

RESOLUTION NO. PC 25-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COMMERCE APPROVING CONDITIONAL USE PERMIT NO. 24-04

WHEREAS, Starbucks Corporation filed an application with the City for a Conditional Use Permit (CUP) to allow a drive-through facility in conjunction with the operation of a new 2,300 square-foot Starbucks sit-down café in the City's C/M1 (Commercial-Manufacturing) zone. Pursuant to the Commerce Municipal Code (CMC), Chapter 19.11 (Manufacturing Zones), Table 19.11.030A, Uses in Industrial Districts under Retail trade, eating with drive-through service requires the review and approval of a CUP upon the required findings of CMC 19.39.420. The subject property is located at 5401 E. Washington Boulevard in the City of Commerce; and

WHEREAS, a CUP is required for drive-through facilities within the City's C-M1 zoning district. Staff has reviewed all aspects of the application and, with conditions of approval, believes the necessary findings can be made for the Planning Commission to approve the underlying CUP; and

WHEREAS, staff provided notice of the public hearing for the CUP application in the Los Cerritos Community News on February 7, 2025, and by mail to all property owners within 500 feet of the project site; and

WHEREAS, the Planning Commission has reviewed all materials concerning the subject request and held a public hearing on February 19, 2025, considering all evidence submitted thereat.

NOW, THEREFORE, THE PLANNING COMMISSION DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. A Notice of Exemption from CEQA was prepared pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9)); Administrative Code, Title 14, Chapter 3, §15332, Class 32, In-Fill Development Projects. Class 32 consists of projects characterized as in-fill development meeting the conditions described as follows:

- a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- c) The project has no value as habitat for endangered, rare, or threatened species.
- d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e) The site can be adequately served by all required utilities and public services.

In this case, the proposal has been designed to comply with all applicable zoning codes, including setbacks, height, and off-street parking. No additional entitlements such as a variance are being

requested in conjunction with this proposal. Lastly, the required studies were conducted per CEQA, and was determined that the proposed project would not result in any significant environmental effects. In addition, a Traffic Analysis was also prepared by Ganddini Group, Inc. for the project.

Section 2. The Planning Commission finds that the facts of the case are as follows:

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 drive-through Starbucks site-down café is conditionally permitted within the C/M1 (Commercial-Manufacturing) Zone pursuant to the Commerce Municipal Code. 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 C/M1 zone. The project site is located on a prominent corner of the City and will serve to further the City's vision for the area. The project site is currently vacant and the subject project will serve to enhance the aesthetics of the area. Therefore, the proposed use will not impair the integrity and character of the C/M1 (Commercial-Manufacturing) Zone.***
3. The subject site is physically suitable for the type of land use being proposed. ***The subject project will meet the lot coverage, floor area, and drive-through queuing distance requirements, and all required parking will be provided on-site. The project was designed in a way that will not serve to overpower its location or other surrounding uses. Therefore, the subject site is physically suitable for the proposed drive-through Starbucks site-down café.***
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 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 C/M1 zone, will serve to help provide a variety of goods and services necessary to meet the needs of the residents 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 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 C/M1 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.

7. There would be adequate provisions for public access to serve the subject proposal. ***Access to the site will be achieved through a proposed internal access driveway, with a connection to the public right-of-way with full access and drive-through egress from O'Neill Avenue and egress only off Washington Boulevard. The entrances are adequate to serve the subject project and additional pedestrian access ways will be provided to allow entry off the adjacent streets. 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 activities. The project will also continue to promote the improvement of existing commercial areas along Washington Boulevard.***
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 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 areas.***

Section 3. The Planning Commission does hereby conditionally approve Conditional Use Permit No. 24-04 subject to the following conditions:

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. During construction, all roadways shall be kept open to traffic.
9. Equipment used for construction activities shall be properly tuned to reduce exhaust emissions.
10. Roads adjacent to the project site shall be swept as needed to reduce fugitive dust from the proposed project site.
11. 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.
12. 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.
13. The landscaping and irrigation plans shall be prepared by a landscape architect and submitted to the City for review and approval. All designated landscaping areas shall be fully planted prior to the issuance of building permit final inspection and maintained at all times.
14. The project shall comply with the Low Impact Development (LID) Ordinance that the City of Commerce adopted to comply with requirements of Clean Water Act and the MS4 Stormwater and Urban Runoff Permit.
15. 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. In the event the City determines the owner has failed to comply with the standards listed herein, the City shall notify the [owner] in writing identifying the deficiencies and allow the [owner] to cure the deficiencies listed in the notice, in a timely manner.

