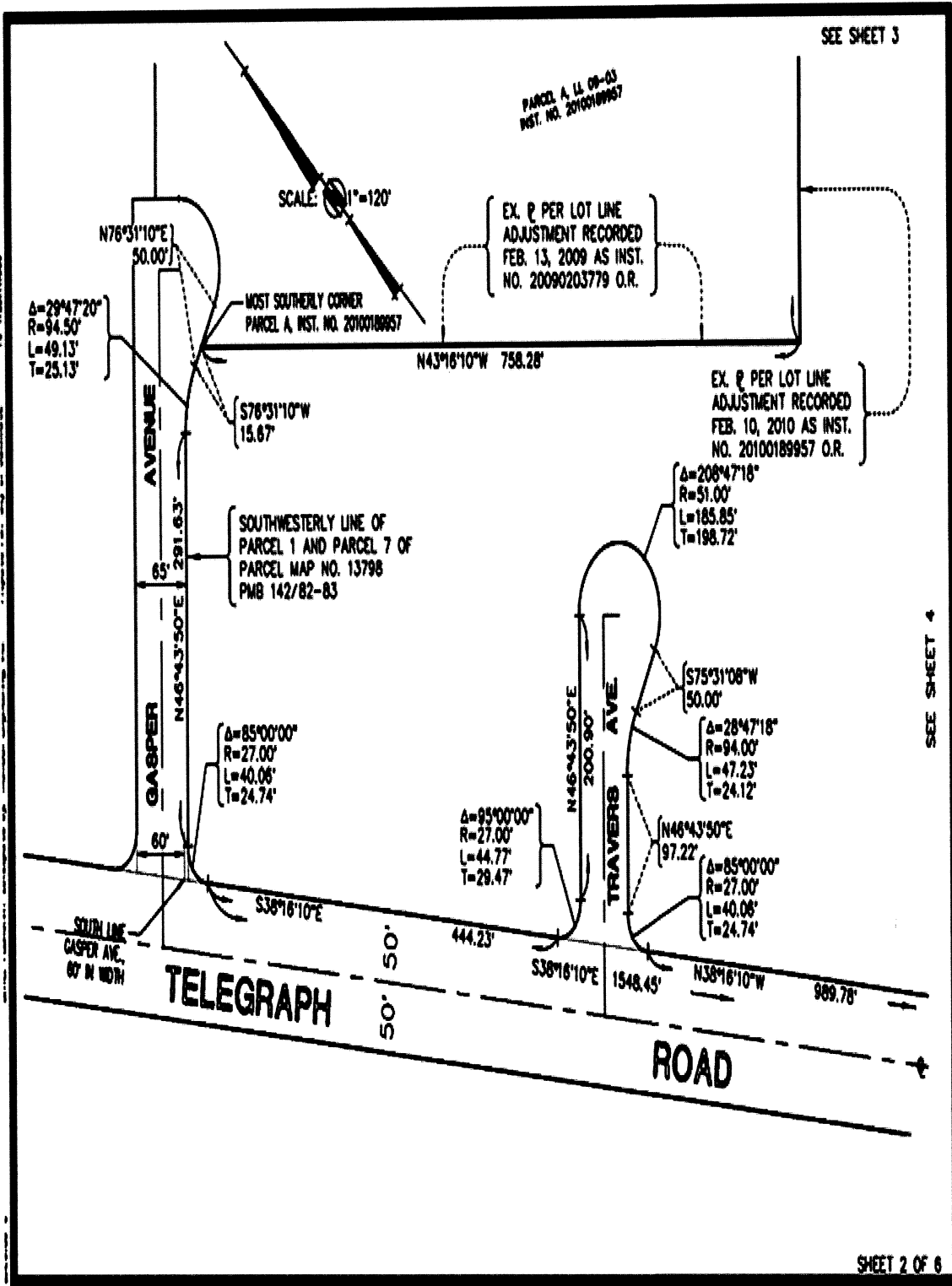
COMMENCING AT THE MOST SOUTHERLY CORNER OF SAID LOT 1, SAID MOST SOUTHERLY CORNER ALSO BEING THE MOST SOUTHERLY CORNER OF THAT CERTAIN PARCEL NO.1, DESCRIBED IN EASEMENT TO CITY OF COMMERCE, FOR PUBLIC STREET PURPOSES, RECORDED IN BOOK D-2225, PAGE 404, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID LOT 1, NORTH 38° 35' 05" WEST, 3.15 FEET; THENCE NORTH 38° 16' 10" WEST 528.17 FEET TO THE **TRUE POINT OF BEGINNING**, ALSO BEING THE SOUTHWEST CORNER OF PARCEL A, CERTIFICATE OF COMPLIANCE (# 11-01), RECORDED APRIL 29, 2011, AS INSTRUMENT NO. 20110623923, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE NORTHWESTERLY LINE OF SAID CERTIFICATE OF COMPLIANCE (#11-01), NORTH 46° 43' 50' EAST 753.60 FEET TO THE MOST NORTHERLY CORNER OF PARCEL B OF SAID CERTIFICATE OF COMPLIANCE (#11-01); THENCE ALONG THE NORTHWESTERLY LINE OF PARCEL A, CERTIFICATE OF COMPLIANCE (#11-02), RECORDED MAY 04, 2011 AS INSTRUMENT NO. 20110641255, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, NORTH 42° 05' 15" EAST 83.86 FEET TO A LINE THAT IS PARALLEL TO THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF SAID PARCEL B, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 46° 43' 50" EAST 119.35 FEET TO A POINT THAT IS 75.00 FEET SOUTHWESTERLY MEASURED AT RIGHT ANGLES FROM THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY LINE OF TRACT NO. 53813, RECORDED IN MAP BOOK 1286, PAGES 1 THROUGH 8 INCLUSIVE; THENCE ALONG SAID LINE PARALLEL LINE WITH THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY LINE OF SAID TRACT NO. 53183, SOUTH 43° 16' 10" EAST 61.00 FEET TO A LINE PARALLEL TO THE NORTHWESTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE SOUTH 46° 43' 50" WEST 28.00 FEET TO A LINE PARALLEL TO THE NORTHEASTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE SOUTH 43° 16' 10" EAST 22.00 FEET TO A LINE PARALLEL TO THE NORTHWESTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#11-01); THENCE CONTINUING ALONG SAID PARALLEL LINE NORTH 46° 43' 50" EAST 28.00 FEET TO THE INTERSECTION OF THE PROLONGATION OF NORTHEASTERLY LINE OF SAID PARCEL A; THENCE CONTINUING ALONG THE PROLONGATION OF SAID NORTHEASTERLY LINE SOUTH 43° 16' 10" EAST 201.70 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE WESTERLY, HAVING A RADIUS OF 25.00 FEET; THENCE SOUTHERLY ALONG SAID CURVE, AN ARC DISTANCE OF 29.79 FEET, THROUGH A CENTRAL ANGLE OF 68° 16' 40" TO A TANGENT LINE, ALSO BEING THE NORTHWESTERLY LINE OF TUBEWAY AVENUE, 70 WIDE, RECORDED IN BOOK D-2225, PAGE 404, OFFICIAL RECORDS OF SAID COUNTY; THENCE LEAVING SAID PARCEL LINE AND CONTINUING ALONG THE NORTHWESTERLY OF LINE OF SAID TUBEWAY AVENUE NORTH 25° 00' 30" EAST 110.90 FEET; THENCE LEAVING SAID NORTHWESTERLY LINE NORTH 61° 55' 35" WEST 38.39 FEET TO THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY LINE OF TRACT NO. 53813, AS PER MAP RECORDER IN BOOK 1286, PAGES 1 THROUGH 8 INCLUSIVE, THENCE CONTINUING ALONG THE PROLONGATION OF THE SOUTHWESTERLY BOUNDARY OF SAID TRACT NO. 53813, NORTH 43° 16' 10" WEST 1012.37 FEET TO THE MOST NORTHEASTERLY CORNER OF PARCEL A, CERTIFICATE OF COMPLIANCE (#09-03), RECORDED FEBRUARY 10, 2010 AS INSTRUMENT NO. 20100189957, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE SOUTHEASTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#90-03) SOUTH 46° 43' 50" WEST 517.50 FEET TO THE MOST SOUTHERLY CORNER OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#90-03); THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#90-03) AND THE SOUTHWESTERLY LINE OF PARCEL A, CERTIFICATE OF COMPLIANCE (#90-01), RECORDED FEBRUARY 13, 2009 AS INSTRUMENT NO. 20090203779, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTH 43° 16' 10" WEST 758.28 FEET TO THE NORTHEASTERLY SIDELINE OF GASPER AVENUE AND THE

