



CITY OF COMMERCE PLANNING COMMISSION STAFF REPORT

TO: Planning Commission

FROM: Community Development Department

SUBJECT: Conditional Use Permit (CUP) No. 24-04 Time Extension - 5401 East Washington Boulevard

MEETING DATE: August 19, 2026

REQUEST:

Approval of a one-year time extension for CUP No. 24-04, retroactively extending the implementation deadline from February 19, 2026 through February 19, 2027, for the previously approved 2,300-square-foot drive-through cafe/restaurant project on a 0.58-acre site at 5401 East Washington Boulevard. The original approval identified Starbucks as the tenant. The applicant now anticipates a replacement operator for the approved drive-through cafe/restaurant use. Pursuant to Commerce Municipal Code ("CMC") Section 19.39.460, Planning Commission approval is required for the requested extension of time.

Property Location	5401 East Washington Boulevard Commerce, California 90040 Assessor's Parcel Number ("APN") 6335-018-032
Applicant	Zangee Investments Inc. P.O. Box 58311 Los Angeles, California 90058

RECOMMENDATION:

It is recommended that the Planning Commission consider:

1. Finding that the retroactive time extension does not authorize material changes to the previously approved project and that the Class 32 categorical exemption under CEQA Guidelines Section 15332 previously applied to CUP No. 24-04 remains applicable; and
2. Approving a one-year extension for CUP No. 24-04, retroactively extending the deadline from February 19, 2026, through February 19, 2027, with all previously approved plans and conditions remaining in full force and effect except as expressly amended by the resolution.

PUBLIC HEARING NOTICE:

The Public Hearing Notice was published in the Los Cerritos News on August 7, 2026, and mailed to property owners within 500 feet of the project site.

LAND USE, ZONING AND APPLICABLE REGULATIONS:

General Plan Designation	Commercial Manufacturing
Zoning	C/M-1 (Commercial-Manufacturing)
Applicable Regulations	CMC Chapter 19.11 (Manufacturing Zones); Chapter 19.21 (Off-Street Parking); Chapter 19.23 (Landscaping); Chapter 19.31, Division 10 (Drive-Through Facilities); and Chapter 19.39, Division 7, including Sections 19.39.420 and 19.39.460.

SURROUNDING ZONING AND LAND USES:

DIRECTION	ZONING	EXISTING LAND USE
Subject Property	C/M-1	Commercial Manufacturing
North	C/M-1	Commercial Manufacturing
South	C/M-1	Commercial Manufacturing
East	C/M-1	Commercial Manufacturing
West	C/M-1	Commercial Manufacturing

BACKGROUND:

On February 15, 2025, the Planning Commission approved CUP No. 24-04 for the construction of a drive-through facility and a new 2,300-square-foot sit-down café located within the City's C/M-1 zone.

On October 7, 2025, the Applicant submitted a request for an extension of time to ensure that the entitlement would remain valid while securing a new operator. However, the applicant's request was incomplete missing applicable fees and mailing labels need to perform the required notification process. All procedural requirements have now been satisfied, and the request has been scheduled for consideration by the Planning Commission. The entitlements would have expired on February 15, 2025, but the expiration of entitlements did not take effect due to the Applicant's pending extension request.

Below is a table listing the timeline of the application request and required submittals.

Original Planning Commission Approval	Resolution No. PC 25-01 approved on February 19, 2025
Original Implementation Deadline	February 19, 2026
Applicant Requested Time-Extension	October 7, 2025
Paid Time-Extension Request	Paid January 6, 2026

Application was Complete	July 9, 2026
Planning Commission hearing	August 19, 2026
New Expiration Date if Approved	February 19, 2027

PROPERTY DESCRIPTION:

The project site consists of one parcel totaling approximately 0.58 acres (25,458 square feet) located at 5401 East Washington Boulevard, at the northeast corner of Washington Boulevard and O'Neill Avenue. The property has a General Plan designation of Commercial Manufacturing and is zoned C/M-1. The site is surrounded by commercial-manufacturing and industrial uses. The original approval authorizes removal of the former 3,780-square-foot restaurant building and construction of a one-story, 2,300-square-foot drive-through cafe/restaurant with indoor seating, mobile-order pickup, landscaping, parking, and related site improvements.

Figure 1. Project Site - 5401 East Washington Boulevard



ANALYSIS:

CMC Section 19.39.460 authorizes the Planning Commission to grant or deny a time extension for a CUP that is subject to lapse and allows the Commission to modify existing conditions or add conditions to address changed circumstances. Because the written request was submitted before the original deadline, CUP No. 24-04 remains eligible for a one-year extension through February 19, 2027.

The purpose of the extension is to preserve the previously approved drive-through café/restaurant use while providing the property owner with the additional allowed time to secure a new tenant and redevelop the site. Although Starbucks was identified as the original tenant, the future operator may be a different café, restaurant, or similar business. The proposed tenant would still be required to operate a substantially similar drive-through use and comply with the approved plans and conditions of approval. The change in tenant would not, by itself, modify the approved CUP. Approval of the extension would maintain the drive-through entitlement and allow a replacement operator to execute the previously approved project without applying for a new CUP, provided the new business remains substantially consistent with the approved use, site plan, and operating conditions.

The requested extension does not authorize changes to the approved building, drive-through lane, parking, access, circulation, landscaping, or other project features. Any material change to the use, site design, or operations would require separate City review and approval.

Based on the foregoing, Staff recommends that the Planning Commission approve the Applicant's request for a one-year extension of CUP No. 24-04 keeping the entitlement valid until February 19, 2027.

ENVIRONMENTAL REVIEW:

The Planning Commission previously determined that the approved project was categorically exempt from the California Environmental Quality Act under CEQA Guidelines Section 15332, Class 32 (In-Fill Development Projects). The current request seeks additional implementation time and does not authorize a material physical change to the approved development. The approved building, site plan, access, parking, drive-through queuing, and development standards remain the basis for the entitlement. Staff therefore recommends that the Planning Commission determine that the project remains exempt from environmental review under the original Class 32 CEQA determination, as no additional environmental document is required for the time extension.

ALTERNATIVES:

1. Approve recommendation.
2. Reject recommendation.
3. Provide staff with further direction.

Prepared by: Jose Martinez, Associate Planner

Reviewed by: Jessica Serrano, Director of Community Development

Reviewed by: Araceli Almazan, City Attorney

ATTACHMENTS:

- A. Original CUP No. 24-04 approval materials