

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE,
CALIFORNIA, APPROVING PLOT PLAN NO. 992 AND CONDITIONAL USE
PERMIT NO. 533 TO ALLOW FOR THE CONSTRUCTION, DEVELOPMENT AND
USE OF A SELF STORAGE LAND USE AT THE PROPERTY LOCATED AT 6210
GARFIELD AVENUE IN THE CITY OF COMMERCE**

WHEREAS, Trojan Storage of Commerce filed an application with the City for a Plot Plan and Conditional Use Permit (CUP) to allow for the construction, development and establishment of a self-storage land use consisting of two new storage buildings measuring approximately 213,640 square feet of building area within a 5.39 acre (234,690 square feet) site in the City's M-2 (Heavy Industrial) zoning district.

WHEREAS Pursuant to Chapter 19.39 Division 10 (Site Plan Review) of the Commerce Municipal Code (CMC), a Plot Plan Review is required for any new building or structure in excess of 25,000 square feet in area and pursuant to 19.31.650 of the Commerce Municipal Code, the establishment of any new mini-warehousing, self storage or public warehousing are subject to the conditional use permit process within the M-2 Zone; and

WHEREAS, staff provided notice of the public hearing for the Plot Plan and CUP application in the Los Cerritos News on May 8, 2020 and by mail to all property owners within 500 feet of the project site; and

WHEREAS, the Planning Commission previously reviewed the request and all materials concerning the subject request and held a public hearing on June 26, 2019 and July 30, 2019, considered evidence submitted and approved the request.

WHEREAS, an appeal with a letter dated August 3, 2019 was submitted by a concerned resident regarding the Planning Commission's approval.

WHEREAS, at duly noticed meeting with the Planning Commission on November 19, 2019, the City Council considered the appeal and following public testimony, directed staff to prepare a resolution disapproving the Plot Plan and CUP.

WHEREAS, as a result of the applicant working with the City and the emerging challenges associated with COVID-19 present new information that was not included as part of the discussion during the November 2019 public hearing.

WHEREAS, on May 5, 2020, the City Council listened to a staff presentation and approved a motion to rescind the City Council's November 19, 2019 decision and allow for an opportunity to consider a new project proposal and recommendation.

NOW, THEREFORE, THE CITY COUNCIL DOES HEREBY RESOLVE AND DETERMINE AS FOLLOWS:

Section 1. An Initial Environmental Study was prepared for the project in compliance with the California Environmental Quality Act (CEQA) and was made available for public review and comment from May 24, 2019 through June 26, 2019. This project has been determined there could be impacts related to Cultural Resources and Hazards, but through the incorporation of mitigation measures, these impacts would be reduced to less than significant levels. Impacts to all other study areas were found to be less than significant. A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have therefore been prepared for the project.

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

1. The approval and subsequent implementation of the proposed project will not have the potential to degrade the quality of the environment. As indicated in Section 3.1 through 3.18, the proposed project will not result in any significant unmitigable environmental impacts.
2. The approval and subsequent implementation of the proposed project will not have the potential to achieve short-term goals to the disadvantage of long-term environmental goals. The proposed project will be a long-term permanent investment to accommodate alternative forms of transportation and reduce GHG emissions from mobile sources.
3. The approval and subsequent implementation of the proposed project will not have impacts that are individually limited, but cumulatively considerable, when considering planned or proposed development in the immediate vicinity. The proposed project is relatively small and the attendant environmental impacts will not lead to a cumulatively significant impact on any of the issues analyzed herein.
4. The approval and subsequent implementation of the proposed project will not have environmental effects that will adversely affect humans, either directly or indirectly. The proposed project will be a long-term permanent investment to accommodate alternative forms of transportation and reduce GHG emissions from mobile sources. The reduction of approximately 2.5 million VMT will have a positive impact by reducing air quality emissions.

