

**ATTACHMENT B
DRAFT RESOLUTION FOR
VARIANCE NO. 26-01 AND
CONDITIONAL USE PERMIT NO. 26-02**

RESOLUTION NO. PC 26-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COMMERCE, CALIFORNIA, CONDITINALLY APPROVING VARIANCE NO. 26-01 AND CONDITIONAL USE PERMIT NO. 26-02, A REQUEST TO CONSTRUCT, OPERATE, AND MAINTAIN A WIRELESS TELECOMMUNICATION FACILITY AND ASSOCIATED GROUND EQUIPMENT ENCLOSURE FOR THE PROPERTY LOCATED AT 5521 TELEGRAPH ROAD (APN: 6336-022-018)

WHEREAS, on January 28, 2026, John McDonald of Eukon Group (the “Applicant”), submitted an application to the City of Commerce (“City”) for Variance (“VA”) No. 26-01 and Conditional Use Permit (“CUP”) No. 26-02 to allow a reduction in the required 500-foot separation between wireless telecommunications facilities and residential zones, pursuant to Section 19.27.050 of the Commerce Municipal Code (“CMC”) and the construction and operation of a new 75-foot tall monopine wireless telecommunications facility and associated ground equipment enclosure (“Project”) on a 0.58-acre site located at 5521 Telegraph Road (“Property”); and

WHEREAS, the Property is identified as Assessor’s Parcel Number 6336-022-018; and

WHEREAS, the Property is located north of Telegraph Road between Camfield Avenue and Hoefner Avenue, and is improved with curb, gutter, and sidewalks; and

WHEREAS, the subject property is located within the Heavy Industrial (“M-2”) zoning district, and pursuant to the CMC, the construction and operation of a wireless telecommunications facility require approval of a CUP; and

WHEREAS, the Applicant request approval of a VA and CUP pursuant to Section 19.11.030 of the CMC to allow the installation and operation of a wireless telecommunications facility; and

WHEREAS, the Project site is located approximately 453 feet from the nearest residential use, which is situated south of the site across the I-5 Freeway; and

WHEREAS, AT&T is requesting permission to construct, operate, and maintain a wireless telecommunications facility at 5521 Telegraph Road; and

WHEREAS, the Project is consistent with the General Plan Industrial designation and supports General Plan Goal LU-3, Policy LU-3.3 by modernizing existing industrial areas, promoting economic development, and enhancing the long-term viability of the City's industrial districts, while remaining compatible with surrounding land uses; and

WHEREAS, the Project is exempt from further environmental review under the California Environmental Quality Act ("CEQA") pursuant to Section 15303 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, which applies to the installation of small new facilities or structures, including utility extensions and related improvements; and

WHEREAS, notice of the public hearing for the Project was provided in the time, form, and manner required by law, including publication, posting, and mailing, in accordance with the provisions of the CMC and the California Government Code; and

WHEREAS, the Planning Commission's approval applies only to those portions of the Project located within the jurisdictional boundaries of the City of Commerce; and

WHEREAS, the Planning Commission's finds that the Project can be approved subject to conditions designed to ensure compliance with applicable laws and to mitigate potential impacts; and

WHEREAS, a duly noticed public hearing of the City of Commerce Planning Commission was held on July 15, 2026, at which time all interested persons were given the opportunity to be heard; 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 prerequisites to the adoption of this Resolution have occurred; and

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

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

Section 2. The project qualifies for Class 3 Categorical Exemption under the provisions of the CEQA Guidelines, Section 15303 (New Construction or Conversion of Small Structures). Class 3 exemption specifically installation of small new facilities or structures, including utility extensions and related improvements.

