



# AGENDA REPORT

DATE: November 5, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: PUBLIC HEARING – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, AMENDING TITLE 19 (“ZONING”) OF THE COMMERCE MUNICIPAL CODE BY ADDING CHAPTER 19.47 (HOUSING OPPORTUNITY OVERLAY); AMENDING CHAPTER 19.07 DIVISION 3 (DENSITY BONUSES); ADDING CHAPTER 19.07 DIVISION 4 (REASONABLE ACCOMMODATION); AMENDING TABLES 19.07.020A (PERMITTED AND CONDITIONAL USES-RESIDENTIAL ZONES) AND TABLE 19.11.030A (USES IN INDUSTRIAL DISTRICTS); ADDING CHAPTER 19.31 DIVISION 22 (EMERGENCY RESIDENTIAL SHELTERS AND TRANSITIONAL HOUSING); AMENDING SECTION 19.07.090 (SECOND UNITS); AND CHAPTER 19.45 (DEFINITIONS) – FIRST READING

## RECOMMENDATION:

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

## MOTIONS:

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

## BACKGROUND:

The City of Commerce is in the process of updating its Housing Element for the 2014-2021 planning period. On May 23, 2013, a draft of the Housing Element was submitted to the Department of Housing and Community Development (HCD) for review. After discussions with HCD staff, additional revisions to the document were made. The document was sent back to HCD on July 11, 2013. On July 22, 2013, HCD issued a letter to the City finding that the Element meets the statutory requirements of State housing law with implementation of the programs (Housing Opportunity Overlay, Senate Bill 2 Compliance, etc) indentified in the document. These additional programs take the form of Zoning Ordinance Text Amendments and will be discussed in this staff report. Once these zoning matters are approved, the Element will fully comply with State law and the final document can be submitted to HCD.

## ZONING ORDINANCE TEXT AMENDMENTS:

In order to gain compliance with HCD and State law, Zoning Ordinance text amendments are being proposed to address the following issues:

### Housing Opportunity Overlay (HOO)

In order to accommodate the City 2014-2021 total RHNA allocation and AB 1233 carryover, the City has identified the Housing Opportunity Overlay area to facilitate and encourage the development of residential uses. Specific development standards were created for this area with the intent to facilitate the development of housing “by-right” on underutilized industrial sites. The HOO zone is intended to be applied to properties that are currently zoned Heavy Manufacturing (M-2) and permits discontinued manufacturing uses to recycle to residential

development. The Overlay Zone is further intended to serve as an implementation tool of the Housing Element by facilitating residential development on identified “housing opportunity sites.”

The HOO has the following major objectives:

1. Create “by-right” opportunities for residential development on underutilized manufacturing sites.
2. Implement state laws that require cities to demonstrate available land capacity and zoning tools to accommodate the City’s projected need for housing.
3. Provide a mix of housing types.
4. Facilitate well-designed new mixed-use development projects that combine residential and nonresidential uses (e.g., office, retail, business services, personal services, public spaces and uses, other community amenities, etc.) to promote a better balance of jobs and housing.
5. Stimulate economic development and reinvestment through regulations based upon recognized urban design principles that allow property owners to respond with flexibility to market forces;
6. Provide additional property rights while preserving existing property rights. This intent is achieved by providing additional development rights in compliance with this Chapter, which property owners may exercise under certain conditions, while retaining all development rights conferred by the underlying zone to property owners in the HOO zone. Incentives and advantages include allowing a greater range and mix of uses and specifying more permissive dimensional specifications (e.g., greater floor area ratio, lot coverage ratio, and height; reduced setbacks);

**It is important to note that HOO is an overlay zone to be used only in conjunction with an underlying Heavy Manufacturing (M-2) zone.** For property within the HOO zone, the newly created regulations would allow residential and mixed-use development as an alternative to the stand-alone industrial development allowed under the base (underlying) zone standard. The complete text of the HOO zone is attached to this staff report for review.

### Density Bonus

In 2005, the State statute was modified, requiring density bonus law to give greater density bonuses for lower income housing. In compliance with State law, housing developments proposed within the City of Commerce are eligible for a 20% density bonus if 5% percent of the units are affordable to very low-income households or if 10% of the units are affordable to lower income households. Similarly, housing developments may qualify for a 5% density bonus if 10% of the units are affordable to moderate-income families.

To further facilitate the development of additional affordable units additional bonuses are granted according to a sliding scale. For example, an additional 2.5% density bonus is granted for each additional increase of 1% very low-income units, an additional 1.5% density bonus for each additional increase in lower income units, and an additional 1% density bonus for each 1% increase in moderate-income units. No total density bonus can be greater than 35% percent. The City evaluated its existing density bonus provisions as part of the Housing Element process. It was determined that revisions were necessary in order to conform to current State requirements. Therefore, revisions to the City’s density bonus standards have been proposed. The complete text of the proposed amendments is attached to this staff report for review.

### Reasonable Accommodation

All cities must ensure that sufficient provisions are provided to facilitate a resident's request for "reasonable accommodation." This means that City Staff will ensure that the established development requirements do not place an undue burden on disabled persons living or moving into the City. For example, a household with a handicapped resident may require modifications to the housing unit to accommodate that individual. Typical modification requests include the installation of wheel chair ramps (both interior and exterior), wider doorways, and installation of wheelchair elevators in units containing multiple-levels, and the installation of handrails and modified plumbing fixtures in bathrooms. In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. In order to comply with provisions of California Government Code, an amendment to the City's Zoning Ordinance is proposed (the full text of which is attached).

### SB 2 Compliance

Extremely low-income households and households with special needs have limited housing options in Commerce. Housing types appropriate for these groups include: emergency shelters, transitional housing, supportive housing, and single-room occupancy (SRO) units. To accommodate this population group the City is proposing an amendment to the Zoning Ordinance to allow emergency housing by right in the Heavy Industrial (M-2) zone. The M-2 zone was selected as it is the City's most prevalent land use and allows for a significant number of opportunities to facilitate the provision of emergency housing. Additionally, the City is proposing amended the language for the residential zones to permit transitional and supportive housing, including SRO units as a residential use, subject only to those regulations that apply to other residential uses within that zone. The full text of the proposed amendments is attached to this report.

### Second Units

To comply with amendments made in 2002 to State Law §65852.2, the City is proposing amendments to the existing second unit standards contained in the CMC. The updated standards seek to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhoods. A secondary housing unit means an additional dwelling unit constructed or adapted within, onto, or apart from an existing, or built concurrently with, a single-family dwelling in the Single Family Residential (R-1) District. The standards would not allow for more than one second unit on a lot, and set forth criteria for items such as unit size, parking, parking, and architectural treatment. The full text of the proposed amendment is attached to this report.

On October 23, 2013 the Planning Commission reviewed the subject General Plan Amendment. At that time, the Commission unanimously recommended approval to the City Council.

### FINDINGS:

Based on the results of the environmental assessment, the following mandatory findings of significance set forth in the CEQA Guidelines can be made:

- a) The Housing Element Update and the associated housing programs and policies do not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California history or prehistory. The Housing Element Update is consistent with the City of Commerce's General Plan. The Housing Element Update itself does not approve specific developments or specific housing programs that outline a change in zoning; all future development and implementation of housing programs must be evaluated and potentially approved

on a case-by-case basis. Subsequently, impacts associated with each potential development would be analyzed to ensure the preservation of the environment.

- b) The Housing Element Update is a policy document that sets forth housing programs to meet State requirements and regional housing needs and identifies sites suitable for future residential development. The programs outlined and the sites identified within the Housing Element Update would cumulatively increase residential development opportunities within the City during the 2014-2021 planning period. Overall, the long-term development of the housing opportunity areas are consistent with the growth projections identified in the General Plan; the anticipated additional units within the HOO have been evaluated in the General Plan EIR. Therefore, the proposed Housing Element Update would not result in new or additional cumulative impacts.
- c) The Housing Element Update and the housing programs and policies contained within that document would not cause substantial direct or indirect adverse environmental effects on human beings. The Housing Element Update is a policy document that does not approve specific residential development. Potential residential development would be evaluated on a case-by-case basis to ensure no substantial direct or indirect adverse environmental effects.

The Commerce Municipal Code Section 19.39.370 also requires that the City 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 City of Commerce first initiated a comprehensive general plan update, including an update of the Housing Element, in the mid-1980s. This earlier Element was subsequently updated and adopted in January 2008 pursuant to the required updates by the HCD. The current Housing Element builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs. In addition, the current Element outlines those strategies and programs that will enable the City to meet its current Regional Housing Needs Assessment (RHNA). Finally, the document serves as a critical link between housing policy and the long-range land use plan that calls for continued infill housing development as well as new opportunities for housing in areas that were previously developed as commercial or industrial uses.*
2. **That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan.** *The Elements that comprise the Commerce General Plan are required by State law to be internally consistent. Together these Elements provide the framework for the development of facilities, services, and land uses necessary to address the needs and desires of the City's residents. To ensure that these needs are clearly addressed throughout the General Plan, the Elements must be interrelated and interdependent.*

*This Housing Element is most directly related to the Community Development Element, since the Community Development Element designates the location and extent of residential development throughout the City. With regard to the other General Plan Elements, the following findings of conformity may be made:*

- *This Housing Element promotes the development of new housing in certain areas where housing does not presently exist. New housing is encouraged in the HOO. This Element does not involve any land use recommendations that are inconsistent with the Community Development Element or with the other General Plan Elements.*
- *This Housing Element does not promote or propose any land use changes requiring the instillation of any new streets or infrastructure not already anticipated in the General Plan.*

- *The focus of this Housing Element is to identify strategies that will be effective in conserving existing housing, while at the same time, to investigate opportunities to accommodate new infill residential development.*
3. **That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations.** *Market and governmental factors pose constraints to the provision of adequate and affordable housing. These factors tend to disproportionately impact lower and moderate-income households due to their limited resources for absorbing the costs. The City is committed to removing governmental constraints that hinder the production of housing and offers a streamlined permitting process to facilitate efficient entitlement and building permit processing. In addition to existing development standards already in place, the City proposes revisions to the Zoning Ordinance to encourage housing opportunities for extremely low-income households and special needs persons. The proposed amendment would not conflict with any provisions of the zoning ordinance or subdivision regulations.*
  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 Housing Element update will not adversely affect surrounding properties as it does not call for any changes to the land use policy map. The last changes to the Land Use policy map were made in 2008 during the last comprehensive General Plan update. The subject update builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs.*

**ENVIRONMENTAL ASSESSMENT:**

Environmental review conducted pursuant to the California Environmental Quality Act (CEQA), indicated that the project will not have the potential to generate an impact which may be considered as a significant effect on the environment. Therefore, a Negative Declaration was prepared and is attached as an exhibit to this report.

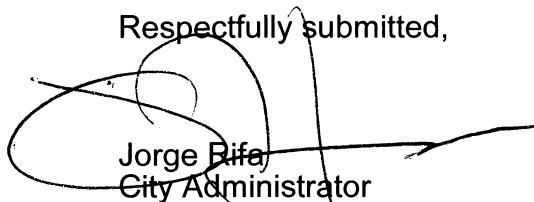
**FISCAL IMPACT:**

None.

**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".

Respectfully submitted,



Jorge Rifa  
City Administrator

Fiscal impact reviewed by:



Vilko Domic  
Director of Finance

Recommended by:



Alex Hamilton  
Assistant Director of Development Services

Prepared by:



Matt Marquez  
City Planner

Approved as to form:



Eduardo Olivo  
City Attorney

**ATTACHMENTS:**            1)    Proposed Ordinance



ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA AMENDING TITLE 19 ("ZONING") OF THE COMMERCE MUNICIPAL CODE BY ADDING CHAPTER 19.47 (HOUSING OPPORUTNITY OVERLAY); AMENDING CHPATER 19.07 DIVISION 3 (DENSITY BONUSES); ADDING CHAPTER 19.07 DIVISION 4 (REASONABLE ACCOMMODATION); AMENDING TABLES 19.07.020A (PERMITTED AND CONDITIONAL USES-RESIDENTIAL ZONES) AND TABLE 19.11.030A (USES IN INDUSTRIAL DISTRICTS); ADDING CHAPTER 19.31 DIVISION 22 (EMERGENCY RESIDENTIAL SHELTERS AND TRANSITIONAL HOUSING); AMENDING SECTION 19.07.090 (SECOND UNITS); AND CHAPTER 19.45 (DEFINITIONS)

WHEREAS, the State of California requires cities to maintain an updated General Plan including their Housing Elements; and

WHEREAS, the City has updated its Housing Element for the 2014-2021 planning period; and

WHEREAS, this update also requires that certain Chapters and Sections of the Commerce Municipal Code be amended to ensure consistency between the Zoning Ordinance and General Plan, as well as consistency with State law; and

WHEREAS, on October 23, 2013 the Planning Commission held a public hearing on the subject matter and recommended that the City Council adopt the subject Ordinance

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

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

SECTION 1: That the project qualifies for a Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA).

SECTION 2: Based on the results of the environmental assessment, the City Council reaches the following conclusions regarding the mandatory findings of significance set forth in the CEQA Guidelines:

- a) The Housing Element Update and the associated housing programs and policies do not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California history or prehistory. The Housing Element Update is consistent with the City of Commerce's General Plan. The Housing Element Update itself does not approve specific developments or specific housing programs that outline a change in zoning; all future development and implementation of housing programs must be evaluated and potentially approved on a case-by-case basis. Subsequently, impacts associated with each potential development would be analyzed to ensure the preservation of the environment.
- b) The Housing Element Update is a policy document that sets forth housing programs to meet State requirements and regional housing needs as well as identifies sites suitable for future residential development. The programs outlined and the sites identified within the Housing Element Update would cumulatively increase residential development opportunities within the city during the 2014-2021 planning period. Overall, the long-term development of the housing opportunity areas are consistent with the growth projections identified in the General Plan and the anticipation of the additional units within the HOO have been evaluated in the General Plan EIR. Therefore, the proposed Housing Element Update would not result in new or additional cumulative impacts.

- c) The Housing Element Update and the housing programs and policies contained within the document do not have environmental effect that would cause substantial direct or indirect adverse effects. The Housing Element Update is a policy document that does not approve specific residential development. Potential residential development would be evaluated on a case-by-case basis to ensure no substantial direct or indirect adverse environmental effects.

SECTION 3: Pursuant to Commerce Municipal Code Section 19.39.370 the City Council makes 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 City of Commerce first initiated a comprehensive general plan update, including an update of the Housing Element, in the mid-1980s. This earlier Element was subsequently updated and adopted in January 2008 pursuant to the required updates by the California Department of Housing and Community Development. The current Housing Element builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs. In addition, the current Element outlines those strategies and programs that will enable the City to meet its current Regional Housing Needs Assessment). Finally, the document serves as a critical link between housing policy and the long-range land use plan that calls for continued infill housing development as well as new opportunities for housing in areas that were previously developed as commercial or industrial uses.*
2. **That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan.** *The Elements that comprise the Commerce General Plan are required by State law to be internally consistent. Together these Elements provide the framework for the development of facilities, services, and land uses necessary to address the needs and desires of the City's residents. To ensure that these needs are clearly addressed throughout the General Plan, the Elements must be interrelated and interdependent.*

*This Housing Element is most directly related to the Community Development Element, since the Community Development Element that designates the location and extent of residential development throughout the City. With regard to the other General Plan Elements, the following findings of conformity may be made:*

- *This Housing Element promotes the development of new housing in certain areas where housing does not presently exist. New housing is encouraged in the Housing Opportunity Overlay zone. This Element does not involve any land use recommendations that are inconsistent with the Community Development Element or with the other General Plan Elements.*
  - *This Housing Element does not promote or propose any land use changes requiring the instillation of any new streets or infrastructure not already anticipated in the General Plan.*
  - *The focus of this Housing Element is to identify strategies that will be effective in conserving existing housing, while at the same time, to investigate opportunities to accommodate new infill residential development.*
3. **That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations.** *Market and governmental factors pose constraints to the provision of adequate and affordable housing. These factors tend to disproportionately impact lower and moderate-income households due to their limited resources for absorbing the costs. The City is committed to removing governmental constraints that hinder the production of housing and offers a streamlined permitting process to facilitate efficient entitlement and building permit processing. In addition to existing development standards already in place, the City proposes revisions to the Zoning Ordinance to encourage housing opportunities for extremely low-income households and special needs persons. The proposed amendment would not conflict with any provisions of the zoning ordinance or subdivision regulations.*



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 Housing Element update will not adversely affect surrounding properties as it does not call for any changes to the land use policy map. The last changes to the Land Use policy map were made in 2008 during the last comprehensive General Plan update. The subject update builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs*

SECTION 4: Title 19 (Zoning) of the Commerce Municipal Code is hereby amended to add Chapter 19.47 (Housing Opportunity Overlay Zone), as shown in Exhibit A which is attached hereto and incorporated herein by reference.

SECTION 5: Chapter 19.07 (Residential Zones) of the Commerce Municipal Code is hereby amended to rescind Sections 19.07.150 (Intent and Purpose), 19.07.160 (Minimum Requirements) and 19.07.170 (Affordability Controls) and add a new Division 3 (Density Bonuses), which includes Sections 19.07.150 to 19.07.290, as shown in Exhibit B which is attached hereto and incorporated herein by reference.

SECTION 6: Chapter 19.07 (Residential Zones) of the Commerce Municipal Code is hereby amended to add a new Division 4 (Reasonable Accommodation), as shown in Exhibit C which is attached hereto and incorporated herein by reference.

SECTION 7: Table 19.07.020A (Permitted and Conditional Uses – Residential Zones) of the Commerce Municipal Code is hereby amended to read as shown in Exhibit D which is attached hereto and incorporated herein by reference.

SECTION 8: Chapter 19.31 (Standards for Specific Land Use) of the Commerce Municipal Code is hereby amended to establish Division 22 (Emergency Residential Shelters and Transitional Housing), as shown in Exhibit E which is attached hereto and incorporated herein by reference.

SECTION 9: Section 19.07.090 (Second Units) of the Commerce Municipal Code is hereby amended in its entirety to read as shown in Exhibit F, which is attached hereto and incorporated herein by reference.

SECTION 10: Chapter 19.45 of the Commerce Municipal Code is hereby amended to read as shown in Exhibit G, which is attached hereto and incorporated herein by reference.

SECTION 11: 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 12: This Ordinance shall take effect on the thirty-first (31<sup>st</sup>) day after its adoption.

PASSED, APPROVED AND ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Joe Aguilar  
Mayor

ATTEST:

\_\_\_\_\_  
Teresa Jackson, CMC  
Interim City Clerk



## EXHIBIT A

The Commerce Municipal Code is hereby amended adding Chapter 19.47 to read as follows:

### CHAPTER 19.47 HOUSING OPPORTUNITY OVERLAY ZONE

|           |                                     |
|-----------|-------------------------------------|
| 19.47.010 | Intent and purpose.                 |
| 19.47.020 | Applicability.                      |
| 19.47.030 | Use regulations.                    |
| 19.47.040 | Development standards.              |
| 19.47.050 | Frontage type standards             |
| 19.47.060 | Open space standards                |
| 19.47.070 | Public space amenities requirements |
| 19.47.80  | Live-work development               |
| 19.47.090 | Mixed use development               |
| 19.47.100 | Outdoor dining                      |
| 19.47.110 | Signs                               |
| 19.47.120 | Driveways                           |
| 19.47.130 | Other applicable regulations.       |

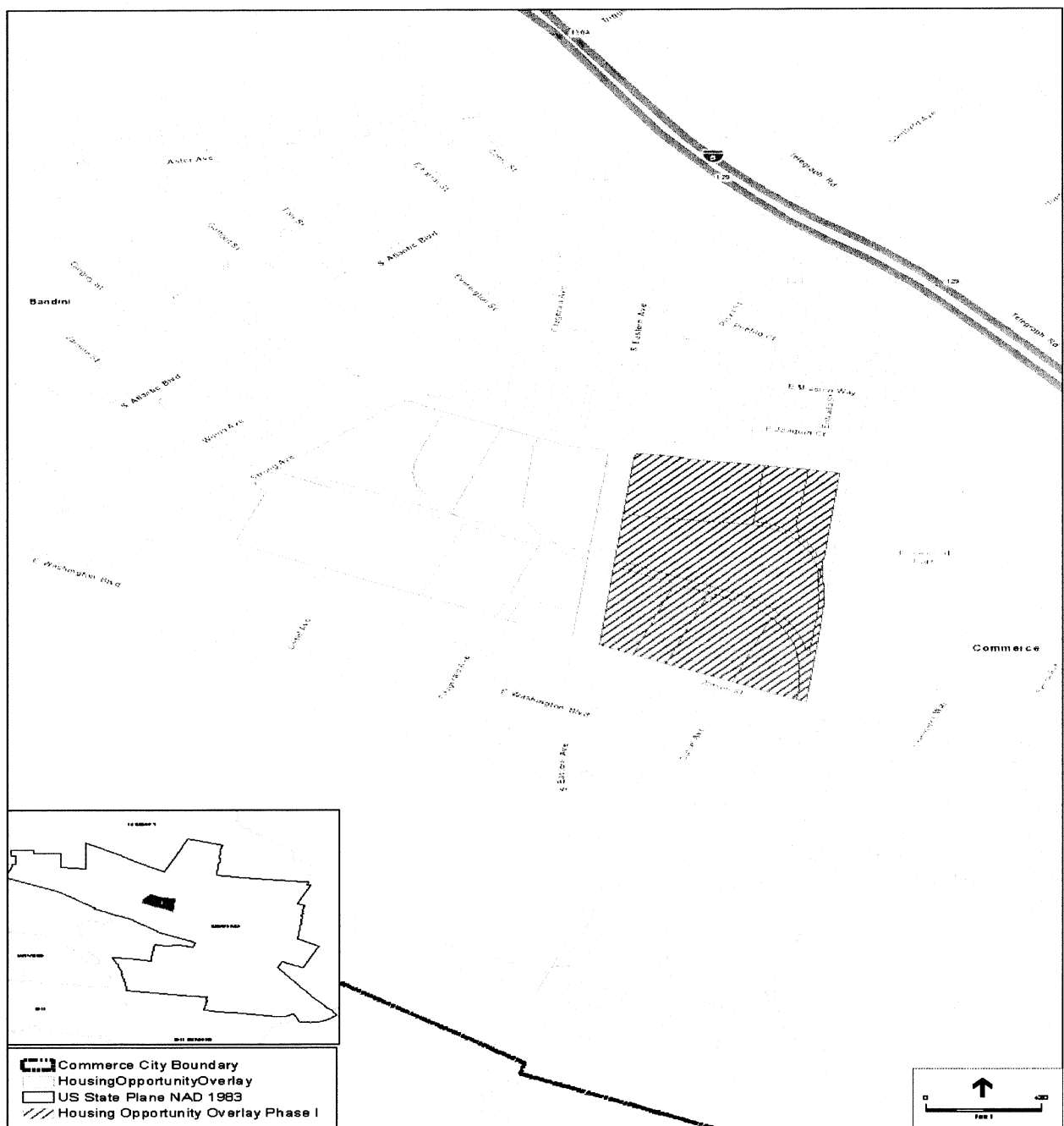
#### **19.47.110 Intent and purpose.**

- A. The Housing Opportunity Overlay zone (HOO) is established to facilitate the development of housing “by-right” on underutilized industrial sites. The HOO zone is intended to be applied to properties that are currently zoned Heavy Manufacturing (M-2) and permits discontinued manufacturing uses to recycle to residential development. The Overlay Zone is further intended to serve as an implementation tool of the City’s Housing Element of the General Plan by facilitating residential development on identified “housing opportunity sites.”
- B. The HOO has the following major objectives:
1. Create “by-right” opportunities for residential development on underutilized manufacturing sites.
  2. Implement state laws that require cities to demonstrate available land capacity and zoning tools to accommodate the City’s projected need for housing.
  3. Provide a mix of housing types.
  4. Facilitate well-designed new mixed-use development projects that combine residential and nonresidential uses (e.g., office, retail, business services, personal services, public spaces and uses, other community amenities, etc.) to promote a better balance of jobs and housing.
  5. Stimulate economic development and reinvestment through regulations based upon recognized urban design principles that allow property owners to respond with flexibility to market forces;
  6. Provide additional property rights while preserving existing property rights. This intent is achieved by providing additional development rights in compliance with this Chapter, which property owners may exercise under certain conditions, while retaining all development rights conferred by the underlying zone to property owners in the HOO zone. Incentives and advantages include allowing a greater range and mix of uses and specifying more permissive dimensional specifications (e.g., greater floor area ratio, lot coverage ratio, and height; reduced setbacks; etc.).

**19.47.020 Applicability.**

- A. Application to Area. The HOO is an overlay zone to be used only in conjunction with an underlying Heavy Manufacturing (M-2) zone. The HOO area applies to approximately forty-four (44) acres within the Rosewood Planning Area and is generally bounded by Harbor Street on the north, the Jillson Street on the south, Strong Avenue on the west and with no formal boundary on the east (eastern boundary is the Commerce Civic Center, Aquatorium and Rosewood Park), as depicted in Figure 1.

**FIGURE 1: HOUSING OPPORTUNITY OVERLAY ZONE**



- B. Relationship between base zone standards and overlay zone standards. For property within the HOO zone, the regulations in this Chapter allow residential and mixed-use development as an alternative to the stand-alone industrial development allowed under the base (underlying) zone standard.
- C. Base zone standards.
  - 1. The provisions in this Chapter shall apply to all properties within the HOO zone, but the provisions do not supersede the underlying base zone provisions until a property is developed in compliance with the provisions of this Chapter.  
New projects may be developed in compliance with the existing underlying base zone, provided that all standards and requirements of the underlying base zone are met.
  - 2. Regulations, development standards, and requirements in the underlying base zone shall continue to apply to those projects that are currently developed according to the existing standards.
  - 3. For legal non-conforming uses (i.e., uses that do not comply with the provisions of the base zone), the provisions in Chapter 19.37 (Nonconforming Uses and Structures) shall apply.
- D. Option to apply HOO zone standards. The owner or developer of any property within the HOO zone may choose to develop in compliance with the standards and procedures in this Chapter.
- E. Conversion of existing non-residential structures into a residential use may be permitted subject to a conditional use permit pursuant to Chapter 19.39, Division 7 (Conditional Use Permit).
- F. After completion of development. Once a property is developed in compliance with the provisions of this Chapter, the provisions of this Chapter completely supersede the provisions of the underlying base zone. Whenever the requirements of the HOO zone impose a more or less restrictive standard than the provisions of the underlying base zone, the requirements of the HOO zone shall govern.

**19.47.030 Use regulations.**

- A. All uses in the applicable underlying zone are allowed. In addition, Table 19.11.030A identifies the uses permitted in the HOO zone.
- B. Certain permitted uses and conditionally permitted uses may be subject to special conditions regarding location, operation or the design of the use. Such uses are marked in Table 19.11.030A with an asterisk (\*), and the special conditions that apply are contained in Chapter 19.31 (Standards for Specific Land Uses) of this title.
- C. The "notes and exceptions" column of Table 19.11.030A indicates more precisely the use regulations for specific operating characteristics. The notes and exceptions must be reviewed in conjunction with the other information for that class of use.
- D. For uses or activities not specifically identified in Table 19.11.030A, the community development director shall have the authority to interpret and assign the use. The decision of the community development director can be appealed to the planning commission pursuant to Chapter 19.39, Division 4 (Appeals and Revocations) of this title.
- E. Any use or activity not identified in Table 19.11.030A, or any use or activity not interpreted by the community development director, shall be prohibited.

