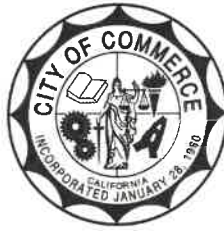


Kevin Lainez Chairperson
Ernesto Gonzalez Vice Chairperson
Annelle Grajeda Commissioner
Evelyn Serfozo Commissioner
Johncito Peraza Commissioner



COMMERCE CITY HALL
Council Chambers
5655 Jillson Street
Commerce, CA 90040
Phone: (323) 722-4805
Fax: (323) 726-6231

AGENDA

REGULAR MEETING OF THE PLANNING COMMISSION - (TELECONFERENCE)

WEDNESDAY, MARCH 25, 2020 – 6:30 P.M.

PHONE NUMBER: (872) 240-3311

ACCESS CODE NUMBER: 618-863-077

BROWN ACT COMPLIANCE DURING COVID-19 EMERGENCY:

On March 18, 2020, Executive Order N-29-20 was signed by Governor Gavin Newsome and provides local legislative body authority to hold public meetings via teleconferencing and make public meetings accessible “telephonically or otherwise electronically” to all members of the public seeking to observe and to address the legislative body. All requirements of the Brown Act expressly or impliedly requiring the physical presence of board members or of the public as a condition of a quorum or public meeting are waived. Members of the public can provide public comment by calling the telephone number above during the time and date noted herein.

CALL TO ORDER

Chairperson Lainez

FLAG SALUTE / INVOCATION

Chairperson Lainez

ROLL CALL

PUBLIC COMMENT

The public is given this opportunity to address the Planning Commission on any matter within its responsibility. Discussion or deliberation will not be entered into at this time in accordance with the Brown Act.

PUBLIC HEARINGS

1. Conditional Use Permit No. 541
5555 Telegraph Road

Eddie Tafoya
4555 Everett Avenue
Vernon, CA 90058

A request to allow the establishment and operation of retail sales within an existing 8,351 square foot industrial building in the City's M-2 zoning district.

Staff Recommendation: Approve with conditions

COMMISSION / STAFF REPORTS

ADJOURNMENT

Agenda and written materials are available for public inspection immediately following the posting of this agenda (at least 72 hours prior to a regular Planning Commission meeting) on the City Web and at the following link: <http://www.ci.commerce.ca.us/index.aspx?NID=355>



STAFF REPORT CONDITIONAL USE PERMIT NO. 541

TO: Planning Commission
FROM: Economic Development and Planning Department
DATE: March 25, 2020
CASE NO.: Conditional Use Permit No. 541

APPLICANT REQUEST:

Conditional Use Permit (CUP): To allow the establishment and operation of retail sales within an existing 8,351 square foot industrial building in the City's M-2 zoning district. Pursuant to Chapter 19.11, Table 19.11.030A of the Commerce Municipal Code (CMC), retail sales in the M-2 zone district requires the review and approval of a Conditional Use Permit (CUP).

LOCATION: 5555 Telegraph Road
Commerce CA 90040

APPLICANT: Dura Flooring, Inc.

REPRESENTATIVE: Eddie Tafoya
4555 Everett Avenue
Vernon, CA 90058

RECOMMENDATION: Approval with Conditions

PUBLIC HEARING NOTICE:

The Public Hearing Notice was published in the Los Cerritos News on March 12, 2020 and mailed to property owners within 500 feet of the project site.

ATTACHMENTS: A) Specific Findings for Conditional Use Permit
B) Conditions of Approval
C) Plans

LAND USE, ZONING AND APPLICABLE REGULATIONS:

Project Site - Land Use & Applicable Regulations	
General Plan Designation:	Industrial
Zoning:	M-2 (Heavy Industrial)
Applicable Zoning Regulations:	Commerce Municipal Code (CMC) Chapter 19.11 Manufacturing Zones; CMC Section 19.39.390 Conditional Use Permit; CMC Section 19.39.420 Required Findings; CMC Section 19.39.430 Conditions of Approval; CMC Chapter 19.21 Off-Street Parking and Loading.

