

**ATTACHMENT B
DRAFT RESOLUTION FOR
VARIANCE NO. 25-02**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COMMERCE, CALIFORNIA, APPROVING VARIANCE NO. 25-02 FOR THE
PROPERTY LOCATED AT 6446 TELEGRAPH ROAD

WHEREAS, Dana Son (the “Applicant”) has filed an application for Variance (“VA”) No. 25-02 to allow the installation of an eight-foot-high ornamental wrought iron perimeter fence along the property line at 6446 Telegraph Road, Commerce, CA 90040 (the “Project”); and

WHEREAS, the subject property is a 89,733-square-foot parcel located within the Unlimited Commercial (C-2) zoning district, identified as Assessor’s Parcel Number (APN) 6336-008-029, and is developed with an existing commercial retail building (the “Property”); and

WHEREAS, Commerce Municipal Code (“CMC”) Section 19.09.060(A) limits fences, walls, and hedges to a maximum height of six feet; and

WHEREAS, CMC Section 19.09.060(C) requires any fence, hedge, or wall located within a front yard to be set back at least five feet from the front property line; and

WHEREAS, CMC Section 19.09.060(D) limits the height of any fence, hedge, or wall located in a front yard that adjoins the front yard of an adjacent property to a maximum of three and one-half feet; and

WHEREAS, the applicant requests approval of VA No. 25-02 to permit an eight-foot-high perimeter fence, thereby exceeding the maximum permitted height standard by two feet, the front yard setback requirement by five feet (allowing a zero-foot setback), and the adjoining front yard height limitation by four and one-half feet, in order to replace an existing six-foot perimeter fence located directly on the property line; and

WHEREAS, the applicant submitted an administrative record documenting persistent security liabilities at the Property, including multiple verified incidents of theft, property vandalism, and unauthorized entry, which staff corroborated with public service logs provided by the Los Angeles County Sheriff’s Department; and

WHEREAS, the Project has been reviewed in accordance with the California Environmental Quality Act (“CEQA”; Public Resources Code Section 21000 et seq.) and has been determined to be categorically exempt pursuant to State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) because it consists of a minor alteration and replacement of an existing perimeter fence structure with negligible expansion of the underlying commercial use; and

WHEREAS, the Planning Commission of the City of Commerce conducted a duly noticed public hearing on July 15, 2026, in accordance with the procedural requirements of the Commerce Municipal Code and California Government Code Section 65090; and

WHEREAS, at said public hearing, the Planning Commission considered all oral and written public testimony, staff reports, architectural exhibits, and other empirical evidence presented regarding VA No. 25-02; and

WHEREAS, the Planning Commission finds that the proposed Project is entirely consistent with the goals and specific community development policies of the City of Commerce General Plan and serves the localized public purpose and intent of the Commerce Municipal Code; and

WHEREAS, the Planning Commission, after due inspection, investigation, and study, and after full consideration of all evidence presented at the hearing, finds that all legal prerequisites to the adoption of this Resolution have been satisfied; and

NOW, THEREFORE, THE PLANNING COMMISSION FOR THE CITY OF COMMERCE DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated herein as part of the findings.

Section 2. Pursuant to Section 19.39.510 of the Commerce Municipal Code, the Planning Commission makes the following findings to support the approval:

1. **That the strict or literal interpretation and application of this Title 19 would result in practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of this Title 19, or would deprive applicants of privileges granted to others in similar circumstances.**

Strict application of the standard 6-foot height limit, the 5-foot front yard setback, and the 3.5-foot adjoining front yard height limit would create unique practical difficulties and unnecessary hardships for this specific property.

The Property consists of a large, 2.06-acre parcel improved with a 30,460-square-foot commercial building that is currently vacant. Because of its location along a heavily trafficked commercial and industrial transit corridor (Telegraph Road) and its immediate proximity to the I-5 freeway and an active railroad yard, the vacant site is uniquely vulnerable to illicit activity.

Data from the Los Angeles County Sheriff's Department confirms a persistent pattern of trespass, property vandalism, and commercial burglary at this location. Restricting the applicant to a standard 6-foot fence or a highly restrictive 3.5-foot fence along the adjoining boundary would fail to provide a meaningful physical deterrent against these ongoing security liabilities, resulting in an unnecessary hardship that prevents the safe rehabilitation and economic leasing of the building.

Furthermore, strict enforcement of the 5-foot setback requirement would force the applicant to move the perimeter fence inward, cutting off critical on-site vehicular circulation and loading dock access, thereby disrupting the functional layout of the commercial center. Therefore, granting relief from these three sections allows the property owner to protect their asset in a manner consistent with basic property rights enjoyed by other secured commercial properties in the C-2 zone.