**Table 19.47.030A  
Uses in Housing Opportunity Overlay Zone**

| <b>Use</b>   | <b>HOO</b> | <b>*Notes and Exceptions</b>   |
|--|------------|--|
| Accessory Buildings  | A          |  |
| Child Care Center  | P/C*       | *See Chapter 19.31 Division 8  |
| Care Facilities (<6 persons)   | P          |  |
| Child Facilities (>6 persons)  | C          |  |
| Clubs, Private and Fraternities/Sororities   | X          |  |
| Community Gardens  | C          |  |
| Dwelling, Multi-family Attached  | P          | Attached multifamily dwellings could be apartments, condominium or other attached multiple family dwellings.   |
| Dwelling, Single-Family Attached   | X          | Attached single family dwellings could include attached townhomes, rowhouses, courtyard and/or cluster housing |
| Dwelling, Single-Family  | X          |  |
| Dwelling, Single-Family; new construction and additions where the total floor area of all structures is greater than 2,300 square feet | X          |  |
| Emergency Shelters   | X          |  |
| Greenhouses  | A          |  |
| Home Occupations   | P/C*       | See Chapter 19.31 Division 13  |
| Live/Work  | P          | See Section 19.11.080 for additional standards   |
| Manufactured Housing   | X          |  |
| Mobile Home Parks  | X          |  |

| Use  | HOO | *Notes and Exceptions   |
|--|-----|---|
| <p>Mixed-Use Development, where residential and non-residential uses are integrated vertically, including live/work opportunities. Non-residential uses in vertical mixed-use projects shall be limited to:</p> <ul style="list-style-type: none"> <li>▪ Health and Fitness Centers;</li> <li>▪ Schools, Specialized Education and Training;</li> <li>▪ Studios, Professional;</li> <li>▪ Printing and Publishing;</li> <li>▪ Studios – Art, Dance, Music, Photography, etc.;</li> <li>▪ Retail Trade uses that can only include: <ul style="list-style-type: none"> <li>○ Appliance Sales</li> <li>○ Arts, Antiques, Collectibles, and Gifts</li> <li>○ Convenience Stores</li> <li>○ Furniture and Furnishings</li> <li>○ Grocery Stores</li> <li>○ Pet Shops</li> <li>○ Restaurants</li> <li>○ Retail, General Merchandise</li> </ul> </li> <li>▪ Bank and Financial Services;</li> <li>▪ Day Care Centers;</li> <li>▪ Laundry and Dry Cleaning;</li> <li>▪ Laundromats, Self Service;</li> <li>▪ Offices; and</li> </ul> | P   | Non-residential uses are permitted in vertical mixed-use projects and shall be restricted to the ground floor only. |
| Nursing/Rest Homes   | C   |   |
| Parking Lots, Surface  | P   |   |
| Parking Structure, Above Ground  | P   | Permitted if screened from views from public right-of-way and adjacent single-family residential districts          |
| Public or Quasi-public uses of educational/recreational nature   | X   |   |
| Public or Quasi-public use of religious, cultural public services nature   | X   |   |
| Second Dwelling Unit   | X   |   |
| Senior Housing   | P   |   |
| Supportive Housing   | P   |   |
| Swimming Pools, Private  | A   |   |
| Transitional Housing   | P   |   |

NOTE: All uses are subject to performance standards as defined in Chapter 19.19  
\* = See "Notes and Exceptions" column.  
P = Permitted by right.

X = Not permitted.

P/C = Either permitted by right or subject to conditional use permit review, depending upon criteria contained in Chapter 19.31

C = Conditional use permit required.

**19.47.040 Development standards.**

A. All development in the HOO zone shall conform to the development standards set forth in Table 19.11.040A.

**Table 19.11.040A  
Development Standards—Housing Opportunity Overlay Zone (HOO)**

| <b>Development Standards</b>               | <b>HOO</b>   | <b>Notes</b>  |
|--|--|---|
| 1. Maximum Density (residential uses)      | 40 du/ac   | Maximum density for residential uses expressed as dwelling units per acre.  |
| 2. Maximum Intensity (nonresidential uses) | 1.0 FAR  | Maximum floor area ratio (FAR) for nonresidential uses.<br>Podium and underground parking is not counted toward floor area ratio (FAR). |
| 3. Minimum Lot Area                        | None Required  |   |
| 4. Minimum Dwelling Unit Size              | Studio: 500 sf<br>1-bdrm: 600 sf<br>2-bdrm: 800 sf<br>3-bdrm: 1,000 sf     |   |
| 5. Maximum Building Height                 | 5 Stories/60 ft  | Height calculated from grade.   |
| 6. Distance Between Buildings (Minimum)    | 10 ft*   | Increase of 5 ft. for every 10 ft. of height, or fraction thereof, above 25 ft.   |
| 7. Front Yard Setback                      | 0 ft (min); 15 ft (max)  |   |
| 8. Street Side Setback                     | 0 ft (min); 15 ft (max)  |   |
| 9. Interior Side Setback                   | 5 ft (min); No max   | Minimum 10 ft if abutting residential zone district   |
| 10. Rear Yard Setback                      | 10 ft (min) for residential portion, no requirement for commercial portion | Minimum 10 ft if abutting residential zone district   |



| <b>Development Standards</b>                        | <b>HOO</b>   | <b>Notes</b>   |
|---|--|--|
| 11. Permitted Setback Encroachments                 | 6 ft into setbacks   | Balconies, awning, porches, stairways & similar elements may extend up to 6 ft. into the setback.<br>Cornices, eaves, fireplaces, similar architectural features may extend 4 ft into the front & rear setbacks and 3 ft in interior setbacks. |
| 12. Maximum Lot Coverage                            | None   |  |
| <b>Landscape/Open Space Standards</b>               |  |  |
| 13. Publicly Accessible Open Space (nonresidential) | 15% of net lot area  | See Section 19.11.070 for additional standards   |
| 14. Private Open Space (multi-family residential)   | 1st floor-150 sf per unit<br>Upper floor-100 sf per unit   | See Section 19.11.060 for additional standards   |
| 15. Common Open Space (multi-family residential)    | 200 sq ft per unit   | See Section 19.11.060 for additional standards   |
| <b>Parking Standards</b>                            |  |  |
| 16. Surface Parking                                 | 20 ft min setback from front lot; 15 ft min setback from side lot line                                     |  |
| 17. Garage / Tuck-Under Parking                     | Prohibited along front lot lines   |  |
| 18. Underground / Podium Parking                    | Allowed beneath building footprint   |  |
| 19. Above-Ground Parking Structure                  | Permitted if screened from views from public right-of-way and adjacent single-family residential districts |  |

Abbreviations: sf = square feet; ft. = feet or foot

#### **19.47.050 Frontage type standards**

- A. This section provides frontage type standards for buildings in the HOO zone. Types of frontages include:

1. Live-Work/Office Fronts: A frontage that reinforces both residential and work activities that can occur in the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access to the building. Entrances and windows are provided on the front of the facade to provide eyes on the street and direct sidewalk access to commercial and office uses. The front setback (if provided) may be improved with landscaping or as an extension of the public sidewalk to create a more pedestrian-friendly environment.
  - a. Elevation of ground floor. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
  - b. Minimum Ground Floor Interior Height. 12 feet minimum (floor-to-floor height - Commercial Ready).
  - c. Ground Floor Unit Entrances. All ground floor tenant spaces that have street frontage shall have entrances on a facade fronting a street. All other ground floor uses may have a common lobby entrance along the front facade or private entrances along other facades.
  - d. Upper Floor Unit Entrances. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.
  - e. Recessed Entrances. Entrances may be recessed into the facade.
  - f. Awnings and Marquees. Awnings or marquees may be provided over storefront windows and entrances. Awning and marquees may project up to 6 feet from the facade and extend over the sidewalk provided that at least 8 feet of vertical clearance is provided.
  - g. Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows). Projecting Elements on upper floors may project 4 feet from the facade and project into the setback.
  - h. Sidewalk and Setback Treatment. The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front facade is setback from the public sidewalk, the setback shall be landscaped and/or improved as an extension of the public sidewalk.
2. Residential Fronts: A frontage that reinforces the residential character and use of the building. The elevation of the ground floor is elevated above the grade of the lot to provide privacy for residences by preventing direct views into the home from the sidewalk. Entrances and windows are provided on the front of the facade to provide eyes on the street and direct sidewalk access to the building. Stoops are allowed to project into the front setback to enhance entrances. The front setback is primarily improved with landscaping.
  - a. Elevation of Ground Floor. The ground floor elevation shall be located within six feet of the ground surface of the adjacent sidewalk or walkway.
  - b. Minimum Ground Floor Ceiling Height. 10 feet minimum (floor-to-floor height).
  - c. Ground Floor Unit Entrances. Entrances to ground floor units that have street frontage may be provided through a common lobby entrance and/or by private entrances from the adjacent sidewalk.
  - d. Upper Floor Unit Entrances. Entrances to upper floor units may be provided through a common lobby entrance and/or by a common entrance along a facade fronting a street.

- e. Recessed Entrances. Entrances may be recessed into the façade.
  - f. Stoops and Front Porches. Stoops and front porches may be provided in front of building and unit entrances. Stoops and front porches may project up to 6 feet from the facade and project into the setback.
  - g. Projecting Elements (Balconies, Roof Overhangs, Shade Structures, and Bay Windows). Projecting Elements on upper floors may project 4 feet from the facade and project into the setback.
  - h. Sidewalk and Setback Treatment. The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front facade is setback from the public sidewalk, the setback shall be landscaped (excluding stoops/front porches and paved paths to building entrances).
3. Storefronts: A frontage that reinforces the commercial character and use of the ground floor of the building. The elevation of the ground floor is located at or near the grade of sidewalk to provide direct public access into the building. Large storefront display windows are provided on the front of the facade to encourage visual access to merchandise displays and to encourage window shopping. Awnings or marquees are provided over storefront windows and entrances. The front setback (if provided) is primarily improved as an extension of the public sidewalk to create a more pedestrian-friendly environment.
- a. Elevation of Ground Floor. The ground floor elevation shall be located near the elevation of the sidewalk to minimize the need for external steps and external ADA ramps at public entrances.
  - b. Minimum Ground Floor Ceiling Height. 15 feet minimum (floor-to-floor height).
  - c. Storefront Entrances. All ground floor tenant spaces that have street frontage shall have storefront entrances on the facade fronting a street.
  - d. Lobby Entrances. Lobby entrances to upper floor uses shall be located on a facade fronting a street.
  - e. Recessed Entrances. Storefront and lobby entrances may be recessed into the facade.
  - f. Awnings and Marquees. Awnings or marquees are required over storefront windows and entrances. Awning and marquees may project up to 6 feet from the facade and extend over the sidewalk provided that at least 8 feet of vertical clearance is provided.
  - g. Projecting Elements (Balconies, Shade Structures, and Bay Windows). Projecting Elements on upper floors may project 4 feet from the facade and project into the setback.
  - h. Sidewalk and Setback Treatment. The public sidewalk shall be improved with street trees with an average spacing of 30 feet on-center and pedestrian-scaled street lights (no taller than 14 feet). If the front facade is setback from the public sidewalk, the setback shall be improved as an extension of the public sidewalk.

#### **19.47.060 Open space standards**

This Section provides open space standards for development within the HOO zone.

- A. Usable Open Space Defined. Usable open space areas are an open area or an indoor or outdoor recreational facility which is designed and intended to be used for outdoor living and/or recreation.

Usable open space shall not include any portion of parking areas, streets, driveways, sidewalks, or turnaround areas.

B. The following standards shall apply to the requirements for open space:

1. Private Residential Open Space

- a. For stand-alone multi-family residential projects or as part of a mixed-use development, each residential unit shall be provided with at least one area of private open space accessible directly from the living area of the unit, in the form of a fenced yard or patio, a deck or balcony at a minimum area of 150 square feet per unit for 1<sup>st</sup> floor units and 100 square feet per unit for upper floors.
- b. The minimum dimension, width or depth, of a balcony shall be 5 feet.

2. Common Residential Open Space

- a. For stand-alone multi-family residential developments, each residential unit shall be provided with at least 200 square feet of common residential open space.
- b. All common open space shall be conveniently located and accessible to all dwelling units on the site.
- c. Common open space areas may include landscaping, pedestrian paths, and recreational facilities.
- d. In projects containing fewer than ten units, the common open space shall have a minimum width and depth of 10 feet. In projects containing ten or more units, the minimum width and depth shall be 20 feet.

3. Recreational Amenities/Facilities

- a. For projects containing twenty-five or more residential units in stand-alone multi-family residential developments and as part of a mixed-use development, one common recreational amenity shall be provided for each thirty units or fraction thereof. The following listed amenities satisfy the above recreational facilities requirements. Recognizing that certain facilities serve more people than others, have a wider interest or appeal, and/or occupy more area, specified items may be counted as two amenities, as noted. In all cases, each square foot of land area devoted to a recreational amenity shall be credited as common open space on a 1:1 basis.

- i. Clubhouse (two)
- ii. Swimming Pool (two)
- iii. Tennis court (one per court)
- iv. Basketball court (one per court)
- v. Racquetball court (one per court)
- vi. Weightlifting facility
- vii. Children's playground equipment
- viii. Sauna
- ix. Jacuzzi
- x. Day Care facility (two)
- xi. Other recreational amenities deemed adequate by the Community Development Director.

#### **19.47.070 Public space amenities requirements**

- A. Each project proposed within the HOO zone must include a public open space amenity, or some form of physical interface for the pedestrian. Such features may include, but not be limited to:
1. **Formal Plazas.** A formal plaza would be a publicly accessible open space which has a design that is influenced by classical urban planning design. A formal plaza would typically include some sort of central water fountain and/or symmetrical landscaping.
  2. **Urban Gardens.** An urban garden can be located on the ground level, or on upper levels of a structure. Urban gardens include ornamental landscaping arranged in raised or at-grade planters or planting areas, potted plants and trees. Many times there are sculptures or other forms of public art that are included within the urban garden.
  3. **Covered Colonnades.** Colonnades are linear in design and generous in depth. The intent is to provide a comfortably wide, covered pathway that is adjacent to the openings of a building. Sometimes the second floor of a building is utilized to create the "covered" element of the colonnade.
  4. **Sidewalk Dining.** Sidewalk dining may occur wherever a sidewalk space is ample enough to accommodate dining furniture without impeding pedestrian access of the sidewalk. Sidewalk dining may be defined with a railing or planters, or be open and accessible.
  5. **Pedestrian Alleys and Walkways.** A pedestrian alley or walkway is typically a "lane" that does not follow the alignment of a vehicular street, but provides a pedestrian access to either a public space or some other feature within the interior of a development. Pedestrian alleys or walkways must be designed in such a manner so as to be inviting to pedestrians. Therefore, issues such as lighting, security, line of sight, cleanliness and visual appeal are important considerations to a well designed pedestrian alley or walkway. Sometimes public art, street furniture and access to shops and public spaces are features of pedestrian alleys and walkways.

#### **Chapter 19.47.80 Live-work development**

This Section provides operational and compatibility standards for the development of live/work units within the HOO.

A. Allowed Uses.

1. The nonresidential component of a live/work unit shall only be a nonresidential use allowed within the HOO zone, except that certain uses are determined to be not appropriate within a residential environment and are therefore prohibited as provided in subsection B, below.
2. The residential component of a live/work unit shall only be a residential use allowed within the HOO zone.

B. Prohibited Uses.

1. A live/work unit shall not be used for any of the following activities or similar activities as determined by the Director:
  - a. Adult-oriented businesses;
  - b. Animal care or boarding;

- c. Classroom instruction (e.g., art/music lessons, tutoring, and similar uses) involving five or more students at any one time;
  - d. Commercial food preparation activities;
  - e. Industrial uses;
  - f. Vehicle maintenance or repair (i.e., body or mechanical work, including boats and recreational vehicles), vehicle detailing and painting, upholstery, etc.;
  - g. Storage of flammable liquids or hazardous materials beyond that normally associated with a residential use;
  - h. Medical and dental offices, clinics, and laboratories (not including chiropractors or counselors/psychotherapists).
2. Activities or uses that are not compatible with residential activities or that would clearly conflict with other live/work activities or the character of the surrounding neighborhood as determined by the Director; and
  3. Activities or uses that would adversely affect the health or safety of live/work unit residents, because of dust, glare, heat, noise, noxious gases, odor, smoke, traffic, vibration, or other impacts, or that would be hazardous because of materials, processes, products, or wastes.

C. Site Planning and Design Standards.

1. Each live/work unit fronting a public right-of-way shall have a pedestrian-oriented frontage that allows views into the interior of the nonresidential areas of the unit.
2. Each live/work unit shall have a clearly identified, separate access from other live/work units within the structure or development. Access to individual units shall be from common access areas, parking lots, or walkways. Access to each unit shall be clearly identified to provide for emergency services.
3. The living space within the live/work unit shall be contiguous with the working space, with direct access between the two areas.

D. Operational standards.

1. No portion of a live/work unit shall be separately sold or rented.
2. The owner or developer of a structure containing live/work units shall provide written notice to all occupants, tenants, and users that the surrounding area may be subject to higher impacts associated with nonresidential uses (e.g., noise) than exist in more predominantly residential areas. Performance standards for live/work units shall be those applicable to nonresidential uses allowed in the zone in which the live/work units are located.
3. All activities related to the "work" component of a live/work unit shall be conducted within a completely enclosed building.
4. Up to two additional persons who do not reside in the live/work unit may work in the unit.
5. Client and customer visits to live/work units are allowed.
6. Parking for each live/work unit shall be provided in compliance with Chapter 19.21 (Off-Street Parking Requirements).

7. A live/work unit shall not be converted to either entirely residential use or entirely nonresidential use.
8. A live/work use may display a window or building-mounted sign up to a maximum of five percent of the building frontage area used for commercial purposes. Signs shall not be illuminated, including neon signs.

#### **Chapter 19.47.90 Mixed-use development**

This Section provides operational and compatibility standards for mixed-use development within the HOO zone. Non-residential uses are restricted to the ground floor only.

##### **A. Operational standards.**

###### **1. Joint tenants and owners association.**

- a. A joint tenants and owners association shall be formed to ensure the well-being of each tenant and owner in a mixed-use project.
- b. The association bylaws, including voting rights, shall be subject to review by the City Attorney and approval by the Director. The association's bylaws shall include the following:
  - i. Assignment of parking spaces per each use.
  - ii. Identification of maintenance responsibilities for landscaping, parking facilities, and recycling and refuse storage facilities.  
Noise notification procedures.
  - iii. Relationship between uses regarding association representation
  - iv. Voting procedures.
  - v. Procedures for solving problems that may arise between the different types of uses or residents.

###### **2. Loading and unloading activities.** Where applicable, the covenants, conditions, and restrictions of a mixed-use project shall indicate the times when the loading and unloading of goods may occur on the street, provided that in no event shall loading or unloading take place after 10:00 p.m. or before 7:00 a.m. on any day of the week.

###### **3. Noise notification.**

- a. Residents, whether owners or tenants, of a mixed-use development project shall be notified in writing before taking up residence that they will be living in an urban type of environment and that the noise levels may be higher than a typical residential area.
- b. The covenants, conditions, and restrictions of a mixed-use project shall require that the residents acknowledge their receipt of the written noise notification. Their signatures shall confirm receipt and understanding of this information

##### **B. Fences and walls.** In addition to the regulations in Table 19.09.60 (Fences, hedges, and walls, Commercial Zone), fences and walls shall be subject to the following regulations:

1. Separation wall required. A masonry separation wall shall be constructed on all property lines adjacent to any single-family residential district. Pedestrian access points are encouraged and may be allowed subject to approval of the Director. The separation wall shall be 6 feet in height, as measured from the highest elevation of land contiguous to the wall, except in a required front

setback area and in a required exterior side setback area for a corner, reverse corner or key lot, where the wall shall be limited to 36 inches in height.

2. Other fences and walls. Fences and walls are allowed in any yard area subject to the following height regulations:

- a. Front yard area. In the front yard area, the height shall be limited to 36 inches.
- b. Street side yard. In street side yard areas, the height shall be limited to 36 inches.
- c. All other areas. In all other areas, the height shall be limited to 6 feet, as measured from the side of the fence or wall with the highest grade.

3. Location. All perimeter fences and walls shall be constructed on the property line unless a different location is permitted by the Community Development Director. No parallel wall or fence shall be constructed less than 5 feet from an existing wall or fence, unless approved by the Community Development Director.

4. Materials.

- a. Chain link fencing shall not be erected between a primary or accessory structure and a public or private street, except that chain link fencing may be used for security purposes for public utility structures and for temporary fencing needs (construction sites, special events, vacant lots, etc.).
- b. Barbed wire and concertina wire are prohibited, except at public utility structures

C. Landscaping. Landscaping shall comply with Section 19.23 (Landscaping).

D. Screening and buffering – Mechanical equipment and trash facilities. Mechanical and air-conditioning equipment shall be screened and buffered in compliance with Section 19.19.100 (Mechanical equipment screening) and trash facilities shall be screened and buffered in compliance with Section 19.19.140 (Solid waste receptacles and enclosures)

E. Signs. Signs shall comply with Section 19.25 (Signs). In addition, in the HOO zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to a particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential area where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located in a zone where that particular use would be allowed, either as a matter of right or subject to a discretionary process.

F. Sound mitigation. Residential dwelling units shall be designed to be sound attenuated against present and future project noise. New projects or new nonresidential uses in existing projects shall provide an acoustical analysis report, by an acoustical engineer, describing the acoustical design features of the structure required to satisfy the exterior and interior noise standards.

G. Design criteria.

1. A mixed-use development project shall be designed and constructed to:

- a. Be pedestrian in its focus by:
  - i. Providing direct pedestrian linkages to adjacent public sidewalks.
  - ii. Creating enhanced pedestrian connections throughout the project between residential and nonresidential uses and parking areas.



- iii. Providing enhanced pedestrian amenities throughout the project, including seating, pedestrian area lighting, special paving, public art, water features, common open space, directories, and similar items to create a pleasant pedestrian experience.
  - b. Incorporating architectural design elements and materials that relate to a pedestrian scale.
  - c. Locate uses in proximity to one another without large intervening parking lots so that it is convenient for people to walk between the various uses and park their vehicles only once.
  - d. Create a pedestrian scale and character of development along the street by providing significant wall articulation and varying roof heights, incorporating pedestrian scale elements (e.g., doors, windows, lighting, landscaping), and locating storefronts and common open space areas (e.g., plaza, courtyard, outdoor dining) near the public sidewalk to contribute to an active street environment.
- 2. Consistent use of architectural details and materials. Architectural style and use of quality materials shall be compatible and consistent throughout an entire mixed-use project. However, differences in architectural details and materials may occur to differentiate between the residential and nonresidential portions of the project. The overall project design and site layout shall be one that promotes a strong pedestrian environment and active street frontage. This can be accomplished by incorporating features into the project as outlined in Paragraph 3, below.
- 2. Features.
  - a. Street level features. Variations in the front building plane shall be incorporated through the use of varying building setbacks, variations in wall planes, and the inclusion of pedestrian amenities (e.g., plaza, courtyard, outdoor dining, landscaping). Long expanses of blank walls shall be prohibited.
  - b. Pedestrian-oriented features. At least 75 percent of the building frontage facing a public street, primary pedestrian way, or parking lot shall be devoted to pedestrian-oriented features (e.g., storefronts, pedestrian entrances to nonresidential uses; transparent display windows; landscaping).
  - c. Upper level features. Upper floor balconies, bays, and windows shall be provided whenever opportunities exist for these types of features.
  - d. Entrances. When nonresidential and residential uses are located in a vertical mixed use structure, separate pedestrian entrances shall be provided for each use. The entrances for nonresidential uses shall be designed to be visually distinct from the entrances for residential uses. Entrances to individual residential units in a vertical mixed use project shall not be allowed along a street frontage. Instead shared entrances to residential units located above the ground floor shall be from lobbies that serve multiple units.
  - e. Neighborhood interface. The design of new infill development shall be sensitive to the scale and design characteristics of established structures in abutting residential neighborhoods, with the objective of achieving a harmonious transition between the new development and existing neighborhood. Consideration shall be given to factors including, but not limited to, orientation of architectural features, building articulation, and exterior building treatments.
  - f. Lighting. Lighting shall be incorporated along sidewalks or other pedestrian walkways, plazas, paseos, courtyards, and other common open areas to enhance the pedestrian

environment and increase public safety. Lighting for nonresidential uses shall be designed, located, and shielded to ensure that they do not adversely impact the residential uses, but shall provide sufficient illumination for access and security purposes consistent with the provisions of Section 19.19.130 (Lighting).

- g. Security. Projects shall be designed to minimize security risks to residents and to minimize the opportunities for vandalism and theft. This may be accomplished by:
  - i. Maximizing visibility to common open space areas, internal walkways, and public sidewalks. Use opportunities for natural surveillance to increase visibility.
  - ii. Using walkways, low fences, lighting, signage, and landscaping to clearly guide people and vehicles to and from the proper entrances.
  - iii. Eliminating areas of concealment, hiding places, and dead spaces.
  - iv. Using lighting to improve the visibility of common areas while enhancing the pedestrian environment. Lighting should not be overly bright and should provide a uniform level of light over the subject area to eliminate dark spaces.

#### **19.47.100 Outdoor Dining**

This Section provides standards for outdoor dining areas within the HOO zone. Outdoor dining restricted is restricted to the ground floor only.

- A. Public property. Outdoor dining on public property shall require approval of an encroachment permit by the Public Works Director and compliance with the standards of the Public Works Department.
- B. Private property. Outdoor dining on private property shall comply with the following standards:
  - 1. Coordinated design scheme. The design and appearance of proposed improvements or furniture (e.g., tables, chairs, benches, umbrellas, planters, menu boards, etc.) to be placed in an outdoor dining area shall present a coordinated theme and shall be compatible with the appearance and design of the primary structure, as determined by the Director.
  - 2. Hours of operation. Hours of operation for outdoor dining areas shall coincide with those of the associated indoor restaurant.
  - 3. Property maintenance. The operator shall maintain the outdoor dining area(s) in a neat, clean, and orderly condition at all times. This shall include all tables, benches, chairs, displays, or other related furniture. An adequate number of trash receptacles shall be provided to serve the outdoor dining area.
  - 4. Outdoor bar prohibited. A bar designed and/or operated to sell or dispense any alcoholic beverages shall not be allowed in the outside dining area.
  - 5. Location. Outdoor dining areas may be allowed to locate in required setback areas but shall not encroach into required parking areas. They may be allowed to encroach into a public right-of-way with an approved Encroachment Permit issued by the City Engineer.
  - 6. Noise. Amplified sound (e.g., music, television, etc.) shall not be audible beyond the lot line.
- C. Review criteria. When reviewing an application to allow outdoor dining, the review authority shall consider the relation of outdoor dining areas to sensitive noise receptors (e.g., hospitals, schools, and residential uses). Mitigation measures shall be applied to eliminate potential impacts related to glare, light, loitering, and noise.

#### **19.47.110 Driveway standards**

This Section will include standards for the design (width, pavement, fire access requirements, etc.) and placement (distance from intersections, line of sight standards, etc.) of driveways within the HOO zone.

- A. Access. Driveway access to a lot may be provided from a street or an adjacent property (if a shared access easement is provided). Driveways are encouraged to connect to other driveways to increase accessibility.
- B. Location. Driveway access points are prohibited within 50 feet of street intersections. A minimum of 300 ft. between driveways shall be maintained.

#### **19.47.120 Signs**

- A. Signage. All development within the HOO zone shall have a "sign program" as part of the project design. The sign program shall identify the location for all signage that may be located on the building, the allowable sign materials, lighting methods and sign design. In addition, temporary signs and banners will be included in the sign program, as to whether or not they are allowed, and if they are allowed, then where these signs may be located within the development project. At no time, shall the sign program allow for signage in excess of those standards within Section 19.25 (Signs). "Box" signs, "canister" or "can" signs are prohibited.
- B. Pedestrian-oriented, non-illuminated hanging "blade" signs that either hang under a colonnade or canopy, or project from the façade of a building, shall not be counted within the sign area formula that is used to calculate the maximum amount of sign area for each building. In other words, the hanging or projecting blade sign is a "free" sign in regards to being included in calculating the maximum amount of sign area that a development or store may have. In no case, shall a pedestrian-oriented, non-illuminated hanging or projecting blade sign exceed two (2) square feet maximum per sign face, or two (2) square feet for a double-faced blade sign.