Section 3. Pursuant to Section 19.39.510 of the CMC, 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 500-foot separation requirement would result in practical difficulties and unnecessary hardship. The proposed wireless facility requires a specific location to address identified coverage gaps within the City. Compliance with the full separation requirement would limit the ability to provide adequate wireless service in the area; and*
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.** *The subject site is located within an established industrial area and is constrained by surrounding development patterns and the I-5 Freeway. These conditions create site-specific limitations on the placement of wireless infrastructure that are not generally applicable to other properties within the same zoning district; and*
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 the VA does not constitute a grant of special privilege. The proposed Project is based on site-specific constraints and the need to provide essential wireless telecommunications infrastructure consistent with public service demands.*
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.** *Approval of the VA will not be materially detrimental to public health, safety, or general welfare. The nearest residential uses are located across the I-5 Freeway, providing physical separation that reduces potential impacts to surrounding uses; and*
5. **That the granting of such variance will not create any inconsistency with any objective contained in the general plan.** *Approval of the VA is consistent with the General Plan. The Project supports the provision of essential infrastructure within industrial areas and is consistent with policies promoting efficient land use and utility service expansion.*

Section 4. Pursuant to Section 19.39.420 of the CMC, the Planning Commission makes the following findings to support the approval of a CUP in this matter:

1. **The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of Title 19, including, but not limited to, those set forth in Chapter 19.19 (Site Planning and General Development Standards).** *The proposed wireless telecommunications facility is a conditionally permitted use within the Heavy Industrial (M-2) zoning district, subject to approval of a CUP. The Project has been designed to comply with the applicable*

provisions of Title 19 of the CMC, including the Site Planning and General Development Standards set forth in Chapter 19.19 and Section 19.27.050. The facility will be located on an existing developed industrial property and incorporates stealth design elements intended to minimize visual impacts and maintain compatibility with surrounding development. Except as otherwise authorized through approval of VA No. 26-01, the project complies with all applicable development standards and is consistent with the intent and purpose of the 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 wireless telecommunications facility would not impair the integrity and character of the M-2 zoning district because it is located within an area developed with industrial uses and is designed to function as supporting infrastructure for the surrounding community. The facility will not interfere with existing industrial operations or alter the established industrial character of the area. In addition, the proposed stealth design, equipment screening, and compliance with applicable development standards will minimize visual impacts and ensure compatibility with surrounding development. The project will enhance wireless communication services while preserving the intended purpose and character of the M-2 zoning district.*
3. **The subject site is physically suitable for the type of land use being proposed.** *The subject site is physically suitable for the proposed wireless telecommunications facility. The Project is located on an existing developed industrial parcel within the M-2 zoning district, which provides adequate access, infrastructure, and space to accommodate the proposed equipment and related improvements. The site is not constrained by physical conditions that would preclude the installation or safe operation of the facility, and it is designed to integrate with existing site improvements. The proposed location is appropriate for the type of infrastructure being proposed and will not result in physical constraints or environmental limitations that would affect the viability of the use.*
4. **The proposed use is compatible with the land uses presently on the subject property.** *The proposed wireless telecommunications facility is compatible with the existing land uses on the subject property. The site is currently developed with industrial uses consistent with the M-2 zoning district, and the proposed facility is designed to function as supporting infrastructure without interfering with on-site operations. The equipment will be integrated in a manner that minimizes disruption to existing activities and will not displace or alter the primary industrial use of the property. Accordingly, the project is consistent with the existing development pattern and operational characteristics of the 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 wireless telecommunications facility would be compatible with existing and anticipated future land uses within the M-2 zoning district and the surrounding area. The Project is located within an established industrial corridor characterized by similar industrial and supporting infrastructure uses, where utility and communication*

facilities are commonly integrated. The facility is designed to operate as a low-intensity support use, incorporating design and screening measures that minimize visual and operational impacts. As such, the project would not conflict with the continued industrial development of the area and would remain consistent with the zoning district's intent to accommodate a range of industrial and infrastructure-related uses.

