
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
APRIL 9, 2024
11:30 A.M.



CHAIR JACOB CORTEZ
VICE CHAIR ANDRIA WELCH
COMMISSIONER RHONDA CONTRERAS
COMMISSIONER SANDRA DIVERS
COMMISSIONER ROY HABER

Location: City Council Chambers, 15651 Mayor Dave Way, City of Industry, California

Addressing the Commission:

- < **Agenda Items:** Members of the public may address the Commission on any matter listed on the Agenda. Anyone wishing to speak to the Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed form should be submitted to the City Clerk prior to the Agenda item being called and prior to the individual being heard by the Commission.

- < **Public Comments (Non-Agenda Items):** Anyone wishing to address the Commission on an item *not* on the Agenda may do so during the "Public Comments" period. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda. State law prohibits the Commission from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the City Clerk prior to the Agenda item being called and prior to the individual being heard by the Commission.

At the time of publication, no Commissioners intend to take part in the meeting remotely under the provisions of AB 2449. Should that change between the time of publication and the start of the meeting, a live webcasting of the meeting will be accessible via the link, meeting ID, and meeting passcode listed below. Whenever possible, an announcement will be made at the start of the meeting via the live webcast to confirm whether or not a Commissioner will join remotely. If they will not be joining remotely, then the live webcast will terminate after the announcement.

www.microsoft.com/microsoft-teams/join-a-meeting

Meeting ID: 285 937 521 554

Meeting Passcode: KYfznW

Or call in (audio only)

+1 657-204-3264, United States

Phone Conference ID: 642 038 822#

Americans with Disabilities Act:

- < In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

1. Call to Order
2. Flag Salute
3. AB 2449 Vote on Emergency Circumstances (if necessary)
4. Roll Call
5. Public Comments

6. **ACTION ITEM**

- 6.1 Consideration of a Resolution approving Conditional Use Permit No. 23-04, for a Class 41 ABC License to allow for the sale of beer and wine at an existing fast-food restaurant, Yu Han Xuan Dining & Entertainment Inc. located at 18248 Gale Ave, City of Industry, California, adopting a Notice of Exemption regarding same, and making findings in support thereof.

RECOMMENDED ACTION: Adopt Resolution No. PC 2024-06 approving Conditional Use Permit 23-04, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

7. **CITY MANAGER REPORTS**

8. **AB 1234 REPORTS**

9. **COMMISSIONER COMMUNICATIONS**

10. Adjournment. Next regular meeting will be held on Tuesday, May 7, 2024, at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission
From: Joshua Nelson, City Manager
Date: April 9, 2024

Subject: Consideration of a Resolution approving Conditional Use Permit No. 23-04, for a Class 41 ABC License to allow for the sale of beer and wine at an existing fast-food restaurant, Yu Han Xuan Dining & Entertainment Inc. located at 18248 Gale Ave, City of Industry, California, adopting a Notice of Exemption regarding same, and making findings in support thereof.

Proposal:

Yu Wang, on behalf of Yu Han Xuan Dining & Entertainment Inc. ("Applicant"), is requesting approval of Conditional Use Permit ("CUP") No. 23-04, to add the sale of beer and wine for on-site consumption to an existing fast-food restaurant named Yu Han Xuan Dining & Entertainment Inc. ("Restaurant"), which is located at 18248 Gale Ave, City of Industry, California (APN 8264-014-047) ("Property").

Project Background:

The existing Restaurant is located within a commercial center known as Plaza at Puente Hills, which is 71.5-acres with an approximately 726,288 square-foot multi-tenant retail building. Plaza at Puente Hills is a major regional shopping center with current tenants that include a variety of restaurant uses, retail shops, and personal services.

On June 14, 2023, City's Planning Staff approved Use Permit No. 23-145 for the Restaurant to operate as a fast-food restaurant at the Property. Fast food restaurants are a specific type of restaurant that serves fast food cuisine and have minimal table service. At this time the Applicant requests approval of a Conditional Use Permit for the addition of beer and wine sales.

In accordance with Section 17.12.020 of the City's Code, fast-food restaurants with less than fifty seats and without alcohol service only require a Use Permit. Whereas, per Section 17.12.025.7., fast food restaurants with alcohol service require a Conditional Use Permit.