NORTHWESTERLY LINE OF PARCEL 7 OF SAID PARCEL MAP NO. 13798, ALSO BEING THE MOST SOUTHWESTERLY CORNER OF SAID PARCEL A, CERTIFICATE OF COMPLIANCE (#09-03); THENCE ALONG SOUTHWESTERLY LINES OF PARCEL 7 AND PARCEL 1 OF SAID PARCEL MAP NO. 13798, SOUTH 76° 31' 10" WEST, 15.67 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 94.50 FEET, THENCE SOUTH ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 29° 47' 20", AN ARC DISTANCE OF 49.13 FEET; THENCE TANGENT TO SAID LAST MENTIONED CURVED AND ALONG THE EASTERLY LINE OF GASPAR AVENUE SOUTH 46° 43' 50" WEST 291.63 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 27.00 FEET; THENCE SOUTH ALONG SAID LAST MENTIONED CURVE THROUGH A CENTRAL ANGLE OF 85° 00' 00", AN ARC DISTANCE OF 40.06 FEET TO A TANGENT LINE ALSO BEING THE NORTHEAST LINE OF TELEGRAPH ROAD, 100 FEET WIDE AND THE SOUTHWESTERLY LINE OF PARCEL 1 OF SAID PARCEL MAP NO. 13798; THENCE ALONG SAID NORTHEASTERLY LINE OF SAID TELEGRAPH ROAD, SOUTH 38° 16' 10" EAST 1548.45 FEET TO THE TRUE POINT OF BEGINNING.

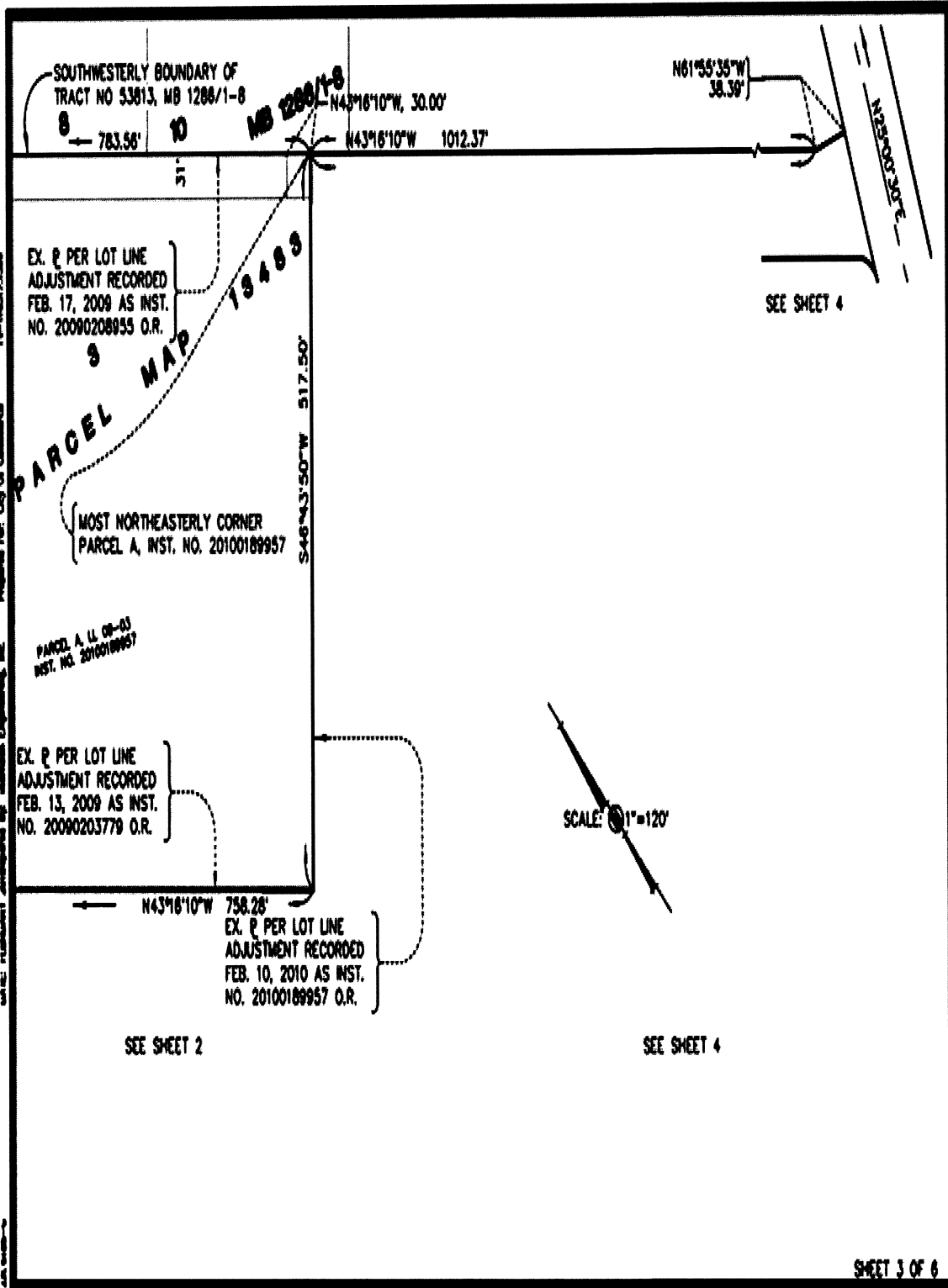
ALSO AS SHOWN AS PARCEL A IN THE CERTIFICATE OF COMPLIANCE (#12-04) RECORDED FEBRUARY 03, 2012 AS INSTRUMENT NO. 20120198997, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