#### **19.47.130 Other applicable regulations.**

In addition to the requirements contained in this Chapter 19.11, regulations contained in the following chapters of this Title 19 shall apply to development in the manufacturing zones:

- Chapter 19.01: General Provisions
- Chapter 19.19: Site Planning and General Development Standards
- Chapter 19.21: Off-Street Parking and Loading
- Chapter 19.23: Landscaping Standards
- Chapter 19.25: Signs
- Chapter 19.31: Standards for Specific Land Uses
- Chapter 19.37: Nonconforming Uses and Structures



## **EXHIBIT B**

The Commerce Municipal Code is hereby amended, rescinding the existing Sections 19.07.150 to 19.07.170 and introducing a new Division 3, including Sections 19.07.150 to 19.07.290 to read as follows:

### **DIVISION 3. DENSITY BONUSES**

|           |  |
|-----------|--|
| 19.07.150 | Intent and Purpose.                                      |
| 19.07.160 | Definitions  |
| 19.07.170 | Types of Bonuses and Incentives Allowed.                 |
| 19.07.180 | Additional Density Bonus for Donations of Land.          |
| 19.07.190 | Condominium Conversions.                                 |
| 19.07.200 | Childcare Facilities.                                    |
| 19.07.210 | General Provisions Governing Density Bonus Calculations. |
| 19.07.220 | Incentives and Concessions for Affordable Housing.       |
| 19.07.230 | Waivers and Modifications of Development Standards.      |
| 19.07.240 | Parking Incentives.                                      |
| 19.07.250 | Standards for Density Bonus Housing Developments.        |
| 19.07.260 | Application Requirements.                                |
| 19.07.270 | Application Review.                                      |
| 19.07.280 | Developer Affordable Housing Agreement.                  |
| 19.07.290 | Reserved.  |

#### **19.07.150 Intent and purpose.**

This article is being enacted: a) to provide incentives for the production of housing for very low income, low income, moderate income and senior citizen households; b) to provide incentives for the creation of rental housing serving lower and moderate income households; c) to provide incentives for the construction of childcare facilities serving very low, lower and moderate income households; and d) to implement sections 65915, 65915.5, and 65917 of the California Government Code as required by section 65915(a). In enacting this article, the city also intends to implement the goals, objectives, and policies of the city's general plan housing element to encourage the construction of affordable housing in the city. It is also the city's intent to encourage the development of rental housing to serve an economically diverse community. Accordingly, the city desires to provide a density bonus upon the request of an applicant when the applicant includes affordable or senior citizen restricted units in a project. This article implements the laws for density bonuses and other incentive and concessions available to qualified applicants under Government Code sections 65915 through 65918. In the event these Government Code sections are amended, those amended provisions shall be incorporated into this article as if fully set forth herein.

(Ord. 544 § 1(part), 2000).

**19.07.160 Definitions.**

For purposes of this Article, the following definitions shall apply. Unless specifically defined below, words or phrases shall be interpreted as to give this Article its most reasonable interpretation.

"AFFORDABLE OWNERSHIP COSTS" means average annual housing costs, including mortgage payments, property taxes, homeowners insurance, and homeowners' association dues, if any, which do not exceed the following:

Very low income households: 50% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Lower income households: 70% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Moderate income households: 110% of area median income, adjusted for assumed household size based on unit size, multiplied by 35%.

"AFFORDABLE RENT" means annual rent, including utilities and all fees for housing services, which does not exceed the following:

Very low income households: 50% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Lower income households: 60% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

"AFFORDABLE UNITS" are dwelling units which are affordable to very low, lower, or moderate income households as defined by this Article or by any federal or state housing program and are subject to rental, sale, or resale restrictions to maintain affordability.

"APPLICANT" means a developer or applicant for a density bonus who seeks and agrees to construct a qualified housing development on or after the effective date of this Article pursuant to Section 65915, subdivision (b), of the California Government Code.

"AREA MEDIAN INCOME" means area median income for Los Angeles County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or a successor provision.

"ASSUMED HOUSEHOLD SIZE BASED ON UNIT SIZE" means a household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

"CHILD CARE FACILITY" means a child day care facility other than a family daycare home including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

"COMMON INTEREST DEVELOPMENT" bears (the same meaning as defined in Section 1351 of the California Civil Code.

"DENSITY BONUS" means a density increase over the otherwise allowable zoning maximum residential density on a site as of the date of application by the applicant to the city, granted pursuant to Section 19.07.170.

"DENSITY BONUS UNITS" means dwelling units granted pursuant to this Section 19.07.170 which exceed the otherwise allowable zoning maximum residential density for a housing development.

"HOUSEHOLD INCOME" means the combined adjusted gross household income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.

"VERY LOW INCOME HOUSEHOLD" shall have the same meaning as provided in California Health & Safety Code Section 50105.

"LOWER INCOME HOUSEHOLD" shall have the same meaning as provided in California Health & Safety Code Section 50079.5.

"MODERATE INCOME HOUSEHOLD" shall have the same meaning as provided in California Health & Safety Code Section 50093.

"HOUSING DEVELOPMENT," means one or more groups of projects for dwelling units in the planned development of the city. "Housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the city and consisting of dwelling units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available dwelling units. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

"INCENTIVES AND CONCESSIONS" are regulatory concessions as listed in Section 19.07.220 of this Article.

"MARKET-RATE UNIT" means a dwelling unit which is not an affordable unit or an inclusionary unit.

"MAXIMUM RESIDENTIAL DENSITY" means the maximum number of dwelling units permitted by the zoning ordinance and community development element of the general plan or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and community development element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the community development element of the general plan, the general plan density shall prevail. The maximum allowable density is based on the date an application for a housing development is deemed complete. This definition is used to calculate a density bonus pursuant to this Article.

"SENIOR CITIZEN HOUSING DEVELOPMENT" means senior citizen housing as defined in Section 51.3 (a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units) and Section 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

"SPECIFIC ADVERSE IMPACT" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete. Mere inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

#### **19.07.170 Types of Bonuses and Incentives Allowed.**

- A. Very Low And Lower Income Housing And Senior Citizen Housing:** Upon written request to the city, an applicant for a housing development is eligible for one density bonus of twenty percent (20%) over the maximum residential density (except in the case of senior citizen housing, as provided

below), provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:

1. **Very Low Income Households:** Five percent (5%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low income households; or
2. **Lower Income Households:** Ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to lower income households; or
3. **Senior Citizen Housing Development:** For senior citizen housing developments, the density bonus shall be twenty percent (20%) of the number of senior housing units provided.

**B. Moderate Income Housing:** Upon written request to the city, an applicant for a housing development is eligible for one density bonus of five percent (5%) over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:

1. At least ten percent (10%) of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate income households; and
2. The housing development is a common interest project as defined by section 1351 of the California Civil Code; and
3. All of the dwelling units in the housing development are offered for sale to the public.

**C. Higher Density Bonus For Greater Contribution Of Affordable Units:** Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low, lower, and moderate income housing units exceeds the base percentage established in subsection A or B of this section, as follows:

1. **Very Low Income Units:** For each one percent (1%) increase above five percent (5%) in affordable units for very low income households, the density bonus shall be increased by two and one-half percent (2.5%) up to a maximum of thirty five percent (35%), as follows:

| <b>Table 1: Very Low Income Units</b>      |                                    |
|--|------------------------------------|
| <b>Percentage of Very Low Income Units</b> | <b>Percentage of Density Bonus</b> |
| 5  | 20                                 |
| 6  | 22.5                               |
| 7  | 25                                 |
| 8  | 27.5                               |
| 9  | 30                                 |
| 10   | 32.5                               |
| 11   | 35                                 |

2. **Lower Income Units.** For each one percent (1%) increase above ten percent (10%) in the affordable units for lower income households, the density bonus shall be increased by one and one-half percent (1.5%) up to a maximum of thirty-five percent (35%), as shown in Table 2:



| <b>Percentage of Very Low Income Units</b> | <b>Percentage of Density Bonus</b> |
|--|------------------------------------|
| 10   | 20                                 |
| 11   | 21.5                               |
| 12   | 23                                 |
| 13   | 24.5                               |
| 14   | 26                                 |
| 15   | 27.5                               |
| 16   | 29                                 |
| 17   | 30.5                               |
| 18   | 32                                 |
| 19   | 33.5                               |
| 20   | 35                                 |

3. **Moderate Income Units.** For each one percent (1%) increase above ten percent (10%) in affordable units offered for sale to moderate income households, the density bonus shall be increased by one percent (1%) up to maximum thirty-five percent (35%), as shown in Table 3:

| <b>Percentage of Very Low Income Units</b> | <b>Percentage of Density Bonus</b> |
|--|------------------------------------|
| 10   | 5                                  |
| 11   | 6                                  |
| 12   | 7                                  |
| 13   | 8                                  |
| 14   | 9                                  |
| 15   | 10                                 |
| 16   | 11                                 |
| 17   | 12                                 |
| 18   | 13                                 |
| 19   | 14                                 |
| 20   | 15                                 |
| 21   | 16                                 |
| 22   | 17                                 |
| 23   | 18                                 |
| 24   | 19                                 |
| 25   | 20                                 |
| 26   | 21                                 |
| 27   | 22                                 |
| 28   | 23                                 |
| 29   | 24                                 |
| 30   | 25                                 |

|    |    |
|----|----|
| 31 | 26 |
| 32 | 27 |
| 33 | 28 |
| 34 | 29 |
| 35 | 30 |
| 36 | 31 |
| 37 | 32 |
| 38 | 33 |
| 39 | 34 |
| 40 | 35 |

**D. Continued Affordability:** Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:

1. Very low income and low income household units shall remain affordable to the designated income group for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.
2. Moderate income household units shall remain affordable for a minimum of thirty (30) years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program applicable to the dwelling units.
3. Notwithstanding the foregoing, very low, low, and moderate income units in housing developments qualified for a density bonus that are located in or found by the redevelopment agency to benefit a redevelopment project area shall remain at an affordable level for a period of not less than forty five (45) years for owner occupied units, and not less than fifty five (55) years for rental units, in accordance with applicable provisions of the California community redevelopment law (Health and Safety Code section 33000 et seq.). Upon resale, the city shall enforce an equity sharing agreement, unless it is in conflict with the requirements of another public funding source or law. The equity sharing agreement shall include the following provisions:
  - a. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture any initial subsidy as defined in subsection D3b of this section, and its proportionate share of appreciation, as defined in subsection D3c of this section, which amount shall be used within five (5) years for any of the purposes described in Health and Safety Code section 33334.2(e).
  - b. The city's initial subsidy shall be equal to the fair market value of the home at the time of the initial sale minus the initial sale price to the moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
  - c. The city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

**E. Specification of Basis for Density Bonus:** Each applicant who requests a density bonus pursuant to this section, shall elect whether the bonus will be awarded on the basis of subsection A1, A2, A3 or B of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of either very low income affordable housing units, lower income affordable housing units or moderate income affordable housing units, or the development's status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.

### **19.07.180 Additional Density Bonus for Donations of Land.**

**A. Land Suitability:** Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development approval qualified for a density bonus pursuant to section 19.07.170 of this article also donates land to the city in accordance with this section, the applicant shall be entitled to an additional density bonus. Applicants donating land to the city shall be eligible for an additional fifteen percent (15%) density bonus at the site of the housing development if the donated land is suitable for the construction of very low income units equaling at least ten percent (10%) of the market rate units being constructed for the project. The density bonus provided pursuant to this section shall be in addition to any density bonus granted pursuant to section 19.07.170 of this article, up to a maximum combined density bonus of thirty five percent (35%).

**B. Qualification Criteria:** To qualify for the additional density bonus described in subsection A of this section, the donation of land must meet all of the following criteria:

1. The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to section 19.07.170 of this article; and
2. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and
3. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten percent (10%) of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and
4. The donated land is at least one acre in size or is large enough to permit development of at least forty (40) units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and
5. No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent design review to the extent authorized by California Government Code section 65583.2 subsection (i) if the design is not reviewed by the city prior to the time of transfer; and
6. The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with subsection 19.07.170D of this article, which deed restriction shall be recorded upon the donated property at the time of its transfer; and
7. The land will be transferred to the city, the redevelopment agency of the city, or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to that developer; and
8. The land is within the boundary of the proposed housing development or within one-fourth (1/4) mile of the boundary of the proposed housing development; and
9. No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low income units shall be identified.

**C. Additional Density Bonus Based On Greater Suitability Of Land For Very Low Income Housing:** For each one percent (1%) increase above the minimum ten percent (10%) in the number of very low income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent (1%), up to a maximum of thirty five percent (35%), as follows:

| <b>Table 4: Land Donation</b>   |   |
|---|---|
| <b>Percentage Of Very Low Income Units That Can Be Accommodated On Donated Land</b> | <b>Percentage Of Additional Density Bonus</b> |
| 10  | 15  |
| 11  | 16  |
| 12  | 17  |
| 13  | 18  |
| 14  | 19  |
| 15  | 20  |
| 16  | 21  |
| 17  | 22  |
| 18  | 23  |
| 19  | 24  |
| 20  | 25  |
| 21  | 26  |
| 22  | 27  |
| 23  | 28  |
| 24  | 29  |
| 25  | 30  |
| 26  | 31  |
| 27  | 32  |
| 28  | 33  |
| 29  | 34  |
| 30  | 35  |

**19.07.190 Condominium Conversions.**

- A.** An applicant for a conversion of existing rental apartments to condominiums is eligible for either a density bonus or other incentives of equivalent financial value, at the option of the city, if the applicant agrees to provide: 1) at least thirty three percent (33%) of the total units of the proposed condominium project to persons and families of low or moderate income as defined in section 50093 of the Health and Safety Code, or 2) at least fifteen percent (15%) of the total units of the proposed condominium project to lower income households as defined in section 50079.5 of the Health and Safety Code, and 3) the applicant agrees to pay for the reasonably necessary administrative costs incurred by the city pursuant to this section.
- B.** Condominium conversions qualified under subsection A of this section, may receive one of the following, at the city's option:
  - 1.** A flat density bonus of twenty five percent (25%) to be provided within the existing structure or structures proposed for conversion, excepting that a condominium conversion is ineligible for this bonus if the apartments to be converted originally received a density bonus or incentives

pursuant to any other provisions of this article or pursuant to California Government Code section 65915. An applicant may choose to implement a lower density bonus.

2. Incentives of equivalent financial value in the form of a reduction or waiver of requirements or fees which the city might otherwise apply as conditions of conversion approval. "Other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation to the condominium conversion project or its applicant.
- C. The city reserves the right to place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value pursuant to this section as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.
  - D. Condominium conversions are eligible only for the granting of a density bonus or incentive of equivalent value pursuant to this section, which bonus or incentive may not be granted in addition to, or combined with, any other incentives, concessions, density bonuses or waivers and reductions of development standards pursuant to other sections of this article. Nothing in this section shall be construed to require the city to approve a proposal to convert rental apartments into condominiums.

#### **19.07.200 Childcare Facilities.**

- A. A housing development that is eligible for a density bonus pursuant to section 19.07.170 of this article, and also includes a childcare facility qualified under this section is eligible for either of the following, at the option of the city, if requested in writing by the applicant:
  1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility; or
  2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.
- B. A childcare facility will only qualify the housing development for an additional density bonus or incentive or concession if it is: 1) located on the premises of, as part of, or adjacent to the housing development, and 2) the housing development is otherwise eligible for a density bonus pursuant to section 19.07.170 of this article. As a condition of approving the additional density bonus for the housing development, the childcare facility must meet all of the following criteria:
  1. The childcare facility may be used only for childcare for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable as stated in deed restrictions and pursuant to subsection 19.07.170D of this article; and
  2. Of the children who attend the childcare facility, the percentage of children of very low income households, lower income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, lower income households, or moderate income households pursuant to section 19.07.170 of this article.
- C. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession or incentive for a childcare facility if it makes a written finding, based upon substantial evidence, that the community already has adequate childcare facilities.

#### **19.07.210 General Provisions Governing Density Bonus Calculations.**

- A. For the purposes of any provisions in this article, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.

- B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.
- C. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.
- D. For the purposes of this article, the “total units” or “total dwelling units” in a housing development does not include those units added by any density bonus.
- E. Regardless of the number or extent of affordable units, senior housing, land dedication, childcare facilities or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty five percent (35%).

**Table 5: Density Bonus Summary**

| <b>Types Of Affordable Units Providing Eligibility For A Density Bonus</b> | <b>Minimum Percent</b>  | <b>Bonus Granted</b>                           | <b>Additional Bonus For Each 1% Increase In Affordable Units</b> | <b>Percent Of Affordable Units Required For Maximum 35% Bonus</b>                         |
|--|---|--|--|---|
| <b>Affordable Housing Type:</b>  |   |  |  |   |
| Very Low Income  | 5%  | 20%  | 2.5%   | 11%   |
| Lower Income   | 10%   | 20%  | 1.5%   | 20%   |
| Moderate Income  | 10%   | 5%   | 1%   | 40%   |
| Senior Citizen Housing   | Qualified development   | 20% of the units                               | -  | -   |
| Land Donation for Very Low Income Housing                                  | Land donated can accommodate 10% of market rate units, plus housing development qualified for density bonus as an affordable or senior project. | 15%  | 1%   | 30% of market rate units (assuming housing development provides 5% very low income units) |
| <b>Condominium Conversions:</b>  |   |  |  |   |
| Lower Income   | 15%   | 25% <sup>1</sup>                               | -  | -   |
| Low/moderate Income  | 33%   | 25% <sup>1</sup>                               | -  | -   |
| Childcare Facility   | Housing Development qualifies for density bonus as an affordable or senior project  | Square feet in childcare facility <sup>1</sup> |  |   |

Note:

1. Maximum of 25 percent bonus for condominium conversions, or an incentive of equal value, at the city's option.

**19.07.220 Incentives and Concessions for Affordable Housing.**

**A. Definition of a Qualified Incentive or Concession.** A qualifying project shall be entitled to at least one but no more than three of the following incentives identified by state law:

1. A reduction in the parcel development standards (e.g. coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements and/or parking requirements). Development standard means any ordinance, general plan element, specific plan, condition, law, policy, resolution, or regulation. In no case may the city apply a development standard that will have the effect of precluding the construction of affordable units. A waiver or modification to development standards may be requested by the applicant, and shall be approved unless such waiver or modification creates an adverse impact as described in subsection 3b, below.
2. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses will reduce the cost of the housing project, and the nonresidential land uses are compatible with the housing project and existing or planned development in the area where the proposed development will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city that will result in identifiable, financially sufficient and actual cost reductions.

**B. Number of Incentives or Concessions.** The number of incentives shall be based on the percentage of affordable units in the project:

1. One (1) incentive or concession shall be entitled for projects where at least five percent (5%) of the total units are for very low income households, ten percent (10%) of the total units are for lower income households, or ten percent (10%) of the total units in a common interest development are sold to moderate income households.
2. Two (2) incentives or concessions shall be entitled for projects where at least ten percent (10%) of the total units are for very low income households, twenty percent (20%) of the total units are for lower income households, or at least twenty percent (20%) of the total units in a common interest development are sold to moderate income households.
3. Three (3) incentives or concessions shall be entitled for projects where at least fifteen percent (15%) of the total units are for very low income households, thirty percent (30%) of the total units are for lower income households, or thirty percent (30%) of the total units in a common interest development are sold to moderate income households.

| <b>Table 6: Incentives and Concessions Summary</b>    |                                    |     |     |
|---|------------------------------------|-----|-----|
| <b>Affordable Units or Category</b>                   | <b>Percent of Affordable Units</b> |     |     |
| Affordable Housing Types:                             |                                    |     |     |
| Very Low Income                                       | 5%                                 | 10% | 15% |
| Low Income  | 10%                                | 20% | 30% |
| Moderate Income                                       | 10%                                | 20% | 30% |
| Maximum incentive(s)/concession(s) <sup>1, 2, 3</sup> | 1                                  | 2   | 3   |

Notes:

1. An incentive or concession may be requested only if an application is also made for a density bonus.
2. Incentives or concessions may be selected from only 1 category (very low, lower, or moderate).
3. No incentives or concessions are available for land donation.

- C. Findings to Deny Incentive or Concession.** The city shall grant the incentive or concession requested by the applicant unless the city makes a written finding based upon substantial evidence of any of the following:
1. The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units; or
  2. The concession or incentive would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse without rendering the development unaffordable to low and moderate-income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies, or conditions; or
  3. The incentive or concession would be contrary to state or federal law.
- D. Exceptions:** This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this section require the city to grant an incentive or concession found to have a specific adverse impact.
- E. Amendment, Zone Change:** The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

#### **19.07.230 Waivers and Modifications of Development Standards.**

- A.** Applicants granted a density bonus pursuant to section 19.07.170 of this article may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this article. The applicant may also request a meeting with the city to discuss such request for waiver and modifications.
- B.** In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of section 19.07.170 of this article, at the densities or with the concessions or incentives permitted by this article.
- C.** A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to section 19.07.220 of this article.
- D.** The city may deny a request for any waiver, modification or reduction of development standards if the waiver, modification or reduction would have a specific adverse impact.

#### **19.07.240 Parking Incentives.**

Upon the written request of the applicant for a housing development meeting the criteria for a density bonus under section 19.07.170 of this article, the city shall not require a vehicular parking ratio that exceeds the following:

- A.** Zero to one bedroom units: One onsite parking space.
- B.** Two (2) to three (3) bedroom units: Two (2) onsite parking spaces.
- C.** Four (4) and more bedroom units: Two and one-half (2 1/2) parking spaces.

Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide onsite parking through tandem parking or uncovered parking, but not



through on street parking. For purposes of this article, the parking ratios set forth in this section shall be deemed a concession or incentive available to the applicant under section 19.07.220 of this article.

#### **19.07.250 Standards for Density Bonus Housing Developments.**

- A.** Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of this municipal code.
- B.** For developments with multiple market rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market rate unit mix.
- C.** All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.

#### **19.07.260 Application Requirements.**

- A.** An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development.
- B.** For affordable units qualifying the housing development for a density bonus, the application shall include the following information:
  - 1.** A site plan identifying the base project without the density bonus, number and location of all inclusionary units, affordable units qualifying for the project for a density bonus, and proposed density bonus units; and
  - 2.** Proposed category(ies) qualifying the housing development for a density bonus; and
  - 3.** Level of affordability of all affordable and inclusionary units and proposals for ensuring affordability, if applicable; and
  - 4.** A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.
  - 5.** If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in section 19.07.180 of this article can be made.
  - 6.** If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, the application shall demonstrate that the project meets the qualifications and findings stated in section 19.07.180 of this article.
  - 7.** If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facility and provide evidence that the findings included in section 19.07.260 of this article can be made.
- C.** Upon submission of the application to the city, the Community Development Director or designee shall determine if the application is complete and conforms to the provisions of this article. No application for a first approval for a housing development requesting a density bonus, incentives,

concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this article.

- D. A request for a minor modification of an approved application may be granted by the City Manager or designee if the modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original application.

#### **19.07.270 Application Review.**

- A. An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this article shall be reviewed as part of the first approval of the housing development by the approval body with authority to approve the housing development, unless additional review by the planning commission or city council is required. An applicant proposing a housing development pursuant to this article, may submit a preliminary application prior to the submittal of any formal request for approval of a housing development.
- B. Within ninety (90) days of receipt of the preliminary application the city shall provide to an applicant, a letter which identifies project issues of concern (the maximum financial assistance that the Community Development Director can support when making a recommendation to the City Council), and the procedures for compliance with this article. The Community Development Director shall inform the applicant that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives pursuant to section 19.07.190 of this article shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the Community Development Director, the recommendation shall establish how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.
- C. Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:
  - 1. The housing development is: a) eligible for a density bonus, and/or b) any concessions, incentives, waivers, modifications, or reduced parking standards requested conform to all requirements of this article, and c) supported by a financing mechanism for all implementation and monitoring costs.
  - 2. If the density bonus is based all or in part on dedication of land, the application meets the qualifications and findings stated in section 19.07.180 of this article.
  - 3. If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, that the application meets the qualifications and findings stated in section 19.07.190 of this article.
  - 4. If the density bonus, incentive, or concession is based all or in part on the inclusion of a childcare facility, the application meets the qualifications and findings stated in section 19.07.200 of this article.
  - 5. If a waiver or modification is requested, the applicant has shown that the waiver, modification or reduction of development standards meets the qualifications and findings stated in section 19.07.230 of this article.
- D. If the findings stated in subsection B of this section can be made, and a request for an incentive or concession is otherwise consistent with this article, the approval body may deny a concession or incentive based upon written findings of any of the factors stated in section 19.07.220 of this article for the denial or disqualification of a concession or incentive.
- E. If the required findings stated in subsection B of this section can be made, and a request for a waiver or modification is otherwise consistent with this article, the approval body may deny the requested waiver or modification based upon written findings of any of the factors stated in section 19.07.230 of this article for the denial or disqualification of a waiver or modification.

- F. Nothing in this section shall be interpreted to require the city to grant an incentive or concession or to waive or reduce development standards if that incentive, concession, waiver, or reduction has a specific adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- G. Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed pursuant to Division 4 of Section 19.39 of the Commerce Municipal Code. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.

**19.07.280 Developer Affordable Housing Agreement.**

- A. Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the Community Development Director, who shall formulate a recommendation to the planning commission for final approval. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this article and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.
- B. The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest.



## EXHIBIT C

The Commerce Municipal Code is hereby amended by adding a new Division 4, including Sections 19.07.180 to 19.07.230 to read as follows:

### DIVISION 4. REASONABLE ACCOMMODATION

|           |                         |
|-----------|-------------------------|
| 19.07.180 | Intent and purpose.     |
| 19.07.190 | Applicability.          |
| 19.07.200 | Application Process.    |
| 19.07.210 | Approval Process.       |
| 19.07.220 | Findings and Decisions. |
| 19.07.230 | Appeals Determination.  |

#### **19.07.180 Intent and purpose.**

This Division 4 is established pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955(1) to provide a formal procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts) in the application of zoning laws and other land use regulations, policies and procedures, and to establish relevant criteria to be used when considering such requests.

#### **19.07.190 Applicability.**

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing- related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This Chapter applies only to those persons who are defined as disabled under the Acts.

#### **19.07.200 Application Process.**

- A.** In order to make housing available to an individual with a disability, an applicant may request a reasonable accommodation in zoning and other land use regulations, policies, practices and procedures.
- B.** All requests shall be reasonable and limited to the minimum that the applicant believes is necessary to accommodate the disability. Requests for reasonable accommodation shall be submitted via a form approved by the Community Development Department, together with the appropriate fee, as established by resolution adopted by the City Council, and shall be filed with the Planning Division. The applicant is requested to provide the following information:
  1. Name and address of the applicant;
  2. Name and address of the property owner(s);

3. Address of the property for which accommodation is requested;
  4. The current use of the property for which accommodation is requested;
  5. Description of the requested accommodation, and the regulation(s), policy or procedure for which accommodation is sought, which could include site plans, floor plans, and/or details as necessary to define the extent of the accommodation;
  6. The basis for the claim that the fair housing laws apply to the individual(s) with a disability and evidence supporting the claim, which may be in the form of a letter from a medical doctor or other licensed healthcare professional, a handicapped license, or other appropriate evidence;
  7. Reason that the requested accommodation may be necessary for the individual(s) with the disability to use and enjoy the property; and
  8. How the property will be used by the applicant and individual(s) with disabilities.
- C. Any information identified by the applicant as confidential shall be retained by the City in a manner so as to respect the privacy rights of the individual with a disability and shall not be made available for public inspection.
- D. A request for reasonable accommodation in regulations, policies, practices and procedures may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an applicant's obligation to comply with other applicable regulations not at issue in the requested reasonable accommodation.
- E. If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible.
- F. The fee for an application for reasonable accommodation shall be established by resolution of the City Council.

#### **19.07.210 Approval Process.**

##### **A. Approval Authority:**

1. **Administrative Review** - The Community Development Director or an appointed designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The Community Development Director or appointed designee may refer the matter to the Planning Commission, as appropriate.
  2. **Planning Commission Review** - The Planning Commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the Community Development Director or when a reasonable accommodation request includes any encroachment into the front yard setback area, results in a building size increase above what is allowed in the applicable zoning district with respect to height, lot coverage and floor area ratio maximums, or whenever a reduction in required parking is requested.
- B. Notice:** No advance notice or public hearing is required for consideration of reasonable accommodation requests by the Community Development Director. Requests for reasonable accommodation subject to review by the Planning Commission shall require advance notice and a public hearing pursuant to the requirements of Division 3 of Section 19.39 of the Commerce Municipal Code.
- C. Decision:** The Community Development Director or an appointed designee shall render a decision or refer the matter to the Planning Commission within 30 days after the application is complete, and shall approve, approve with conditions or deny the application, based on the findings set forth in Section 19.07.230. The decision shall be in writing and mailed to the applicant.

If the application for reasonable accommodation involves another discretionary decision, the reviewing body for that decision shall accept as final the determination regarding reasonable accommodation by the Community Development Director or an appointed designee, unless the reasonable accommodation request has been referred by the Community Development Director or an appointed designee to the Planning Commission for consideration.