Location and Surroundings:

As shown on the location map (Exhibit A), the Restaurant is located inside the Plaza at

Puente Hills near the entrance located at the southeast corner of the intersection of Fullerton and Gale Avenue. The site is currently surrounded by commercial uses to the north, east and west, and to the south the 60 Freeway.

Project Entitlements:

The following planning entitlement applications are required to process the Applicant's proposed project.

1. Conditional Use Permit. – In reviewing this Conditional Use Permit Application, the Planning Commission will evaluate whether the proposed on-site sale of beer and wine in conjunction with a bona-fide eating establishment (restaurant) is compatible with the adjacent uses and businesses located within the Commercial Zoning District, subject to conditions of approval.

Staff Analysis:

The request to add the sale of beer and wine for on-site consumption to an existing fast-food restaurant in an existing commercial space, is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) land use designations. There is no expansion of floor area or modification to the structure proposed for this project; and it also complies with the development standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code. The Restaurant is open seven days a week from 9 am to 11 pm.

Under the Conditions of Approval for the project, the Applicant will need to obtain a Type 41 license from the California Department of Alcoholic Beverage Control ("ABC"). A Type 41 License (On-Sale General Eating Place) authorizes the sale of the sale of beer and wine for consumption on the premises (no off-site consumption). The business must operate and maintain the premises as a bona fide eating place. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

Property

As illustrated on the attached site plan (Exhibit B) Plaza at Puente Hills Property is a 71.5-acre lot that is currently developed with an approximately 726,288 square-foot multi-tenant retail building. The Restaurant occupies an existing tenant space that is approximately 1,548 square feet. The use does not involve any increase in square footage to the Property, and there will be no significant increase in demands for water, gas, electricity, and sewer utilities that currently serve the site.

Access

The Property is served by three main driveway entrances that are shared with the entire Plaza and are adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The Plaza is currently served by the 60 Freeway, Gale Avenue, and Fullerton Road. All driveway and drive aisle widths meet the minimum 26

feet required under the City's Code, and no new driveway entrances or modifications to existing entrances are proposed as part of this project.

Compatibility

Conditional Use Permit review is required to ensure the compatibility of the proposed use with adjacent uses by identifying potential nuisance activities and establishing appropriate mitigation measures. The project site is located within a commercial area that consists of fast food and retail uses.

Businesses within and surrounding the commercial area will not be exposed to any impacts resulting from the alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant use within the surrounding area. The uses of the surrounding properties may change, but the character will remain commercial in nature which is consistent with the General Plan and Zoning designations of the Property. The full-service restaurant with the addition of alcohol sales will also contribute to the economic viability of the shopping center.

If this CUP is granted and alcohol related problems result from business practices or operations which constitute a public nuisance, or the business fails to comply with the conditions of approval, the Planning Commission may modify or revoke the CUP after conducting a noticed public hearing in accordance with Section 17.48.080 of the City's Code. In addition, conditions pertaining to the sale of alcoholic beverages have been applied to the project.

Parking

Plaza at Puente Hills was developed with 4,335 parking spaces. Pursuant to Section 17.12.050.C of the Municipal Code, the shopping center requires a minimum of 2,902 parking spaces (725,266 square feet/250). Therefore, the number of existing parking spaces exceeds the Municipal Code requirement by 1,433 spaces. No expansion of the tenant space is being proposed, and the approval for the request of CUP 23-04 will not require additional parking spaces.

General Plan Consistency and Zoning Consistency

The project site has a General Plan (GP) land use designation of C (Commercial) and zoning designation of C (Commercial). The proposed use will allow customers to purchase beer and wine while dining at the restaurant. This is consistent with the purpose and intent of the C Commercial zone, which permits commercial uses that serve the residents of the City and surrounding areas. Pursuant to the City's Code, the Commercial zone permits restaurant uses with the sale of alcoholic beverages subject to review and approval of a Conditional Use Permit. The proposed use is also consistent with General Plan Goal LU2 which encourages a competitive business climate and blend of businesses that best serve the long-term economic future.