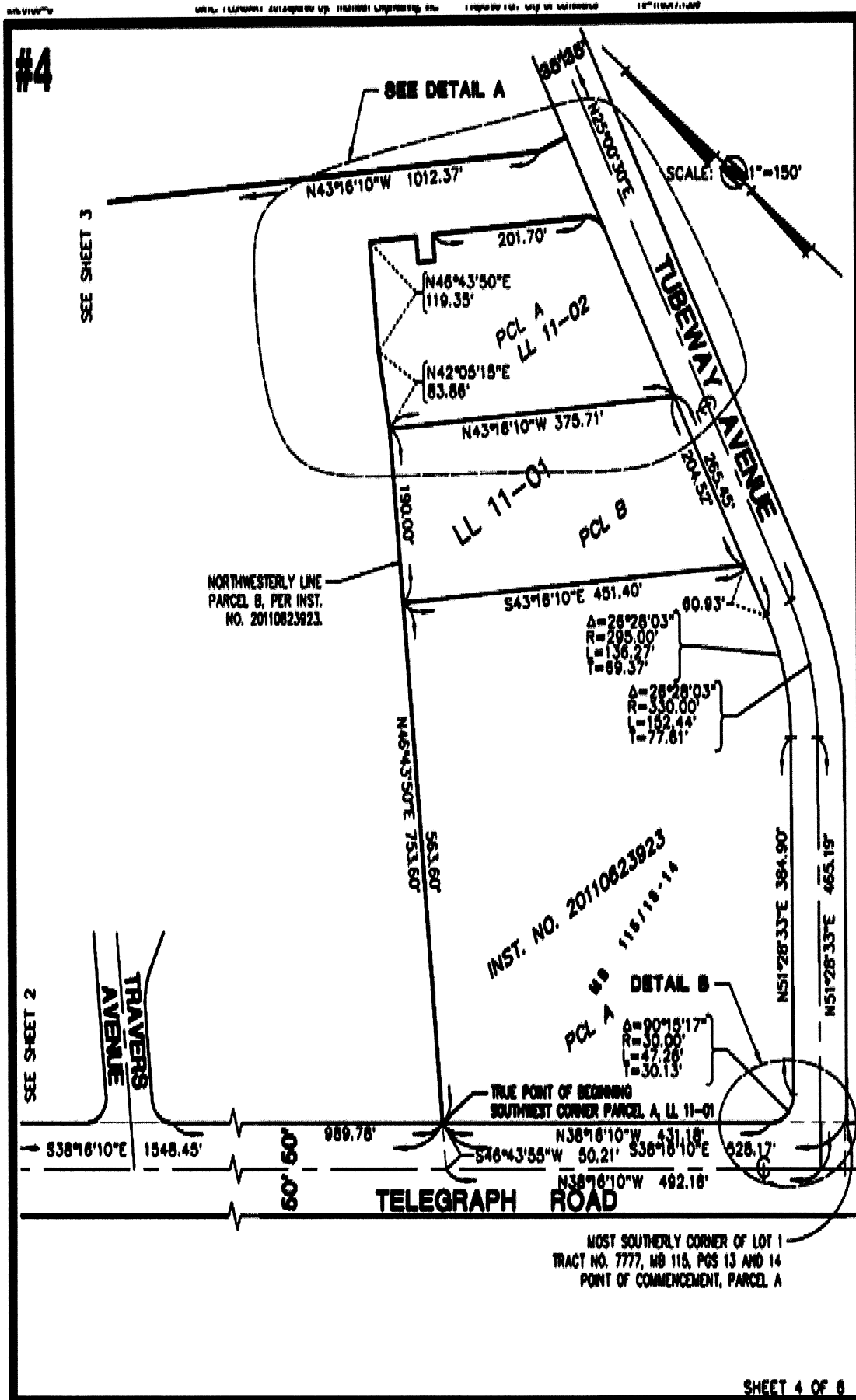


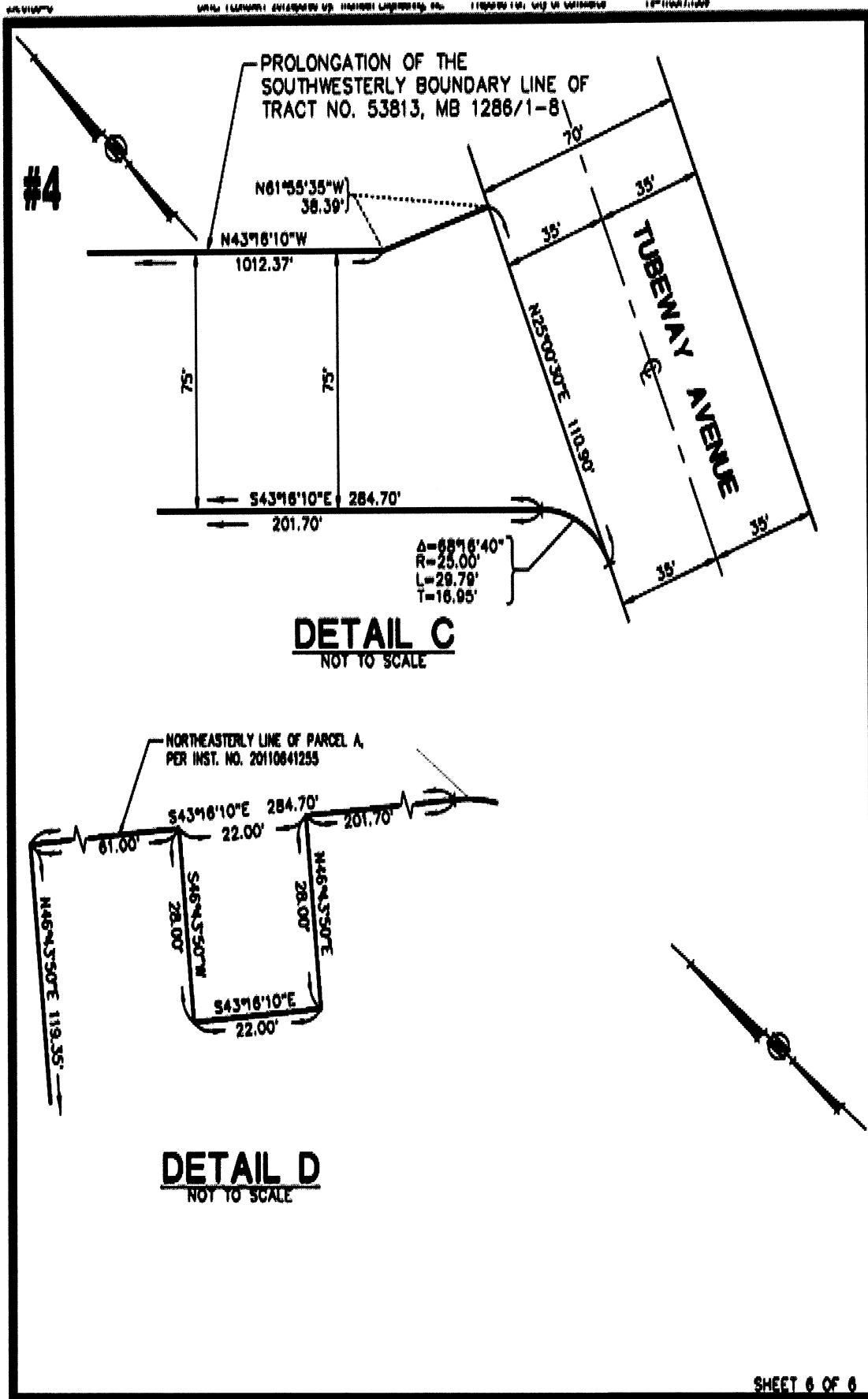
#4



#4

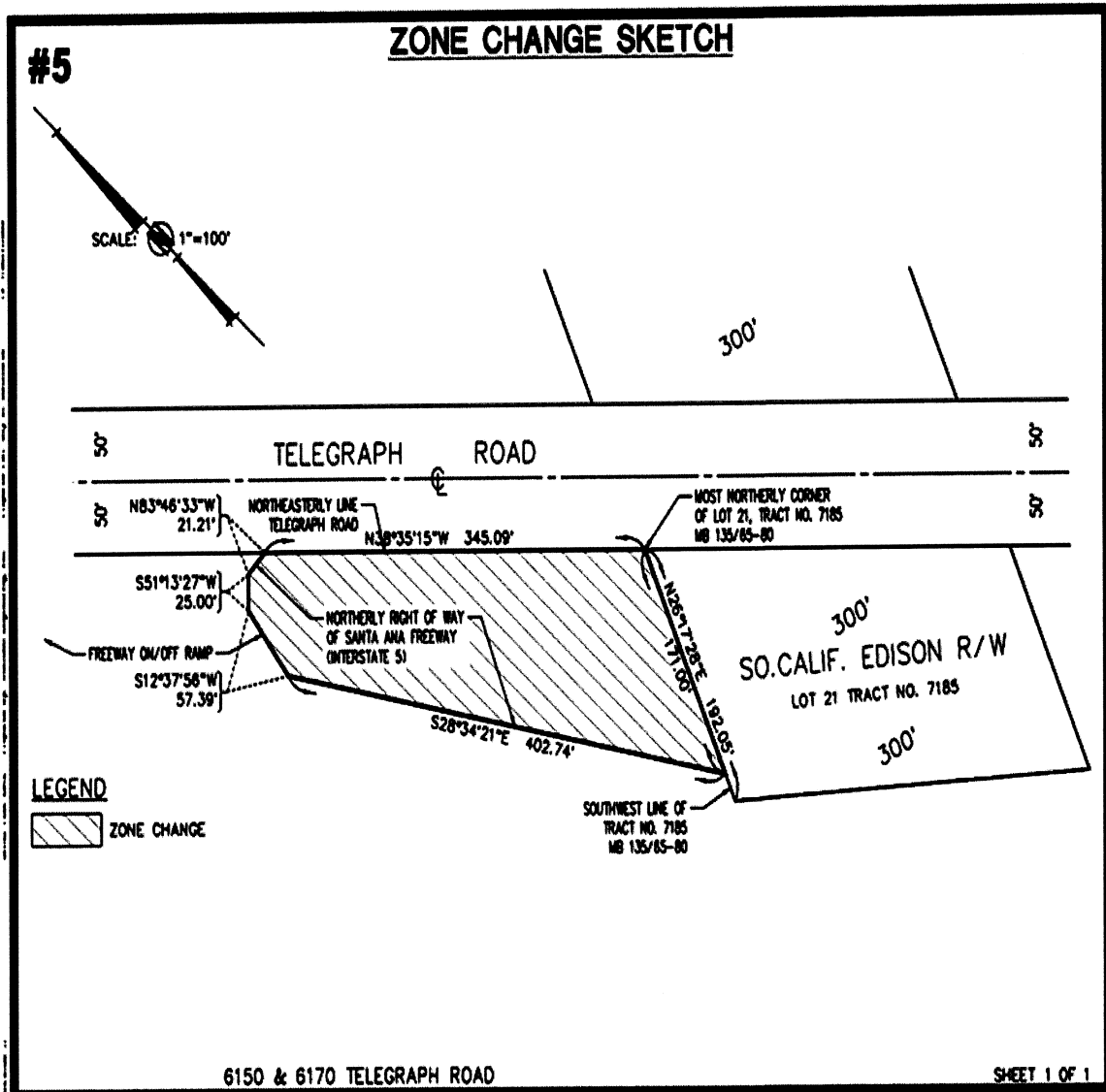






#5 THAT CERTAIN PARCEL OF LAND SITUATED IN THE CITY OF COMMERCE, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, BEING THAT PORTION OF LOT 66 OF RANCHO LAGUNA AS SHOWN ON MAP FILED AS EXHIBIT A IN CASE NO. B-25296 FO THE SUPERIOR COURT OF THE STATE OF CALIFORNIA AS RECORDED IN BOOK 6387 PAGE 1 ET SEQ OF DEED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT MOST NORTHERLY CORNER OF LOT 21, TRACT NO 7185, AS PER MAP RECORDED IN BOOK 135 PAGES 56 THROUGH 80, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, ALSO BEING ON THE NORTHEASTERLY LINE OF TELEGRAPH ROAD, FORMERLY ANAHEIM-TELEGRAPH ROAD, 100 FEET IN WIDTH, AS WIDENED BY DECREE OF CONDEMNATION, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 9983 PAGE 296, OFFICIAL RECORDS; THENCE ALONG SAID NORTHEASTERLY LINE OF SAID TELEGRAPH ROAD, 100 FEET IN WIDTH, NORTH 38° 35' 15" WEST 345.09 FEET TO THE NORTHERLY RIGHT OF WAY OF INTERSTATE 5 FREEWAY; THENCE CONTINUING ON THE NEXT FOUR (4) COURSES ALONG THE NORTHERLY RIGHT OF WAY OF INTERSTATE 5 FREEWAY, (1) NORTH 83° 46' 33" WEST 21.21 FEET; THENCE (2) SOUTH 51° 13' 27" WEST 25.00 FEET; THENCE (3) SOUTH 12° 37' 56" WEST 57.39 FEET; THENCE (4) SOUTH 28° 34' 21" EAST 402.74 FEET TO THE SOUTHWEST LINE OF SAID TRACT NO. 7185; THENCE ALONG SOUTHWEST LINE OF SAID TRACT NO. 7185, NORTH 26° 17' 28" EAST 171.00 FEET TO THE POINT OF BEGINNING.