SURROUNDING ZONING AND LAND USES:

Direction	Zoning	Land Use
North	M-2	Industrial
South	Caltrans Property	Interstate 5
East	C-2	Unlimited Commercial
West	M-2	Industrial

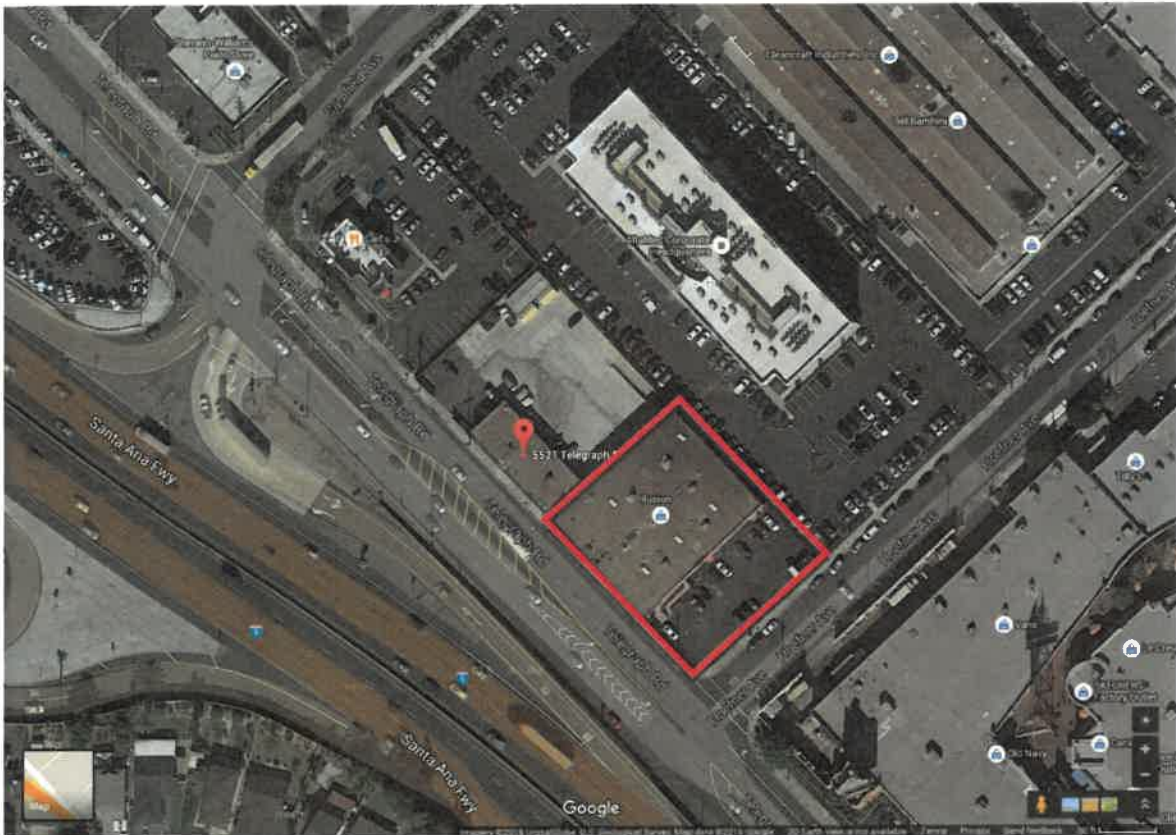
ENVIRONMENTAL ASSESSMENT:

This project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15301, Class 1, Existing Facilities). This section specifically applies to small additions, expansions or alterations to existing structures where there is negligible or no expansion of the use. In this case, the business known as Dura Flooring, Inc. is proposing the retail sales of flooring products. The retail sales will occupy an area of 1,439 square feet within an existing 8,351 square foot building. No new square footage is proposed as a result of this project.

DESCRIPTION OF PROPERTY:

The subject property is flat in nature with an approximate land area of 28,750 square feet, and is situated in the City's Heavy Industrial Zoning District (M-2). The site is developed with an approximately 16,784 square foot industrial building. The industrial building is designed for two tenants which the applicant will occupy 8,392 square feet out of the 16,784 square foot industrial building. The applicant

currently has their business located at 4720 E. Washington Boulevard in the City of Commerce. The new project site is shown below; outlined in red:



ANALYSIS:

Background

The applicant is requesting a Conditional Use Permit to allow the establishment and operation of retail sales within an existing 8,392 square foot industrial building in the City's M-2 zoning district.