If the application for reasonable accommodation is referred to, or reviewed by, the Planning Commission, a decision to approve, approve with conditions, or deny the application shall be rendered within 20 working days after the close of the public hearing, based on the findings set forth above.

#### **19.07.220 Findings and Decision.**

- A.** Any decision on an application under this chapter shall be supported by written findings addressing the criteria set forth in this subsection. An application under this chapter for a reasonable accommodation shall be granted if all of the following findings are made:
1. The housing, which is the subject of the request, will be used by an individual disabled as defined under the Acts.
  2. The requested reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Acts.
  3. The requested reasonable accommodation would not impose an undue financial or administrative burden on the City.
  4. The requested reasonable accommodation would not require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
  5. The requested reasonable accommodation would not adversely impact surrounding properties or uses.
  6. There are no reasonable alternatives that would provide an equivalent level of benefit without requiring a modification or exception to the City's applicable rules, standards and practices.
- B.** In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by Subsection (A) above.

#### **19.07.230 Appeals Determination.**

Any decision on an application under this chapter shall be subject to appeal pursuant to Division 4 of Section 19.39 of the Commerce Municipal Code.





**EXHIBIT D**

The Commerce Municipal Code is hereby amended by revising Table 19.07.020A in Section 19.07.020 to read as follows:

**Table 19.07.020A  
Permitted and Conditional Uses—Residential Zones**

|                       | <b>R-1</b> | <b>R-2</b> | <b>R-3</b> |
|-----------------------|------------|------------|------------|
| Second Dwelling Units | P          |            |            |
| Supportive Housing    | P          | P          | P          |
| Transitional Housing  | P          | P          | P          |

The Commerce Municipal Code is hereby amended by revising Table 19.11.030A in Section 19.11.030 to read as follows:

**Table 19.11.030A  
Uses in Industrial Districts**

|  | <b>C/M-1</b> | <b>M-1</b> | <b>M-2</b> | <b>Notes</b>          |
|--|--------------|------------|------------|-----------------------|
| Emergency Shelters, up to 30 occupants within City     |              | P          |            | See Section 19.31.670 |
| Emergency Shelters, more than 30 occupants within City |              | C          |            | See Section 19.31.670 |



## EXHIBIT E

The Commerce Municipal Code is hereby amended by revising Chapter 19.31 to establish Division 22, as follows:

### **Division 22: Emergency Residential Shelters and Transitional Housing**

- 19.31.660: Purpose
- 19.31.670: Emergency Shelter Standards and Regulations
- 19.31.680: Single Resident Occupancy (SRO) Units, Standards and Regulations
- 19.31.690: Notification

#### **19.31.660. Purpose:**

This division sets forth a uniform set of standards for emergency shelters to provide temporary housing for the homeless pursuant to California Government Code Section.

#### **19.31.670. Emergency Shelter Standards and Regulations:**

Emergency shelters for homeless persons shall be subject to and comply with the following standards and regulations.

- A.** A single Emergency Shelter for 30 occupants, or a combination of multiple shelters with a combined capacity not to exceed 30 occupants, shall be allowed as a permitted use, consistent with section 65583 (4) (A) of the Government Code. All Emergency Shelters, regardless of the number of occupants, shall meet all applicable development standards to the zoning districts in which they are permitted by-right and minimum standards contained herein below. Any Emergency Shelter with a capacity greater than 30 occupants shall also be subject to the approval of a conditional use permit, as set forth in Article 130.
- B.** The facility shall operate on a first-come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. during Pacific Daylight Time, and 5:00 p.m. and 7:00 a.m. during Pacific Standard Time. Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced and clients shall not be admitted after the curfew.
- C.** To avoid over-concentration of Emergency Shelter facilities, a minimum distance of 300 feet shall be maintained from any other Emergency Shelter, as measured from the property line.
- D.** Emergency Shelters shall not be located within 1,000 feet of a public or private school (pre-school through twelfth grade), universities, colleges, student housing, senior housing, child care facilities, public parks, businesses licensed for on- or off-site sales of alcoholic beverages or parolee/probationer home as defined in Article 200 (Definitions) and as measured from the property line.
- E.** Service providers shall provide sufficient numbers of male and female toilets - restrooms for clients and prospective clients to have access to use on a twenty-four (24) hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.
- F.** Any outdoor storage, including, but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six foot tall decorative wall or fence. Pets and shopping carts are not permitted on-site.

- G.** Adequate waiting areas must be provided within the premises for clients and prospective clients including 10 square feet per bed, minimum 100 square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas.
- H.** Facility improvements shall comply with the Commerce Municipal Code and the most current adopted Building and Safety Code, specific to the establishment of dormitories and shall additionally provide:

  - 1. A minimum of 1 toilet for every 8 beds per gender.
  - 2. A minimum of 1 shower for every 8 beds per gender.
  - 3. Private shower and toilet facility for each area designated for use by individual families.
- I.** An emergency shelter facility shall provide off-street parking at the ratio of 1 space per 4 beds, and/or 0.5 per bedroom designated as a family unit with children, plus 1 space per staff member. Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients and other visitors who drive to the premises.
- J.** Bike rack parking shall be provided at the facility.
- K.** Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Section 19.19.130 of the Commerce Municipal Code. .
- L.** The facility may provide the following services in a designated area separate from sleeping areas:

  - 1. A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six foot tall visually screening decorative wall or fence.
  - 2. A counseling center for job placement, educational, health care, legal services, or mental health services.
  - 3. Laundry facilities to serve the number of clients at the shelter.
  - 4. Kitchen and dining area.
  - 5. Client storage area.
- M.** Similar types of facilities to address the needs of homeless clients, as determined by the Community Development Director. A shelter management plan shall be submitted as a part of the permit application, which addresses all of the following:

  - 1. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed project and shall reasonably be expected to be available for the life of the project.
  - 2. A minimum of one staff member per 15 beds shall be awake and on duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff who has been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.
  - 3. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment.
  - 4. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Commerce.
  - 5. Service providers will maintain information on individuals utilizing the facility and will ensure that the maximum stay at the facility shall not exceed 120 days in a 365-day period.
  - 6. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.

7. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the City.
  8. Service providers shall provide for the timely removal of litter attributable to clients within the vicinity of the facility every 24-hour period.
  9. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, City staff, or the general public.
  10. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall also be established.
  11. Alcohol and illegal drug use is prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.
  12. The establishment shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.
  13. Other requirements as deemed necessary by the city to ensure that the facility does not create an adverse impact to surrounding properties.
  14. On a monthly basis, provide an updated list of Emergency Shelter residents to the Sherriff's Department.
  15. All graffiti on the premises shall be removed by the business operator within 24 hours.
  16. Installation of anti-loitering signs.
  17. If there is conflict between code requirements, the most restrictive one shall apply.
- N.** The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, Building and Fire Codes. The facility shall be subject to City inspections prior to the commencement of operation. In addition, the City may inspect the facility at any time for compliance with the facility's Management Plan and other applicable laws and standards.
- O.** Emergency Shelter operator shall obtain a City Business License.

**19.31.680. Single Resident Occupancy (SRO) Units, Standards and Regulations.**

Transitional Housing, including efficiency residential units, also known as single resident occupancy ("SRO"), shall be subject to and comply with the following standards and regulations.

- A.** Tenancy of SRO (efficiency) units shall not be less than 30 days and maximum period of 12 months.
- B.** Each facility shall comply with all applicable development standards for the applicable zoning district and minimum standards contained herein below.
- C.** Units shall have a minimum size of 150 square feet and a maximum of 400 square feet.
- D.** Each unit shall accommodate a maximum of two persons.
- E.** Exterior lighting shall be provided for the entire outdoor and parking area of the property per the lighting standards of the Section 19.19.130 of the Commerce Municipal Code.
- F.** Laundry facilities must be provided in a separate enclosed room at the ratio of one washer and one dryer for every twenty units of fractional number thereof, with at least one washer and dryer per floor, which shall be enclosed.
- G.** A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor of the SRO (efficiency) unit facility.

- H. Each unit shall be required to provide a separate bathroom containing a water closet, lavatory and bathtub or shower.
- I. Each unit shall be provided with a kitchen sink, functioning cooking appliance and a refrigerator, each having a clear working space of not less than 30 inches in front.
- J. Each unit shall have a separate closet.
- K. Units shall comply with all requirements of the California Building Code and all other codes. All units shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.
- L. An SRO (efficiency) unit project shall not be located within five hundred (500) feet of any other SRO (efficiency) unit project, emergency shelter, or other similar program, unless such program is located within the same building or on the same lot.
- M. An SRO (efficiency) unit project with 10 or more units shall provide on-site management. A project with less than 10 units may provide a management office on-site. The City Administrator or their designee may reduce this standard as necessary.
- N. Off-street parking shall be provided for an SRO facility at a rate of one uncovered parking space per unit plus an additional space for the on-site manager and each employee.
- O. Each efficiency unit shall be provided at least one (1) lockable bicycle parking space in a location that is adjacent to that SRO (efficiency) unit.
- P. Applications for SRO (efficiency) units projects shall be processed in a manner consistent with procedures for a multiple-family residential project per Section 19.39 Division 2 of the Commerce Municipal Code.

**19.31.690. Notification:**

In addition to the notification required by the Commerce Municipal Code, representatives of the Sheriff's department shall be apprised of the proposed project in a timely fashion so that the department may respond to any concerns they may have regarding the proposed project.

## EXHIBIT F

The Commerce Municipal Code is hereby amended by revising Section 19.07 to read as follows:

### 19.07.090 Second Units.

To comply with amendments made in 2002, to State Law §65852.2 this section sets standards for the development of second dwelling units so as to increase the supply of smaller and affordable housing while ensuring that they remain compatible with the existing neighborhoods. A secondary housing unit means an additional dwelling unit constructed or adapted within, onto, or apart from an existing, or built concurrently with, a single-family dwelling in the Single Family Residential (R-1) District. In acting to approve an application a second dwelling unit, the city shall impose the following conditions:

- A. The second unit shall be attached to and located within the living area of the existing unit or shall be a detached unit located on the same lot.
- B. There shall be no more than one second unit on a lot.
- C. Either the primary unit or the second unit shall be occupied by the property owner.
- D. The second unit shall not be for sale.
- E. The street address shall have the suffix "S".
- F. All construction shall conform to the height, setback, lot coverage, parking, and other requirements applicable to construction of primary dwelling units in the R-1 district.
- G. If the entrance is separate from the existing unit, it shall not be visible from the street.
- H. Any increase in the floor area of an attached second unit shall not exceed thirty percent of the existing living area of the primary unit.
- I. The total area of floor space for a detached second unit shall not exceed nine hundred and fifty (950) square feet.
- J. The total area of floor space for a detached second unit shall not exceed the size of the primary unit.
- K. One enclosed parking spaces for the second dwelling unit shall be provided in addition to any parking required for the primary unit.
- L. The architectural treatment of the second dwelling unit shall match that of the primary dwelling unit.
- M. The second dwelling unit shall comply with all applicable building, health and safety, and other city codes and ordinances.
- N. A covenant shall be recorded on the property which indicates that the second dwelling housing unit is intended for use only as authorized by this section, and in which the owner agrees upon termination of its authorized use to remove or otherwise retrofit the unit or to seek other city approval to allow the unit to remain in conformance with the requirements of this zoning code.
- O. Certification of compliance shall be obtained annually subject to an inspection of the unit and with fees charged according to the city's fee schedule.





## EXHIBIT G

Chapter 19.45 of the Commerce Municipal Code is hereby amended by adding the following definitions:

“Community garden” is a piece of land, public or private, where plants are grown and maintained by a group of individuals in the community. Community gardens may produce food for individual consumption or food for sale, may be designed for beautification of the community, and/or may be used for educational purposes.”

“Live/Work Development” is a development that provides for a live/work environment with ground floor office/retail/commercial in the same building as a single-family attached or multi-family attached dwelling unit. The ground floor office/retail/commercial area may be used as a separate dwelling unit.

“Multi-Family Attached Dwelling” is a building containing two or more dwelling units and typically two or three stories in height. Examples of multiple-family attached dwellings include apartments, condominiums and multiple-family dwellings.

“Senior Housing” is housing units that are age-restricted for residents aged 62 and older.

“Single-Family Attached Dwellings” are dwelling units that are structurally connected with at least one other such dwelling unit and typically two or three stories in height. Each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common fire resistant walls. Examples of single-family attached dwellings include townhomes, rowhouses, and courtyard/cluster housing.

“Affordable Ownership Costs” means average annual housing costs, including mortgage payments, property taxes, homeowners insurance, and homeowners' association dues, if any, which do not exceed the following:

Very low income households: 50% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Lower income households: 70% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Moderate income households: 110% of area median income, adjusted for assumed household size based on unit size, multiplied by 35%.

“Affordable Rent” means annual rent, including utilities and all fees for housing services, which does not exceed the following:

Very low income households: 50% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

Lower income households: 60% of area median income, adjusted for assumed household size based on unit size, multiplied by 30%.

“Affordable Units” are dwelling units which are affordable to very low, lower, or moderate income households as defined by this Article or by any federal or state housing program and are subject to rental, sale, or resale restrictions to maintain affordability.

“Applicant” means a developer or applicant for a density bonus who seeks and agrees to construct a qualified housing development on or after the effective date of this Article pursuant to Section 65915, subdivision (b), of the California Government Code.

“Area Median Income” means area median income for Los Angeles County as published by the State of California pursuant to California Code of Regulations, Title 25, Section 6932, or a successor provision.

"Assumed Household Size Based on Unit Size" means a household of one person in a studio apartment, two persons in a one bedroom unit, three persons in a two bedroom unit, and one additional person for each additional bedroom thereafter.

"Child Care Facility" means a child day care facility other than a family daycare home including, but not limited to, infant centers, preschools, extended day care facilities, and school age child care centers.

"Common Interest Development" bears (the same meaning as defined in Section 1351 of the California Civil Code.

"Density Bonus" means a density increase over the otherwise allowable zoning maximum residential density on a site as of the date of application by the applicant to the city, granted pursuant to this Article. See Section 19.07.150.

"Density Bonus Units" means dwelling units granted pursuant to Section 19.07.170 which exceed the otherwise allowable zoning maximum residential density for a housing development.

"Household Income" means the combined adjusted gross household income for all adult persons living in a dwelling unit as calculated for the purpose of the Section 8 program under the United States Housing Act of 1937, as amended, or its successor provision.

"Very Low Income Household" shall have the same meaning as provided in California Health & Safety Code Section 50105.

"Lower Income Household" shall have the same meaning as provided in California Health & Safety Code Section 50079.5.

"Moderate Income Household" shall have the same meaning as provided in California Health & Safety Code Section 50093.

"Housing Development" means one or more groups of projects for dwelling units in the planned development of the city. "Housing development" also includes a subdivision or common interest development, as defined in Section 1351 of the California Civil Code, approved by the city and consisting of dwelling units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available dwelling units. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels.

"Incentives and Concessions" are regulatory concessions as listed in Section 19.07.220.

"Market-Rate Unit" means a dwelling unit which is not an affordable unit or an inclusionary unit.

"Maximum Residential Density" means the maximum number of dwelling units permitted by the zoning ordinance and community development element of the general plan or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and community development element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the community development element of the general plan, the general plan density shall prevail. The maximum allowable density is based on the date an application for a housing development is deemed complete. This definition is used to calculate a density bonus pursuant to this Article.

"Senior Citizen Housing Development" means senior citizen housing as defined in Section 51.3 (a housing development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 dwelling units) and Section 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

"Specific Adverse Impact " means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, written public health or safety standards, policies, or conditions as they existed on the date that the application for the housing development was deemed complete. Mere inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

"Family" is defined as one or more persons, related or unrelated, living together as a single integrated household in a dwelling unit.

"Single Room Occupancy" (Efficiency) Unit, also known as an SRO, means "housing consisting of single-room dwelling units typically with no more than 400 square feet of habitable space that is the primary residence of its occupant or occupants. The unit must contain either food preparation or sanitary facilities (and may contain both). An accessory structure such as a garage, storage room, play room, pool house or rumpus room does not qualify as an SRO.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community (per Health and Safety Code 50675.14 (b))

"Transitional housing" and "Transitional housing development" means temporary rental housing intended for occupancy by homeless individuals or families transitioning to permanent housing that is operated under program requirements calling for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months (per Health and Safety Code 50675.2 (h)).

"Second Dwelling Unit" is a second permanent dwelling that is accessory to a primary dwelling on the same site. A secondary unit provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. See Section 19.07.090.





# AGENDA REPORT

DATE: November 5, 2013

TO: HONORABLE CITY COUNCIL

FROM: CITY ADMINISTRATOR

SUBJECT: PUBLIC HEARING – A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 13-02, AN UPDATE OF THE CITY'S HOUSING ELEMENT OF THE GENERAL PLAN FOR THE 2014-2021 PLANNING PERIOD

**RECOMMENDATION:**

1. Open the public hearing on the subject matter.
2. Close the public hearing.
3. Approve the resolution, which adopts the Negative Declaration for General Plan Amendment No 13-02, and approves the General Plan Amendment.

**MOTION:**

Move to approve the recommendation.

**BACKGROUND:**

The City's Planning Division, in conjunction with the consulting firm known as ESA, have completed an update of the City's Housing Element of its General Plan. The Planning Commission has previously reviewed the Housing Element, along with related Zoning Ordinance Text Amendments (ZOTA) and has recommended approval by the City Council.

The Housing Element is one of the seven State mandated General Plan elements and is subject to detailed statutory requirements regarding its content. The purpose of the Housing Element is to examine the housing needs of residents, create and guide housing policy in the City, and identify locations to accommodate the City's Regional Housing Need Assessment (RHNA). Under current State Planning Law, cities will have the opportunity to prepare Elements for 8 year planning cycles as opposed to 5. The Housing Element is the only General Plan Element subject to mandatory review by a State agency, the California State Department of Housing and Community Development (HCD).

State law defines the Housing Element components that must be addressed. A Housing Element should clearly identify and address, at a minimum, each component listed below:

- An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs.
- A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.
- A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the Housing Element.

The Housing Element Update will institute policies that will guide decision-making, and establish an action program to implement housing goals through 2021.

On October 23, 2013 the Planning Commission reviewed the subject General Plan Amendment. After some clarification on the structure of the proposed Housing Opportunity Overlay Zone and the 2<sup>nd</sup> unit ordinance, the Commission unanimously recommended approval to the City Council. Two members of the public also spoke on the matter. They

were concerned with the potential use of the City’s power of eminent domain and the possible negative impacts to parking that would occur from increased housing development. The City does not intend to exercise its power of eminent domain to create new housing units. The loss of redevelopment funds severely limits the City’s ability to construct any new housing units. All future housing development shall be required to provide adequate parking and therefore no impacts are anticipated in regard to either comment.

**REGIONAL HOUSING NEEDS ASSESSMENT (RHNA):**

State law requires jurisdictions to provide their fair share of regional housing needs. Pursuant to the California Government Code, HCD is mandated to determine the State-wide housing need. HCD provides its determination to the State’s sub-regional councils. In turn, these councils (SCAG for Southern California) are responsible for assigning housing allocations for each jurisdiction within its planning area. The local jurisdiction is not required to construct these units; they are only mandated to provide opportunities for and facilitate the development of these units.

The RHNA for Commerce for the 2014-2021 planning period has been determined by SCAG to be 46 units. The table below illustrates the allocation:

**RHNA 2014-2021**

| Income Category | Number of Units | Percent of Total |
|-----------------|-----------------|------------------|
| Very Low        | 12 units        | 26%              |
| Low             | 7 units         | 15%              |
| Moderate        | 7 units         | 15%              |
| Above Moderate  | 20 units        | 44%              |
| <b>Total</b>    | <b>46 units</b> | <b>100%</b>      |

Source: SCAG Regional Housing Needs Assessment, 2012.

Although the City’s current RHNA is 46, units, changes to Housing Element law, specifically Assembly Bill 1233, created additional incentive for jurisdictions to achieve a compliant Element. AB 1233 requires “communities that failed to comply with requirements to make available sufficient sites to meet their regional housing need in the previous planning period must, within the first year of the new planning period, zone or rezone enough sites to accommodate the RHNA not accommodated from the previous planning period.” The City of Commerce Housing Element for the 2008-2014 planning period was certified by HCD in May 2010. However, due to budget cut backs and staffing reductions, the City was unable to complete the rezoning necessary to provide adequate sites to accommodate the City’s lower income RHNA. Specifically, the City was unable to implement the required code amendments within the allocated timeframe. Consequently, the City is required to plan for the current planning period of 2014-2021 as well as any unaccommodated shortfall identified from the previous (2008-2014) planning period. Therefore, the total number of units the City must plan for in the 2014-2021 Element is as follows:

**2014-2021 RHNA with AB 1233 Shortfall**

|                                    | Very Low  | Low       | Moderate | Above Moderate | Total     |
|------------------------------------|-----------|-----------|----------|----------------|-----------|
| 2008-2014 RHNA                     | 15        | 10        | 10       | 29             | 64        |
| Credits (2006-present)             | 0         | 0         | 0        | -29            | -29       |
| Units Accommodated on Vacant Sites | -14       | 0         | -10      | 0              | -24       |
| <b>Sub-Total</b>                   | <b>1</b>  | <b>10</b> | <b>0</b> | <b>0</b>       | <b>11</b> |
| 2014-2021 RHNA                     | 12        | 7         | 7        | 19             | 46        |
| <b>Combined RHNA Total</b>         | <b>13</b> | <b>17</b> | <b>7</b> | <b>19</b>      | <b>57</b> |

Source: Compiled by ESA.

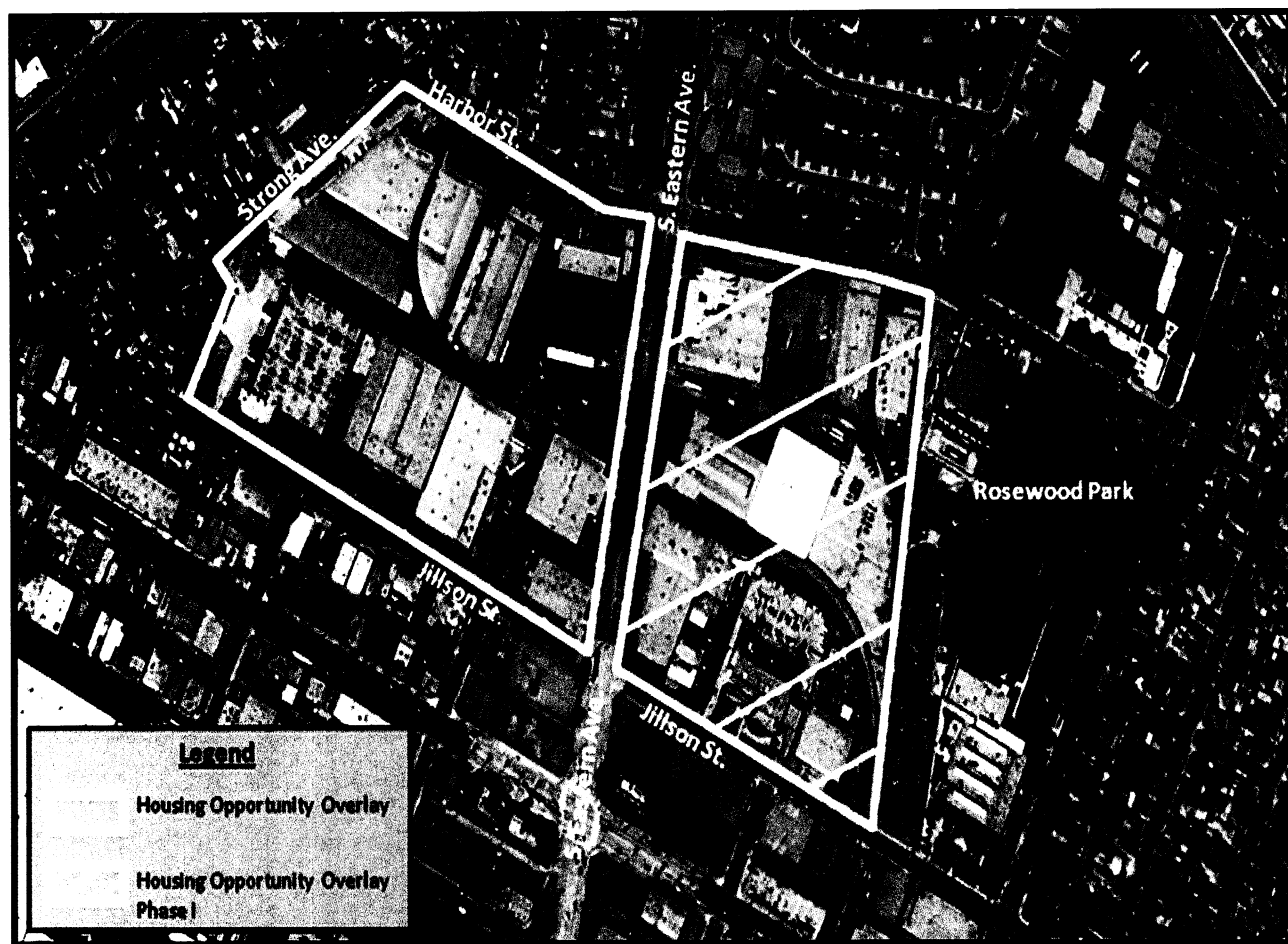
**HOUSING OPPORTUNITY OVERLAY:**

To accommodate the City 2014-2021 total RHNA allocation and AB 1233 carryover, the City has identified the Housing Opportunity overlay area to facilitate and encourage the development of residential uses. As part of the City of Commerce 2020 General Plan, the Housing Opportunity overlay was applied to a 44.3 acre area, located in the center of the

City, adjacent to the Rosini, Rosewood, and the Village residential neighborhoods. The area is loosely bounded by Harbor Street on the north, Strong Avenue on the west, Jillson Street to the south, with no formal boundary on the east. Commerce City Hall and the City Aquatorium are located on the eastern side of the Overlay area. The Overlay designation includes a cluster of industrial properties totaling 44.3 acres, within the Rosewood Planning Area that the City would like to see transition to residential and mixed use development. The Overlay area requires residential densities at a minimum 20 dwelling units per acre.

Based on the utilization and existing uses onsite, the City has identified the eastern portion of the Overlay area as most realistic to transition from industrial to residential uses during the 2014-2021 planning period. Consequently, the sites inventory for the 2014-2021 planning period includes the parcels located Harbor Street on the north, Eastern Avenue on the west, Jillson Street to the south, with Commerce City Hall and other public facilities located to the east. This portion of the Overlay area will be called Phase I for the purposes of the Housing Element and includes approximately 19.9 acres of the total Overlay area.

To conservatively calculate unit capacity, the following assumptions were made: 1) the minimum 20 dwelling units per acre was utilized, 2) based on the existing uses onsite and given that initial projects will be in close proximity to industrial uses, 75 percent land capacity was assumed to allow for adequate buffers and onsite amenities. Given this established density and the calculation assumptions, if all 19.8 acres of the Phase I area are redeveloped, the City anticipates that approximately 298 new units could be provided (see page 106 of the attached Housing Element). The Overlay area is shown below:



**AGENCY/ORGANIZATION COMMENTS:**

In response to the proposed Housing Element update, the City received comments from Caltrans and the Public Utilities Commission (PUC). Caltrans suggests that the City work with neighboring jurisdictions to address cumulative significant traffic impacts on the I-5 and I-710 freeways that may arise from future housing development. They also suggest the City form a fair share fee program working with neighboring cities to improve the State facilities. Lastly, they suggest that development of future housing projects require collaboration with Caltrans in the planning and implementation of transportation impact analysis and improvements. The PUC recommends that any future development adjacent to or near the

railroad/light rail right of way be planned with the safety of the rail corridor in mind. This would include considering pedestrian circulation patterns or destinations with respect to railroad right of way and compliance with the Americans with Disabilities Act.

It is important to note that the Housing Element and related Zoning Ordinance Text Amendments are policy level documents. These do not propose any site specific development projects at this time, nor does either document grant any entitlements or approvals for any future development. The City will review all future development projects resulting from the Housing Element and related Code amendments on a case-by-case basis and ensure that construction and operations of potential future projects would comply with all appropriate regulations and standards. Individual projects may be required to prepare a separate environmental report and traffic study pursuant to the California Environmental Quality Act. As such, the City will include agencies such as the PUC and Caltrans early in the environmental scoping process.

