

ATTACHMENT B
DRAFT RESOLUTION FOR CONDITIONAL USE PERMIT NO. 25-10

RESOLUTION NO. PC 25-13

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COMMERCE, CALIFORNIA, APPROVING CONDITIONAL
USE PERMIT NO. 25-10 TO ALLOW A CHANGE IN ALCOHOL
LICENSE TYPE**

WHEREAS, on June 27, 2023, Timothy Cam submitted an application to the City of Commerce ("City") for a Conditional Use Permit to change the current on-site Type 41 alcohol license (On-Sale Beer & Wine – Eating Place) to a Type 47 alcohol license (On-Sale General – Eating Place) within an existing sit-down restaurant and future expansion area, at 2909 Supply Avenue in the City's Heavy Manufacturing ("M-2") zoning district (hereinafter, the "Project"); and

WHEREAS, pursuant to Section 19.31.100; Division 3: Alcohol Sales of the Commerce Municipal Code ("CMC"), any use providing alcohol sales shall be subject to the approval of a CUP; and

WHEREAS, based on such evidence heard, the Planning Commission for the City of Commerce ("Planning Commission") shall act to approve, conditionally approve or deny the application for the Project herein pursuant to the findings of fact presented; and

WHEREAS, the Planning Commission held a public hearing on November 24, 2025, for the purpose of considering an application for a CUP to change the current on-site Type 41 alcohol license (On-Sale Beer & Wine – Eating Place) to a Type 47 alcohol license (On-Sale General – Eating Place) within an existing sit-down restaurant and future expansion area, at 2909 Supply Avenue in the City's M-2 zoning district; and

WHEREAS, pursuant to and in accordance with provisions of the California Environmental Quality Act (Public Resources Code Section 21000 et seq., (herein referenced to as "CEQA")) and the State of California Guidelines for Implementation of CEQA (14 Cal. Code of Regs. §§ 15000, et seq., (herein referred to as the "CEQA Guidelines")), the City is the "lead agency" for the preparation and consideration of environmental documents for "projects", as the term is defined in Section 15378 of the CEQA Guidelines; and

WHEREAS, the Planning Commission, after due inspection, investigation, and study made by itself and on its behalf, and after due consideration of all evidence and

reports offered at said hearing with respect to the proposed Project, does find that all other legal perquisites to the adoption of this Resolution have occurred.

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

Section 1. The above recitals are true and correct and made part of this Resolution.

Section 2. This project qualifies for a Class 1 Categorical Exemption under the provisions of the CEQA Guidelines, Section 15301 (Existing Facilities). Class 1 exemption specifically applies to small additions, permitting, expansions or alterations to existing structures where there is negligible or no expansion of the use to an existing facility.

Section 3. The Planning Commission finds that the facts of the case are as follows: Pursuant to Section 19.31.100, Division 3: Alcohol Sales of the CMC, any use providing alcohol sales shall be subject to the following standards and conditions:

- A. A new use may only be established in a location such that the proposed use shall not contribute to undue proliferation of such uses in an area where additional ones would be undesirable, with consideration to be given to the area's function of character, problems with crime and loitering, traffic problems, and capacity.**

The zoning designation for the subject site is M-2, which is designed to offer a full range of goods and services. It is not anticipated that the sale of alcohol in conjunction with food sales will be detrimental to the community or adversely conflict with the community's normal development. The conditions of approval have been included, which would ensure that the safety and general welfare of the surrounding areas are maintained.

- B. The proposed use shall not be located within five hundred feet nor adversely affect adjacent or nearby religious facilities; residences; public or private schools; public parks or recreation centers; or public or parochial playgrounds.**

The subject restaurant is not located within 1,000 feet of religious facilities, residences, public or private schools, public parks or recreation centers, or parochial playgrounds. Furthermore, the subject site is surrounded by land uses created to accommodate heavy industrial uses and other similar businesses.

- C. The proposed use shall not interfere with the movement of people along an important pedestrian street.**

The location of the restaurant will not interfere with the movement along a public street or sidewalk. The proposed use is occurring within an existing building; the main entrance is located through the parking lot, approximately 160 feet from the nearest property line. Therefore, the proposed use will not impact the movement along any streets.