In addition to the above findings pursuant to Commerce Municipal Code Section 19.39.680, AFFIRM the approval or disapproval of any Site Plan application shall be based upon the following factors and principles:

1. Compliance with all applicable provisions of this Title 19. The newly proposed self storage facility will comply with all applicable requirements of the Commerce Municipal Code. The proposed use is one that is permitted within the M-2 (Heavy Industrial) Zone with a Conditional Use Permit, the purpose of which is to provide land suitable for heavy industrial uses. The requirements of the zone are intended

to provide safeguards and to establish adequate buffer distances between uses that pose potentially adverse public health, safety, and welfare impacts and land uses in adjacent, more restrictive zone districts. As stated, the subject project will meet all applicable Code requirements and environmental analysis determined that any potential impact could be mitigated to a level of less than significant.

2. Suitability of the site for the particular use or development intended. The site is located in the M-2 Zone, which allows for the heaviest of industrial type of uses in the City. The site was previously developed with industrial uses and the surrounding neighborhood is characterized by similar uses. The intent of the heavy industrial zone is to concentrate heavy industrial activities in suitable areas in order to segregate these uses from sensitive residential uses; while at the same time ensuring the availability of needed public services. The proposed building does not violate any provisions of the Commerce Municipal Code, including lot coverage, floor area and setbacks requirements. The project site is large enough to accommodate all parking on site, as well as all access and maneuvering. The site is therefore suitable for the proposed development.
3. Physical layout of the total development, including the application of prescribed development standards. The project shall be so arranged to further the policies of the General Plan and zoning regulation including, but not limited to, avoiding traffic congestion, ensuring the protection of public health, safety, and general welfare, and preventing adverse effects on neighboring properties. The proposed project will further the policies in the Commerce General Plan. The site has an "Industrial" land use designation, which is intended to support the uses such as that being proposed. Adequate safeguards will be provided to ensure the protection of the public health, safety, and welfare. The General Plan acknowledges that industry has been, and will continue to be, the preeminent land use in Commerce and will serve as a cornerstone in the City's continued vitality. The City continues to promote the maintenance and preservation of industrial activities and businesses that contribute to the City's economic and employment base, while also encouraging revitalization of the City's industrial districts to accommodate economic development and growth.
4. Consistency with all elements of the General plan. General Plans are required to not only be consistent with a City's zoning ordinance, but they must also be internally consistent. Therefore, individual elements must be consistent with one another. If a project is consistent with one element of a General Plan, it should therefore be consistent with the rest of the document. The subject project includes consistency with following policies in the Community Development Element of the General Plan:
 - Community Development Policy 1.1 The City of Commerce will continue to promote land use compatibility.
 - Community Development Policy 1.8. The City of Commerce, in conjunction with the South Coast Air Quality Management District, the Environmental

Protection Agency, the Los Angeles County Fire Department, and other public agencies, will work to reduce potential hazards and health risks associated with the use, storage, or manufacture of hazardous materials.

- Community Development Policy 3.1. The City of Commerce will continue to promote the maintenance and preservation of industrial activities and business that contribute to the city's economic and employment base.
- Community Development Policy 6.3. The City of Commerce will require new commercial and industrial development to employ architectural and site design techniques that will promote quality and efficient development.

The abovementioned policies, along with other policies and elements identified in the General Plan will help contribute to an orderly pattern of development in the City, while helping to contribute to the City's economic well-being.

5. Suitability and functional development design; however, such approval shall be interpreted to require a particular style or type of architecture. The project was designed to meet the City's development standards, including those related to floor area and lot coverage. The project was also evaluated to ensure it met the City's site planning criteria and design guidelines. CEQA analysis of the project included a review of functionality measures of the proposal, including circulation and access. The project meets the intent and standards set forth in the Commerce Municipal Code and the CEQA analysis determined that the project will not have negative impacts on the environment; therefore the proposed building and use are suitable for the project site and its surroundings.