2. **That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or the intended development of the property that do not apply generally to other property in the same zone.**

Exceptional circumstances apply directly to this site. The physical configuration of the 1952 commercial layout positions the existing perimeter fence and circulation pathways directly on the property line. Forcing a new fence to adhere to a 5-foot front yard setback would physically constrict the property's driveways and obstruct the turning radii required for commercial loading vehicles.

Additionally, the property's location is directly adjacent to the I-5 freeway corridor and a major rail yard exposes it to transient foot traffic and severe security vulnerabilities not experienced by commercial properties located in more protected, traditional shopping centers. The unique combination of a long-term vacant structure, proximity to regional transportation infrastructure, and a layout restricted by 1950s site design constitutes an extraordinary condition justifying the 8-foot height and zero-foot setback.

3. **That the granting of such variance will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the vicinity classified in the same zone.**

Approval of this variance does not constitute a grant of special privilege. The applicant is not requesting unique land use or an expansion of commercial intensity; rather, they are requesting a standard security enhancement. Fences exceeding 6 feet are commonly authorized for properties experiencing high security risks or those located near industrial and freeway corridors within the City of Commerce.

Furthermore, because the proposed fence is designed as an open-picket ornamental wrought iron structure with a black powder-coated finish—rather than a solid, opaque masonry wall—it maintains 100% visibility. It preserves the public streetscape, clears all vehicular sightlines, and does not negatively impact the light, air, or visual access of the public right-of-way or adjacent properties.

4. **That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare nor injurious to property or improvements in the zone or neighborhood in which the property is located.**

The variance will actively improve public safety and welfare rather than detract from it. By replacing a degraded chain-link fence with an 8-foot-high engineered wrought iron perimeter fence, the applicant is effectively securing a vulnerable, vacant commercial property. This reduces the burden on local law enforcement resources (Los Angeles County Sheriff's Department) by eliminating a known target for vandalism and illegal trespass.

The fence design will not impede pedestrian traffic along the Telegraph Road sidewalk, nor will it block the sight distances of drivers entering or exiting the site's two driveways. The improvement will enhance the visual aesthetics of the neighborhood, turning a blighted perimeter into a modernized, secure commercial frontage.

5. That the granting of such variance will not create any inconsistency with any objective contained in the general plan.

The granting of Variance No. 25-02 will not create any inconsistency with the goals, objectives, or policies of the City of Commerce General Plan. The Project site is zoned Unlimited Commercial (C-2), which directly implements and is fully consistent with the General Plan's Commercial Land Use Designation under Section 3.3.2 (Commercial Development). While fences are a permitted accessory improvement within the C-2 zoning district, the proposed configuration requires the approval of Variance No. 25-02 to deviate from height and setback development standards. Granting this relief remains entirely consistent with the spirit, intent, and text of the General Plan, as the Project actively advances and furthers the following specific policies:

- Community Development Policy 2.4 (Commercial Area Preservation and Improvement): This policy focuses on preserving and promoting the improvement of existing commercial areas, specifically including the Telegraph Road/Washington Boulevard area. The Project directly aligns with this policy by representing a private investment into a vacant commercial asset within the Telegraph Road corridor. Replacing a degraded, industrial-style chain-link fence with a modern, high-quality ornamental wrought iron perimeter fence upgrades the visual character and streetscape of this priority area without altering its permitted land use, thereby facilitating its rehabilitation and future reuse.*
- Community Development Policy 2.6 (Shopping District Security): This policy establishes that the City will strive to improve security within existing and future shopping districts located in the City. Granting relief from the standard height, front yard setback, and adjoining front yard height limitations directly addresses verified site safety concerns, supported by documented law enforcement calls for trespass and vandalism. Securing this vulnerable commercial asset with the proposed eight-foot security fence actively improves safety, protects local infrastructure from theft, and paves the way for a new commercial retail tenant to safely occupy and revitalize the building.*

Since the Project secures a vulnerable commercial asset, protects infrastructure, and upgrades the visual streetscape while adhering to the underlying permitted commercial land use, the Variance supports, rather than conflicts with, the objectives of the City of Commerce General Plan.

Section 3. This Resolution shall become effect on the date of its adoption.

PASSED AND ADOPTED this 15th day of July, 2026.

I hereby certify that the foregoing findings and conditions contained in this resolution were adopted by the Planning Commission at its regular meeting of July 15, 2026.

Salvador Gutierrez, Chairperson
Planning Commission

ATTEST:

Jessica Serrano, Secretary