D. The proposed development shall be of an architectural and visual quality and character that harmonizes with, or where appropriate, enhances the surrounding area.

The existing restaurant is located within a standalone building. This Project does not propose any alterations or additional square footage. Therefore, the restaurant will maintain its existing architectural and visual quality.

E. Adequate litter receptacles shall be provided.

The existing sit-down restaurant provides table service and would not substantially change the current operation. Therefore, additional litter receptacles are not necessary.

F. Where the proposed use is near residential uses, it shall be limited in hours of operation, or designed and operated, to avoid disrupting residents' sleep between the hours of ten p.m. and seven a.m.

The sale and consumption of alcohol is proposed to occur within the interior of the sit-down restaurant dining area and in a designated outdoor patio in conjunction with food sales during its normal business hours. The subject request will not disrupt residents' sleeping patterns, since the use is occurring within an existing building that is located approximately 3,600 feet from a residential district within city boundaries.

Pursuant to Section 19.39.420 of the CMC, the following findings can be made:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of Title 19.

The subject property's zoning designation is M-2, which is designed to offer a full range of goods and services suitable for heavy industrial, as well as restaurants and entertainment. The sale of alcoholic beverages is conditionally permitted within the M-2 zone pursuant to the CMC Chapter 19.11. Alcohol sales and consumption are proposed for the sit-down restaurant and a designated outdoor patio area, in conjunction with food sales, during its normal business hours: Sunday through Thursday, 10:30 a.m. to 10:00 p.m.; Friday and Saturday, 11:00 a.m. to 12:00 a.m.; and until 2:00 a.m. on special occasions. The subject site will not disrupt nearby residents, as most events occur indoors within the existing

restaurants located approximately 3,600 feet from the nearest residential zone. The proposed use also complies with the intent of all other applicable provisions of the City's zoning ordinance.

2. The proposed use would not impair the integrity and character of the zone in which it is to be located.

The proposed use will not compromise the integrity or character of the M-2 zone. No new exterior construction is planned. The M-2 zoning is intended to support a full range of goods and services, such as the sale of alcohol, when combined with food service and indoor/outdoor entertainment uses. It is not expected to harm the community's integrity or interfere with its normal development. Therefore, the integrity and character of the M-2 zone will remain intact, and the proposal is not expected to generate significant new traffic or negatively affect services within the existing area.

3. The subject site is physically suitable for the type of land use being proposed.

The subject site is suitable for operating a restaurant that offers live entertainment and serves alcoholic beverages. Currently, the restaurant holds an Alcohol Beverage Control (ABC) license Type 41 (On-Sale Beer & Wine—Eating Place). The establishment seeks to change this to a Type 47 license (On-Sale General Liquor). No tenant improvements will be required for this upgrade, as alcohol sales are already permitted on-site.

Sufficient parking will be provided for both customers and employees. Additional parking is secured through agreements with adjacent property owners, which will be available after their businesses close. Also, a parking study/analysis will be required for larger outdoor events, which will be reviewed and approved by the Community Development and Public Works Directors.

Furthermore, the restaurant and its entertainment use, including the sale of alcohol, are not located within 1,000 feet of religious facilities, residences, schools (public or private), parks, recreation centers, or parochial playgrounds. This ensures the site is physically suitable for such uses, is distant from residential zones, and is compatible with surrounding heavy-industrial and similar businesses.

4. The proposed use is compatible with the land uses presently on the subject property.

The proposal will allow an existing restaurant to provide limited alcohol sales. As proposed, the use is compatible with other surrounding land uses. As such, no information has been submitted as part of the administrative record to suggest that the proposed operation is incompatible with the uses surrounding the subject site.

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 proposed use is compatible with future land uses within the M-2 zone, as the Zoning Code now allows entertainment uses as conditionally permitted, similar to other uses within the zone. The proposal aligns with the City's zoning ordinance and will not compromise the integrity of the zone. Consequently, permitting alcohol sales in the existing restaurant is consistent with future land use plans.

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 situated in an urbanized area where similar uses are prevalent. It will be immediately adjacent to uses that have adequate provisions for water, sanitation, and public utilities. Since the project will have similar access to utilities, adequate provisions have been made.