Environmental Analysis:

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities) of the CEQA Guidelines for the following reasons: (1) Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project consists of the addition of alcohol service to an existing fast-food restaurant and therefore is only a negligible expansion of the existing restaurant use. The Restaurant is required to operate and maintain the premises as a bona fide eating place under the Type 41 ABC license. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. No expansion of square-footage or modifications to the existing restaurant are proposed as part of this project. The Notice of Exemption (Exhibit D) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

Public Hearing:

The required Public Hearing Notice (Exhibit E) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, the City's webpage and published in the *San Gabriel Valley Tribune* on March 29, 2024, pursuant to Government Code Section 65091.

Fiscal Impact:

Approving Conditional Use Permit 23-04 to allow the operation of a fast-food restaurant, and the sale of beer and wine for on-site consumption will have a positive fiscal impact to the City by increasing sales tax revenues.

Recommendation:

The proposed use complies with the use standards of the City's Code and satisfies the findings noted in the Resolution, therefore, Staff recommends that the Planning Commission adopt Resolution No. PC 2024-06 (Exhibit F) approving Conditional Use Permit 23-04, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

Exhibits:

- A. Location Map - CUP 23-04
- B. Site Plan – CUP 23-04
- C. Floor Plan – CUP 23-04
- D. Notice of Exemption CUP 23-04

- E. Public Hearing Notice
- F. Resolution No. PC 2024-06 recommending Planning Commission approval of Conditional Use Permit No. 23-04 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map – CUP 23-04

[Attached]

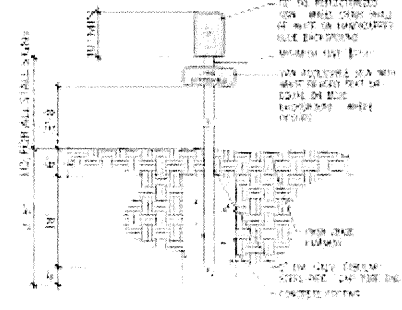


EXHIBIT B

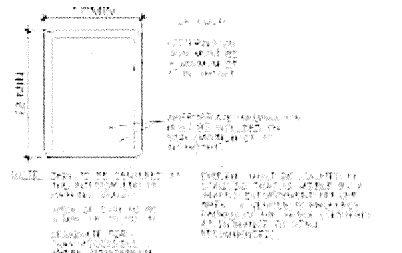
Site Plan – CUP 23-04

[Attached]

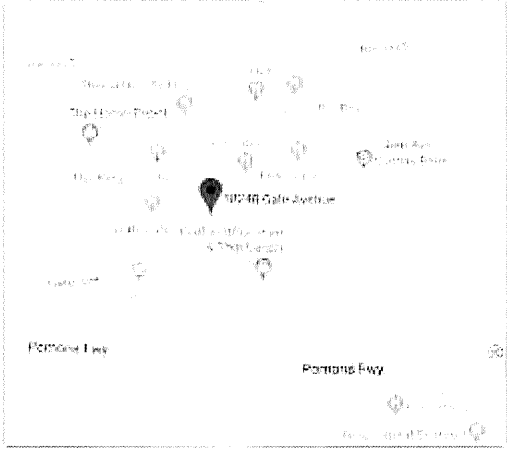
SITE PLAN



ACCESSIBILITY SIGN DETAIL A



SITE SIGNAGE B



VICINITY MAP

The accessible path of travel that the following notes in the accessible path of travel legend in: without any abrupt level changes or level shifts.

1. At least 48" in width.

2. Cross slope does not exceed 1/4" per foot in the direction of travel to provide the effective cross slope for any ramp or slope in excess of 1/4" per foot.