Conditional Use Permit

Pursuant to Chapter 19.11, Table 19.11.030A of the Commerce Municipal Code (CMC), retail sales in the M-2 zone district requires the review and approval of a Conditional Use Permit (CUP). A CUP allows a city to ensure that the retail sales do not result in adverse impacts on adjacent properties and residents or on surrounding neighborhoods. The purpose of the CUP process is to analyze uses that due to their operating characteristics may have the potential to impact surrounding properties. The CUP process also allows staff to tailor conditions of

Parking and Maneuvering

As part of its review, staff has determined that the use will conform to the permissible parking requirements identified in Chapter 19.21 of the Zoning Ordinance. The purpose of the parking requirements is to ensure all land uses in the city provide adequate off-street parking facilities, loading areas, and vehicle movement areas associated with a use. The intent of these regulations is to ensure that the use of land does not interfere adversely with the circulation of public right-of-way, that private on-site circulation does not pose a potential safety issue, and that surrounding uses are protected from the noise and traffic impacts associated with off-street parking and loading activities.

The proposed retail sales/warehouse would measure approximately 8,392 square feet. Pursuant to the Commerce Municipal Code, 1 parking space is required for every 250 square feet of retail space, 1 parking space is required for every 300 square feet of office space, and 1 parking space is required for every 2,000 square feet of warehouse space. The square footage and parking breakdown for the subject project is shown below in Table 1:

Table 1

PROPOSED USE (5555 Telegraph Rd)	SQUARE FOOTAGE	PARKING REQUIRED
Dura Flooring, Inc.	8,392	
Retail	1,439	6
Warehouse	5,756	3
Office	1,197	4
Total Parking Spaces Required:		13
Total Parking Spaces Provided:		13

As shown above, the project site will provide a total of 13 parking spaces, which a total of 13 parking spaces is required. The existing industrial building provides one existing loading area (facing Hoefner Avenue) that allows the applicant to load and unload merchandise. The entrance to the building is also facing Hoefner Avenue.

As stated earlier in this report, the project site is located in the City's M-2 (Heavy Industrial) zone. This zone was created to provide suitable land intended to accommodate heavy industrial uses. Furthermore, the requirements of this zone are intended to provide safeguards and to establish adequate buffer distances between uses that pose potentially adverse public health, safety, and welfare impacts to land uses in adjacent, more restrictive zoning districts.

The City recognizes that certain uses, due to their operating characteristics, intensity, or size, require special review to determine if the proposed use, or the location of such use, is compatible with surrounding uses. Through the imposition

of conditions, such uses can be conditioned to ensure compatibility with surrounding uses.

CONCLUSION:

Staff believes that the Planning Commission can make the necessary findings for granting the requested Conditional Use Permit to allow the establishment and operation of retail sales within an existing 8,351 square foot industrial building in the City's M-2 zoning district. The site is surrounded by a mixture of commercial and industrial uses and will be operated in harmony with these uses. As analyzed, the proposal will not trigger any need for variances nor will be inconsistent with the intent of the zoning code. As such, the Commercial/Industrial Land Use in this area of the City is consistent with other permissible activities within the M-2 zone.

Therefore, staff recommends that the Planning Commission approve Conditional Use Permit No. 541 with the Specific Findings in Attachment A and the Conditions of Approval in Attachment B.

Prepared by: Sonia Griego
Associate Planner

Reviewed by: Jose D. Jimenez
Director of Economic Development and Planning

Reviewed by: Noel Tapia
City Attorney

**ATTACHMENT A
SPECIFIC FINDINGS FOR CONDITIONAL USE PERMIT #541**

Commerce Municipal Code Section 19.39.420 requires that before granting a Conditional Use Permit, the Planning Commission must satisfy itself by making the following findings:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Title 19. ***The proposed retail sales use is conditionally permitted within the M-2 zone pursuant to the Commerce Municipal Code (CMC). The subject project will allow for the establishment of a use intended to provide a variety of goods and services necessary to meet the needs of the resident and business populations.***
2. The proposed use would not impair the integrity and character of the zone in which it is to be located. ***The proposed use is consistent with other uses in the immediate vicinity and throughout the M-2 zone. The applicant will be providing retail sales within an existing industrial building. No additional square footage is proposed as part of this recommendation. As such, the proposed use will not impair the integrity of the area or its character. Appropriate conditions of approval have also been crafted in order to ensure the use operates in a manner so as not to impact the area in which it is located.***
3. The subject site is physically suitable for the type of land use being proposed. ***As proposed, all improvements to accommodate the proposed retail sales use will occur within the existing footprint of the building. No additional square footage is being proposed. There will be adequate parking spaces to accommodate customers and employees. Street access will be provided off Hoefner Avenue. Therefore, the subject site is physically suitable for the proposed retail sales.***
4. The proposed use is compatible with the land uses presently on the subject property. ***The project site is surrounded by other commercial and industrial uses. The use is one that is conditionally permitted in the M-2 zone and will serve to further enhance the City's vision for the area. The proposed use is compatible with adjacent uses and combined with other uses in the M-2 zone, will serve to help provide a variety of goods and services necessary to meet the needs of the resident and business populations.***
5. The proposed use would be compatible with existing and future land uses within the zone and the general area in which the proposed use is to be