7. There would be adequate provisions for public access to serve the subject proposal.

There will be adequate provisions for public access to serve the subject property, as the site is currently accessed via Supply Avenue. There are no proposed changes to the site's access, and therefore, adequate provisions will remain in place.

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 proposed use will continue to enhance existing industrial areas by introducing new uses that address the future needs of the City and its residents. Additionally, the proposed list of uses has been revised to permit entertainment uses in the M-2 zone, providing flexibility in line with the intent of the City's zoning ordinance. This proposed use aligns with the goals and objectives of the General Plan.

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, following all imposed conditions and agreements. The City and ABC's conditions will protect public interest, health, safety, convenience, and welfare. In addition, a security, pedestrian, traffic, parking, and maintenance plan

has been developed to prevent the proposed uses from negatively impacting or becoming a nuisance to neighboring areas. Therefore, the proposed use will 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 existing building is a standalone structure. This project does not request any additional square footage. The proposed restaurant will expand a small portion of the current floor area used for warehouse purposes. No additional architectural, visual changes, or parking area are proposed currently. Therefore, the character and visual quality of the neighborhood will remain the same.

Section 4. The Planning Commission does hereby conditionally approve CUP No. 25-10, subject to the following conditions:

1. A Temporary Use Permit (TUP) will be required to ensure sufficient parking is available for temporary entertainment uses and that all City Departments have reviewed and approved the event. Once the parking study, development agreement, and conditional use permit for an entertainment establishment are approved by both the Planning Commission and City Council, the TUP requirement will be eliminated.
2. 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 shall continue to be valid upon change of ownership of the property or any lawfully existing building or structure on the property.
3. The approval of this application authorizes the on-site sale and consumption of distilled spirits (Type 47, General Liquor License) in conjunction with the operation of an existing restaurant and the expansion of its premises.
4. All conditions shall be binding upon the Applicant(s), 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.
5. This permit 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.

6. 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.
7. 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.
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. If the Director of Community Development determines that a situation is 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.
10. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.
11. The Applicant shall comply with all the conditions and requirements as set forth by any City or other governing body and shall obtain all necessary permits as required.
12. The applicant shall comply with all City, County, and State regulations regarding the sale of alcoholic beverages.
13. The existing restaurant shall comply with all Alcohol Sales conditions pursuant to the Commerce Municipal Code Chapter 19.31, Division 3, as well as all ABC conditions and licensing requirements.
14. Employees must be of legal age to serve or sell alcoholic beverages.
15. The Director of Community Development 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 (Administration of the Zoning Ordinance), if sufficient cause is given.
16. A City of Commerce Business License shall be obtained and renewed annually as required by the City of Commerce.
17. The City has the right of way to inspect the premises to verify compliance with conditions of this approval and to determine compliance with all applicable

sections of municipal code.

18. Any changes to the operation of the subject use shall be reviewed by City staff prior to implementation. Any future changes to the operation must be in substantial compliance with this Conditional Use Permit as determined by the Director of Community Development.
19. The Director of Community Development is authorized to make modifications to the conditions if such modifications shall achieve substantially the same results as would strict compliance with said conditions.
20. The applicant shall sign, notarize, and return to the Community Development 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.
21. 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 interests in the proceedings.
22. The sale and consumption of alcohol is approved to occur within its normal business hours: Sunday through Thursday, 10:30 a.m. to 10:00 p.m.; Friday and Saturday, 11:00 a.m. to 12:00 a.m.; and until 2:00 a.m. on special occasions.

[*End of Conditions*]

I hereby certify that the foregoing findings and conditions contained in this resolution were adopted by the Planning Commission at its regular meeting of January 21, 2026.

Salvador Gutierrez, Chairperson
Planning Commission

ATTEST:

Jessica Serrano, Secretary

**ACCEPTANCE OF CONDITIONS
CONDITIONAL USE PERMIT**

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 Conditional Use Permit Case Number 25-10.

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 25-13.

I am also aware that if any of the provisions of this Conditional Use Permit 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.

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.

WITNESSSS my hand and official seal.

Signature _____ (Seal)