Commerce Municipal Code Section 19.39.420 requires that before granting a Conditional Use Permit, the Council shall AFFIRM that the Planning Commission satisfied itself by making the following findings:

1. The proposed use is one conditionally permitted within the subject zone and complies with the intent of all applicable provisions of this Title 19. The proposed use is conditionally permitted within the M-2 zone pursuant to the Commerce Municipal Code (CMC). The proposal will allow establishment of self storage facility within new structures development for this purpose. Through conditions of approval, the proposed use will comply with all the provisions of Title 19 of the Zoning Code.
2. The proposed use would not impair the integrity and character of the zone in which it is to be located. The proposed use is consistent with other uses in the immediate vicinity and throughout the M-2 zone. As mentioned, the applicant will be providing a self storage facility to the public and business in the community. A new 213,640 square foot facility will be constructed. As such, the proposed use will not impair the integrity of the area or its character. Appropriate conditions of approval have also been crafted in order to ensure the use operates in a manner so as not to impact the area in which it is located.

3. The subject site is physically suitable for the type of land use being proposed. The proposed use of a new 213,640 square feet self storage facility is physically suitable for the site. The new facility has been designed to meet the entire required development standard for a self storage facility. As such, no information has been submitted as part of the administrative record that suggests the site is not suitable for the proposed use. Staff believes that the site is physically suitable for the proposed use.
4. The proposed use is compatible with the land uses presently on the subject property. The proposal new structure for self storage facility will be constructed to be compatible with land uses and will enhance the subject property.
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 parcel is surrounded by other uses that are complementary to the self storage facility. The proposed use is one that is conditionally permitted in the zone and will serve to further enhance the City's vision for the area. The proposed use is compatible with adjacent uses and combined with other uses in the M-2 zone, will serve to help provide a variety of industrial activities as called for in the City's General Plan.
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 located in an urbanized area where similar uses exist. It will be located immediately adjacent to uses that have adequate provisions for water, sanitation and public utilities. Similar access to utilities will be provided to the project and therefore adequate provisions are in place. Furthermore, the proposed use requires minimum water, sanitation and public utilities and services that normal uses in the area. Compliance with all applicable Building Codes and going through the permitting processes is necessary and will help serve to ensure the applicant does not negatively impact any of the provisions discussed herein.
7. There would be adequate provisions for public access to serve the subject proposal. The project site is on a developed parcel within the City. Access to the site is provided by a new driveway proposed off Garfield Avenue. The proposed use will require the construction of new building and onsite improvement that will improve the site. Applicant must comply with all applicable Building Codes and permitting processes, which will ensure applicant provides adequate public access.
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 Commerce General Plan designates the project area as Industrial. This project is consistent with the General Plan in that it contributes to help establish an orderly pattern of development and a wide range of industrial activities. The project will also improve an existing industrial building, which will promote improvement of a

location where reinvestment is needed.

9. The proposed use would not be detrimental to the public interest, health, safety, convenience, or welfare. The proposed operation of the use will comply with all the applicable standards of the Zoning Code, and with the conditions of approval, the project will not adversely impact the general welfare of the City. Further, the applicant will maintain the proposed use in a safe and efficient manner while providing services in accordance with the imposed conditions. The conditions imposed will serve the public interest, health, safety, convenience, and welfare. 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 new facility will be designed to meet the development standards and will enhance the current character and visual quality of the neighborhood.

Section 3. The City Council does hereby conditionally approve Plot Plan No. 992 and Conditional Use Permit No. 533 subject to the following **MODIFIED** conditions:

1. The applicant shall plant at least 70 trees, the type and species shall be subject to the review and approval of the Director in consultation with any local group or agency that has a greater understanding of the natural flora and fauna of this area of the county.
2. The applicant shall make reasonable attempts to hire local personnel to assist with the construction and operation of the proposed self-storage facility.
3. The applicant shall work with the City of Commerce to establish a Community Benefits plan. Said plan shall include measures to aide in the development of the community to help offset and mitigate the proposed construction within the City.
4. The applicant shall work with City staff to reconsider the proposed RV parking located at the rear of the property and replace it with a new building.
5. A Site Plan Review and Conditional Use Permit approval that is valid and in effect and granted pursuant to the provisions of Title 19 of the Commerce Municipal Code 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.
6. 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.