#6 THAT PORTION OF THE RANCHO SAN ANTONIO, IN THE CITY OF COMMERCE, AS SHOWN ON MAP THEREOF RECORDED IN BOOK 1, PAGE 389 OF PATENTS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

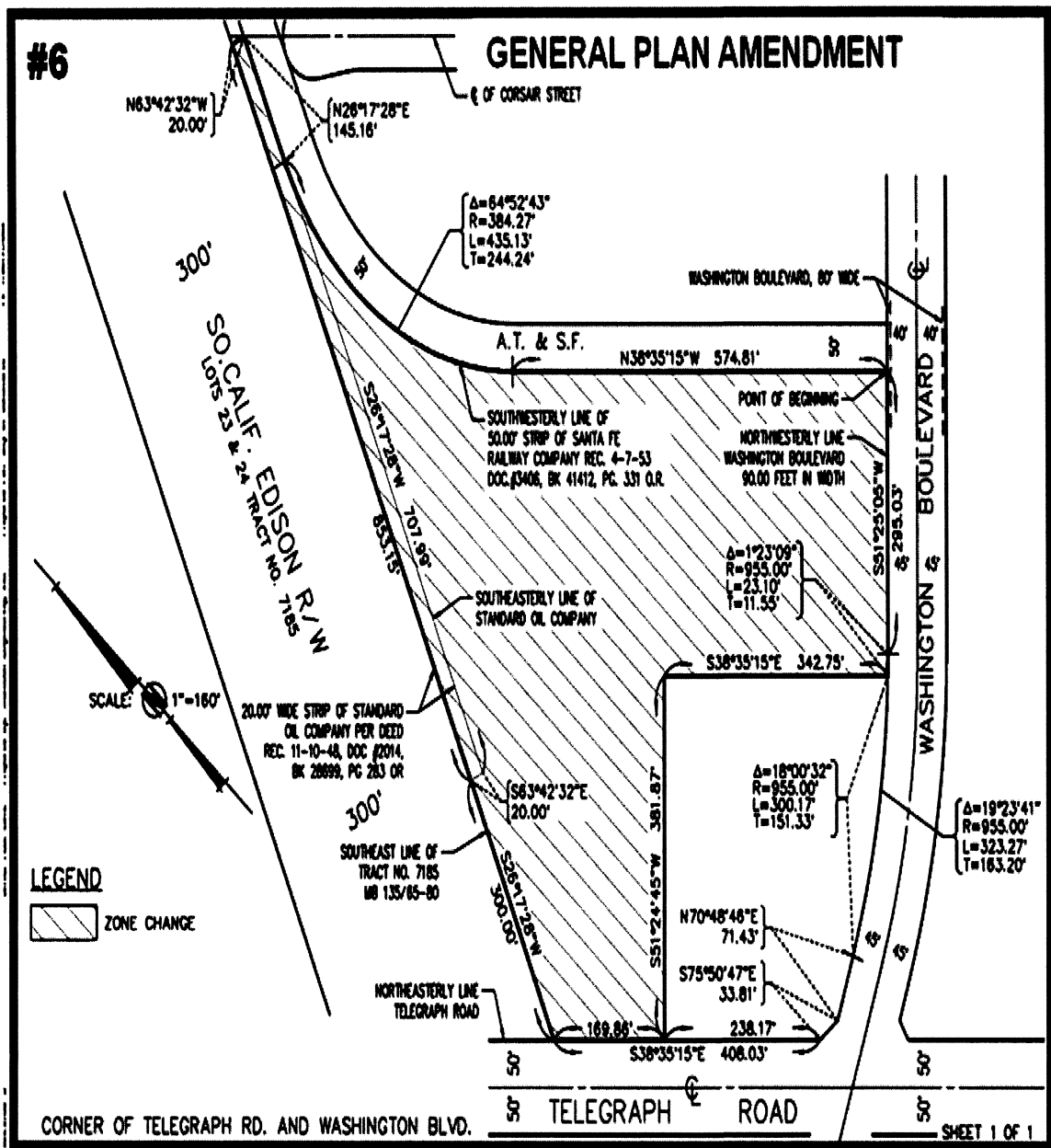
BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF WASHINGTON BOULEVARD, 90 FEET IN WIDTH, DESCRIBED AS PARCEL NO. 1 IN DEED TO THE COUNTY OF LOS ANGELES, RECORDED AUGUST 29, 1939 AS DOCUMENT NO 1085, IN BOOK 16836 PAGE 241, OFFICIAL RECORDS AND AS WIDENED BY DEED DATED JULY 25, 1973 FOR ROAD PURPOSES, RECORDED JANUARY 23, 1974 AS INSTRUMENT NO 2907, OFFICIAL RECORDS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITH THE SOUTHWESTERLY LINE OF THAT CERTAIN 50 FOOT WIDE RAILWAY RIGHT-OF-WAY CONVEYED TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY, BY DEED RECORDED APRIL 7, 1953 AS DOCUMENT NO. 3406, IN BOOK 41412 AT PAGE 331, OFFICIAL RECORDS AND REFERRED TO THEREIN AS PARCEL NO. 1, THENCE ALONG SAID RIGHT-OF-WAY LINE NORTH $38^{\circ} 35' 15''$ WEST 574.81 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE EASTERLY, HAVING A RADIUS OF 384.27 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE AND SAID CURVE AN ARC DISTANCE OF 435.13 FEET, THROUGH A CENTRAL ANGLE OF $64^{\circ} 52' 43''$ TO A TANGENT POINT ON THE SOUTHEASTERLY LINE OF THAT CERTAIN 20.00 FEET WIDE RIGHT-OF-WAY CONVEYED TO STANDARD OIL COMPANY BY DEED RECORDED ON NOVEMBER 10, 1948 AS DOCUMENT NO 2014, IN BOOK 28699, PAGE 283, OFFICIAL RECORDS; THENCE TANGENT ALONG SAID SOUTHEASTERLY LINE SOUTH $26^{\circ} 17' 28''$ WEST 707.99 FEET; THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE SOUTH $63^{\circ} 42' 32''$ WEST 20.00 FEET TO THE SOUTHEASTERLY LINE OF TRACT NO. 7185 AS SHOWN ON MAP RECORDED IN BOOK 135, PAGES 65 TO 80 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY TRACT LINE SOUTH $26^{\circ} 17' 28''$ WEST 300.00 FEET TO THE NORTHEASTERLY LINE OF TELEGRAPH ROAD, FORMERLY ANAHEIM-TELEGRAPH ROAD, 100 FEET IN WIDTH, AS WIDENED BY DECREE OF CONDEMNATION, A CERTIFIED COPY OF WHICH IS RECORDED IN BOOK 9983 PAGE 296, OFFICIAL RECORDS; THENCE ALONG THE SAID NORTHEASTERLY LINE OF TELEGRAPH ROAD SOUTH $38^{\circ} 35' 15''$ EAST 408.03 FEET; THENCE CONTINUING ALONG SAID WASHINGTON BOULEVARD NORTHERLY LINE, SOUTH $75^{\circ} 50' 47''$ EAST 33.81 FEET TO THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90.00 FEET IN WIDTH; THENCE ALONG SAID NORTHWESTERLY LINE OF WASHINGTON BOULEVARD NORTH $70^{\circ} 48' 46''$ EAST 71.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 955.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE AND SAID CURVE AN ARC DISTANCE OF 323.27 FEET, THROUGH A CENTRAL ANGLE OF $19^{\circ} 23' 41''$; THENCE TANGENT TO SAID CURVE, ALONG THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90 FEET IN WIDTH, NORTH $51^{\circ} 25' 05''$ EAST 295.03 FEET TO THE POINT OF BEGINNING.