located. ***The use is one that is conditionally permitted in the M-2 zone and will serve to further enhance the City's vision for the area. The proposed use is compatible with existing uses and the future land uses for the area in the M-2 zone.***

6. There would be adequate provisions for water, sanitation, and public utilities and services to ensure that the proposed use would not be detrimental to the public health and safety. ***The project site is located in an urbanized area where similar uses exist. It will be located immediately adjacent to uses that have adequate provision for water, sanitation, and public utilities. Similar access to utilities will be provided to the project applicant and therefore adequate provisions are in place.***

6. There would be adequate provisions for public access to serve the subject proposal. ***The project site is on a developed parcel within the City. Access to the site will be provided by an existing driveway off Hoefner Avenue. Therefore, adequate provisions for public access will be provided.***

8. The proposed use is consistent with the objectives, policies, general, uses, and programs of the Commerce General Plan. ***The proposed use is consistent with the objectives, policies, general land uses, and programs of the Commerce General Plan. The Commerce General Plan designates the project area as Industrial. This project is consistent with the General Plan in that it contributes to help establish an orderly pattern of development and a wide range of commercial and industrial activities. The project will also continue to promote the improvement of existing commercial/industrial areas along Telegraph Road.***

9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare. ***The proposed use will be maintained in a safe and efficient manner while providing services, in accordance with the imposed conditions. The conditions imposed will ensure that the public interest, health, safety and convenience or welfare is served. Therefore, the proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare.***

10. The proposed design and elevations preserve and maximize the image, character, and visual quality of the neighborhood. ***The exterior of the existing building will be repainted and install new signage. The proposed use will serve to enhance the character and visual quality of the area. The subject project is consistent with those existing uses in the area and the City's vision of continued promotion and improvement of existing commercial/industrial areas.***

ATTACHMENT B
CONDITIONS OF APPROVAL FOR CONDITIONAL USE PERMIT #541

STAFF RECOMMENDATION:

1. A Conditional Use Permit approval is valid and in effect and granted pursuant to the provisions of Title 19 of the Commerce Municipal Code and shall be valid only on the property for which it was granted and only for the improvements for which it is granted and further, shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.
2. All conditions shall be binding upon the applicants, their successors and assigns; shall run with the land; shall limit and control the issuance and validity of certificates of occupancy; and shall restrict and limit the construction, location, and use and maintenance of all land and structures within the development.
3. This permit (CUP) and all rights hereunder shall terminate within twelve months of the effective date of the permit unless operations are commenced or a written time extension is granted, based on a written request submitted prior to the expiration of the one-year period as provided in Section 19.39.460 of the Commerce Municipal Code.
4. The abandonment or non-use of this approval for a period of one year shall terminate the approval without further action of the Planning Commission or City Council, and any privileges granted thereunder shall become null and void.
5. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the use and development of said property as set forth by this permit together with all conditions, which are a part thereof.
6. All parking areas shall be clearly identified. The surface parking area must be striped to clearly indicate the location and extent of vehicle parking, maneuvering areas, and drive aisles.
7. Parking for all patrons must be provided on-site.
8. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.