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 public health and safety.** *Adequate provisions for water, sanitation, and public utilities and services are available to support the proposed wireless telecommunications facility. The Project consists of telecommunications equipment that does not generate wastewater or require water service for operational purposes. Electrical and communication utilities necessary for the facility will be provided through existing infrastructure serving the site. The Project does not involve uses that would increase demand on sanitation services or other public utilities in a manner that would be detrimental to public health or safety. Accordingly, the proposed use can be adequately served by existing utility systems and will not adversely impact public services. Therefore, the Project would not be detrimental to public health or safety.*
7. **There would be adequate provisions for public access to serve the subject proposal.** *Adequate provisions for public access are available to serve the proposed wireless telecommunications facility. The Project is located on an existing developed industrial site with established vehicular access from adjacent public streets. The project site is located north of Telegraph Road between Camfield Avenue and Hoefner Avenue. The facility is designed as a non-public, unmanned utility installation and does not require regular public access beyond periodic maintenance activities conducted by authorized personnel. Access for service and emergency response is available via existing on-site circulation and surrounding roadway infrastructure. Accordingly, the project provides sufficient access to support its operation without requiring additional public access improvements. Therefore, adequate provisions exist for public access to serve the Project site.*
8. **The proposed use is consistent with the objectives, policies, general land uses, and programs of the general plan.** *The proposed wireless telecommunications facility is consistent with the objectives, policies, general land uses, and programs of the General Plan. The Project supports the General Plan's goals related to infrastructure efficiency and the expansion of modern communication systems that serve residents, businesses, and public services. By enhancing wireless coverage and network capacity within an established industrial area, the Project advances policies encouraging the integration of utility infrastructure in appropriate non-residential zones. The facility will be located within an area designated for industrial development and is designed to be compatible with the surrounding land use pattern, thereby furthering the intent of the General Plan without creating conflicts with adjacent uses. Therefore, the proposed use is consistent with the General Plan.*

9. **The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare.** *The proposed wireless telecommunications facility would not be detrimental to the public interest, health, safety, convenience, or welfare. The project involves the installation of unmanned telecommunications equipment that will operate in compliance with applicable federal, state, and local regulations governing wireless facilities. The facility will be designed and maintained to meet all safety standards, and its operation will not generate noise, traffic, or hazardous conditions that would adversely affect surrounding properties. In addition, the Project will improve wireless communication services in the area, thereby enhancing public safety and emergency response capabilities. Accordingly, the proposed use is not expected to create adverse impacts on the surrounding community and will support the public interest. 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 design and elevations preserve and enhance the image, character, and visual quality of the surrounding area. The Project consists of a monopine wireless telecommunications facility designed to resemble a mature pine tree. The monopine design provides visual screening and camouflage, reducing the facility's visual prominence and minimizing potential aesthetic impacts. Unlike a traditional monopole, the structure incorporates simulated branches and other concealment features intended to better integrate the facility into the surrounding environment. The Project is located on an existing developed industrial site and is designed to be visually compatible with surrounding development, thereby minimizing visual contrast from adjacent public rights-of-way and maintaining the overall aesthetic character of the area. Therefore, the proposed design preserves and enhances the character and visual quality of the neighborhood.*

Section 5. The Planning Commission does hereby conditionally approve CUP No. 26-02 subject to the following conditions:

1. The Conditional Use Permit (CUP) approval that is valid and in effect and granted pursuant to the provisions of Title 19 (Zoning) of the Commerce Municipal Code (CMC) 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. The CUP approvals shall terminate within twelve (12) months from the effective date unless operations have commenced or a written extension is granted by the City, based on a request submitted prior to expiration in accordance with CMC Sections 19.39.460.