#### NEXT STEPS:

On May 23, 2013 a draft of the Housing Element was submitted to the Department of Housing and Community Development (HCD) for review. After discussions with HCD staff, additional revisions to the document were made. The document was sent back to HCD on July 11, 2013. On July 22, 2013 HCD issued a letter to the City finding that the Element meets the statutory requirements of State housing law with implementation of the programs (Housing Opportunity Overlay, Senate Bill 2 Compliance, etc) indentified in the document. These additional programs take the form of Zoning Ordinance Text Amendments and will be discussed in a separate staff report. Once these zoning matters are approved, the Element will fully comply with State law and the final document can be submitted to HCD.

The City Council is now being asked to adopt the subject General Plan Amendment.

#### CONCLUSION:

By having a certified Housing Element, the City of Commerce will remain in compliance with State law and will avoid having to update the Housing Element every 4 years instead of 8. Other benefits include providing opportunities for a variety of housing types for people of all income levels, allowing the City to plan and guide where growth may occur, and making the City eligible for State funds that are only available to cities with certified Housing Elements, such as the Community Development Block Grant Program. Lastly, a certified Element may limit the ability for lawsuits against the City related inadequate General Plans.

#### FINDINGS:

Based on the results of the environmental assessment, the following mandatory findings of significance set forth in the CEQA Guidelines can be made:

- a) The Housing Element Update and the associated housing programs and policies do not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California history or prehistory. The Housing Element Update is consistent with the City of Commerce's General Plan. The Housing Element Update itself does not approve specific developments or specific housing programs that outline a change in zoning; all future development and implementation of housing programs must be evaluated and potentially approved on a case-by-case basis. Subsequently, impacts associated with each potential development would be analyzed to ensure the preservation of the environment.
- b) The Housing Element Update is a policy document that sets forth housing programs to meet State requirements and regional housing needs and identifies sites suitable for future residential development. The programs outlined and the sites identified within the Housing Element Update would cumulatively increase residential



development opportunities within the city during the 2014-2021 planning period. Overall, the long-term development of the housing opportunity areas are consistent with the growth projections identified in the General Plan; the anticipated additional units within the HOO have been evaluated in the General Plan EIR. Therefore, the proposed Housing Element Update would not result in new or additional cumulative impacts.

- c) The Housing Element Update and the housing programs and policies contained within that document would not cause substantial direct or indirect adverse environmental effects on human beings. The Housing Element Update is a policy document that does not approve specific residential development. Potential residential development would be evaluated on a case-by-case basis to ensure no substantial direct or indirect adverse environmental effects.

The Commerce Municipal Code Section 19.39.370 also requires that the City 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 City of Commerce first initiated a comprehensive general plan update, including an update of the Housing Element, in the mid-1980s. This earlier Element was subsequently updated and adopted in January 2008 pursuant to the required updates by the HCD. The current Housing Element builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs. In addition, the current Element outlines those strategies and programs that will enable the City to meet its current RHNA. Finally, the document serves as a critical link between housing policy and the long-range land use plan that calls for continued infill housing development as well as new opportunities for housing in areas that were previously developed as commercial or industrial uses.*
2. **That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan.** *The Elements that comprise the Commerce General Plan are required by State law to be internally consistent. Together these Elements provide the framework for the development of facilities, services, and land uses necessary to address the needs and desires of the City's residents. To ensure that these needs are clearly addressed throughout the General Plan, the Elements must be interrelated and interdependent.*

*This Housing Element is most directly related to the Community Development Element, since the Community Development Element designates the location and extent of residential development throughout the City. With regard to the other General Plan Elements, the following findings of conformity may be made:*

- *This Housing Element promotes the development of new housing in certain areas where housing does not presently exist. New housing is encouraged in the Housing Opportunity Overlay zone. This Element does not involve any land use recommendations that are inconsistent with the Community Development Element or with the other General Plan Elements.*
  - *This Housing Element does not promote or propose any land use changes requiring the instillation of any new streets or infrastructure not already anticipated in the General Plan.*
  - *The focus of this Housing Element is to identify strategies that will be effective in conserving existing housing, while at the same time, to investigate opportunities to accommodate new infill residential development.*
3. **That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations.** *Market and governmental factors pose constraints to the provision of adequate and affordable housing. These factors tend to disproportionately impact lower and moderate-income households due to their*

*limited resources for absorbing the costs. The City is committed to removing governmental constraints that hinder the production of housing and offers a streamlined permitting process to facilitate efficient entitlement and building permit processing. In addition to existing development standards already in place, the City proposes revisions to the Zoning Ordinance to encourage housing opportunities for extremely low-income households and special needs persons. The proposed amendment would not conflict with any provisions of the zoning ordinance or subdivision regulations.*

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 Housing Element update will not adversely affect surrounding properties as it does not call for any changes to the land use policy map. The last changes to the Land Use policy map were made in 2008 during the last comprehensive General Plan update. The subject update builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs.*

**ENVIRONMENTAL ASSESSMENT:**

Environmental review conducted pursuant to the California Environmental Quality Act (CEQA), indicated that the project will not have the potential to generate an impact which may be considered as a significant effect on the environment. Therefore, a Negative Declaration was prepared and is attached as an exhibit to this report.

**FISCAL IMPACT:**

None.

**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:

  
Alex Hamilton  
Assistant Director of Development Services

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

- ATTACHMENTS:**
- 1) City Council Resolution
  - 2) 2014-2021 Housing Element
  - 3) Negative Declaration

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,  
CALIFORNIA, APPROVING GENERAL PLAN AMENDMENT NO. 13-02, AN UPDATE  
OF THE CITY'S HOUSING ELEMENT OF THE GENERAL PLAN FOR THE 2014-2021  
PLANNING PERIOD

WHEREAS, on October 23, 2013, the Planning Commission held a public hearing for the purpose of considering an update of the City's Housing Element of the General Plan (General Plan Amendment No. 13-02) and its related Negative Declaration; and

WHEREAS, the Planning Commission recommended adoption of the related Negative Declaration (the "MND") and approval of General Plan Amendment No. 13-02 to the City Council; 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 adoption of the Negative Declaration and approval of General Plan Amendment No. 13-02; and

WHEREAS, the City Council has reviewed all facts concerning the Negative Declaration and General Plan Amendment and its implementation (including Housing Element text, zoning ordinance text amendments, exhibits, and supporting documentation) and has considered all evidence submitted at said public hearing; and

WHEREAS, the City Council has reviewed and considered the conclusions of the Mitigated Negative Declaration prepared for General Plan Amendment No. 10-01.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Commerce as follows:

Section 1. That the subject project qualifies for a Negative Declaration pursuant to the provisions of the California Environmental Quality Act (CEQA).

Section 2. Based on the results of the environmental assessment, the City Council hereby makes the following mandatory findings of significance set forth in the CEQA Guidelines:

- a) The Housing Element Update and the associated housing programs and policies do not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California history or prehistory. The Housing Element Update is consistent with the City of Commerce's General Plan. The Housing Element Update itself does not approve specific developments or specific housing programs that outline a change in zoning; all future development and implementation of housing programs must be evaluated and potentially approved on a case-by-case basis. Subsequently, impacts associated with each potential development would be analyzed to ensure the preservation of the environment.
- b) The Housing Element Update is a policy document that sets forth housing programs to meet State requirements and regional housing needs as well as identifies sites suitable for future residential development. The programs outlined and the sites identified within the Housing Element Update would cumulatively increase residential development within the City during the 2014-2021 planning period. Overall, the long-term development of the housing opportunity areas are consistent with the growth projections identified in the General Plan and the anticipation of the additional units within the Housing Opportunity Overlay area have been evaluated in the General Plan EIR. Therefore, the proposed Housing Element Update would not result in new or additional cumulative impacts.

- c) The Housing Element Update and the housing programs and policies contained within the document do not have environmental effect that would cause substantial direct or indirect adverse effects on human beings. The Housing Element Update is a policy document that does not approve specific residential development. Potential residential development would be evaluated on a case-by-case basis to ensure no substantial direct or indirect adverse effects on human beings from environmental effects.

Section 3. Pursuant to Commerce Municipal Code Section 19.39.370 the City Council 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 City of Commerce first initiated a comprehensive general plan update, including an update of the Housing Element, in the mid-1980s. This earlier Element was subsequently updated and adopted in January 2008 pursuant to the required updates by the California Department of Housing and Community Development. The current Housing Element builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs. In addition, the current Element outlines those strategies and programs that will enable the City to meet its current Regional Housing Needs Assessment. Finally, the document serves as a critical link between housing policy and the long-range land use plan that calls for continued infill housing development as well as new opportunities for housing in areas that were previously developed as commercial or industrial uses.*
2. **That the proposed amendment is consistent with the other goals, policies, and objectives of the general plan.** *The Elements that comprise the Commerce General Plan are required by State law to be internally consistent. Together these Elements provide the framework for the development of facilities, services, and land uses necessary to address the needs and desires of the City's residents. To ensure that these needs are clearly addressed throughout the General Plan, the Elements must be interrelated and interdependent.*

*This Housing Element is most directly related to the Community Development Element, since the Community Development Element designates the location and extent of residential development throughout the City. With regard to the other General Plan Elements, the following findings of conformity may be made:*

- *This Housing Element promotes the development of new housing in certain areas where housing does not presently exist. New housing is encouraged in the Housing Opportunity Overlay zone. This Element does not involve any land use recommendations that are inconsistent with the Community Development Element or with the other General Plan Elements.*
  - *This Housing Element does not promote or propose any land use changes requiring the instillation of any new streets or infrastructure not already anticipated in the General Plan.*
  - *The focus of this Housing Element is to identify strategies that will be effective in conserving existing housing, while at the same time, to investigate opportunities to accommodate new infill residential development.*
3. **That the proposed amendment will not conflict with provisions of the zoning ordinance or subdivision regulations.** *Market and governmental factors pose constraints to the provision of adequate and affordable housing. These factors tend to disproportionately impact lower and moderate-income households due to their limited resources for absorbing the costs. The City is committed to removing governmental constraints that hinder the production of housing and offers a streamlined permitting process to facilitate efficient entitlement and building permit processing. In addition to existing development standards already in place, the City proposes revisions to the Zoning Ordinance*

*to encourage housing opportunities for extremely low-income households and special needs persons. The proposed amendment would not conflict with any provisions of the zoning ordinance or subdivision regulations.*

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 Housing Element update will not adversely affect surrounding properties as it does not call for any changes to the land use policy map. The last changes to the Land Use policy map were made in 2008 during the last comprehensive General Plan update. The subject update builds upon the previous elements by updating technical information and assessing the City's progress in implementing its earlier housing goals, objectives, and programs.*

Section 4. This resolution shall take effect upon its adoption.

PASSED, APPROVED and ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Joe Aguilar  
Mayor

ATTEST:

\_\_\_\_\_  
Teresa Jackson, CMC  
Interim City Clerk



# **ENVIRONMENTAL CHECKLIST**

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## **Initial Study**

**Project Title:** City of Commerce 2014-2021 Housing Element Update and related General Plan /Code Amendments to implement the 2008-2014 Housing Element

**Lead Agency Name and Address:** City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

**Contact Person and Phone Number:** Matt Marquez,  
(323) 722 - 4805, ext. 2349.

**Project Location:** City of Commerce, CA  
(citywide)

**Project Sponsor's Name and Address:** City of Commerce  
Community Development Department  
2535 Commerce Way  
Commerce, CA 90040  
Phone: (323) 722 - 4805

**General Plan Designation(s):** The Housing Element is one of the seven elements required by the State of California to be included in the City's General Plan. The Housing Element Update includes General Plan land use designations that currently allow or has the ability to allow residential uses.

**Zoning Designation(s):** The Housing Element involves all zoning that currently permits or has the ability to permit residential land uses.







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# Section I. Introduction

## 1. Project Location:

The City of Commerce is located in the south central portion of Los Angeles County. Commerce is located approximately six miles east of downtown Los Angeles and is bounded by Montebello on the east, Bell Gardens on the south, unincorporated Vernon, Bell, and Maywood on the west, and East Los Angeles on the north. A regional location map is provided in **Exhibit 1**. A city-wide map is provided in **Exhibit 2**.

## 2. Project Description:

### a) Overview

The proposed project consists of the adoption of the updated City of Commerce General Plan Housing Element and related General Plan and Code Amendments, referred to herein as the “project”, “Housing Element”, or “Element”. State law requires every City and County to adopt a general plan containing at least seven mandatory elements (chapters). One required element is the Housing Element, which must be updated every eight years. The proposed updated Housing Element covers the planning period of 2014 to 2021.

Section 65583 of the Government Code sets forth the specific components to be contained in a community’s Housing Element. These requirements include obligation on the part of the local jurisdictions to provide their “fair share” of regional housing needs. Local governments and Councils of Governments (COGs) are required to determine existing and future housing need and the allocation of said need must be approved by the California Department of Housing and Community Development (HCD). Commerce is a member of the Southern California Association of Governments (SCAG) COG. SCAG is responsible for preparing the RHNA for the six-county territory that it represents.

The project consists of the adoption of the 5th cycle Housing Element Update for the City of Commerce and related General Plan /Code Amendments. The housing allocation for each jurisdiction is divided into four household income categories used in federal and State programs: Very Low (50 percent of Area Medium Income (AMI)); Low (50-80 percent of AMI); Moderate (80-120 percent of AMI); and Above-Moderate Income (over 120 percent of AMI). The allocations are further adjusted to avoid an over-concentration of lower income households in any one jurisdiction.

HCD established the planning period for the current Regional Housing Needs Assessment (RHNA) from January 1, 2014 to September 30, 2021. For the 2014-2021 planning period the City was allocated a total of 46 units, including 12 for very low income, 7 for low income, 7 for moderate income, and 20 for above-moderate income households.

### b) RHNA

As discussed above, Commerce’s RHNA for the 2014-2021 planning period is 46 housing units (see **Table 1-1**).



**TABLE 1-1: REGIONAL HOUSING NEEDS ALLOCATION 2014-2021**

| Income Group   | Number of Units | Percent of Total |
|----------------|-----------------|------------------|
| Very Low       | 12              | 26%              |
| Low            | 7               | 15%              |
| Moderate       | 7               | 15%              |
| Above Moderate | 20              | 44%              |
| <b>Total</b>   | <b>46</b>       | <b>100</b>       |

Source: Regional Housing Needs Assessment, SCAG October 2012.

However, while the Housing Element for the 2008-2014 planning period was adopted in April 2010, and certified by HCD, the City was unable to complete the rezoning necessary to accommodate the lower income RHNA. Consequently, the City is required to plan for the current planning period of 2014-2021 as well as any unaccommodated shortfall identified from the previous (2008-2014) planning period. The 2008-2014 RHNA for Commerce is shown in **Table 1-2**. The two planning period allocations combined result in a total fair share for Commerce of 110 units (see **Table 1-3**).

**TABLE 1-2: REGIONAL HOUSING NEEDS ALLOCATION 2008-2014**

| Income Group   | Number of Units | Percent of Total |
|----------------|-----------------|------------------|
| Very Low       | 15              | 23%              |
| Low            | 10              | 16%              |
| Moderate       | 10              | 16%              |
| Above Moderate | 29              | 45%              |
| <b>Total</b>   | <b>64</b>       | <b>100</b>       |

Source: Regional Housing Needs Assessment, SCAG July 2006.

**TABLE 1-3: COMBINED 2008-2014 AND 2014-2021 RHNA**

|                | Very Low  | Low       | Moderate  | Above Moderate | Total      |
|----------------|-----------|-----------|-----------|----------------|------------|
| 2008-2014 RHNA | 15        | 10        | 10        | 29             | 64         |
| 2014-2021 RHNA | 12        | 7         | 7         | 20             | 46         |
| <b>Total</b>   | <b>27</b> | <b>17</b> | <b>17</b> | <b>49</b>      | <b>110</b> |

Source: Regional Housing Needs Assessment, SCAG July 2007 and October 2012.

As Commerce’s 2008-2014 Housing Element was adopted, but not fully implemented the City must determine their exact shortfall in compliance with Assembly Bill (AB) 1233. First, as the RHNA process establishes January 1, 2006 as the baseline for growth projections for the Housing Element planning period of 2008-2014, jurisdictions may count any new units built or approved since January 1, 2006 toward their 2008-2014 RHNA allocation.

As shown in **Table 1-4**, between 2006 and 2014, the City entitled, approved or developed enough units to meet the City’s above moderate income RHNA allocation of 29 units for the planning period.

Based on the requirements of AB 1233, the City must accommodate a total of 57 units, including 13 units for very low-income, 17 units for low-income, 7 units for moderate income, and 20 units for above moderate income, in the 2014-2021 Housing Element.

**TABLE 1-4: 2014-2021 RHNA INCLUDING AB 1233 SHORTFALL**

|  | Very Low  | Low       | Moderate | Above Moderate | Total     |
|--|-----------|-----------|----------|----------------|-----------|
| 2008-2014 RHNA   | 15        | 10        | 10       | 29             | 64        |
| 2006-2014 Units Accommodated by Credits (Units Constructed or Currently "In-the-Pipeline") | 0         | 0         | 0        | -29            | -29       |
| Units Accommodated on Vacant Sites   | -14       | 0         | -10      | 0              | -24       |
| <b>Subtotal<sup>(a)</sup></b>  | <b>1</b>  | <b>10</b> | <b>0</b> | <b>0</b>       | <b>11</b> |
| 2014-2021 RHNA   | 12        | 7         | 7        | 20             | 46        |
| <b>Total</b>   | <b>13</b> | <b>17</b> | <b>7</b> | <b>20</b>      | <b>57</b> |

Source: Regional Housing Needs Assessment, SCAG July 2007 and October 2012.

Notes:

<sup>(a)</sup> Subtotal equals 2008-2014 RHNA minus units constructed or approved from 2006-2013.

In addition, State law requires that all Housing Elements address four key topic housing areas: special needs groups, constraints, housing resources, and planning. Each of these groups are discussed in detail below.

c) Special Needs Groups

State law recognizes that certain households have more difficulty in finding adequate and affordable housing due to special circumstances. Special needs populations include the elderly, persons with disabilities, female headed households, large households and farm workers. Many often have lower incomes as a result of their condition. Each of these population groups as well as their appropriate housing needs is described in the Housing Element.

d) Housing Constraints

The Housing Element identifies constraints on the production of new housing, including governmental, environmental, and market constraints. By identifying these constraints, the City recognizes possible barriers to housing development and can adopt policies and programs in the Housing Element to remove or significantly reduce those barriers.

The City of Commerce Housing Element identifies the following circumstances that may act as barriers to development:

- Land use controls
- Residential development standards
- Provisions for a variety of housing types: multi-family rental housing, mobile homes/manufactured housing, second units, transitional housing and emergency housing, and housing for persons with disabilities
- Development Impact and Planning Entitlement Fees
- Building codes and enforcement
- Local processing and permit procedures



- On-and off-site improvement requirements
- Construction cost
- Land availability and cost
- Financing

e) Housing Resources and Availability of Sites

The Housing Resources section of the Housing Element focuses on development opportunities to meet the RHNA. The most critical component of the Housing Resources section is the sites inventory, which identifies locations available to support new housing at all income categories. As summarized in **Table 1-5**, the City plans to accommodate their 2014-2021 total RHNA allocation and AB 123 carryover within the Housing Opportunity Overlay (HOO).

**TABLE 1-5: HOUSING OPPORTUNITIES**

|                             | Very Low | Low | Moderate | Above Moderate | Total                |
|-----------------------------|----------|-----|----------|----------------|----------------------|
| Remaining RHNA              | 13       | 17  | 7        | 20             | 57                   |
| Housing Opportunity Overlay | -91      | -91 | -91      | -94            | -367                 |
| Total <sup>(a)</sup>        | 0        |     |          |                | (310) <sup>(a)</sup> |

Notes:

<sup>(a)</sup> Parenthesis indicates a surplus of units.

It is important to note that as a policy document, the Housing Element does not propose development on any of the housing opportunity sites or program locations. If and when development occurs within the city, the project is subject to comply with the applicable General Plan policies and programs, Municipal Code regulations, CEQA requirements and any other regulating documents.

The City will implement the following land use measures as a means to accommodate its assigned housing need:

*Housing Opportunity Overlay (HOO).* The overlay designation includes a cluster of industrial properties totaling 44.3 acres within the Rosewood Planning Area, that the City would like to see transition to residential and mixed-use development. The overlay requires densities at a minimum of 20 dwelling units per acre. Based on the utilization and existing uses onsite, the City has identified the eastern portion of the Overlay area as most realistic to transition from industrial to residential uses during the 2014-2021 planning period. Consequently, the sites inventory for the 2014-2021 planning period, includes the parcels located on Harbor Street to the north, Eastern Avenue on the west, Jillson Street to the south, with Commerce City Hall and other public facilities located to the east. This portion of the Overlay area will be called Phase I for the purposes of the Housing Element and includes approximately 19.9 acres of the total Overlay area. Assuming a conservative 75 percent capacity, the City anticipates approximately 298 new units could be provided in Phase I (see **Exhibit 3**).

f) Resources to Meet Housing Needs

A variety of potential funding sources are available to finance housing activities in Commerce. In previous years, the primary source of funds for affordable housing activities in Commerce was the Redevelopment Agency housing set-aside fund. The City of Commerce Redevelopment Agency was dissolved as of February 1, 2012, and the City was selected to be the Successor Agency responsible for all enforceable obligations owed. For the 2014-2021 planning cycle, the City is investigating new funding sources to continue administering its existing programs. Federal, State, county, local and private potential financial resources available for housing activities identified by the City are listed in Financial Resources Available for Housing Activities in Table 6-9, in the 2014-2021 Housing Element.

g) Housing Plan

The Housing Plan section of the Element establishes the goals, policies, and programs that guide City decision-making on housing issues. The goals, policies, and programs of the Housing Plan are intended to promote the production of housing, and therefore, may result in the direct or indirect environmental impacts based on the nature of residential development. The goals and policies of the Housing Plan are:

Goal 1: Conserve and enhance the quality of existing housing and residential neighborhoods in Commerce.

Policy 1.1: Continue to promote, maintain, and enhance the character and identity of the City's residential neighborhoods through adequate code enforcement.

Policy 1.2: Provide financial assistance, when available, to rehabilitate dwelling units owned or occupied by seniors and low-income individuals.

Policy 1.3: Encourage property owners to rehabilitate substandard residential units and maintain their properties to the greatest extent possible.

Policy 1.4: Promote increased awareness among property owners and residents of the importance of property maintenance to long-term affordable housing.

Policy 1.5: Design new higher-density residential projects at a scale (number of units, height, etc.) that is compatible in design with adjacent residential areas.

Policy 1.6: Cooperate with non-profit housing providers in the acquisition, rehabilitation, and maintenance of older apartment complexes, single-family houses and hotel/motels to be preserved as long-term affordable housing.

Policy 1.7: Continue to monitor affordable housing developments, second units, and vacant units within the City, and work to preserve existing affordable housing in the City that is considered at risk of converting to market-level rents.



Goal 2: Provide a Variety of Housing Types to accommodate all economic segments of the community.

Policy 2.1: Provide homeownership assistance to low- and moderate-income households.

Policy 2.2: Continue to participate in State and federally sponsored programs designed to maintain housing affordability, including the Section 8 rental assistance program.

Policy 2.3: Explore opportunities for new residential development within those areas of the City occupied by vacant, obsolete commercial and industrial uses.

Policy 2.4: Continue to provide development incentives, when possible to support non-profit and for-profit organizations in their efforts to construct, acquire, and improve affordable housing.

Policy 2.5: Facilitate development of senior and low- income housing through use of financial and/or regulatory incentives.

Policy 2.6: Maintain lower densities in the Bandini-Rosini and Rosewood residential neighborhoods, while encouraging higher density residential development in the City's Southeast Planning Area.

Policy 2.7: Ensure that potential sites for residential development, located in those areas that were previously occupied by nonresidential land uses, are investigated to determine whether or not previous on-site uses present potential health risks.

Goal 3: Minimize the Impacts of Governmental Constraints On Housing Production and Affordability.

Policy 3.1: Support innovative public, private and non-profit efforts toward the development of affordable housing.

Policy 3.2: Periodically review and revise the City's development standards, if necessary, to facilitate quality housing that is affordable to all income levels.

Policy 3.3: When feasible, consider reducing, subsidizing, or deferring development fees to facilitate the provision of affordable housing.

Policy 3.4: Continue the provision of incentives, including the density bonus incentive program, which encourages developers to include affordable units in their projects.



Policy 3.5: Allow second residential units on single-family parcels as a means of providing additional infill housing opportunities.

Policy 3.6: Identify funding to be used to lower land costs of proposed projects, to ensure that affordable units are incorporated within the development.

Goal 4: Promote equal housing opportunity for all residents.

Policy 4.1: Continue to enforce fair housing laws prohibiting discrimination in the building, financing, selling, or renting of housing on the basis of race, ethnicity, ancestry, national origin, religion, sex, disability, age, marital status, familial status, source of income, sexual orientation, or any other arbitrary factor.

Policy 4.2: Cooperate with the Los Angeles County Fair Housing Council in the enforcement of fair housing laws and in the review of violations of applicable Federal and State fair housing laws.

Policy 4.3: Assess the social service needs of the community and provide a wide variety of social service programs to City residents.

Policy 4.4: Provide that displacement of low-income households is avoided and, where necessary, is carried out in an equitable manner.

Policy 4.5: Encourage housing construction or alteration to meet the needs of residents with special needs such as the elderly and disabled

Goal 5: Identify Adequate Sites to Achieve Housing Variety.

Policy 5.1: Provide a range of residential development types in Commerce, including low density single-family homes, moderate density townhomes, higher density multi-family units, and residential/commercial mixed use in order to address the City's share of regional housing needs.

Policy 5.2: Maintain zoning regulations that permit by right, in designated zones, housing that meets temporary and short-term housing needs for individuals and families.

Policy 5.3: Provide incentives to facilitate the development of senior housing options.

Policy 5.4: Require that housing constructed expressly for low- and moderate-income households not be concentrated in any single portion of the City.



The Housing Element includes various implementation programs to meet the provision of its goals and policies. Programs that promote housing and are key for the environmental analysis include the following:

**Program 3.3 - Lot Consolidation**

*Program Objective: The City will notify housing developers of development incentives and opportunities for lot consolidation.*

**Program 3.4 - Density Bonus**

*Program Objective: To increase the number of affordable units throughout the City in new housing developments. The Density Bonus will be emphasized in future development within the Housing Opportunity Overlay Areas.*

**Program 4.2 – Fair Housing**

*Program Objective: Comply with all State and federal fair housing requirements when implementing housing programs or delivering housing-related services.*

**Program 4.1 – Reasonable Accommodation**

*Program Objective: Administer City operated programs to assist disabled households with architectural modifications to their homes and continue to implement the provisions of the Americans with Disabilities Act (ADA). Provide information in public places regarding the City’s reasonable accommodation ordinance and make information on this program more widely available to residents. Referrals will be made whenever possible.*

**Program 5.1 – Adequate Sites to Accommodate the RHNA**

*Program Objective: Continue to provide appropriate land use designations and maintain an inventory of suitable sites for residential development. Make the vacant and underutilized residential sites inventory available to non-profit and for-profit housing developers on the City’s website.*

**Program 5.2 – Extremely Low-Income and Special Needs Housing**

*Program Objective: Monitor available sites for the development of emergency, transitional and supportive housing.*

h) Code Amendments

The following describes amendments to the Commerce Municipal Code and Zoning Ordinance that are required per State law and are related to approval of the Housing Element:

- a. **Regulations for Emergency, Transitional, and Supportive Housing:** In accordance with Senate Bill 2, the City has amended the Zoning Code to permit transitional and supportive housing in all residential zones, subject only to those regulations that apply to other residential dwelling uses of the same type in the same zone. Extremely low-income households and households with special needs have limited housing options. Housing types appropriate for these groups include: emergency shelters, transitional housing, supportive housing, and single-room occupancy (SRO) units. To accommodate this population group the City will allow SRO units by right in the Heavy Industrial (M-2) zone. The M-2 zone was selected as it is the City's most prevalent land use and allows for a significant number of opportunities to facilitate the provision of emergency housing.
- b. **Reasonable Accommodation Ordinance:** Pursuant to the provisions of California Government Code Sections 12927(c)(1) and 12955 (1) to provide a format procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act (the Acts). The City will amend the Zoning Ordinance to establish reasonable accommodation procedures to address existing constraints to the provision of accommodations for persons with disabilities. The City provides information in public places regarding the Reasonable Accommodation Ordinance that establishes a clear procedure for residents to apply for development modifications to accommodate disability and refers residents to City programs that offer funding to complete proposed modifications.
- c. **Second Units Ordinance:** In compliance with Government Code sections 65852.2 and 655831.1, the City of Commerce revised its Zoning Ordinance to allow second units in all single-family residential zones. A secondary housing unit means an additional dwelling unit constructed or adopted within, onto, or apart from an existing, or built concurrently with, a single-family dwelling in the Single Family Residential (R-1) District.
- d. **Density Bonus Ordinance:** To facilitate development of affordable units, the City will adopt a Density Bonus Ordinance in compliance with Government Code Sections 65915, 65915.5, and 65917. The Ordinance specifically offers developers the opportunity to participate in a density bonus program which offers a density increase of 20 percent plus a development incentive for qualified affordable projects. To be eligible for the program, the affordable project must contain: (1) at least 10 percent of the units reserved for low-income households; or (2) at least 5 percent reserved for very low-income households; or (3) at least 20 percent reserved for senior households. Additional incentives, such as reduction in development standards, will be available for qualifying projects. The units must remain affordable for at least 30 years if both the density bonus and development incentives are granted. Developers will be informed of the density bonus program through contact with the Planning Department staff and members and handouts.
- e. **Housing Opportunity Overlay (HOO) Zone:** During the 2008-2014 planning period, the City established a new Housing Opportunity Overlay in the 2020 General Plan to facilitate the transition of existing non-residential uses to new residential development. The Housing Element relies on rezoning to accommodate the City's lower income RHNA allocation. Specifically, with Action 3.1 the City would create a new Housing Opportunity Overlay (HOO) zone (consistent with the General Plan), with a minimum development density of 20 units per acre and a maximum density of 40 dwelling units per acre. The HOO will accommodate approximately 298 units as it would initially apply to 19.9 acres. To finalize the creation of the overlay, the City has



established the development process required to implement the overlay area, including the creation of development standards and design guidelines. The proposed guidelines and standards ensure that the development of high density, multifamily, affordable housing is allowed and encouraged.