9. Contractors and subcontractors engaged in the construction activities of the project shall obtain a business license and all required permits from the City of Commerce.
10. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.
11. If the Director of Economic Development and Planning determines that a situation detrimental to the public health, safety, and welfare has arisen due to the subject operation, the Director may require changes to the operation, additional studies to be undertaken, and the implementation of additional measures to protect the public's interest.
12. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.
13. The Director of Economic Development and Planning shall have the authority to initiate proceedings to suspend or revoke a Conditional Use Permit approval pursuant to provisions set forth in Sections 19.39.240 through 19.39.250, inclusive, of the Commerce Municipal Code, Chapter 19.39 if sufficient cause is given.
14. A City of Commerce Business License shall be obtained and renewed as required by the City of Commerce to reflect the proposed land use.
15. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.
16. The applicant shall install energy-efficient electrical appliances and equipment in accordance with the State of California's Energy Efficiency Standards (Title 24).
17. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.
18. The Director of Economic Development and Planning or his/her designee is authorized to make minor modifications to the approved preliminary plans or any of the conditions if such modifications shall achieve substantially the same results as would strict compliance with said plans and conditions.
19. The Applicant shall sign, notarize, and return to the Economic Development and Planning Department an affidavit accepting all Conditions of Approval within 10 days from the date of the approval, unless appealed. The Applicant acknowledges and understands that all conditions set forth in this

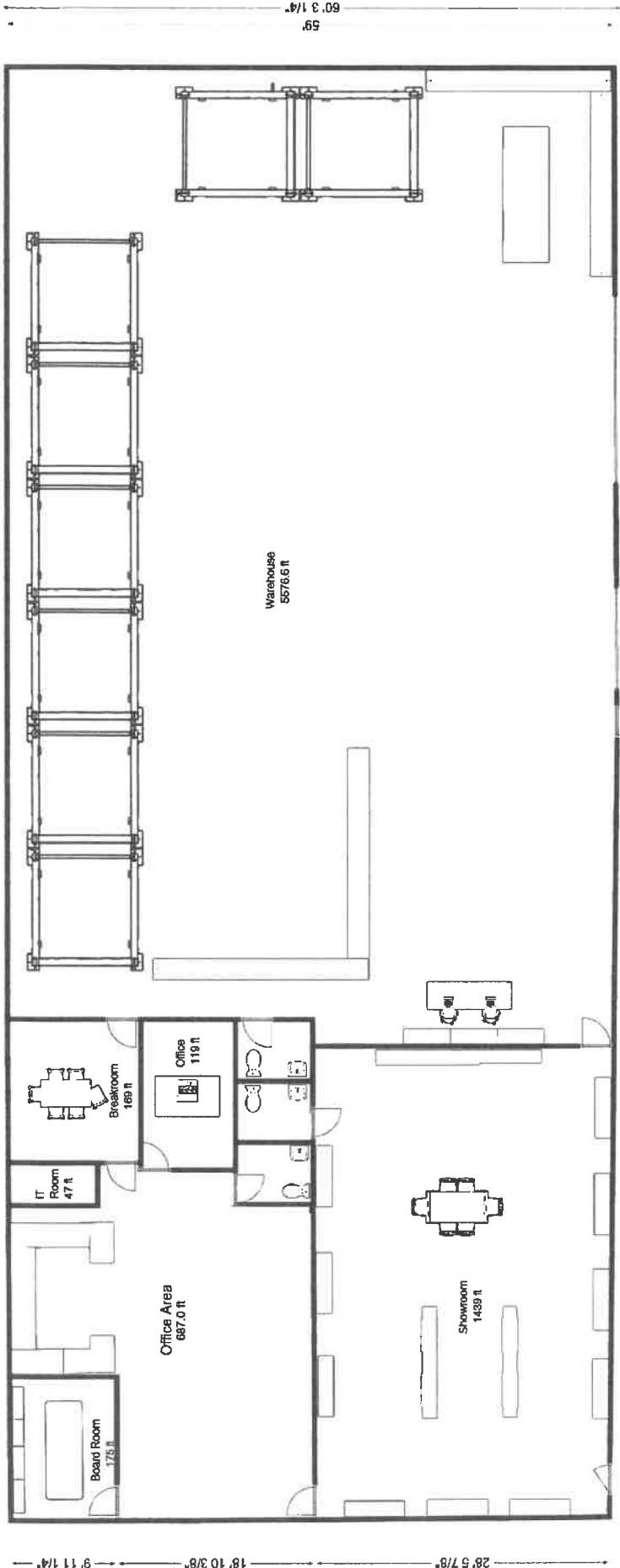
Resolution are conditions precedent to the grant of approval and failure to comply with any condition contained herein shall render this Condition Use Permit non-binding as against the City and shall confer Applicant no legal rights under the law.

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

92' 6 7/8"

13' 7 5/8"

30' 2 1/2"



5555 Telegraph Rd.
 Commerce, CA 90040