ALSO TOGETHER WITH THAT PORTION OF SAID RANCHO SAN ANTONIO DESCRIBED AS FOLLOWS:

THE SOUTHERLY 853.15 FEET OF THE 20.00 FEET WIDE STRIP OF STANDARD OIL COMPANY PER DEED RECORDED NOVEMBER 10, 1948 AS DOCUMENT NUMBER 2014 IN BOOK 28699, PAGE 283 OF OFFICIAL RECORDS

EXCEPT THEREFROM THAT PORTION OF SAID RANCHO SAN ANTONIO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90 FEET IN WIDTH, WITH THE SOUTHWESTERLY LINE OF THAT SAID CERTAIN 50 FOOT WIDE RAILWAY RIGHT-OF-WAY CONVEYED TO THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY; THENCE ALONG THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90 FEET IN WIDTH, SOUTH 51° 25' 05" WEST 295.03 FEET TO A TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 955.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE AND SAID CURVE AN ARC DISTANCE OF 23.10 FEET, THROUGH A CENTER ANGLE OF 01° 23' 09" TO THE **TRUE POINT OF BEGINNING**; THENCE LEAVING SAID NORTHWESTERLY LINE NORTH 38° 35' 15" EAST 342.75 FEET; THENCE SOUTH 51° 24' 45" WEST 381.87 FEET TO THE NORTHEASTERLY LINE OF SAID TELEGRAPH ROAD, 100 FEET IN WIDTH; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE, SOUTH 38° 35' 15" EAST 238.17 FEET; THENCE CONTINUING ALONG SAID WASHINGTON BOULEVARD NORTHERLY LINE, SOUTH 75° 50' 47" EAST 33.81 FEET TO THE NORTHWESTERLY LINE OF SAID WASHINGTON BOULEVARD, 90.00 FEET IN WIDTH; THENCE ALONG SAID NORTHWESTERLY LINE OF WASHINGTON BOULEVARD NORTH 70° 48' 46" EAST 71.43 FEET TO THE BEGINNING OF A TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 955.00 FEET; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE AND SAID CURVE AN ARC DISTANCE OF 300.17 FEET, THROUGH A CENTRAL ANGLE OF 18° 00' 32" TO THE TRUE POINT OF BEGINNING.





AGENDA REPORT

DATE: April 3, 2012

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE, TABLE 19.09.010 A (PERMITTED USES—COMMERCIAL ZONE) TO PERMIT HOTEL USES IN THE C-2 ZONE WITH APPROVAL OF A CONDITIONAL USE PERMIT AND ALLOW PARKING STRUCTURES AS A PERMITTED USE IN THE C-2 ZONE – FIRST READING

RECOMMENDATION:

Conduct a public hearing regarding the subject Ordinance and consider the proposed Ordinance for first reading.

MOTION:

1. Conduct the required public hearing;
2. Move to read the Ordinance by title only; and
3. Move to approve the Ordinance for first reading.

BACKGROUND:

The purpose of the City's Commercial zone is to allow for the establishment and operation of retail and businesses in conveniently located areas of the City. These uses are intended to provide a variety of goods and services necessary to meet the needs of the resident and business populations. Uses allowed in the C-2 zone include, but are not limited to, retail businesses, restaurants, personal services, offices, repair shops and parking lots. Although a wide range of commercial uses and those uses accessory to them are permitted in this zone, hotels and parking structures are currently not.

The City's General Plan serves as the blueprint for future planning and development in the City. The City's vision for the future is indicated through the policies and plans, contained therein, which are designed to shape the physical development of the community. Zoning is the primary means of implementing a General Plan. In contrast to the long-term outlook of the General Plan, zoning classifies the specific, immediate uses of land. The typical zoning ordinance and map regulate land use by dividing the community into districts or zones and specifying the uses that are to be permitted, conditionally permitted, and prohibited within each zone. Cities are required to maintain consistency between their zoning ordinance and map, and their adopted General Plan and its map. The City's last General Plan Update in 2008 sets forth certain policies and objectives. Many of these look to encourage an increase in commercial and entertainment uses throughout the City.

While Commerce is home to approximately 13,000 persons, it remains an important contributor to the region's employment and economic base. The City's central location within the greater Los Angeles metropolitan area, its ideal location in relation to the region's network of freeways, and its continued commitment to commercial development are underscored in following General Plan policies:

- *Community Development Policy 2.1.* The city of Commerce will continue to promote the development of a quality retail and commercial entertainment district in the vicinity of Telegraph Road, north of the Santa Ana Freeway.
- *Community Development Policy 2.2.* The city of Commerce will encourage and promote the development of quality restaurants in the city to serve residents and visitors alike, and discourage the further proliferation of fast-food restaurants in the city.
- *Community Development Policy 2.3.* The city of Commerce will promote the development of larger, more efficient, commercial retail shopping centers as opposed to smaller “strip commercial” centers.
- *Community Development Policy 2.4.* The city of Commerce will continue to preserve and promote the improvement of the existing commercial areas, including the Commerce Center, the Telegraph Road/Washington Boulevard area, the Atlantic/Washington Redevelopment Project Area, the Commerce Business Park, and the commercial properties located along Slauson Avenue.
- *Community Development Policy 2.5.* The city of Commerce will explore the feasibility of constructing a supermarket to serve those portions of the city south of the Santa Ana Freeway.
- *Community Development Policy 2.6.* The city of Commerce will strive to improve security within existing and future shopping districts located in the city.
- *Community Development Policy 2.8.* The city of Commerce will continue to encourage the development of a high-intensity, highly visible commercial corridor consisting of offices, hotels, and retail and entertainment uses along Telegraph Road, extending from Hoefner Avenue to Vail Avenue.
- *Community Development Policy 2.9.* The city of Commerce will continue to promote the improvement of the Washington Boulevard corridor between the Santa Ana and Long Beach Freeways.
- *Community Development Policy 2.10.* The city of Commerce will continue to provide safe, convenient pedestrian linkages across and along streets containing strip commercial businesses.

The proposed amendment to the Commerce Municipal Code would allow for two new uses in the C-2 zone. First, parking structures would be permitted by right. Second, hotels would be permitted with approval of a CUP. Currently, the City’s Commercial standards only allow for lodging houses and parking lots.

This item was before the Planning Commission at their meeting of February 22, 2012. At that time, the Commission unanimously recommended approval of the subject amendment to the City Council.

ANALYSIS:

The proposed amendment would change Table 19.09.010A of the Commerce Municipal Code. The amended table is shown below. The new uses are shown in bold print and are highlighted.