16. 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. In the event the City determines the owner has failed to comply with the standards listed herein, the City shall notify the owner in writing identifying the deficiencies and allow the owner to cure the deficiencies listed in the notice, in a timely manner.
17. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.
18. 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. In the event the City determines the [owner] has failed to comply with the standards listed herein, the City shall notify the [owner] in writing identifying the deficiencies and allow the [owner] to cure the deficiencies listed in the notice, in a timely manner.
19. The operation must comply with all pertinent South Coast Air Quality Management District (SCAQMD) regulations. The applicant and future tenants shall be required to obtain all pertinent operating permits from the SCAQMD. Proof of permits or proof of exemption shall be provided prior to issuance of a building permit from the City of Commerce.
20. A City of Commerce Business License shall be obtained and renewed as required by the City of Commerce to reflect the proposed land use.
21. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.
22. Construction activities shall be permitted between the hours of 7:00 a.m. to 6:00 p.m.
23. Storage of building materials related to construction activities shall be contained within the project site.
24. The project site shall be cleared of all debris prior to the issuance of a Building Department final inspection.
25. Southern California Edison (SCE) requires the following conditions for any SCE services:
 - a. The applicant is responsible for contacting Southern California Edison (SCE) and arranging any electrical service at the appropriate stage of construction. The electrical design for the newly installed service shall be designed by SCE and approved by City of Commerce Building and Safety Division (CCBSD).

- b. All on-site electrical service connections to the proposed improvements shall be designed using an underground (UG) design method. This avoids an overhead service connection.
 - c. All required SCE “equipment” needed to provide service to the proposed improvements (PME Switches, Transformers, and/or Capacitors) shall be installed in a “pad mounted” configuration sitting above the finished grade upon an approved SCE structure.
 - d. All required SCE “Cables” needed to provide service to the proposed improvements shall be installed utilizing UG conduits or cable trench as designed by SCE.
 - e. There shall be no newly installed overhead (OH) facilities across private property without approval from the CCBSD.
26. If applicable, the contractor under the observation of the soil engineer shall conduct all clearing, site preparation, or earthwork performed on the project.
27. If applicable, the soil engineer shall provide an inspection for site clearing and grading in order to certify that the grading was done in accordance with approved plans and grading specifications.
28. Soil binders shall be utilized on construction sites for unpaved roads and/or parking areas.
29. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.
30. The project applicant shall install energy-efficient electrical appliances and equipment in accordance with the State of California’s Energy Efficiency Standards (Title 24).
31. A minimum of one outdoor trash receptacle shall be provided on-site adjacent to each driveway exit. At least one additional on-site outdoor trash receptacle shall be provided for every ten required parking spaces.
32. Employees shall collect on-site and off-site litter including food wrappers, containers, and packaging from restaurant products generated by customers within a radius of three hundred feet of the property at least once per business day.
33. The applicant is required to install artwork or pay an in-lieu fee subject to the City’s Art in Public Places Ordinance. The cost of the artwork or in-lieu fee shall be equal to 1% of the project’s valuation.
34. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.

35. 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.
36. 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.
37. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, or proceeding brought against the city, its elected and appointed officials, agents, officers, or employees arising out of, or which are related to the applicant's project or application (collectively referred to as "proceedings"). The indemnification shall include, but not be limited to, damages, fees and/or costs, liabilities, and expenses incurred or awarded in connection with the proceedings whether incurred by the applicant, the city, and/or the parties initiating or bringing such proceedings. This indemnity provision shall include the applicant's obligation to indemnify the city for all the city's costs, fees, and damages that the city incurs in enforcing the indemnification provisions set forth herein. The city shall have the right to choose its own legal counsel to represent the city's interest in the proceedings.

DEPARTMENT OF BUILDING AND PUBLIC WORKS CONDITIONS:

BUILDING DIVISION

1. The second sheet of building plans is to list all City of Commerce conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
2. School Developmental Fees shall be paid to the School District prior to the issuance of the building permit.
3. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
4. Projects with a valuation in excess of \$250,000 shall provide artwork or pay in-lieu contribution equal to 1% of the total project cost. For more detailed information see City of Commerce Municipal Code Chapter 19.31, Division 23.

5. An application to assign an address shall be filed with the Building Division prior to plan check submittal.
6. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
7. Structural calculations prepared under the direction of an architect, civil engineer, or structural engineer shall be provided.
8. A geotechnical and soil investigation report is required, the duties of the soil engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a) Observation of cleared areas and benches prepared to receive fill;
 - b) Observation of the removal of all unsuitable soils and other materials;
 - c) The approval of soils to be used as fill material;
 - d) Inspection of compaction and placement of fill;
 - e) The testing of compacted fills; and
 - f) The inspection of review of drainage devices.
9. The owner shall retain the soil engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by another soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the Public Works Department, a new Preliminary Soils and/or Geotechnical Investigation.
10. Prior to permit issuance the pdf copy of the soils report shall be provided by the applicant.
11. Project design plans shall also include the design information outside of the lease area to address the need for ingress and egress of both pedestrians and vehicles, sanitary sewer, utility, drainage, and water service between the lease area and the public way.
12. A grading and drainage plan shall be approved prior to the issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
13. Redevelopment project with land disturbing activity that would result in the replacement of 5,000 square feet or more of impervious surface area on an already developed site on Planning Priority Project categories shall comply with LID requirements per City Ordinance.
14. All State of California disability access regulations for accessibility shall be complied with.