7. This permit and all rights hereunder shall terminate within twelve (12) 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 19.39.720 of the Commerce Municipal Code.
8. 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.
9. 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.
10. 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.
11. All loading must occur on-site. No short-term on-street parking will be permitted.
12. During construction, all roadways shall be kept open to traffic.
13. Equipment used for construction activities shall be properly tuned to reduce exhaust emissions.
14. Construction activities shall be stopped during first and second stage smog alerts.
15. During construction, trucks and equipment that are not in use shall shut off their engines instead of idling.
16. Construction equipment shall be kept in proper tune and mufflers shall be used on all construction equipment to reduce equipment noise.
17. Roads adjacent to the project site shall be swept as needed to reduce fugitive dust from the proposed project site.
18. All grading operations will be suspended when wind speeds (as instantaneous gusts) exceed 35 miles per hour.
19. Construction activities shall be permitted between the hours of 7:00 a.m. to 10:00 p.m. Once operational, the proposed project must conform to the City's Noise Ordinance.

20. Storage of building materials related to construction activities shall be contained within the project site.
21. The project site shall be cleared of all debris prior to the issuance of a building department final inspection.
22. 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.
23. 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.
24. The contractor under the observation of the soil engineer shall conduct all clearing, site preparation, or earthwork performed on the project.
25. 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.
26. Soils binders shall be utilized on construction sites for unpaved roads and/or parking areas.
27. The project will be required to comply with all programs adopted by the City for the reduction of solid waste.
28. Where feasible, the applicant shall use recycled materials during construction and recycle construction waste. A report shall be provided to the City of Commerce.
29. Ultra-low flow water fixtures must be installed to reduce the volume of sewage to the system.
30. The project applicant shall install energy-efficient electrical appliances and equipment in accordance with the State of California's Energy Efficiency Standards (Title 24).
31. Prior to the issuance of any occupancy permits, three (3) sets of landscaping and irrigation plans shall be prepared by a landscape architect and submitted to the City for review and approval. All designated landscaping areas shall be fully planted prior to the issuance of building permit final inspection and maintained at all times.

32. Site development shall conform to the site plan reviewed by the Planning Commission when approval of the subject project was granted.
33. Violation of any of the conditions of this approval shall be cause for revocation and termination of all rights thereunder.
34. The Public Works and Development Services Director or her designee shall have the authority to initiate proceedings to suspend or revoke a Site Plan Review and Conditional Use Permit approvals pursuant to provisions set forth in Sections 19.39.240 through 19.39.250, inclusive, of the Commerce Municipal Code, Chapter 19.39.
35. 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.
36. The applicant shall comply with all mitigation measures contained in the Mitigation Monitoring and Reporting Program for Plot Plan No. 992 and Conditional Use Permit No. 533.
37. The applicant shall work with staff on the design, layout and treatment of the proposed self storage facility. The final design of the structure shall be subject to the review and approval of the City's Director of Public Works and Development Services or her designee.
38. The project shall comply with the Section 19.19.220 and 19.31.650 of the CMC (General Development Standards and Design Guidelines) as well as all other applicable sections of the CMC.
39. The applicant and future tenants will be required to obtain all pertinent operating permits from the SCAQMD for any equipment requiring such permits.
40. The proposed project shall conform to Fire, Building, and Public Works Code requirements. Notwithstanding this review, all required permits from the County Department of Building and Safety must be secured.
41. 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.
42. All materials transported off-site shall either be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage.

