

RESOLUTION NO. PC 24-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
COMMERCE APPROVING VARIANCE NO. 24-06

WHEREAS, the Planning Commission of the City of Commerce (“Planning Commission”) held a public hearing on September 18, 2024 and continued to its November 20, 2024, for the purpose of considering a request to modify Variance No. 21-01 to allow for the increase in height and sign area for dual faced freestanding LED reader-board sign that was previously approved within the M-1 Zoning District; and

WHEREAS, the application for a Variance requests is to: (1) Allow for a freestanding readerboard sign to exceed the allowable sign area and wall signs to exceed the allowable sign area as depicted on the site plan with sign renderings attached as Exhibit A; (2) A request to allow a readerboard sign to exceed the allowable height as depicted on the site plan with sign renderings attached as Exhibit A; (3) Allow four logo wall signs and four LED readerboard wall signs, where code allows for no more than three wall signs; and (4) A request to allow for both a freestanding readerboard sign and wall signs, where Code only allows one sign-type within the M-1 Zoning District; and

WHEREAS, the Planning Commission has reviewed all facts concerning the subject request and has considered all evidence submitted at said public hearing; and

WHEREAS, the requested use shall be conducted on the property known as 6300 Telegraph Road, Commerce CA.

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

Section 1. Pursuant to the California Environmental Quality Act (CEQA), this project has been determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Title 14, Chapter 3, Section 15311, Class 11, Accessory Structures). This section specifically applies to the construction or replacement of minor structures accessory to commercial facilities such as projecting signs. In this case the applicant is proposing signage for an approved new building.

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

Pursuant to Section 19.39.510 of the Commerce Municipal Code, the following findings can be made:

Variance One: Exceeding Freestanding and Wall Readerboard Sign Area

- 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.** *The property is surrounded by properties that are zoned Unlimited Commercial. The subject variance request to allow a freestanding readerboard sign and wall signs to exceed the sign area is to allow for signage that is designed and placed so that commuters can identify the location of the subject property with anticipation. The readerboard sign are proposed at larger end of industry standard readerboard sizes. When considering the strict application of the code, the site is narrow and tapers on both ends. It also has a varying topography when compared to the grade of the freeway. In addition, the location of the existing building and existing Caltran's freeway signage visually blocked the visibility of the previously approved reader board signs prompting the need to increase height of sign and sign area proportionately. The proposed variance will support the proposed light industrial use and eliminate the practical difficulties of such use at this location.*
- 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.** *There are only a handful of areas within the City that are zoned Light Industrial. The project experiences exceptional circumstance because it is surrounded by properties zoned Unlimited Commercial. The property is also narrow and long as it runs adjacent to both Telegraph Road and Interstate Five. In addition, as the site tapers toward Washington Boulevard, there is a grade drop off when compared to the grade of the freeway. There is also a proposed right turn lane from east bound Washington onto Telegraph Road south that will require the applicant to dedicate land. As a result, 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.*
- 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.** *None of the other properties in the Light Industrial zone are surrounded by Unlimited Commercial properties or have a location adjacent to Interstate Five. The requested Variances, as conditioned, will allow the applicant to provide signage that will guide customers to the site. Any future requests will be subject to their own review and approval*

process. As mentioned, the applicant is requesting to provide signage intended to assist customers in locating the property.

4. **That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare or injurious to property or improvements in the zone or neighborhood in which the property is located.** *The City's sign standards have been created to protect the public health, safety, and welfare, reduce confusion for the traveling public, and improve the appearance of the City. The proposal will allow the applicant to provide signage to direct customers to the property. The proposed new signs will be subject to the development standards of all applicable codes including Zoning, Building, Public Works as well as Fire, among others. Although the signs will be larger and higher than otherwise allowed, the applicant will be required to enter into a Settlement Agreement with the City and Successor Agency to the Commerce Community Development Commission. This agreement will enable the development of other properties within the same neighborhood that the City believes will be beneficial to the neighborhood in which the property is located and the general welfare. Accordingly, as conditioned herein, the variances will not be materially detrimental or injurious to the public health, safety, or general welfare or injurious to property or improvements in the zone or neighborhood in which the property is located.*

5. **That the granting of such variance will not create an inconsistency with any objective contained in the general plan.** *The City's General Plan and zoning ordinance are consistent with one another. The zoning ordinance helps implement and carry out the goals and objectives of the City's General Plan. The proposed signage will promote the property/business by direct the customers to the site, unless Cal Trans approves off-site advertising. Land Use Policy 5.1 –encourages the City to continue to aggressively recruit those industrial activities, which are beneficial in terms of employment and revenue to the City and the surrounding region. Therefore, the proposal will not create any inconsistency with any objective contained in the General Plan since it will meet the objectives of the General Plan.*

Variance Two: Exceed the Height of a Freestanding Readerboard Sign

6. **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.** *The subject variance request to allow a freestanding readerboard sign to exceed the height and sign area is unique in that the proposal is to allow for signage that is designed and placed so that commuters can identify the location of the subject*

property with anticipation. The property is surrounded by properties that are zoned Unlimited Commercial. When considering the strict application of the code, the narrow site tapers on both ends, along with having varying topography when compared to the grade of the freeway. In addition, the location of the existing building and existing Caltrans's freeway signage visually blocked the visibility of the previously approved reader board signs prompting the need to increase height of sign and sign area proportionately. The proposed variance will support the proposed light industrial use and eliminate the practical difficulties of such use at this location.