4. The Project shall be developed and operated in substantial compliance with the approved plans and exhibits on file with the Community Development Department, except as modified by these Conditions of Approval.
5. Approval of Variance No. 26-01 and Conditional Use Permit No. 26-02 authorizes the construction and operation of a 75-foot-tall monopine wireless telecommunications facility and associated ground equipment enclosure as approved by the Planning Commission.
6. The applicant shall obtain all required permits and approvals from the City of Commerce and any other applicable local, state, or federal agencies prior to construction.
7. The facility shall comply with all applicable provisions of the CMC and all applicable Federal Communications Commission (FCC) and Federal Aviation Administration (FAA) regulations.
8. The operator shall maintain the monopine facility in good condition at all times, including the repair or replacement of any damaged, missing, or deteriorated branches and other camouflage elements to ensure the continued effectiveness of the approved stealth design.
9. The monopine facility, equipment enclosure, and all associated improvements shall be maintained in a neat, clean, safe, and orderly condition at all times.
10. All equipment cabinets, utility connections, fencing, and appurtenant equipment shall be maintained in good condition and free of graffiti, debris, and vandalism.
11. No exterior lighting shall be installed or operated on the facility except as required by the FAA or other regulatory agency.
12. No signs, banners, flags, advertising, or similar materials shall be placed on the facility or equipment, except for required safety, warning, or identification signage.
13. The wireless telecommunications facility shall remain unmanned. Routine maintenance visits shall not alter the approved operation of the facility.
14. Any modification, expansion, or addition to the approved facility, including antennas, equipment cabinets, or accessory structures, shall be subject to review and approval by the Community Development Department and may require additional discretionary approval as determined by the Director of Community Development.
15. The facility shall be designed and maintained to accommodate future co-location opportunities by other wireless service providers when technically feasible and consistent with structural capacity.

16. The Project shall not reduce the number of required parking spaces serving the existing tenant. Any parking spaces displaced by construction of the facility shall be replaced in accordance with the CMC and subject to review and approval by the Community Development Department.
17. The wireless telecommunications facility ceases operation for a continuous period of twelve (12) months, the permit shall be deemed abandoned. The facility and all associated equipment shall be removed within ninety (90) days following written notice from the City.
18. Storage of parts and tools that are associated with the maintenance of the equipment of the wireless telecommunication facility shall only be permitted inside the equipment enclosure facility.
19. All requirements of the CMC and State law as it pertains to this application, shall be complied with and such requirements shall be made a condition of permit approval.
20. Exterior building surfaces shall be maintained in good condition, and all graffiti shall be removed within forty-eight (48) hours of its appearance or notification to the property owner by the City.
21. The City shall have the right to inspect the Property at any reasonable time to verify compliance with these Conditions of Approval. The property owner and/or operator shall fully cooperate with all inspections.
22. Any violation of these Conditions of Approval, the approved plans, or the CMC may result in a Notice of Violation, fines, stop-work orders, revocation of permits, or other enforcement actions. Failure to correct violations within the time specified may result in referral to the Planning Commission for revocation or modification of approvals.
23. The Planning Commission may revoke, modify, or conditionally suspend the Variance and CUP approval if the Applicant, property owner, or operator fails to comply with any of these Conditions of Approval, the approved plans, or any applicable law.
24. Trucks and heavy equipment shall not idle for more than ten (10) minutes while waiting to load/unload. Construction deliveries should be scheduled during non-peak traffic hours where feasible.
25. 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.
26. 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.
27. All loading must occur on-site. All vehicle maneuvering shall occur on-site as well.

28. During construction, all roadways shall be kept open to traffic.
29. Equipment used for construction activities shall be properly tuned to reduce exhaust emissions.
30. Construction activities shall be stopped during first and second stage smog alerts.
31. During construction, trucks and equipment that are not in use shall shut off their engines instead of idling.
32. Construction equipment shall be kept in proper tune and mufflers shall be used on all construction equipment to reduce equipment noise.
33. Roads adjacent to the project site shall be swept as needed to reduce fugitive dust from the proposed project site.
34. All grading operations will be suspended when wind speeds (as instantaneous gusts) exceed 35 miles per hour.
35. Construction activities shall be permitted between the hours of 7:00 am to 7:00 pm. Once operational, the proposed project must conform to the City's Noise Ordinance.
36. Storage of building materials related to construction activities shall be contained within the project site.
37. The project site shall be cleared of all debris prior to the issuance of a Building Division final inspection.
38. 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.
39. 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.
40. The contractor under the observation of the soil engineer shall conduct all clearing, site preparation, or earthwork performed on the project.
41. The soils engineer shall provide inspection for site clearing and grading in order to certify that the grading was done in accordance with approved plans and grading specifications.
42. Soils binders shall be utilized on construction sites for unpaved roads and/or parking areas.
43. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.