43. The Applicant shall ensure that the contractors adhere to all pertinent SCAQMD protocols regarding grading, site preparation, and construction activities.
44. 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.
45. During construction, disposal of refuse and other materials should occur in a specified and controlled temporary area on-site physically separated from potential storm water runoff, with ultimate disposal in accordance with local, State and Federal requirements.
46. Sediment from areas disturbed by construction shall be retained on-site using structural controls to the maximum extent practicable.
47. The project shall comply with the City's Low Impact Development Standards and Green Street Policy.
48. All required permits by all permitting agencies shall be obtained for operation of said use and any construction associated with the subject request.
49. Violation of any of the conditions of the approval shall be cause for revocation and termination of all rights thereunder.
50. The Director of Public Works and Development Services or 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.
51. The Applicant shall sign, notarize, and return to the Public Works and Development Services Department an affidavit accepting all Conditions of Approval within 15 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.

DEPARTMENT OF PUBLIC WORKS CONDITIONS:

GENERAL FEES REQUIREMENTS

52. Prior to issuance of grading, building or other permits as appropriate, the applicant shall pay all necessary fees to the City.
53. Sewer fee will be required in addition to the fees paid to the Los Angeles County Sanitation District, and shall be paid prior to building permit issuance.
54. Separate public encroachment permit and fee payment are required for all work in the public rights-of-way in the city.

PUBLIC WORKS REQUIREMENTS

55. The owner/developer shall be required to design and construct off-site improvements to the satisfaction and approval of the Public Works & Development Services Department.
56. Street, drainage improvements and traffic control plans shall be prepared by a registered civil engineer and shall be submitted to the Public Works & Development Services Department.
57. All work shall be done in accordance with Standard Plans for Public Works Construction (SPPWC) or as directed by the Public Works Engineer and/or the Public Works Inspector.
58. Bench Marks, Center Line Ties, and any other Survey Monumentation, shall be established and/or replaced accordingly at the completion of the project. A survey showing existing conditions, property lines, easements, utilities, etc. is required to be submitted to the Public Works & Development Services Department.
59. The required California Environmental Quality Act (CEQA) Study shall include a Traffic & Parking Impact Study. The Public Works & Development Services Department shall review and approve the study.
60. A geotechnical or soils report is required for the structural section of Bandini Boulevard. Said report must be prepared by a California licensed or registered civil or geotechnical engineer.

The following are required for the off-site improvements:

61. New full-width (at least 4 feet) Portland Cement Concrete (PCC) sidewalk is to be constructed along the frontage of 6210 Garfield Avenue with the proper transitions at both ends to meet existing conditions.
62. The frontage is to be re-graded to at-grade and allow for parkway vegetation, such as grass or trees, as prescribed by the Public Works & Development Services Department. Parkway width shall be no less than 5 feet.

63. If the proposed installation of the full-width sidewalk (minimum 4 feet width) and parkway area encroaches onto private property, then an easement for sidewalk and parkway purposes shall be granted to the City of Commerce for future maintenance purposes. The length and width of the proposed easement shall be determined by the Public Works & Development Services Department.
64. New curb & gutter (including gutter plate) per SPPWC standards shall be installed along the frontage of 6210 Garfield Avenue. Existing curb & gutter may be saved if they are in good condition during construction.
65. Along the proposed parkway area, install street trees at 25-foot intervals with root-barriers and install separate water meter(s) for irrigation to the satisfaction and approval of the Public Works & Development Services Department. Tree species and exact number of trees shall be determined by the Public Works & Development Services Department at a later date.
66. Fronting the property, the existing damaged street pavement of Garfield Avenue shall be reconstructed to the street centerline. The minimum structural section(s) shall be determined by the Public Works & Development Services Department per the recommendations in the required geotechnical or soils report. All street striping and markings shall be replaced.
67. Re-construct the two (2) driveways. These driveways shall be commercial, Type "C" & W=40' with the corresponding radius returns per SPPWC standards and as directed by the Public Works & Development Services Department.
68. New curb markings (especially red curbs) shall be installed per the direction of the Public Works & Development Services Department.
69. New or replacement parking restriction signs shall be installed per the direction of the Public Works & Development Services Department.
70. Existing parkway drains shall be replaced or repaired.
71. Coordination required with California Water Company (CalWater) for the installation of proposed water services, water meters, valves, backflow preventers, and any fire hydrants. All water-related structures, with the exception of backflow preventers, shall be installed within the public right-of-way. The backflow preventers shall be installed within private property. Approval from the Los Angeles County Fire Department required.
72. Existing fire connection and vault shall be re-located. New locations shall be determined at a later date by the Public Works & Development Service Department. Approval from the Los Angeles County Fire Department required.