Table 19.09.010
Permitted Uses—Commercial Zone

Use	C-2
Accessory Use and Building	A
Adult Business	X
Alcoholic Beverages, Sale of	C*
Antique Store	P
Appliance Store, Small or Large Appliances	P
Auction House or Store	C
Auto Body and Fender Repair, enclosed within a building	C
Auto Dealer, New or Used	C*
Auto Repair Garage, enclosed within a building	C
Bakery, Retail	P
Bank	P**
Barber Shop, Beauty Shop	P
Billiard or Pool Hall	C
Blueprinting and Photocopying	P
Book Store (excluding adult bookstores)	P
Bowling Alley	C
Camera Store	P
Candy Store	P
Cellular Car Phones and Pagers - Sales, Service or Installation	P
Child Care Center	C*
China/Pottery Store; no outside storage or display	P
Churches and Similar Religious Institutions	P
Cinema	C
Cleaning and Pressing, using nonflammables	C
Clothing Store (other than secondhand)	P
Clubs, Private and Fraternities/Sororities	C
Cocktail Lounges and Bars	C*
Community Care Facilities	C
Computer Sales and Service	P
Dance Establishment	C
Dance Studio	C
Delicatessens	P
Department Store	P
Dressmaking, Custom	P
Drug Store, Pharmacy	P
Dwelling, Multifamily (a)	P
Dwelling, Single-Family (a)	P
Electric Distribution and Transmission Substation, with microwave facilities	C
Electronic Sales and Service	P
Entertainment Establishment	C*
Flower Shop	P
Fortunetelling	P
Funeral Parlor	C
Gaming Establishment	C
Greenhouse	P
Grocery, Fruit/Vegetable, Meat Market	P
Health Food Store	P
Hobby Shop	P
██████████	█
Interior Decorating Store	P
Jewelry Store (including repair)	P
Laundries	P
Laundry and Dry Cleaning	P
Laundry and Dry Cleaning Pick-up Station	P
Library	P
Lodging House	C
Medical and Dental Office, Clinic	P
Mini-Mart	C*
Mobile Office Trailer	C*

Music or Vocal Instruction	P
Music Store	P
Music Studio	P
Newsstand	P
Nursery, Flower or Plant, Retail or Wholesale	P
Office, Business	P
Office, Professional	P
Optometrist or Optical Goods Store	P
Outdoor Amusements, Recreational Uses	C
Parking Lot	P
Parking Structure	P
Pet Shop, Bird Store	P
Photography Studio	P
Radio or Television Studio	P
Real Estate Office	P
Recreational Facilities, Commercial	C
Recycling Collection Center with Attendant - Permanent	X
Recycling Collection Center with Attendant - Temporary	P
Restaurant, Coffee Shop, Cafeteria (No Liquor Served)	P
Restaurant or Cafe Serving Liquor	C*
Restaurant with Dancing/Entertainment	C*
Restaurant, Fast Food or Drive-through	C*
School, Trade	C
Service Station, Gasoline	C*
Shoe Repair, Shop Shine Shop	P
Shoe Store	P
Shopping Center	P
Solid Waste Facilities, as defined in Public Resources	X
Stationary Store	P
Tailor Shop	P
Taxi Stands	C
Taxidermist	P
Theater or Auditorium, including movie theater (excluding adult theaters)	C
Tobacco Store	P
Toy Store	P
Travel Bureau	P
Upholstery Shop	P
Used Car Sales Lot	C*
Utility Business Office	P
Variety Stores	P
Videotape, Sales and Rental	P
Wholesale Business, Limited; no manufacturing/processing	P
Yardage and Fabric Shops	P

Hotels can vary in size and complexity. The City recognizes that certain uses, due to the nature of use, intensity, or size, require special review to determine if the proposed use or location, is compatible with surrounding uses, or through the imposition of development and use conditions, can be made compatible with surrounding uses. The conditional use permit process is provided for this purpose. Conditional uses require special consideration to ensure compatibility with zoning regulations and surrounding properties. The City's Planning Commission is empowered to grant and deny applications for CUPs and to impose reasonable conditions upon the granting of such a permit. Due to the potential complex nature of hotel development, staff has determined that it would be best to allow for hotels with approval of a CUP. Therefore, the Planning Commission would have the ability to impose conditions on such a project to protect the best interests of the City and its residents.

Parking structures often play an integral part of commercial or retail shopping areas. The type of commercial activity contemplated in the General Plan may necessitate the need for a developer to construct a parking structure or structures. These uses are generally less intense than other uses like hotels. Therefore, staff is recommending they be permitted by right in the C-2 zone. This means a new parking structure would not require approval from the Planning Commission, unless the proposed construction would vary from the

requirements set forth in the Commerce Municipal Code. Parking structure construction would have to meet standards related to things such as, but not limited to, circulation, aesthetics, height, and lot coverage.

The subject text amendment would serve to further the goals and objectives set forth in the City's General Plan, as it would allow for uses that help contribute to the creation of thriving entertainment and commercial areas.

FINDINGS:

Section 19.39.310 of the Commerce Municipal Code requires the following findings of fact to be made before approving a change of zone:

1. That the proposed zoning ordinance text amendment is consistent with the goals, policies, and objectives of the general plan. ***The proposed text amendment is consistent with the City of Commerce General Plan, as it would help to further the goals and objectives of the Plan. The Plan sets forth many policies that aim to encourage an increase in commercial and entertainment uses throughout the City. The proposed amendment would continue the City's commitment to commercial development as it would permit uses that are commonly found in commercial or retail areas, while still providing for proper oversight of these uses.***
2. That the proposed zoning ordinance text amendment will not adversely affect surrounding properties. ***The subject text amendment would not adversely affect surrounding properties. The amendment would serve to further the creation of commercial and retail uses as contemplated in the City's General Plan. During the process of recently updating the General Plan, it was determined that the goals, policies, and objectives included in the Plan would not adversely affect the City or its surroundings. The proposed text amendment is consistent with the General Plan and therefore would not create adverse impacts.***
3. That the proposed zoning ordinance text amendment promotes the public health, safety, and general welfare and serves the goals and purposes of this Title 19. ***The subject text amendment would serve to help protect the health, safety and general welfare of the residents of the City of Commerce. This amendment would help to promote the creation of commercial uses in the City. The proposed amendment is consistent with the General Plan, which serves as the blueprint for future development within the City. Previously, it was determined that the Plan and its implementation would not negatively affect the health of the Community or its surroundings. The text amendment modifies Title 19 to include two additional uses; however, any construction must still meet all of the standards and be consistent with that Title.***

ENVIRONMENTAL ASSESSMENT:

The project qualifies for a Class 8 Categorical Exemption under the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15308. Class 8 consists of actions taken by regulatory agencies, as authorized by local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment.

In January of 2008, the Commerce City Council approved and certified an Environmental Impact Report (the "EIR") regarding a comprehensive General Plan Update and approved the General Plan Update (the "Project"). The City Council, as the lead agency for the Project found that approval and implementation of the General Plan Update: will not have the potential to degrade the quality of the environment; does not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals; is not expected to have impacts, which are individually limited but cumulatively considerable when considering planned or proposed development in the immediate vicinity; and is not expected

to have environmental effects that will adversely affect humans, either directly or indirectly. The Final EIR was completed in compliance with the California Environmental Quality Act ("CEQA"), including a public review process. The City Council considered the information contained in the Final EIR prior to approving the Project.