- i) **General Plan Amendment:** The Housing Opportunity Overlay land use designation must be amended to increase the maximum permitted density from 27 du/ac to 40 dwellings unit per acre. The increase in density will allow for the type of housing ideal to accommodate the City's RHNA as well as create a pedestrian and transit-oriented mixed-use environment.

## 2. Scope of Environmental Analysis

The Initial Study and Negative Declaration provide environmental clearance and evaluations resulting with the proposed 2014-2021 Housing Element, General Plan Amendment, and Code Amendments. In assessing the environmental impacts of the Housing Element, it should be noted that the location intensity and design of development projects are controlled primarily by the Land Use Element of the General Plan and standards from the Zoning Ordinance. The General Plan Amendment is required to replace the existing Housing Element with the proposed Housing Element. For purposes of this document, the General Plan Amendment will be considered part of the proposed Housing Element and will not be referenced separately. The Housing Element and Code Amendments are policy-level documents that do not propose any site-specific development projects at this time, nor does it grant any entitlements or approvals for any future development. No physical development projects or activities are being proposed or considered at this time. The City will review all future development projects resulting with the Housing Element and Code Amendments on a case-by-case basis and ensure that construction and operations of potential future projects would comply with all appropriate regulations and standards of the City of Commerce.

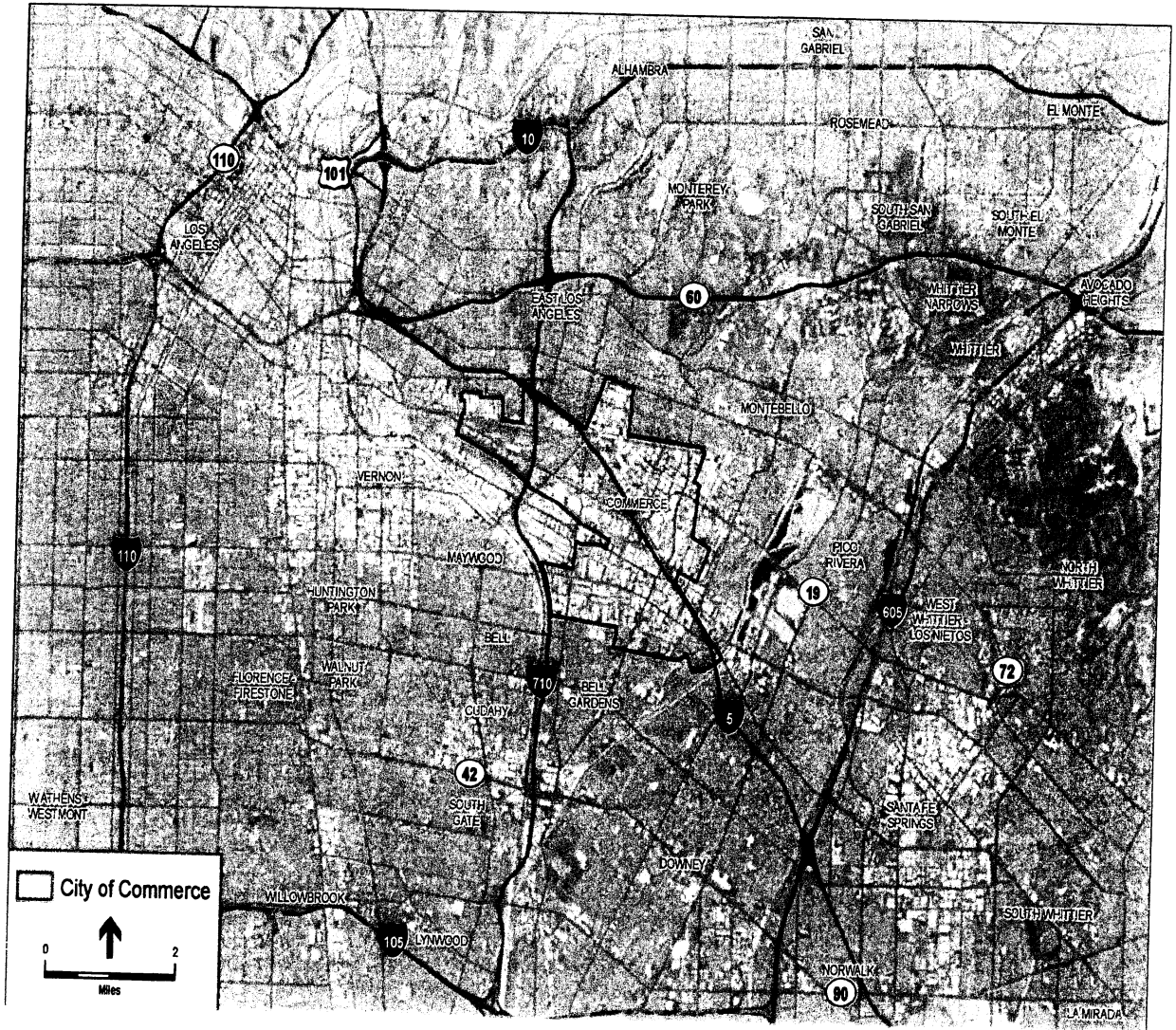
## 3. Required Approvals:

HCD will review the Housing Element for compliance with State law and indicate whether the adopted Element can be certified as in compliance (Sections 65580-65589.9 of the Government Code). The Housing Element will be reviewed and adopted by the Commerce Planning Commission and City Council prior to certification.

## 4. Other public agencies whose approval is required:

Not applicable.

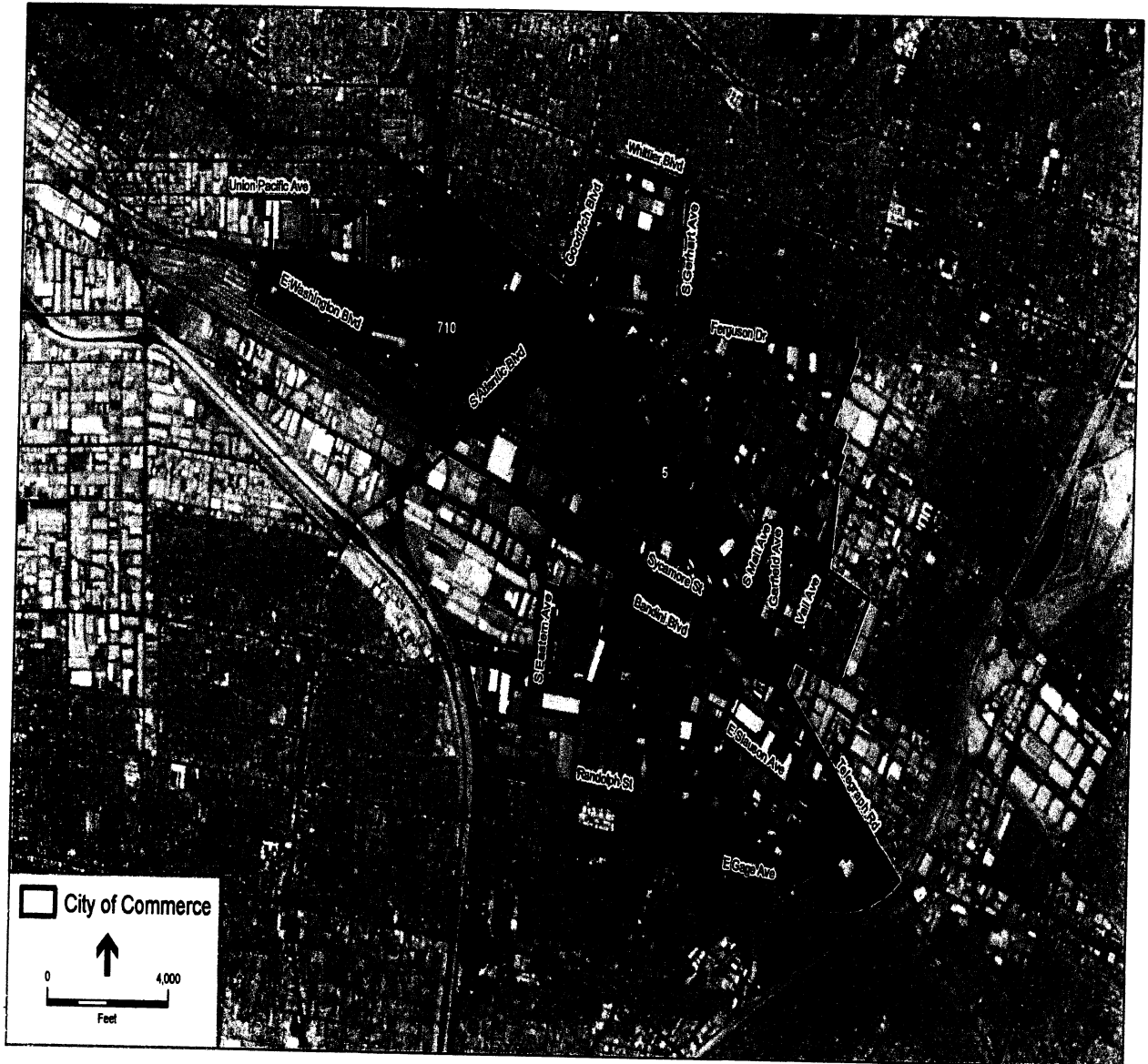
# EXHIBIT 1: REGIONAL LOCATION





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EXHIBIT 2: CITY OF COMMERCE

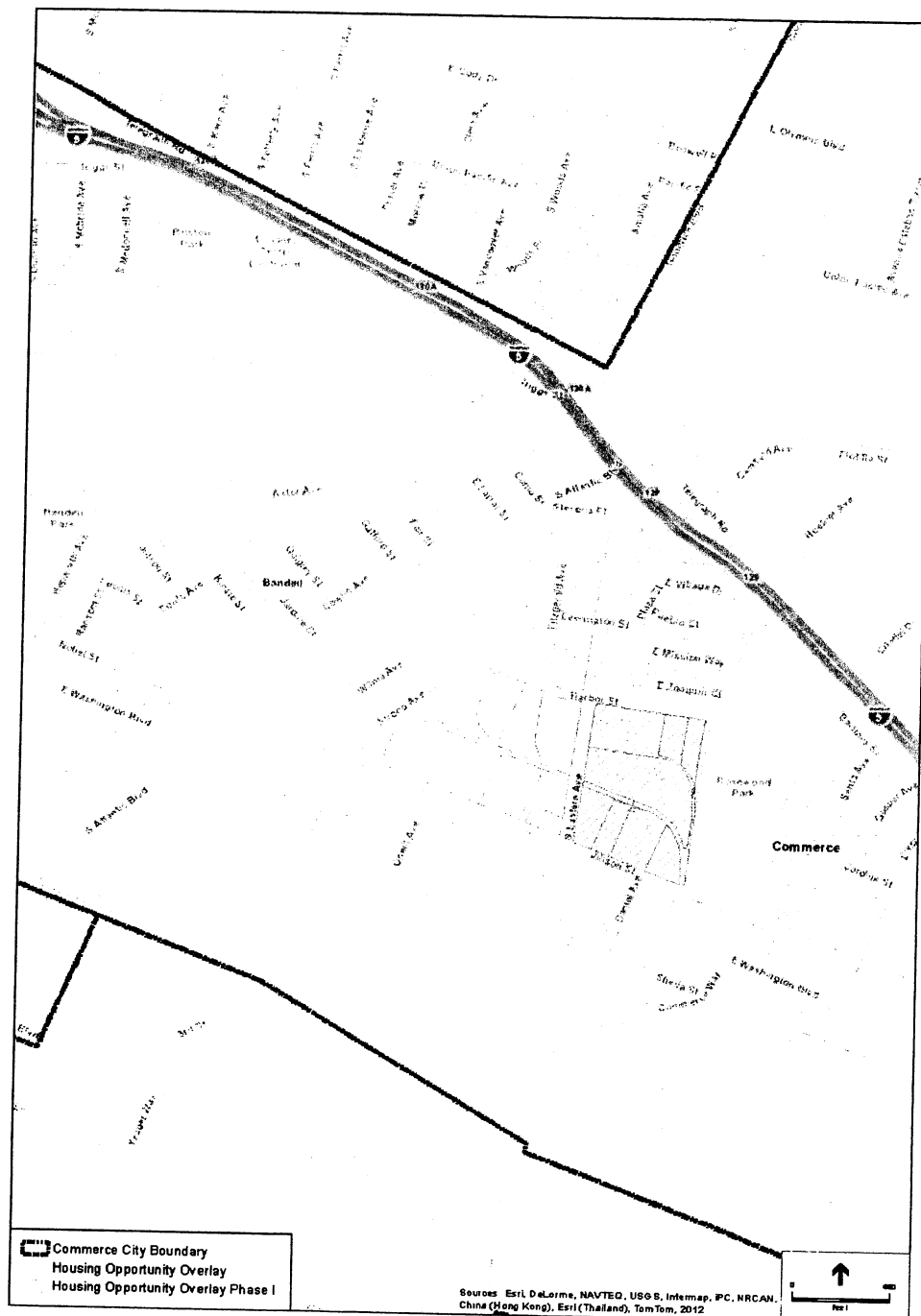




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**EXHIBIT 3: HOUSING OPPORTUNITY OVERLAY AREA**



SOURCE:



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## Section II. Environmental Factors Potentially Affected

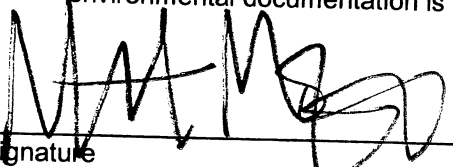
The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental factor.

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> Aesthetics                     | <input type="checkbox"/> Agriculture and Forestry Resources | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources           | <input type="checkbox"/> Cultural Resources                 | <input type="checkbox"/> Geology, Soils and Seismicity      |
| <input type="checkbox"/> Greenhouse Gas Emissions       | <input type="checkbox"/> Hazards and Hazardous Materials    | <input type="checkbox"/> Hydrology and Water Quality        |
| <input type="checkbox"/> Land Use and Land Use Planning | <input type="checkbox"/> Mineral Resources                  | <input type="checkbox"/> Noise                              |
| <input type="checkbox"/> Population and Housing         | <input type="checkbox"/> Public Services                    | <input type="checkbox"/> Recreation                         |
| <input type="checkbox"/> Transportation and Traffic     | <input type="checkbox"/> Utilities and Service Systems      | <input type="checkbox"/> Mandatory Findings of Significance |

### DETERMINATION: (To be completed by Lead Agency)

On the basis of this initial study:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, no further environmental documentation is required.

  
 \_\_\_\_\_  
 Signature

Matt Marquez  
 Printed Name

7/20/13  
 \_\_\_\_\_  
 Date

City of Commerce  
 For



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# Section III. Environmental Checklist

## Aesthetics

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>1. AESTHETICS — Would the project:</b>  |                                       |  |                                     |                                     |
| a) Have a substantial adverse effect on a scenic vista?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Substantially degrade the existing visual character or quality of the site and its surroundings?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Create a new source of substantial light or glare which would adversely affect daytime or nighttime views in the area?                                | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

## Discussion

a and c) **Less Than Significant Impact.** The city of Commerce, which is located in south central Los Angeles County, is an urban environment. The General Plan does not identify any scenic vistas or scenic resources within the city. The Housing Element Update would not adversely affect any scenic vistas or substantially degrade the existing visual character of the city and its surroundings.

All of the identified housing opportunity areas identified in the Housing Element are currently either surrounded by or in proximity to existing residential and commercial development of varying densities and would be subject to the design standards established in Commerce's Municipal Code, which includes provisions related to protecting the aesthetic value of the community. Specifically, Chapter 19.38 Division 10 of the Code requires proposed developments to undergo a site plan review by the community development director and planning commission to ensure that development is consistent with the General Plan and applicable zoning. The review of future development proposals by the community development director and planning commission would help ensure that aesthetic impacts that would occur as result of the Housing Element Update and Code Amendments would be less than significant.

b) **No Impact.** There are no State scenic highways designated within the city of Commerce.<sup>1</sup> Therefore, there would be no impact to scenic resources within a State scenic highway.

c) **Less Than Significant Impact.** Implementation of the proposed Housing Element Update could result in higher intensity development in areas that would contribute additional sources to the overall ambient nighttime lighting conditions. However,

<sup>1</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Aesthetics. Page 77.



development would be subject to the light pollution reduction measures of the Municipal Code Section 19.19.130, which require that "all lights shall be directed, oriented, and shielded to prevent light from shining onto adjacent properties, onto public rights-of-way, and into driveway areas in a manner that would obstruct drivers' vision. Landscape lighting shall be low-level, unobtrusive fixtures." Furthermore, issues related to substantial light and glare resulting from the anticipated future growth and development would be considered at the development review stage and be evaluated on a case-by-case basis to ensure consistency with the light pollution measure in the zoning code. As a result, impacts related to light and glare from implementation of the Housing Element Update and General Plan/Code Amendments would be less than significant.

---

# Agricultural

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>2. AGRICULTURAL AND FOREST RESOURCES — Would the project:</b>   |                                       |  |                                     |                                     |
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Result in the loss of forest land or conversion of forest land to non-forest use?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or conversion of forest land to non-forest use?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

- a) **No Impact.** The City of Commerce does not have any sites that are classified as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance within its boundaries.<sup>2</sup> Therefore, no impact to Prime Farmland, Unique Farmland, or Farmland of Statewide Importance would occur as a result of the Housing Element Update.
- b) **No Impact.** There are no parcels within the city zoned for agricultural uses or under a Williamson Act Contract.<sup>3</sup> As a result, no impacts on farmland soils, agricultural zoning, or existing or future Williamson Act contracts would result from the Housing Element Update and no impact would occur.
- c and d) **No Impact.** The General Plan does not identify any protected national or State forest areas within the city or its sphere of influence. According to the Land Cover data maps provided by the California Department of Forestry and Fire Protection, the proposed housing opportunity areas are not zoned or designated as woodland, timberland or forest areas, therefore future development identified within the housing opportunity locations would not have an impact on forest land or timberland. As a result, no impact would occur.

<sup>2</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Land Use and Development. Page 30.

<sup>3</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Land Use and Development. Page 30.



- e) **No Impact.** As mentioned above, with respect to agricultural areas and forest lands no impact would occur.

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# Air Quality

| <i>Issues (and Supporting Information Sources):</i>   | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>         |
|---|---------------------------------------|--|-------------------------------------|--------------------------|
| <b>3. AIR QUALITY — Would the project:</b>  |                                       |  |                                     |                          |
| a) Conflict with or obstruct implementation of the applicable air quality plan?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Expose sensitive receptors to substantial pollutant concentrations?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Create objectionable odors affecting a substantial number of people?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Discussion

- a) **Less Than Significant Impact.** The city of Commerce is located within the South Coast Air Basin, which covers a 6,600-square-mile area within Orange County, non-desert portions of Los Angeles County, Riverside County, and San Bernardino County. Air quality in the basin is monitored by the South Coast Air Quality Management District (SCAQMD) at various monitoring stations located throughout the area.

Measures to improve the regional air quality are outlined in the SCAQMD's Air Quality Management Plan (AQMP). The California Air Resources Board (CARB) has primary oversight regarding vehicle-related emissions. In a joint effort, SCAQMD and CARB adopted the 2012 AQMP, creating policies and programs to address regional air quality. The plan builds upon the approaches taken from the 2007 AQMP for the South Coast Air Basin.

The RHNA housing need represents a mandate required by the State of California as part of the RHNA's implementation. The City is obligated under State law to fulfill the RHNA requirements assigned to the City. As part of the RHNA's development, SCAG relied on growth projections developed as part of the Regional Transportation Plan (RTP). The South Coast Air Basin has experienced poor air quality because of the area's topography as well as metrological influences that often lead to the creation of inversion layers that prevent the dispersal of pollutants. During the mid-20th century, the South Coast Air Basin experienced the worst air pollution in the nation, which gave rise to the various air quality improvement strategies. However, improvements of the region's air quality has been largely due to the elimination of many stationary emission sources, more stringent vehicle emissions controls, and new regulations governing activities that contribute to air pollution (such as open-air fires). The primary criteria pollutants that



remain non-attainment in the local area include particulate matter less than 10 micrometers (PM-10), particulate matter less than 2.5 microns in diameter (PM-2.5), and ozone.

The Housing Element proposes a population growth of an estimated 367 units or 1,384 residents based on identified housing opportunity areas.<sup>4</sup> The projected long-term growth in the city is a small percentage of growth, when compared to the region at large and within the entire South Coast Air Basin (where regional growth is anticipated for Los Angeles County to increase 626,000 persons by 2020). Therefore, population growth supported by the Housing Element does not significantly conflict with growth forecasts developed for the RTP.

Based on the analysis presented above, the project would not conflict with the AQMP, and less than significant impacts would occur.

- b) **Less Than Significant Impact.** The project would not result in direct development. The remaining housing need of 57 units represents a mandate required by the State of California as part of the RHNA's implementation. The City is obligated under State laws to ensure that certain governmental constraints (including land use controls) are removed so that the unmet housing need may be accommodated. As part of the RHNA's development, SCAG relied on growth projections developed as part of the RTP. These growth projections were evaluated, including the attendant air quality impacts, in the 2012-2035 RTP/SCS Program EIR prepared for both the RHNA and the RTP. The Commerce Housing Element would not introduce any growth beyond that previously analyzed. As a result, the impacts would be less than significant.
- c) **Less Than Significant Impact.** As noted above, the SCAB is designated a non-attainment area for ozone, PM-2.5 and PM-10. The future development of residential units would contribute criteria pollutants to the area during short-term project construction as well as daily operation. The following policies from the General Plan Air Quality Element have been adopted to minimize air quality impacts associated with development activity:

**Air Quality 2.1.** The city of Commerce will require that developers of high density and mixed-use developments consult with the local transit agency and incorporate all appropriate and feasible transit amenities into the plans.

**Air Quality Policy 2.3.** The city of Commerce will adopt and implement codes that encourage community centers, telecommuting programs, and home-based businesses.

<sup>4</sup> Total estimated new population (1,384) = city of Commerce average household size (3.77) \* number of identified additional housing units in the Housing Element (367).

**Air Quality Policy 2.4.** The city of Commerce will create opportunities to receive State transportation funds by adopting incentives (e.g., an expedited review process) for planning and implementing infill development projects within urbanized areas that include job centers and clean transportation nodes (e.g., preparation of "transit village" plans).

**Air Quality Policy 2.5.** The city of Commerce will collaborate with local, regional, state and federal agencies to create incentives for "job/housing opportunity zones," to promote housing in job-rich areas and jobs in housing-rich areas. The Housing Opportunity areas identified in the Community Development Element are consistent with this policy.

**Air Quality Policy 2.8.** The city of Commerce will seek new cooperative relationships between employers and employees to reduce vehicle miles traveled (VMT).

**Air Quality Policy 2.11.** The city of Commerce will collaborate with local transit agencies to develop programs and educate employers about employee rideshare and transit.

Residential development facilitated by the Housing Element pursuant to the adopted General Plan air quality policies can be expected to contribute to increases in pollutant loads throughout the basin. The long-term air pollutant emissions associated with potential residential development are expected to be significant. Air pollutant emissions associated with new vehicle trips and stationary sources would result in emissions levels that exceed the thresholds established by the SCAQMD for PM-10 primarily from dust and fume-producing industrial and agricultural operations, combustion, atmospheric photochemical reactions, and natural activities such as wind-raised dust and ocean spray. Residential development does not contribute to PM-10 in this manner. Depending on the nature of each individual proposed residential project, cumulative air quality impacts would be addressed in supplemental environmental documentation. Impacts would be less than significant.

- d) **Less Than Significant Impact.** Sensitive receptors include children, the elderly, pregnant women, and those with existing health problems that are affected by air pollution.<sup>5</sup> The project promotes development of housing for sensitive receptors. Nevertheless, the following General Plan Air Quality Element policies have been adopted to minimize air quality impacts on sensitive receptors.

**Air Quality Policy 1.1.** The city of Commerce will consider environmental justice issues as they are related to potential health impacts associated with air pollution and ensure that all land use decisions, including enforcement actions, are made

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<sup>5</sup> California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005. p.1.



in an equitable fashion to protect residents, regardless of age, culture, ethnicity, gender, race, socioeconomic status, or geographic location from the health effects of air pollution.

**Air Quality Policy 1.2.** The City of Commerce will encourage the applicants for sensitive land uses (e.g., residences, schools, daycare centers, playgrounds and medical facilities) to incorporate design features (e.g., pollution prevention, pollution reduction, barriers, landscaping, ventilation systems, or other measures) in the planning process to minimize the potential impacts of air pollution on sensitive receptors.

**Air Quality Policy 1.3.** The City of Commerce will promote and support mixed-use land patterns that allow the integration of retail, office, institutional and residential uses. Consult with the AQMD when siting new facilities with dust, odors or TAC emissions to avoid siting those facilities near sensitive receptors and avoid siting sensitive receptors near sources of air pollution.

The Housing Element promote development of housing in areas where housing does not presently exist. New housing is encouraged in the HOO as is consistent with the General Plan. The Housing Element does not involve any land use recommendations that are inconsistent with the any Element of the General Plan. Therefore, all potential development would be subject to air quality policies established in the General Plan stated above. The Housing Element does not involve any land use changes that would place sensitive receptors in areas subject to high pollutant concentrations from either mobile or stationary sources. Furthermore, project-specific environmental documentation pursuant to CEQA would identify potentially significant impacts and appropriate mitigation measures at the project level. Impacts would be less than significant.

- e) **Less Than Significant Impact.** According to the SCAQMD CEQA Air Quality Handbook, land uses associated with odor complaints typically include agricultural uses, wastewater treatment plants, food processing plants, chemical plants, composting, refineries, landfills, dairies, and fiberglass molding. As such, the implementation of the Housing Element Update does not include any uses identified by the SCAQMD as being associated with odors. Therefore, impacts associated with objectionable odors would be less than significant.