73. All existing and proposed utilities shall be underground. Street lights shall be installed, if necessary, in coordination with Southern California Edison (SCE).
74. Existing power poles shall be determined if undergrounding is possible. If so, existing power poles shall be removed. Coordination with SCE required.
75. Drainage within the subject property shall be collected and required to comply with the National Pollutant Discharge Elimination System (NPDES) prior to discharge. If a storm drain system or a detention basin is required (depending on its location), additional conditions may apply.
76. There is no County maintained storm drain system along Bandini Boulevard. Serious consideration shall be given to connecting storm water drainage to Slauson Avenue, where a storm drain system does exist. County permits and plancheck review will be required in that instance.
77. Current status of existing dual advertisement billboards on-site to be determined at a later date. In the event of re-location, review required by the Public Works & Development Services Department and also from the responsible advertising agency.

The following are general requirements for off-site improvements:

78. Any existing improvements in the public right of way that are damaged, made off-grade during construction, including but not limited to the following: traffic signals, light standards, aprons, sidewalk, curb ramps, curb, and/or gutter, shall be removed and replaced with the appropriated SPPWC Standard or as directed by the Public Works & Development Services Department.
79. All site drainage shall be collected and deposited in the adjacent gutter, alley, storm drain or similar structure or device, and if necessary, filtered per NPDES regulations. Site storm and/or nuisance water shall not flow across the city sidewalk.
80. All new and existing, non-complying driveway aprons shall be constructed in accordance with SPPWC standards and shall provide a minimum 4 feet wide path of travel at no more than 2% cross-slope at the top of apron. Where limited parkway width occurs, the sidewalk shall be depressed at the back of apron to provide a disable access complying path of travel across the driveway apron. Top of driveway apron X shall be 5 feet minimum from any trees, power poles, traffic signal controllers, electric services or similar improvements in the public right-of-way.
81. All existing driveways aprons to be closed shall be removed and replaced with new curb, gutter, and sidewalk constructed in accordance with SPPWC standards.

82. All damaged or off-grade curb, gutter, and sidewalk shall be removed and replaced in accordance with SPPWC standards.
83. All existing street trees off-site and on-site shall be protected in place. Street trees shall be replaced in kind, 60" box minimum, if damaged or killed.

TITLE REPORT REQUIREMENT

84. The applicant is proposing to let remain two (2) lots. A Title Report not older than 6 months, a map showing the existing lots with the proper legal descriptions, and any recorded easements, are required for review and approval.
85. The package shall be prepared by a registered California civil engineer or land surveyor and additional pertaining information about the legal requirements, will be provided by the Public Works & Development Services Department.
86. 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.
87. The Director of Public Works & Development Services 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.
88. 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.

89. The Applicant shall sign, notarize, and return to the Public Works and Development Services Department an affidavit accepting all Conditions of Approval within 15 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.

Section 4. The City Council authorizes and approves Plot Plan No. 992 and Conditional Use Permit No. 533 to allow for the establishment, construction of a Self-Storage Land use at the property located at 6210 Garfield Avenue, in the City of Commerce.

PASSED, APPROVED and ADOPTED this 19th day of May, 2020

Ivan Altamirano, Mayor

ATTEST:

Lena Shumway, City Clerk