- 7. 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.** *There are only a handful of areas within the City that are zoned Light Industrial. The project experiences exceptional circumstance because it is surrounded by properties zoned Unlimited Commercial. The property is also narrow and long as it runs adjacent to both Telegraph Road and Interstate Five. In addition, as the site tapers toward Washington Boulevard, there is a grade drop off when compared to the grade of the freeway. As a result, 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.*
- 8. 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.** *None of the other properties in the Light Industrial zone are surrounded by Unlimited Commercial properties or have a location adjacent to Interstate Five. The requested Variances, as conditioned, will allow the applicant to provide signage that will guide customers to the site. Any future requests will be subject to their own review and approval process. As mentioned, the applicant is requesting to provide signage including, which may assist customers in locating the property and/or as may be approved by Cal Trans.*
- 9. That the granting of such variance will not be materially detrimental to the public health, safety, or general welfare or injurious to property or improvements in the zone or neighborhood in which the property is located.** *The City's sign standards have been created to protect the public health, safety, and welfare, reduce confusion for the traveling public, and improve the appearance of the City. The proposal will allow the applicant to provide signage to direct customers to the property. The proposed new signs will be subject to the development standards of all applicable codes including Zoning, Building, Public Works as well as Fire, among others. Although the signs will be larger and higher than otherwise allowed, the applicant will be required to enter into a Settlement*

Agreement with the City and Successor Agency to the Commerce Community Development Commission. This agreement will enable the development of other properties within the same neighborhood that the City believes will be beneficial to the neighborhood in which the property is located and the general welfare. Accordingly, the variances will not be materially detrimental or injurious to the public health, safety, or general welfare or injurious to property or improvements in the zone or neighborhood in which the property is located.

- 10. That the granting of such variance will not create an inconsistency with any objective contained in the general plan.** *The City's General Plan and zoning ordinance are consistent with one another. The zoning ordinance helps implement and carry out the goals and objectives of the City's General Plan. The proposed signage will promote the property/business by direct the customers to the site. Land Use Policy 5.1 –encourages the City to continue to aggressively recruit those industrial activities, which are beneficial in terms of employment and revenue to the City and the surrounding region. Therefore, the proposal will not create any inconsistency with any objective contained in the General Plan since it will meet the objectives of the General Plan.*

Section 3. The Planning Commission does hereby conditionally approve Variance No. 24-06 subject to the following conditions:

1. This Variance approval granted herein 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, only for the improvements for which it is granted, only for on-site signage, and 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 (Variances) all rights hereunder shall terminate within 12 months of the effective date of the permit unless construction is 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. All signage approved herein, shall at all times comply with the provisions of Chapter 19.25 (SIGNS) of the Commerce Municipal Code.

5. All cladding associated with the proposed signage shall be dull or opaque so that glaring is non-existent.
6. All LED signage shall dim to an industry standard of ___% as determined and confirmed by Planning staff during evening hours so as that to limit glaring as seen from the Freeway.
7. The applicant is responsible of obtaining all necessary approvals and permits from Caltrans for the LED pylon sign.
8. The LED readerboard wall signs are permitted to advertise on-site activity and, subject to Cal Trans approval, off-site advertising may not be permitted on the Freestanding Readerboard sign. At no time, shall off-site advertising be permitted on any of the LED readerboard wall signs.
9. The LED readerboard sign will be for on-premise advertising only and will have a cut off time for readerboard displays of 12:00 A.M. PST.
10. Where feasible and with prior consent, the applicant shall work with the City to allow for special event advertising on the signs approved herein.
11. 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.
12. During construction, all roadways, if applicable, shall be kept open to traffic.
13. Equipment used for construction activities shall be properly tuned to reduce exhaust emissions.
14. Roads adjacent to the project site shall be swept as needed to reduce fugitive dust from the proposed project site.
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.
16. 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.
17. 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.

18. The operation must comply with all pertinent South Coast Air Quality Management District (SCAQMD) regulations, if applicable.
19. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.
20. Construction activities shall be permitted between the hours of 7:00 a.m. to 6:00 p.m.
21. Storage of materials related to construction activities shall be contained within the project site.
22. The project site shall be cleared of all debris prior to the issuance of a Building Department final inspection.
23. If applicable, 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 "padmounted" configuration sitting above finished grade upon an approved SCE structure.
 - d. All required SCE "Cable" 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 the approval from the CCBSD.
24. If applicable, the project applicant shall install energy-efficient electrical appliances and equipment in accordance with the State of California's Energy Efficiency Standards (Title 24).

25. In no circumstance, the building/property are permitted any more signage, unless a Variance is applied for and granted.
26. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.
27. 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.
28. 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.
29. 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.

I hereby certify that the foregoing findings and conditions contained in this resolution were adopted by the Planning Commission at its meeting of September 18, 2024.

Salvador Guterrez, Chairperson
Planning Commission

ATTEST:

Louis Morales, Secretary

ACCEPTANCE OF CONDITIONS
PLOT PLAN, CONDITIONAL USE PERMIT, AND VARIANCE

A F F I D A V I T

I, _____, hereby state that I am the owner, or the authorized agent of the owner, of property involved in Variance 24-06.

I further state that I have read, understand and accept, and will comply with all the conditions of approval contained in Planning Commission Resolution Number 24-08.

I am also aware that if any of the provisions of this Entitlement are violated or held to be invalid, or any law, statute or ordinance is violated, the Conditional Use Permit shall be void and the privileges granted thereunder shall lapse.

Signed: _____ Title: _____

Company: _____

Mailing Address: _____

Phone: _____ Date: _____

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF COMMERCE

A notary public or other public officer completing this certificate verifies only the identity of the individual who signed the document, to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.
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On _____ before me,

(Insert name and title of the officer)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____ (Seal)