15. Approval is required from the Los Angeles County Health Department for food handling and/or storage.
16. The building permit will not be issued until the property, or the lease area has been surveyed and the boundaries marked by a land surveyor licensed by the State of California.
17. Foundation inspection will not be made until setbacks on all sides of the building have been surveyed and the location of the footings has been determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
18. Electrical plan check is required.
19. Mechanical plan check is required.
20. Plumbing plan check is required.
21. The project shall comply with the CalGreen Non-Residential mandatory requirements.
22. Demolition permit is required for any existing buildings which are to be demolished.
23. Prior to the issuance of building permit, a written consent shall be obtained from the current easement holder(s) for any proposed development encroaching into existing easement(s).
24. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indication this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
25. A separate plan review and permit is required for each detached structure, including but not limited to the trash enclosure and monument sign.
26. A separate permit is required for Fire Sprinklers.

PUBLIC WORKS DIVISION

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

WASHINGTON BLVD

- PW1. Repair existing sidewalk constructed of brick pavers some of which exhibit vertical and/or horizontal displacement. Existing pavers should be removed and replaced with new in-kind brick pavers over compacted subgrade.
- PW2. Remove and reconstruct existing driveway per City's Standards and in compliance with ADA requirements.
- PW3. Trim or remove existing Trees/Shrubs along the frontage of Washington Blvd which are overgrown and encroach onto the sidewalk path of travel.
- PW4. Install a Connector Pipe Screen (CPS) and Automatic Retractable Screen (ARS) unit in the catch basin.

O'NEILL AVE

- PW5. Remove and reconstruct half-width of O'Neill Ave along the frontage of the property consistent with a new pavement evaluation report to be provided by the Developer's Engineer to be reviewed and approved by the City. If the limit of the utility cuts exceeds the centerline the pavement rehabilitation shall be extended accordingly. The exact limit of the reconstruction shall be coordinated with the Public Works inspector in advance. Pavement restriping shall be thermoplastic and comply with Caltrans and CAMUTCD Standards. Pavement evaluation report to be provided to the city for determination of pavement design and to establish in-lieu fee amount, if Developer opts for in-lieu fee.
- PW6. Reconstruct concrete sidewalk along the frontage of the property per City's Standards and in compliance with ADA requirements. Adjust any and all utility covers/facilities to finish grade per utility companies' requirements (CalWater, SCE, etc.).
- PW7. Remove existing curb and construct new 6-inch curb and 12-inch gutter along the frontage of the property.

ALLEY ON NORTH SIDE OF PROPERTY (NORTH OF WASHINGTON BLVD EAST OF O'NEILL AVE)

- PW8. Remove and reconstruct entire width of alley (including cross-gutter) along the frontage of the property consistent with a new pavement evaluation report to be provided by the Developer's Engineer to be reviewed and approved by the City. Pavement evaluation report to be provided to the City for determination of pavement design and to establish in-lieu fee amount, if Developer opts for in-lieu fee.
- PW9. Remove and reconstruct existing alley concrete access with O'Neill Ave per City's Standards and in compliance with ADA requirements.

The following are general requirements for off-site improvements:

- A. Underground all utility services to the property. Show services to the proposed development on the offsite plans.
- B. Site Drainage not retained on site shall be collected and deposited in the adjacent gutter, alley, storm drain or similar structure or device, and if necessary, filtered per National Pollutant Discharge Elimination System (NPDES) regulations. Site storm and/or nuisance water shall not flow across the city sidewalk.
- C. All new and existing, non-complying driveway aprons shall be constructed in accordance with SPPWC standards and shall provide a minimum 4-foot-wide path of travel at no more than 2% cross-slope at the top of the apron. Where limited parkway width occurs, the sidewalk shall be depressed at the back of the apron to provide a disabled access complying path of travel across the driveway apron. Top of driveway apron X shall be 5 feet minimum from any trees, power poles, traffic signal controllers, electric services or similar improvements in the public right-of-way.
- D. All necessary permits, including encroachment permits, utility connection permits, etc., shall be first secured from the City of Commerce, and any other responsible or underlying agency, before any work can commence within the public right of way.
- E. All work in the public right-of-way shall be done in accordance with applicable provisions of Standard Specifications for Public Works Construction latest edition and established City and County standards or as directed by the City.

I hereby certify that the foregoing findings and conditions contained in this resolution were adopted by the Planning Commission at its regular meeting of February 19, 2025.

Salvador Gutierrez, Chairperson
Planning Commission

ATTEST:

Louis Morales, Secretary