44. Where feasible, the applicant shall use recycled materials during construction and recycle construction waste. A report shall be provided to the City of Commerce.
45. The project applicant shall install equipment in accordance with the State of California's Energy Efficiency Standards (Title 24).
46. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.
47. The applicant and the contractors involved in demolition and/or construction activities must comply with all pertinent South Coast Air Quality Management District (SCAQMD) regulations and requirements governing Particulate Matter (PM₁₀) generation (Rule 401, 403, etc.). PM₁₀ pollution consists of very small liquid and solid particles floating in the air. These particles are less than 10 microns in diameter – about 1/7th the thickness of the human – and are known as PM₁₀.
48. The applicant shall work with staff on the final design, layout, and treatment of the proposed wireless telecommunications facility to ensure compliance with all provisions of the CMC. The final design of the structure shall be subject to the review and approval of the Director of Community Development and his/her designee.
49. The project shall comply with Section 19.27.060 of the CMC (Development and Performance Standards) as well as all other applicable sections of the CMC.
50. The proposed project shall conform to Building, Public Works, and Traffic Code requirements. Notwithstanding this review, all required permits from Building and Safety must be secured.
51. The applicant or General Contractor shall keep the construction area sufficiently damped to control dust caused by construction and hauling, and at all times provide reasonable control of dust caused by wind.
52. All materials transported off-site shall either be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage.
53. The applicant shall ensure that the contractors adhere to all pertinent SCAQMD protocols regarding grading, site preparation, and construction activities.
54. The applicant shall ensure that the grading and building contractors must adhere to all pertinent provisions of Rule 403 pertaining to the generation of fugitive dust during grading and/or the use of equipment on unpaved surfaces. The contractors will be responsible for being familiar with, and implementing, any pertinent best available control measures.

55. During construction, disposal of refuse and other materials should occur in a specified and controlled temporary area on-site physical separated from potential storm water runoff, with ultimate disposal in accordance with local, state, and federal requirements.
56. Sediment from areas disturbed by construction shall be retained on-site using structural controls to the maximum extent practicable.
57. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.
58. The Director of Community Development 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.
59. 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 Conditional Use Permit non-binding as against the City and shall confer applicant no legal rights under law.
60. The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers, and employees from any claim, action, 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.

The following conditions or code requirements of the Building & Safety Division shall be provided:

61. 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.
62. All construction plans shall comply with the codes in effect at the time of plan submittal to the Building Division.

63. The project must be designed to comply with the new building code which took effect on January 1, 2026.
64. Separate application required for the wireless facility and the CMU wall enclosure.
65. Structure calculations for the antennas, equipment shelter or cabinet's attachment, bottom support and anchorage design, prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
66. An address assignment is required for an antenna meter box if not already assigned.

The following conditions or code requirements of the Public Works Division shall be provided:

67. An encroachment permit is required for any work within the public right-away.
68. Traffic Control Plan and related permits shall be required for any temporary roadway lane closures associated with the proposed on-site wireless facility installation.

The following conditions or code requirements of the Traffic Division shall be provided:

69. The tower will be in the upper corner and should have no impact on truck movements or parking.

[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 July 15, 2026.

Salvador Gutierrez, Chairperson
Planning Commission

ATTEST:

Jessica Serrano, Secretary

ACCEPTANCE OF CONDITIONS
VARIANCE AND CONDITIONAL USE PERMIT

AFFIDAVIT

I, _____, hereby state that I am the owner, or the authorized agent of the owner, of property involved in Variance No. 26-01 & Conditional Use Permit No. 26-02.

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 26-05.

I am also aware that if any of the provisions of this Variance and 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.

WITNESS my hand and official seal

Signature _____ (Seal)