CEQA Guidelines, Section 15183 provides for streamlined review of projects that are consistent with existing General Plans. That section provides that, when approving a project that is consistent with a general plan for which an environmental impact report has already been certified, a public agency need only examine those environmental effects that are peculiar to the project and were not analyzed or were insufficiently analyzed in the prior environmental impact report. In this case, the General Plan calls for the creation of additional entertainment and commercial uses in the City of Commerce. Policies contained in the Plan were designed and anticipated to facilitate a continued transition to commercial and entertainment uses. The EIR concluded that that the implementation of the policies and programs included in the General Plan would reduce the level of impact from future development to levels that are less than significant. Since the subject text amendment is consistent with the policies contained in the General Plan and these policies and their potential impacts were addressed in the EIR, pursuant to CEQA Guidelines, Section 15183, the City is only required to examine the effects that are peculiar to the proposed text amendment that were not analyzed or were insufficiently analyzed in the EIR. There are no environmental effects that are peculiar to the proposed text amendment that were not contemplated during the General Plan Update process. The proposed amendment to the Commerce Municipal Code is necessary to implement the policies contained in the General Plan, which were anticipated and studied in the EIR. Therefore, pursuant to Section 15183, no additional CEQA analysis is required.

FISCAL IMPACT:

This activity can be carried out without additional impact on the current operating budget.


RELATIONSHIP TO 2009 STRATEGIC GOALS:

This agenda report relates to the 2009 strategic planning goal: "*Protect and Enhance the Quality of Life in the City of Commerce*".

Recommended by:


Bob Zarrilli
Director of Community Development

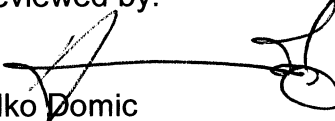
Respectfully submitted:


Jorge Rifa
City Administrator

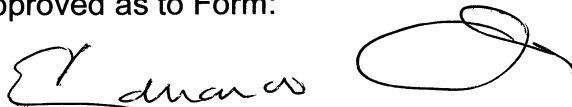
Prepared by:


Matt Marquez
City Planner

Reviewed by:


Vilko Domic
Director of Finance

Approved as to Form:


Eduardo Olivo
City Attorney

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AMENDING TITLE 19 (“ZONING”) OF THE COMMERCE MUNICIPAL CODE, TABLE 19.09.010 A (PERMITTED USES—COMMERCIAL ZONE) TO PERMIT HOTEL USES IN THE C-2 ZONE WITH APPROVAL OF A CONDITIONAL USE PERMIT AND ALLOW PARKING STRUCTURES AS A PERMITTED USE IN THE C-2 ZONE

WHEREAS, the City Commerce’s General Plan contains policies that promote and encourage entertainment, retail and commercial uses; and

WHEREAS, the City recognizes that its Zoning Ordinance does not allow for a full complement of commercial uses; and

WHEREAS, the City recognizes that hotels and parking structures are uses commonly found in entertainment and/or commercial areas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, AND DETERMINE AS FOLLOWS;

SECTION 1: Table 19.09.010A of the Commerce Municipal Code is hereby amended to read as follows:

Table 19.09.010

Permitted Uses—Commercial Zone

Use	C-2
Accessory Use and Building	A
Adult Business	X
Alcoholic Beverages, Sale of	C*
Antique Store	P
Appliance Store, Small or Large Appliances	P
Auction House or Store	C
Auto Body and Fender Repair, enclosed within a building	C
Auto Dealer, New or Used	C*
Auto Repair Garage, enclosed within a building	C
Bakery, Retail	P
Bank	P**
Barber Shop, Beauty Shop	P
Billiard or Pool Hall	C
Blueprinting and Photocopying	P
Book Store (excluding adult bookstores)	P
Bowling Alley	C
Camera Store	P

Candy Store	P
Cellular Car Phones and Pagers - Sales, Service or Installation	P
Child Care Center	C*
China/Pottery Store; no outside storage or display	P
Churches and Similar Religious Institutions	P
Cinema	C
Cleaning and Pressing, using nonflammables	C
Clothing Store (other than secondhand)	P
Clubs, Private and Fraternities/Sororities	C
Cocktail Lounges and Bars	C*
Community Care Facilities	C
Computer Sales and Service	P
Dance Establishment	C
Dance Studio	C
Delicatessens	P
Department Store	P
Dressmaking, Custom	P
Drug Store, Pharmacy	P
Dwelling, Multifamily (a)	P
Dwelling, Single-Family (a)	P
Electric Distribution and Transmission Substation, with microwave facilities	C
Electronic Sales and Service	P
Entertainment Establishment	C*
Flower Shop	P
Fortunetelling	P
Funeral Parlor	C
Gaming Establishment	C
Greenhouse	P
Grocery, Fruit/Vegetable, Meat Market	P
Health Food Store	P
Hobby Shop	P
Hotel	C*
Interior Decorating Store	P
Jewelry Store (including repair)	P
Laundries	P

Laundry and Dry Cleaning	P
Laundry and Dry Cleaning Pick-up Station	P
Library	P
Lodging House	C
Medical and Dental Office, Clinic	P
Mini-Mart	C*
Mobile Office Trailer	C*
Music or Vocal Instruction	P
Music Store	P
Music Studio	P
Newsstand	P
Nursery, Flower or Plant, Retail or Wholesale	P
Office, Business	P
Office, Professional	P
Optometrist or Optical Goods Store	P
Outdoor Amusements, Recreational Uses	C
Parking Lot	P
Parking Structure	P
Pet Shop, Bird Store	P
Photography Studio	P
Radio or Television Studio	P
Real Estate Office	P
Recreational Facilities, Commercial	C
Recycling Collection Center with Attendant - Permanent	X
Recycling Collection Center with Attendant - Temporary	P
Restaurant, Coffee Shop, Cafeteria (No Liquor Served)	P
Restaurant or Cafe Serving Liquor	C*
Restaurant with Dancing/Entertainment	C*
Restaurant, Fast Food or Drive-through	C*
School, Trade	C
Service Station, Gasoline	C*
Shoe Repair, Shop Shine Shop	P
Shoe Store	P
Shopping Center	P
Solid Waste Facilities, as defined in Public Resources	X
Stationary Store	P

Tailor Shop	P
Taxi Stands	C
Taxidermist	P
Theater or Auditorium, including movie theater (excluding adult theaters)	C
Tobacco Store	P
Toy Store	P
Travel Bureau	P
Upholstery Shop	P
Used Car Sales Lot	C*
Utility Business Office	P
Variety Stores	P
Videotape, Sales and Rental	P
Wholesale Business, Limited; no manufacturing/processing	P
Yardage and Fabric Shops	P

SECTION 2: If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect the validity of the remainder of the Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions may be declared invalid or unconstitutional.

SECTION 3: This Ordinance shall take effect on the thirty-first (31st) day after its adoption.

PASSED, APPROVED AND ADOPTED this ____ day of _____, 2012.

Lilia R. Leon, Mayor

ATTEST:

Linda Kay Olivieri, MMC
City Clerk