# Biological Resources

| <u>Issues (and Supporting Information Sources):</u>  | <u>Potentially Significant Impact</u> | <u>Less Than Significant with Mitigation Incorporation</u> | <u>Less Than Significant Impact</u> | <u>No Impact</u>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>4. BIOLOGICAL RESOURCES — Would the project:</b>  |                                       |  |                                     |                                     |
| a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

a, b, and d) **No Impact.** The city of Commerce is urbanized, and plant life in the city generally consists of nonnative, introduced, exotic, and ornamental species that are used for landscaping. No natural habitats remain in the city and according to the California Department of Fish and Wildlife, no sensitive habitats or species are found within Commerce or in adjacent areas.<sup>6</sup> Animal life in Commerce and nearby urban areas consists of species commonly found in an urban setting. Thus, future development that could occur as a result of the Housing Element Update and General Plan/Code Amendments would not have any adverse impacts on sensitive habitats, plants, and animals.

c) **No Impact.** The Housing Element Update would not have an adverse effect on federally protected wetlands. The city is located within an urbanized setting, and no natural habitats are found within the city or in adjacent areas. According to the United States Geological Survey for the Los Angeles 7 ½ Minute Quadrangle, no natural blue line

<sup>6</sup> City of Commerce General Plan. January 2008. Resource Management Element. Page 146.



streams have been identified within the city.<sup>7</sup> The Los Angeles and Rio Hondo rivers have been artificially modified to accommodate storm water flows. As a result, no wetland habitat would be disturbed by any future development. Therefore, the Housing Element Update and General Plan/Code Amendments would have no impact on federally protected land.

- e) **No Impact.** The City of Commerce has an active street tree program that is administered by the City's Department of Parks and Recreation. The Department plants and maintains trees as needed throughout the city, and places a special emphasis on specimen trees in the industrial and commercial areas. The Housing Element Update is consistent with General Plan Biological Resources and, thus, would not affect any of the many existing policies the City has in place to protect local trees. No impact would result from adoption and implementation of the Housing Element as a result in conflicting with any locally applicable policies or ordinances protecting biological resources.
- f) **No Impact.** There is no adopted Habitat Conservation Plan, Natural Community Plan, or other habitat conservation plan within Commerce.<sup>8</sup> As a result, no impacts to habitat conservation plans would occur under the Housing Element Update and General Plan/Code Amendments.

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<sup>7</sup> City of Commerce General Plan. January 2008. Final Environmental Impact Report, Biological Resources. Page 58.  
<sup>8</sup> City of Commerce General Plan. January 2008. Final Environmental Impact Report, Land Use and Development. Page 30.

# Cultural Resources

| <i>Issues (and Supporting Information Sources):</i>   | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>         |
|---|---------------------------------------|--|-------------------------------------|--------------------------|
| <b>5. CULTURAL RESOURCES — Would the project:</b>   |                                       |  |                                     |                          |
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?    | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?       | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Disturb any human remains, including those interred outside of formal cemeteries?                          | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Discussion

a) **Less Than Significant Impact.** The Housing Element Update strives to preserve historical resources throughout the community by ensuring that programs, policies, and sites identified in the Housing Element do not impact the historical resources in Commerce. According to the General Plan EIR, there are sites of local and statewide historical and cultural interest in Commerce, which include the former Uniroyal Tire Plant façade (now a part of Citadel shopping center/office complex) and the Pillsbury mill. Additionally, there are several sites of local significance within the city, which include the site of the Vail Landing Field in the northeastern portion of the city; the Union Pacific East Los Angeles Train Station; the Mount Olive. The Russian Molakian, and Mount Carmel ethnic cemeteries; and the 1942 Sleepy Lagoon Murder site.<sup>9</sup> None of the housing opportunity areas in the Housing Element are on properties listed as having local significance listed in the General Plan EIR on the State Register of Historical Places or sites of local significance that are or have the potential to be historic resources. Future development that would occur as a result of the Housing Element and General Plan/Code Amendments may lead to the demolition or altering of existing structures. Nevertheless, the General Plan established policies with respect to cultural resources that would be effective in maintaining and preserving important cultural resources in the city. Additionally, all development that could occur as a result of implementation of the Housing Element Update would be required to undergo Commerce's design review procedures outlined in the Municipal Code Chapter 19.39 Division 10 (see below).

**Resource Management Policy 2.2.** The city of Commerce will evaluate other potential significant sites in the community, and will continue to recognize the City's cultural and historical resources.

<sup>9</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Cultural Resources. Page 79.



**Resource Management Policy 2.3.** The city of Commerce will document local historic sites and promote the public's awareness of these resources.

**Design Guidelines and Review.** The city shall continue to implement its current design review procedures. The purpose of the design review process is to ensure that building design, architecture, and site layouts are compatible with surrounding development. The design review process is an important component of development review. This process may be used to consider a potential development's impact on the architectural integrity of historically significant structures and sites.

All development that would occur as a result of the Housing Element Update would adhere to all policies set forth in General Plan and Municipal Code. The proposed project would be compliant with all policies and standards in regard to historic properties; as a result, impacts would be less than significant.

- b) **Less Than Significant Impact.** None the housing opportunity areas are in areas containing known unique subsurface archaeological resources that could be impacted during ground disturbing activities. However, previously unknown and unrecorded archaeological resources could exist, and could be unearthed during excavation and grading. Archaeology discovery can occur even in already developed areas, as older buildings are known to have been built on top of or within archaeological deposits. It is Commerce's practice that if any resources are found during development, measures must be made to preserve those cultural resources. The City's General Plan Resources Management Element includes a cultural resource management program as a means to effectively implement City policies related to archaeological resources (see below). The program states that if archaeological or paleontological resources are encountered during excavation and grading activities, all work would cease until appropriate salvage measures are established in compliance with Appendix K requirements outlined in CEQA.<sup>10</sup> The Housing Element Update and General Plan/Code Amendments would be compliant with all General Plan and Municipal Code policies and programs. As a result, impacts would be less than significant.

**Cultural Resource Management.** Should archaeological or paleontological resources be encountered during excavation and grading activities, all work would cease until appropriate salvage measures are established. Appendix K of the California Environmental Quality Act (CEQA) Guidelines shall be followed for excavation monitoring and salvage work that may be necessary. Salvage and preservation efforts will be undertaken pursuant to Appendix K requirements outlined in CEQA.

<sup>10</sup> City of Commerce General Plan. January 2008. Implementation Measures. Page 150.



- c) **Less Than Significant Impact.** The potential for paleontological resources in Commerce is considered low due to the geological and topographical characteristics of the area.<sup>11</sup> Although unlikely, it is unknown whether paleontological resources could be found. Even though discovery is not anticipated, the City has established programs to address the preservation of paleontological resources. The Resource Management Element includes the Design Guidelines Review and Cultural Resource Management programs (listed above) as a means to implement the policies contained within the Resource Management Element. The Housing Element would be in compliance with all policies and implementation measures of the General Plan. Furthermore, impacts of future development projects would require evaluation on a project-specific basis. As a result, impacts on paleontological resources as a result of the Housing Element Update would be less than significant.
- d) **Less Than Significant Impact.** In the event that human remains are discovered during development of any site, the project proponent would be required to comply with the State Health and Safety Code 7050.5, which prohibits further disturbance until the County Coroner has made a determination of the origin and disposition pursuant to Public Resources Code 5097.98. The County Coroner must be notified immediately of the find. If the remains are determined to be prehistoric, the coroner is required to notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendant (MLD). With the permission of the owner of the land or his/her authorized representative, the descendant may inspect the site of the discovery. The descendant shall complete the inspection within 24 hours of notification of the NAHC. The MLD may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials.

Mandatory compliance with the State Health and Safety Code requirements in the course of excavation for any development project accommodated through implementation of the Housing Element renders this impact less than significant.

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<sup>11</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Cultural Resources. Page 80.



## Geology, Soils, and Seismicity

| <u>Issues (and Supporting Information Sources):</u>  | <u>Potentially Significant Impact</u> | <u>Less Than Significant with Mitigation Incorporation</u> | <u>Less Than Significant Impact</u> | <u>No Impact</u>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>6. GEOLOGY, SOILS, AND SEISMICITY —</b>   |                                       |  |                                     |                                     |
| <b>Would the project:</b>  |                                       |  |                                     |                                     |
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:   |                                       |  |                                     |                                     |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.) | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| ii) Strong seismic ground shaking?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iii) Seismic-related ground failure, including liquefaction?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| iv) Landslides?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in substantial soil erosion or the loss of topsoil?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### Discussion

- a) The adoption of the updated Housing Element would not in itself expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, including liquefaction and landslides.
- i. **No Impact.** There are no active faults within the city. As such, no areas of the city are included within an Alquist-Priolo Special Studies Zone.<sup>12</sup> No impact would occur.
  - ii. **Less Than Significant Impact.** The city is located in a seismically active region; existing and future land uses in the project area could be subjected to very strong ground shaking in the event of an earthquake. The primary seismic hazard to the

<sup>12</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Earth Resources. Page 47.

housing opportunity sites is strong ground shaking from an earthquake along any of the active faults in the region. The most major sources of a significant earthquake effecting the Commerce area include the San Andreas Fault, located approximately 35 miles to the northwest, and the Sierra Madre and Newport-Inglewood fault zones, located approximately 15 miles to the north and southwest, respectively.

All buildings are required to comply with the 2010 California Building Code (CBC), which include provisions to protect development against the effects of seismic events. Additionally, the Commerce General Plan Health and Safety Element has the following policies in place that seek to minimize the loss of life and damage to property, resulting from an earthquake.<sup>13</sup>

**Safety Policy 4.3.** The City of Commerce will work with the Los Angeles County Department of Building and Safety to identify and monitor those buildings that may represent a risk in the event of a major earthquake.

**Safety Policy 5.1.** The City of Commerce will continue to support the efforts of public safety officials to educate the public in preparing for a major and destructive earthquake.

**Safety Policy 5.2.** The City of Commerce will continually update the emergency preparedness plan to respond to changing needs.

The effects of seismic activity could result in significant impacts to the housing opportunity areas; however, adherence to above General Plan policies and CBC would ensure impacts related to the Housing Element Update and General Plan/Code Amendments to be less than significant.

iii and iv **Less Than Significant Impact.** The city is considered to have a limited liquefaction hazard.<sup>14</sup> According to the State of California Division of Mines and Geology, the city may be subject to liquefaction that may occur during ground shaking events of moderate intensity from any of the three major active fault zones within the region which include, the San Andres, Sierra Madre, and Newport-Inglewood. Therefore, development that may occur as a result of the Housing Element and General Plan/Code Amendments may be at risk to liquefaction occurring during strong ground shaking events. As stated in the General Plan EIR, the General Plan includes policies and programs that would reduce the impacts of future development to levels of less than significance including:

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<sup>13</sup> City of Commerce General Plan. January 2008. Safety Element. Pages 158 and 159.

<sup>14</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Earth Resources. Page 47.



**Health & Safety Policy 8.1.** The City of Commerce will work to minimize hazards to public health, safety, and welfare, and prevent loss of life, bodily injury, and property damage resulting from natural and manmade phenomena.<sup>15</sup>

**Health & Safety Policy 5.1.** The City of Commerce will ensure that appropriate mitigation measures relative to soil contamination and soils characteristics (subsidence, erosion, etc.) are required for development and redevelopment in order to reduce hazards.<sup>16</sup>

**Health and Safety Policy 4.3.** The City of Commerce will work with the Los Angeles County Department of Building and Safety to identify and monitor those buildings that may represent a risk in the event of a major earthquake.<sup>17</sup>

Additionally, Per Public Resources Code Section 2693(c), individual development geotechnical/soils reports would include measures to reduce seismic risk to acceptable levels to address potential impacts related to liquefaction. Therefore, future development that would occur as a result of the Housing Element and Code Amendments that would not introduce any new impacts. As a result, impacts associated with major seismic events related to ground shaking and liquefaction would be less than significant.

- b) **Less Than Significant Impact.** There is always the potential for soil erosion whenever ground disturbing activities occur. Any potential impacts would be addressed by individual development plans and implementation of standard grading erosion control measures through the grading permit. All projects that may occur as a result of the Housing Element Update and General Plan/Code Amendments would be required to develop in accordance with City standards, including the National Pollution Discharge Elimination System (NPDES) standards, which require the implementation of erosion control and best management practices (BMPs). The project would be compliant with all City standards and implementation measures. Therefore, less than significant impacts would occur as a result of the Housing Element Update and General Plan/Code Amendments.
- c) **Less Than Significant Impact.** The adoption of the updated Housing Element would not in itself result in projects that would be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse. The State Division of Mines and Geology designated all areas within the city a liquefaction zone,

<sup>15</sup> City of Commerce General Plan. January 2008. Safety Element. Page 161.

<sup>16</sup> City of Commerce General Plan. January 2008. Safety Element. Page 199.

<sup>17</sup> City of Commerce General Plan. January 2008. Safety Element. Page 216.

which would require geotechnical reports for potential construction projects. Per Public Resources Code Section 2693(c), individual development geotechnical/soils reports would include measures to reduce seismic risk to acceptable levels to address potential impacts related to liquefaction. Compliance with the applicable government code would reduce potential impacts to a less than significant level.

- d) **Less Than Significant Impact.** The adoption of the updated Housing Element would not in itself result in the projects that would be located on expansive soils, creating substantial risk to life or property. By adhering to accepted soils engineering and grading practices, the risk of settlement for future development occurring as part of the implementation of the Housing Element would be reduced to less than significant levels. Therefore, impacts related to expansive soils from the proposed project would be less than significant.
  
- e) **No Impact.** A public sewer system is available throughout housing opportunity areas and all future development projects that would occur as a result of the Housing Element implementation would be required to connect to the public sewer system. As such, septic tanks would not be utilized within proposed housing opportunity sites. No impacts would occur.



## Greenhouse Gas Emissions

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>         |
|--|---------------------------------------|--|-------------------------------------|--------------------------|
| <b>7. GREENHOUSE GAS EMISSIONS —<br/>Would the project:</b>  |                                       |  |                                     |                          |
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?      | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Discussion

- a) **Less Than Significant Impact.** Atmospheric gases, which allow solar radiation into the atmosphere but prevent heat from escaping, thus warming the Earth’s atmosphere, are often referred to as greenhouse gases (GHGs). GHGs are released into the atmosphere by both natural and anthropogenic (human) activity. The principal GHG resulting from anthropogenic activity that enter and accumulate in the atmosphere are carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>), nitrous oxide (N<sub>2</sub>O), and fluorinated gases such as hydrofluorocarbons. The accumulation of these gases in the atmosphere at levels in excess of natural activity levels increases the Earth’s temperature and result in changing climatic conditions in different parts of the planet, including California.

Future residential development in Commerce would be designed and constructed in accordance with the provisions of the Municipal Code and the land use policies of the General Plan. The proposed Housing Element does not change any land use policy or any building regulations that would raise or otherwise change development levels that could contribute to an increase in GHG.

The 2010 CBC regulations, adopted by Commerce would further increase energy efficiency in new residential buildings, which includes standards that would result in reductions in total energy demand; thereby reducing the level of GHG emissions generated from coal, natural gas, and oil-based energy sources. The Housing Element is designed to be in compliance with the all General Plan implementation measures related to GHG, as well as the standards set forth in the 2010 CBC. In addition, housing development that would occur under the Housing Element would be subject to subsequent environmental analysis to ensure that the sites are in compliance with State laws regulating GHG. Impacts related to GHG contributions would be less than significant.

- b) **Less Than Significant Impact.** A variety of standards and regulations have been passed in California since the 1970s that either directly or indirectly affect greenhouse gas emissions and climate change. Of those regulations, the California Climate Solutions

Act of 2006 (AB 32), is considered the most important legislation designed to decrease greenhouse gas emissions in California history. AB 32 requires that statewide greenhouse gas emissions be reduced to 2000 levels by the year 2010, 1990 levels by the year 2020, and to 80 percent less than 1990 levels by year 2050. These reductions would be accomplished through an enforceable statewide cap on greenhouse gas emissions that were phased in starting in 2012. In 2008, Sustainable Communities and Climate Protection Act (SB 375) was adopted to implement AB 32 goals for reduction of transportation-based GHG emissions through the direct linkage between regional transportation and land use/housing planning.

As discussed in Section 3.a) above, the housing opportunity locations identified in the updated Housing Element are located in areas with existing development where jobs and services are available and are primarily along major transit corridors. As such, the targeted housing sites would help achieve the goals of reducing vehicular trips and thereby help reduce total vehicular-based GHG emissions. The 2014-2021 Housing Element is consistent with AB 32, SB 375, and other plans or programs that have been adopted to achieve those legislative mandates. In addition, the City is participating with the SCAG RTP and Sustainable Communities Strategy (SCS) in the development of the region-wide SCS to implement SB 375 by reducing vehicular-based GHG emissions. The adoption of the Housing Element would be in compliance with City's General Plan and Municipal Code and would not conflict with applicable plans, policies, or regulations related to greenhouse gas. Impacts would be less than significant.



## Hazards and Hazardous Materials

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>8. HAZARDS AND HAZARDOUS MATERIALS —<br/>Would the project:</b>   |                                       |  |                                     |                                     |
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?                                   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |

### Discussion

- a,b) **No Impact.** The Commerce Housing Element Update is a policy and programmatic document intended to facilitate maintenance of the existing housing stock and production of new housing to meet the targeted housing needs of the community. Residential development does not require and is not expected to require the manufacturing, use, transportation, disposal, or storage of dangerous quantities of hazardous materials. Residential uses do not generate hazardous wastes or emissions, except for very small quantities of typical household cleaning agents, automotive maintenance products, paints, pesticides, and herbicides. The proposed Housing Element Update would not conflict with any hazardous materials regulations and would not exempt any future housing from the City's programs to control and safely dispose of hazardous materials



and wastes or to reduce the volume of wastes requiring landfill disposal. Thus, no impact would occur.

- c) **No Impact.** Future residential development that may be facilitated by the Housing Element Update would not generate hazardous air emissions, and would not involve the handling of any acutely hazardous substances or wastes. Thus, the updated Housing Element would not result in impacts related to the presence of any hazardous materials or emissions within a quarter mile of a school.
- d) **Less Than Significant Impact.** According to the California Department of Toxic Substance Control, in 2013, no parcels within the HOO were identified on the Hazardous Waste and Substances Site List or the State Water Resources Control Board (SWRCB) list of clean-up sites. Despite this, future housing development or redevelopment will be reviewed on a project-by-project basis as part of the City's standard environmental review process to determine if any site contamination has occurred and the degree of remediation required. This is consistent with the policies of the General Plan Safety Element and the findings of the General Plan EIR. Impacts would be less than significant.
- e) **No Impact.** The Housing Element Update, housing programs and policies, and the housing opportunity areas in the sites inventory would not be located within an airport land use plan. The nearest airport to the city is the El Monte Airport, located approximately seven miles to the southwest.<sup>18</sup> Because the housing opportunity areas are not located within the Airport Influence Area, the development that could occur as a result of the Housing Element and General Plan/Code Amendments would not result in a safety hazard for local residents or workers. Impacts would be less than significant.
- f) **No Impact.** The Housing Element Update and General Plan/Code Amendments is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working the area. Thus, no impact would occur.
- g) **No Impact.** Existing City development standards require that new development be designed so as not to interfere with an adopted emergency response plan or emergency evacuation plan. Therefore, no impact related to adoption and implementation of the proposed Housing Element Update would occur.
- h) **Less Than Significant Impact.** Commerce is highly industrialized and none of the housing opportunity areas are adjacent to wildland areas such that they would be at increased risks related to wildland fires. However, because of the city's industrialized nature, there is the potential for industrial fires to occur near housing opportunity areas. The General Plan Community Development Element includes the following policies to protect future development within the city.

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<sup>18</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Risk of Upset and Human Health. Page 62.



**Community Development Policy 1.1.** The city of Commerce will continue to promote land use compatibility.

**Community Development Policy 3.2.** The city of Commerce will prevent the intrusion of residential uses within the industrial and commercial districts.

**Health & Safety Policy 5.6.** The city of Commerce will maintain a City liaison officer who will continue to work with the Fire Department to monitor the production, use, and storage of hazardous materials.

**Health & Safety Policy 5.7.** The city of Commerce will establish an environmental review procedure that will assess the impact of new potentially hazardous industrial uses on adjacent residential neighborhoods.

The Housing Element would adhere to all General Plan policies and the adoption, by itself, would not result in any impacts related wildland or industrial fires. The nature and extent of this potential risk would need to be evaluated on a project-by-project basis. Impacts would be less than significant.

# Hydrology and Water Quality

| <i>Issues (and Supporting Information Sources):</i>   | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>9. HYDROLOGY AND WATER QUALITY —</b>   |                                       |  |                                     |                                     |
| <b>Would the project:</b>   |                                       |  |                                     |                                     |
| a) Violate any water quality standards or waste discharge requirements?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, in a manner that would result in substantial erosion or siltation on- or off-site?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Substantially alter the existing drainage pattern of a site or area through the alteration of the course of a stream or river, or by other means, substantially increase the rate or amount of surface runoff in a manner that would result in flooding on- or off-site?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Otherwise substantially degrade water quality?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| h) Place within a 100-year flood hazard area structures that would impede or redirect flood flows?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| j) Expose people or structures to a significant risk of loss, injury or death involving inundation by seiche, tsunami, or mudflow?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

a and f) **Less Than Significant Impact.** The project does not involve any development activity and thus would not directly violate water quality or discharge standards. Any development proposed pursuant to the Housing Element policy would be required to comply with water quality standards and waste discharge regulations set forth by the Regional Water Quality Control Board (RWQCB). No industrial wastewater discharges would be associated with the residential uses anticipated under the Housing Element's implementation. The majority of the potential development sites are currently paved or



covered over with impervious surfaces, which could lead to the presence of debris, soils, oil/grease, and other pollutants being transported into the storm drains on site. Given the developed character of the potential development sites, there is likely to be an improvement in the quality of storm water runoff. Future development projects consisting of five or more acres in land would be required to comply with the NPDES requirements. This includes retaining storm water from the impervious areas created by the project and allowing it to recharge into the ground. By retaining the water on site, there would be no violations to water quality standards, and no additional impact to the storm water system from potential residential development. Impacts due to water quality would be less than significant.

b) **Less Than Significant Impact.** The project is designed to promote the development of housing to meet the City's RHNA. An increase in local population resulting from housing development has the potential to increase demand on water resources, which would result in additional demand in groundwater supplies. However, implementation of the Housing Element would not require a water supply assessment per SB 610, which requires water assessments for proposed residential development of more than 500 dwelling units. The Metropolitan Water District (MWD) of Southern California is responsible for maintaining groundwater levels and ensuring acceptable groundwater quality. All future development would be required to employ applicable water conservation measures for interior plumbing and landscaping. No existing well would be impacted by future development.<sup>19</sup> Once specific development sites are slated for development, the City would determine the nature and extent of the required infrastructure as part of the development review and plan check process. As a result, the Housing Element's adoption and General Plan/Code Amendments would result in less than significant impacts on groundwater supply or interference with groundwater recharge.

c and d) **Less Than Significant Impact.** A majority of the potential development sites have already been developed and are largely covered over with impervious surfaces, including buildings, asphalt roadways, and parking areas. The housing opportunity sites have been previously graded and there is no natural course or patterns that would be altered or affected, either on-site or off-site. Post-project surface runoff volumes would be reduced compared to existing conditions due to an increase in on-site pervious area and required compliance with the City's Low Impact Development (LID) requirements set forth in City LID ordinance in an effort to curb the transport of pollutants to downstream receiving waters. Prior to development grading approval, applicants must provide compliance with LID. The NPDES requires development projects to adhere to specific water quality BMPs and the City's planned surplus supply would ensure the project implements specific water quality BMPs to ensure no erosion or siltation would occur as a result of project construction. Impacts would be less than significant.

<sup>19</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Water and Hydrology. Page 50.

- e) **Less Than Significant Impact.** There would not be a significant change in the amount of surface runoff volumes from the planning area due to the nature and extent of the existing impervious surfaces. There are no water bodies located within the areas where future residential development is contemplated or in the immediate vicinity that would be affected. The nature and extent of storm water runoff ultimately discharged into the existing storm drain system would not significantly change due to the amount of existing impervious surfaces found within potential development sites. Impacts would be less than significant.
- f) **Less Than Significant Impact.** The majority of the identified housing opportunity sites are currently paved or covered with impervious surfaces. However, future development could lead to the presence of debris, leaves, soils, oil/grease, and other pollutants. Under Section 402 of the Clean Water Act (CWA), all point source discharges of pollutants to waters of the United States (including lakes, rivers, wetlands, etc.) must be issued a NPDES permit. NPDES permits issued for point sources must contain measures for ensuring any discharges meet water quality-based provisions of Section 301 of the CWA. Discharges must meet an acceptable level of pollution control for that type of discharge, regardless of whether or not that level of control is specifically needed to protect the water body to which the discharge is directed. With implementation of these regulation and other application requirements, impacts would be less than significant.
- g,h, i) **No Impact.** Areas that are designated for future residential development do not fall within the 100-year floodplain and are not subject to specialized flood construction requirements. In addition, the housing opportunity areas are not within dam inundation areas. Thus, the adoption and implementation of the Housing Element will have no impact relative to the risk to property and life resulting from construction within the 100-year flood plain, and would not create a significant risk of loss, injury, or death involving flooding or dam inundation. No impact would occur.
- j) **No Impact.** There are no lakes or streams within the city or within the surrounding area.  
<sup>20</sup> As such, no impacts from a seiche, tsunami, or mudflow would occur.

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<sup>20</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Summary of Findings. Page 7.



## Land Use and Land Use Planning

| <i>Issues (and Supporting Information Sources):</i>   | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>10. LAND USE AND LAND USE PLANNING —</b>   |                                       |  |                                     |                                     |
| <b>Would the project:</b>   |                                       |  |                                     |                                     |
| a) Physically divide an established community?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Conflict with any applicable habitat conservation plan or natural community conservation plan?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### Discussion

- a) **No Impact.** The project does not establish any new roadway or other physical features that would disrupt existing patterns of circulation or socialization within the community. The project is a policy document focused on facilitating preservation of the existing housing stock and accommodating new development to satisfy the RHNA. No impact would occur.
- b) **No Impact.** The project is generally consistent with the City's General Plan and Zoning Ordinance and would not conflict with any policy, plan or regulation for the purpose of avoiding or mitigating an environmental effect. While the Housing Element does call for revisions to the Zoning Ordinance and General Plan, it does not impact policies or programs that are intended to avoid or mitigate an environmental effect. More specifically, the housing opportunities areas have not been identified for the purpose of hazard avoidance. There will be no impact on any plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect.
- c) **No Impact.** There is no adopted Habitat Conservation Plan, Natural Community Plan, or other habitat conservation plan within Commerce.<sup>21</sup> No impact would occur.

<sup>21</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Land Use and Development. Page 30.

# Mineral Resources

| <i>Issues (and Supporting Information Sources):</i>   | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>11. MINERAL RESOURCES — Would the project:</b>   |                                       |  |                                     |                                     |
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?                                | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

- a) **No Impact.** The city is not located within a Significant Mineral Aggregate Resource Area nor is it located in an area with active mineral extraction activities.<sup>22</sup> As such, the Housing Element Update would not conflict with an existing citywide resource management and conservation plans or loss of availability of a known mineral resource.
- b) **No Impact.** The City does not delineate any important mineral resources in the General Plan, and any of the Specific Plans and zoning in the city. No impact would occur.

<sup>22</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Energy and Mineral Resources. Page 60.



## Noise

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>12. NOISE — Would the project:</b>  |                                       |  |                                     |                                     |
| a) Result in Exposure of persons to, or generation of, noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Result in Exposure of persons to, or generation of, excessive groundborne vibration or groundborne noise levels?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| d) Result in a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) For a project located within an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| f) For a project located in the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

a-d) **Less Than Significant Impact.** The General Plan EIR found that potential noise impacts associated with development may be segregated into two categories: the impact of future development on surrounding land uses; and the compatibility of future development with noise sensitive land uses. The Housing Element Update and General Plan/Code Amendments could result in increased noise levels due to increase traffic volumes, construction noise, and other activities in open areas. However, a critical policy component of the General Plan is concerned with reducing potential noise impacts through proper land use planning. First, noise sensitive land uses are not to be located in areas subject to high ambient noise levels, as much as this is possible, Second, activities and/or land uses that generate high levels of noise are not located near sensitive receptors. Finally, the General Plan promotes measures that would reduce noise exposure through the use of site planning and construction techniques that consider noise exposure. Portions of the city are subject to high levels of rail yard noise. The following General Plan policies are designed to minimize the rail yard uses.

**Health & Safety Policy 8.1.** The City of Commerce will strive to reduce railroad noise impacts in the vicinity of Astor Avenue.



**Health & Safety Policy 8.2.** The City of Commerce will work with Union Pacific Railroad to reduce noise impacts from railroad operations in the vicinity of Washington Boulevard.

**Health & Safety Policy 8.3.** The City of Commerce will provide for measures to reduce noise impacts from transportation related noise sources.

**Health & Safety Policy 8.4.** The City of Commerce will evaluate the feasibility of constructing sound barriers to mitigate transportation-related noise from railroads and the freeways.

Because the project is a policy document, it will not directly expose persons to excessive noise levels or ground vibrations, or result in the creation of more noise. Residential land uses constructed pursuant to Housing Element policy are not common sources of excessive noise. The project will not directly contribute to noise, nor will project policies and programs result in the exposure of residents to new significant noise sources or to noise levels that exceed the City's standards. In addition, the Housing Element policies and programs will not conflict with the existing with Health and Safety policies of the General Plan; therefore, impacts will be less than significant.

- e) **No Impact.** The Housing Element Update, housing programs and policies, and the housing opportunity areas in the sites inventory would not be located in an airport land use plan. The closest public airport to city is El Monte, which is located approximately seven miles to the southwest.<sup>23</sup> Because the housing opportunity areas are not located within the Airport Influence Area, the development that would occur as a result of the Housing Element would not expose people residing or working in the area to excessive noise levels.
- f) **No Impact.** The Housing Element Update and General Plan/Code Amendments is not located within the vicinity of a private airstrip and would not expose people residing or working in the project area to excessive noise levels for people residing or working the area. Thus, no impact would occur.

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<sup>23</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Risk and Upset of Human Health. Page 62.



## Population and Housing

| <i>Issues (and Supporting Information Sources):</i>   | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>13. POPULATION AND HOUSING — Would the project:</b>  |                                       |  |                                     |                                     |
| a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Displace substantial numbers of existing housing units, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

### Discussion

- a) **Less Than Significant Impact.** The project promotes the production of housing and therefore may indirectly induce population growth. The EIR prepared for the Commerce General Plan documents a residential build out of 6,570 units and a maximum population of 25,623 residents, including the HOO.<sup>24</sup> According to the U.S. Census, the average household size in Commerce was 3.77 persons per unit. The City was allocated a total of 57 units through the RHNA, as shown in Table 1-4 of the Project Description. To accommodate the RHNA, the City introduced the HOO, which could accommodate approximately 367 units on a total of approximately 24 acres. If the City’s total HOO is developed and added to the existing (2007-2011) housing stock of 3,388 units the total count is 3,755 units. This total is less than the total housing units build out analyzed in the Commerce General Plan EIR. Moreover, based on the 2010 Census average household size for Commerce, 3.77 persons per household, adding 367 units would increase the population by approximately 1,384 residents. If this anticipated population is added the City’s 2010 population of 12,823, the total population count of 14,207 would be within the General Plan’s estimated build out population of 25,623 residents. Therefore, the project promotes housing consistent with adopted City polices. Impacts would be less than significant.
- b) **No Impact.** The adoption of the updated Housing Element would not result in the displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. The city is largely built out with most residential development consisting of infill development. No impact would occur.
- c) **No Impact.** The adoption of the updated Housing Element would not result in the displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. The city is largely built out with most residential development consisting of infill development. One principal objective of the Element is to

<sup>24</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Population and Housing. Page 34.

facilitate housing production for future residents in the city. No aspect of the project involves the displacement of any number of people. No impact would occur.

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## Public Services

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>         |
|--|---------------------------------------|--|-------------------------------------|--------------------------|
| <b>14. PUBLIC SERVICES — Would the project:</b>  |                                       |  |                                     |                          |
| a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the following public services: |                                       |  |                                     |                          |
| i) Fire protection?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| ii) Police protection?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iii) Schools?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| iv) Parks?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| v) Other public facilities?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Discussion

- a.i) **Less Than Significant Impact.** The City of Commerce contracts with the Los Angeles County Fire Department for fire protection and prevention services in the city. The existing contract between the City and the County calls for the staffing of three fire stations within the boundaries of the city. Because the housing opportunity areas would be primarily infill development that is within the service area of an existing fire station, developments that would occur under the proposed project would be within the seven minute radius for emergency calls. While the proposed project could result in an increased number of emergency calls and an increase of maintenance needs related to facilities and equipment, this increase would occur gradually over implementation of the Housing Element and the fire department would add staff, equipment, and maintenance on an as-needed basis in order to accommodate the increased demands. In addition, the Los Angeles County Fire Department will review all new development plans that will be required to conform to applicable fire protection and prevention requirement including, but not limited to building setbacks, emergency access, interior sprinklers, etc.<sup>25</sup> With compliance with all fire protection and prevention requirements, impacts on fire services would be less than significant.
- a.ii) **Less Than Significant Impact.** Law enforcement services in the city of Commerce are provided under contract by the Los Angeles County Sheriff's Department. The Sheriff's Department currently operates out of a facility located in unincorporated East Los Angeles. The current contract calls for 26 law enforcement personnel to be assigned to the city but remaining personnel may be assigned as the city requires. The demand for

<sup>25</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Public Services. Page 72.

police services and facility/equipment maintenance needs would increase gradually over the incremental implementation of the Housing Element Update and the police department would add staff, equipment, and maintenance services on an as-needed basis in order to accommodate these increased demands. As a result, the impacts of the proposed project related to police facilities is less than significant.

- a.iii) **Less Than Significant Impact.** The adoption of the updated Housing Element would not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered school facilities. However, residential development constructed pursuant to the Housing Element may incrementally increase students and place increased demands on local schools. The city is served by the Los Angeles Unified School District and the Montebello Unified School District.<sup>26</sup> School impacts fees and/or dedication of land would be required for future development projects accommodated by the project pursuant to State law and the requirements of the respective school districts. Under State law, new development projects are required to pay school impact fees. Since the Housing Element would be within the population growth projection for the city, the two school districts have accounted for any development within their planning process and the project wouldn't result in any unanticipated demand on their capacity. The payment of these fees would ensure impacts based on the adoption of the Housing Element and Code Amendments would be less than significant.
- a.iv) **Less Than Significant Impact.** The adoption of the updated Housing Element would not in itself result in substantial adverse physical impacts associated with the provision of new or physically altered park facilities. However, over time, new residences constructed pursuant to the Housing Element and Code Amendments would have the potential to increase demand for and use of park and recreational facilities and services. Environmental effects associated with the development of such future parks would be assessed and reduced to less than significant through the City's routine parks planning process, including compliance with CEQA. With compliance to the City's routine parks planning process, impacts to the City's park system would be less than significant.
- a.v) **Less Than Significant Impact.** The Housing Element does not plan for growth beyond that already anticipated in the General Plan build out assumptions, and therefore, no impacts on other public facilities would occur.

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<sup>26</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Public Services. Page 72.



## Recreation

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>         |
|--|---------------------------------------|--|-------------------------------------|--------------------------|
| <b>15. RECREATION — Would the project:</b>   |                                       |  |                                     |                          |
| a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?                          | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

## Discussion

- a) **Less Than Significant Impact.** As discussed in section 14.a.iv) above, the project would result in the indirect need for recreational facilities due to the promotion of housing development. However, with implementation of General Plan policies and implementation actions, including park development review by the Review Committee (representatives from the Planning, Public Works, Engineering, and Fire Departments), the Planning Commission and/or the City Council, these impacts would be less than significant.
- b) **Less Than Significant Impact.** The project does not include recreational facilities. The construction and expansion of recreational facilities may occur as a result of the new residential development. Nevertheless, as stated in the Commerce Code Section 19.07.010, all Commerce residential development zones, which potential housing opportunity areas within the Housing Element are subject to, would be required to provide open spaces and similar amenities. In Commerce, open space is an integral part of any development; it must be usable and accessible. The new or expanded park facilities are subject to CEQA review and would be evaluated on a project-by-project basis to determine impacts on the environment. Impacts would be less than significant.

# Transportation and Traffic

| <i>Issues (and Supporting Information Sources):</i>   | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|---|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>16. TRANSPORTATION AND TRAFFIC —<br/>Would the project:</b>  |                                       |  |                                     |                                     |
| a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| b) Conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location, that results in substantial safety risks?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| e) Result in inadequate emergency access?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| f) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

- a) **Less Than Significant Impact.** The Housing Element Update includes housing opportunity areas that could potentially increase the density of residences within Commerce. The potential increase in residential density could cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system. However, the Housing Element Update is a policy document and does not approve specific developments or propose rezoning; as a result, all future development and implementation of housing programs must be evaluated and potentially approved on a case-by-case basis. Subsequently, impacts on traffic associated with each development would be analyzed to ensure that traffic increases do not exceed street system capacity. This process would ensure impacts related to traffic and street system capacities would be less than significant.
- b) **Less Than Significant Impact.** The Los Angeles County Metropolitan Transportation Authority (Metro) is the designated Congestion Management Agency for Los Angeles



County, and is responsible for development and implementation of the Los Angeles Congestion Management Program (CMP). The CMP was adopted in 2010.

The 2010 CMP indicated a number of arterial intersection monitoring stations where CMP impacts could occur. The Santa Ana Freeway and the Long Beach Freeway ramps located in the city are the CMP-designated facilities in Commerce. Based on the CMP, the development that may occur as result of the Housing Element Update implementation could add daily trips to the city street system. Because the city is virtually built out, these additional trips would result from limited infill development, the redevelopment of older industrial areas, and recycling to higher densities in residential areas. The adoption and implementation of the Housing Element would not alter existing land use or circulation policy and would not conflict with the City's CMP compliance efforts. Thus, impact with respect to the CMP will be less than significant.

- c) **No Impact.** The Housing Element policies encourage development projects that would occur at or near ground level and would not have an effect on air traffic patterns or the locations of any airport facilities. Consequently, the project would not result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks and no impact would occur.
- d) **Less Than Significant Impact.** The adoption and implementation of the Housing Element would not directly result in the construction of new or previously unplanned roadways, grade separated facilities, or realignments of previously planned roads. All future streets and highway projects in Commerce would be designed in accordance with the applicable engineering standards and design parameters for the particular transportation component. Through the City's routine project-level design efforts, careful consideration would be given to a number of factors affecting safety aspects of the transportation network, such as speeds, grades, visibility, acceleration and deceleration lanes, traffic control mechanisms, visibility, pedestrian and bicycle safety, etc. Impacts would be less than significant.
- e) **Less Than Significant Impact.** The General Plan Public Safety Element establishes policies to provide adequate emergency response. In addition, the City requires proposals for new development to be submitted to the Fire Department for review to ensure that site design allows adequate access for Department personnel in case of structural fire. All housing development proposals pursuant to Housing Element policy would be subject to such review. Emergency access would continue to be a primary consideration in the design of all future improvements to the City's transportation network. Impacts related to inadequate emergency access would be less than significant.
- f) **No Impact.** One of the key components of the General Plan Circulation and Infrastructure Element is promoting alternative transportation methods, including transit, walking, and bicycling. No changes to any of the City's existing policies, plans and programs to support alternative modes of travel are proposed, and none of the proposed



Housing Element policies would conflict with these existing policies, plans and programs. No changes are proposed to the design standards for multi-modal transportation corridors, already included in the existing Circulation Plan. No changes to any bicycle routes are proposed and no changes are proposed to any development standards relating to the provision of facilities to support transit services or bicycle travel. No impact would occur.

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## Utilities and Service Systems

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>         |
|--|---------------------------------------|--|-------------------------------------|--------------------------|
| <b>17. UTILITIES AND SERVICE SYSTEMS —</b>   |                                       |  |                                     |                          |
| <b>Would the project:</b>  |                                       |  |                                     |                          |
| a) Conflict with wastewater treatment requirements of the applicable Regional Water Quality Control Board?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?                   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Require or result in the construction of new storm water drainage facilities, or expansion of existing facilities, the construction of which could cause significant environmental effects?                           | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e) Result in a determination by the wastewater treatment provider that would serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Comply with federal, state, and local statutes and regulations related to solid waste?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

### Discussion

- a,b,e) **Less Than Significant Impact.** Housing development facilitated by Housing Element policies could place increased demand on wastewater treatment services and facilities, however, as discussed in Section 13.a) the population and housing unit increases proposed by the Housing Element do not exceed SCAG projections for the city. All new residential development pursuant to the Housing Element policies and programs would be required to comply with existing water quality standards and waste discharge regulations set forth by the RWQCB to ensure that there is not a significant effect on the environment; therefore, less than significant impacts would occur.
- c) **Less Than Significant Impact.** The adoption of the updated Housing Element would not in itself require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. The EIR that was prepared for the Commerce General Plan states that future development would not generate any excessive runoff to the storm water system other than runoff from building, roofs, parking areas, and other impervious surfaces. Master planned drainage facilities are designed to accommodate this additional flow and future development would not contribute to significant incremental increased in

the quantity of pesticides, fertilizers, and detergents into the storm drain system. The development that could occur as a result of the Housing Element and Code Amendments does exceed the build out anticipated in the General Plan, as a result, no water quality impacts would occur as part of any future development.

- d) **Less Than Significant Impact.** The project is designed to promote the development of housing in order to meet the City's assigned RHNA. However, increases in the City's population could result in increased demand on water resources. As indicated in the General Plan EIR, the ultimate development permitted under the existing General Plan would consume 13,464,512 gallons of water on a daily basis. Under the proposed General Plan build-out the total water consumption would be 13,146,650 gallons per day, a decrease of 47,862 gallons(-0.3 percent) per day.<sup>27</sup> Moreover, potential development that could occur would be required to comply with water conservation requirements set forth in Title 24 of the California Code of Regulations and the City's Water Conservation Ordinance No. 619. Therefore, development that could occur as a result of the Housing Element implementation would be required to adhere to aforementioned California Code and Municipal Code water conservation ordinance. As the Housing Element is not recommending any increase in residential development in excess of the approved General Plan, impacts would be less than significant.
- f,g) **Less Than Significant Impact.** Housing development facilitated by the Housing Element policies could place increased demand on solid waste services or landfill capacity. The project area is required to have recycling collection and loading facilities in compliance with California Integrated Waste Management Act of 1989 (AB 939), and divert 50 percent of their solid waste through source reduction, recycling, and composting. The City of Commerce contracts for solid waste collection services with Metropolitan Waste Disposal. The contractor transports waste to the Puente Hills Landfill in Whittier, operated by the Sanitation Districts of Los Angeles County.<sup>28</sup> Therefore, solid waste generated by implementation of the Housing Element would be disposed of at the Puente Hills Landfill, which has a currently permitted remaining capacity, as of October 2009, of 35,200,000 cubic yards (CIWMB, 2013). Additionally, the City contracts with Paramount Resource to haul recyclables to the Commerce Refuse Incinerator and other recycling centers in the surrounding communities. Each residential development that could occur pursuant to Housing Element policy would be required to comply with federal, State, and local statutes and regulations related to the disposal of solid waste. Impacts would be less than significant.

---

<sup>27</sup> City of Commerce General Plan. January 2008. Environmental Impact Report, Utilities. Page 76.

<sup>28</sup> Sanitation Districts of Los Angeles County, official website, [http://www.lacsd.org/solidwaste/swfacilities/landfills/puente\\_hills/default.asp](http://www.lacsd.org/solidwaste/swfacilities/landfills/puente_hills/default.asp), accessed August 20, 2013.



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# Mandatory Findings of Significance

| <i>Issues (and Supporting Information Sources):</i>  | <i>Potentially Significant Impact</i> | <i>Less Than Significant with Mitigation Incorporation</i> | <i>Less Than Significant Impact</i> | <i>No Impact</i>                    |
|--|---------------------------------------|--|-------------------------------------|-------------------------------------|
| <b>18. MANDATORY FINDINGS OF SIGNIFICANCE —</b>  |                                       |  |                                     |                                     |
| <b>Would the project:</b>  |                                       |  |                                     |                                     |
| a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |
| b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?  | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input checked="" type="checkbox"/> | <input type="checkbox"/>            |
| c) Have environmental effects that would cause substantial adverse effects on human beings, either directly or indirectly?   | <input type="checkbox"/>              | <input type="checkbox"/>                                   | <input type="checkbox"/>            | <input checked="" type="checkbox"/> |

## Discussion

- a) **No Impact.** The Housing Element Update and the associated housing programs and policies do not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of major periods of California history or prehistory. The Housing Element Update is consistent with the City of Commerce's General Plan. The Housing Element Update itself does not approve specific developments or specific housing programs that outline a change in zoning; all future development and implementation of housing programs must be evaluated and potentially approved on a case-by-case basis. Subsequently, impacts associated with each potential development would be analyzed to ensure the preservation of the environment.
- b) **Less Than Significant Impact.** The Housing Element Update is a policy document that sets forth housing programs to meet State requirements and regional housing needs as well as identifies sites suitable for future residential development. The programs outlined and the sites identified within the Housing Element Update would cumulatively increase residential development within the city during the 2014-2021 planning period.

Overall, the long-term development of the housing opportunity areas are consistent with the growth projections identified in the General Plan and the anticipation of the additional units within the HOO have been evaluated in the General Plan EIR. Therefore, the



proposed Housing Element Update would not result in new or additional cumulative impacts.

- c) **No Impact.** The Housing Element Update and the housing programs and policies contained within the document do not have environmental effect that would cause substantial direct or indirect adverse effects on human beings. The Housing Element Update is a policy document that does not approve specific residential development. Potential residential development would be evaluated on a case-by-case basis to ensure no substantial direct or indirect adverse effects on human beings from environmental effects.
-

# Section IV. References

## 1. Acronyms

|  |                  |
|--|------------------|
| Air Quality Management Plan                                  | AQMP             |
| Area Medium Income   | AMI              |
| Assembly Bill  | AB               |
| average daily traffic  | ADT              |
| best management practices                                    | BMPs             |
| California Air Resources Board                               | CARB             |
| California Americans with Disabilities Act                   | Cal ADA          |
| California Building Code                                     | CBC              |
| California Climate Solutions Act of 2006                     | AB 32            |
| California Department of Housing and Community Development   | HCD              |
| California Integrated Waste Management Act of 1989           | AB 939           |
| carbon dioxide   | CO <sub>2</sub>  |
| Clean Water Act  | CWA              |
| Congestion Management Program                                | CMP              |
| Councils of Governments                                      | COGs             |
| Department of Housing and Community Development              | HUD              |
| Department of Toxic Substances Control                       | DTSC             |
| Greenhouse gases   | GHGs             |
| Los Angeles Community Development Commission                 | LACDC            |
| methane  | CH <sub>4</sub>  |
| Most Likely Descendant                                       | MLD              |
| National Pollution Discharge Elimination System              | NPDES            |
| Native American Heritage Commission                          | NAHC             |
| National Hot Rod Association                                 | NHRA             |
| nitrous oxide  | N <sub>2</sub> O |
| Particulate matter less than 10 microns in size              | PM10             |
| Regional Housing Needs Assessment                            | RHNA             |
| Regional Transportation Plan                                 | RTP              |
| Regional Water Quality Control Board                         | RWQCB            |
| South Coast Air Quality Management District                  | SCAQMD           |
| Southern California Association of Governments               | SCAG             |
| The Los Angeles County Metropolitan Transportation Authority | Metro            |
| Water Supply Assessment                                      | WSA              |



## 2. List of Preparers

City of Commerce  
Community Development Department  
2535 Commerce Way  
Commerce, CA 90040

Matt Marquez, City Planner

Alexa Washburn, Project Manager  
Dana Martinez, Environmental Planner  
Kelly Ross, Technical Editor

## 3. References

California Air Resources Board. Air Quality and Land Use Handbook: A Community Health Perspective. April 2005. p.1.

City of Commerce. City of Commerce General Plan. January 2008

City of Commerce. City of Commerce General Plan. EIR. January 2008.

California Integrated Waste Management Board (CIWMD), official website,  
<http://www.calrecycle.ca.gov/SWFacilities/Directory/19-AA-0053/Detail/> accessed on August 15, 2013.

Sanitation Districts of Los Angeles County, official website,  
[http://www.lacsd.org/solidwaste/swfacilities/landfills/puente\\_hills/default.asp](http://www.lacsd.org/solidwaste/swfacilities/landfills/puente_hills/default.asp), accessed August 20, 2013.

Southern California Association of Governments (SCAG). 2012-2035. Regional Transportation Plan. April 2012.



**DEPARTMENT OF TRANSPORTATION**  
DISTRICT 7, TRANSPORTATION PLANNING  
IGR/CEQA BRANCH  
100 MAIN STREET, MS # 16  
LOS ANGELES, CA 90012-3606  
PHONE: (213) 897-9140  
FAX: (213) 897-1337



*Flex your power!  
Be energy efficient!*

October 23, 2013

2013 OCT 25 PM 3:06

Mr. Matt Marquez  
City of Commerce  
2535 Commerce Way  
Commerce, CA, 90040

RE: City of Commerce Housing Element  
Negative Declaration (ND)  
IGR/CEQA No. 130951JP  
SCH No. 201391075  
Vic. LA I-710, LA I-5

Dear Mr. Marquez:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the above referenced project. The project proposes an update of the Housing Element in the City of Commerce's General Plan. This update spans an eight year period and attempts to address existing and future housing needs for people of all economic segments in the City.

Based on the information provided in the ND, Caltrans offers the following comments:

As you are aware, Caltrans is the State agency with jurisdiction over Interstate 710 (I-710) and Interstate 5 (I-5), which are the main freeways through the City of Commerce. Currently, the Level-of-Service (LOS) for segments of the I-710 & the I-5 traversing through the City of Commerce operate at LOS F. Although, as stated on Page 54 of the Initial Study, based on the CMP, the impact of additional traffic on the I-710 and I-5 freeways would be less than significant. However, Caltrans consider the use of the CMP requirements alone to be adequate when preparing an analysis of the State Highway facility. Any additional traffic added to an already saturated facility, is considered a significant impact and would require mitigation.

We understand that individual projects may be required to prepare a separate environmental report and traffic study pursuant to the California Environmental Quality Act (CEQA). As such, Caltrans requests to be included early in the environmental process to provide valuable information on the scope and methodology to be used when analyzing the State facilities. When analyzing State facilities, Caltrans follows the latest edition of the Highway Capacity Manual (HCM) methodology. Please refer to Caltrans' Guide for the Preparation of Traffic Impact Studies, which can be downloaded from the Internet at:  
[www.dot.ca.gov/hq/tpp/offices/ocp/igr\\_ceqa\\_files/tisguide.pdf](http://www.dot.ca.gov/hq/tpp/offices/ocp/igr_ceqa_files/tisguide.pdf)

Caltrans is also concerned with the cumulative impacts that future developments may have on the State facilities. Caltrans encourages the City to work with neighboring cities to resolve any cumulative significant traffic impacts that future projects may contribute to. The plan to work with the neighboring cities should be discussed in the Circulation/Mobility Element of the

*"Caltrans improves mobility across California"*

Mr. Marquez  
October 23, 2013  
Page 2 of 2

General Plan or a new Resolution/Policy should be passed. Caltrans suggests that the policies include the following:

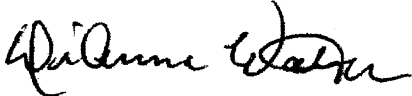
- The City will work with neighboring cities to address cumulative significant traffic impacts on the I-5 and I-710 freeways as a result of developing 110 dwelling units indicated in Table 1-3.
- The City will form a fair share fee program working with neighboring cities to improve the State facilities.
- Development of these projects will require collaboration with Caltrans in the planning and implementation of transportation impact analysis and improvements.

Caltrans understands that mitigating cumulative traffic impacts might present challenges. However, we request that the City support establishment of a funding process for eventual mitigation of the regional cumulative traffic impacts from medium to large sized developments. Funding of this kind might include citywide traffic impacts fees with neighboring cities and be based on assessments of individual projects. Such funding would help maintain economic vitality and regional livability. A city Plan for mitigation of cumulative impacts could include plans for phased transportation improvements.

Caltrans offers assistance in the areas of traffic modeling, operations analysis, data collection, environmental and community impact assessment, as well as identifying critical operational deficiencies.

If you have any questions, please feel free to contact Jonathan Palacio, Project Coordinator, at (213) 897-3747 and refer to IGR/CEQA No. 130951JP-ND.

Sincerely,



DIANNA WATSON  
IGR/CEQA Branch Chief

cc: Scott Morgan, State Clearinghouse



Edmund G. Brown Jr.  
Governor

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

2013 OCT 28 PM 3: 32



Ken Alex  
Director

October 24, 2013

Matt Marquez  
City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

Subject: 2014-2021 Housing Element Update & Related General Plan/Code Amendments  
SCH#: 2013091075

Dear Matt Marquez:

The State Clearinghouse submitted the above named Negative Declaration to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on October 23, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan  
Director, State Clearinghouse

Enclosures

cc: Resources Agency

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044  
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

**Document Details Report**  
**State Clearinghouse Data Base**

---

**SCH#** 2013091075  
**Project Title** 2014-2021 Housing Element Update & Related General Plan/Code Amendments  
**Lead Agency** Commerce, City of

---

**Type** Neg Negative Declaration  
**Description** The Housing Element is an integral component of the City's General Plan, as it addresses existing and future housing needs for persons of all economic segments in the City. The City of Commerce's long-term housing goal is to provide housing opportunities to meet the diverse needs of the community.

---

**Lead Agency Contact**

**Name** Matt Marquez  
**Agency** City of Commerce  
**Phone** (323) 722-4805 x2349  
**email**  
**Address** 2535 Commerce Way  
**City** Commerce **State** CA **Zip** 90040  
**Fax**

---

**Project Location**

**County** Los Angeles  
**City** Commerce  
**Region**  
**Lat / Long**  
**Cross Streets**  
**Parcel No.** Citywide  
**Township** **Range** **Section** **Base**

---

**Proximity to:**

**Highways**  
**Airports**  
**Railways**  
**Waterways**  
**Schools**  
**Land Use** All zoning & General Plan land use designations that currently permit residential land uses.

---

**Project Issues** Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Toxic/Hazardous; Traffic/Circulation; Water Quality; Landuse; Other Issues

---

**Reviewing Agencies** Resources Agency; Department of Fish and Wildlife, Region 5; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 7; Department of Housing and Community Development; Regional Water Quality Control Board, Region 4; Native American Heritage Commission; Public Utilities Commission

---

**Date Received** 09/24/2013 **Start of Review** 09/24/2013 **End of Review** 10/23/2013

## PUBLIC UTILITIES COMMISSION

320 WEST 4TH STREET, SUITE 500

LOS ANGELES, CA 90013

(213) 576-7083



October 17, 2013

Matt Marquez  
City of Commerce  
2535 Commerce Way  
Commerce, CA 90040

clear  
10/23/13  
RECEIVED

OCT 17 2013

STATE CLEARING HOUSE

Dear Mr. Marquez:

Re: SCH 2013091075 Commerce 2014-2021 Housing Element Update - DND

The California Public Utilities Commission (Commission) has jurisdiction over the safety of highway-rail crossings (crossings) in California. The California Public Utilities Code requires Commission approval for the construction or alteration of crossings and grants the Commission exclusive power on the design, alteration, and closure of crossings in California. The Commission Rail Crossings Engineering Section (RCES) is in receipt of the Draft *Negative Declaration (DND)* for the proposed City of Commerce (City) 2014-2021 Housing Element Update project.

The project area includes active railroad tracks. RCES recommends that the City add language to the Housing Element Update so that any future development adjacent to or near the railroad/light rail right-of-way (ROW) is planned with the safety of the rail corridor in mind. New developments may increase traffic volumes not only on streets and at intersections, but also at at-grade crossings. This includes considering pedestrian circulation patterns or destinations with respect to railroad ROW and compliance with the Americans with Disabilities Act. Mitigation measures to consider include, but are not limited to, the planning for grade separations for major thoroughfares, improvements to existing at-grade crossings due to increase in traffic volumes and continuous vandal resistant fencing or other appropriate barriers to limit the access of trespassers onto the railroad ROW.

If you have any questions in this matter, please contact me at (213) 576-7076, [ykc@cpuc.ca.gov](mailto:ykc@cpuc.ca.gov).

Sincerely,

Ken Chiang, P.E.  
Utilities Engineer  
Rail Crossings Engineering Section  
Safety and Enforcement Division

C: State Clearinghouse