3. Surface is stable, firm, and slip resistant.

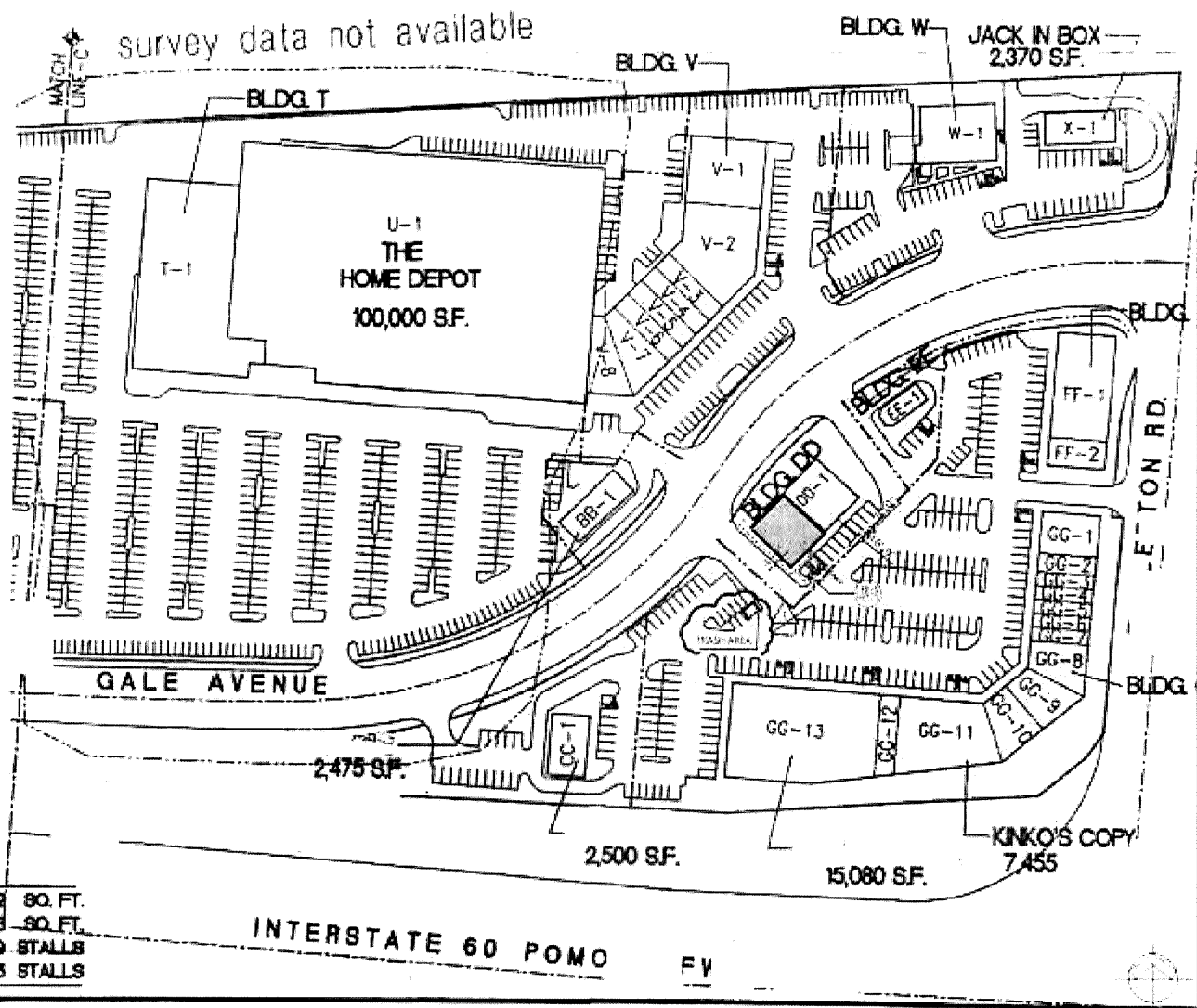
4. Free of obstructions, protrusions, and protruding objects per Section 119.10.20.

5. Any opening in the accessible path of travel shall be provided with a movable or other pedestrian access device or shall be closed by a warning device at least 48" in height adjacent to the opening.

6. Any opening in the accessible path of travel shall be provided with a movable or other pedestrian access device or shall be closed by a warning device at least 48" in height adjacent to the opening.

7. Any opening in the accessible path of travel shall be provided with a movable or other pedestrian access device or shall be closed by a warning device at least 48" in height adjacent to the opening.

8. Any opening in the accessible path of travel shall be provided with a movable or other pedestrian access device or shall be closed by a warning device at least 48" in height adjacent to the opening.



- 82 SQ. FT.
- 88 SQ. FT.
- 30 STALLS
- 35 STALLS

SPICY CHINESE RESTAURANT

SITE

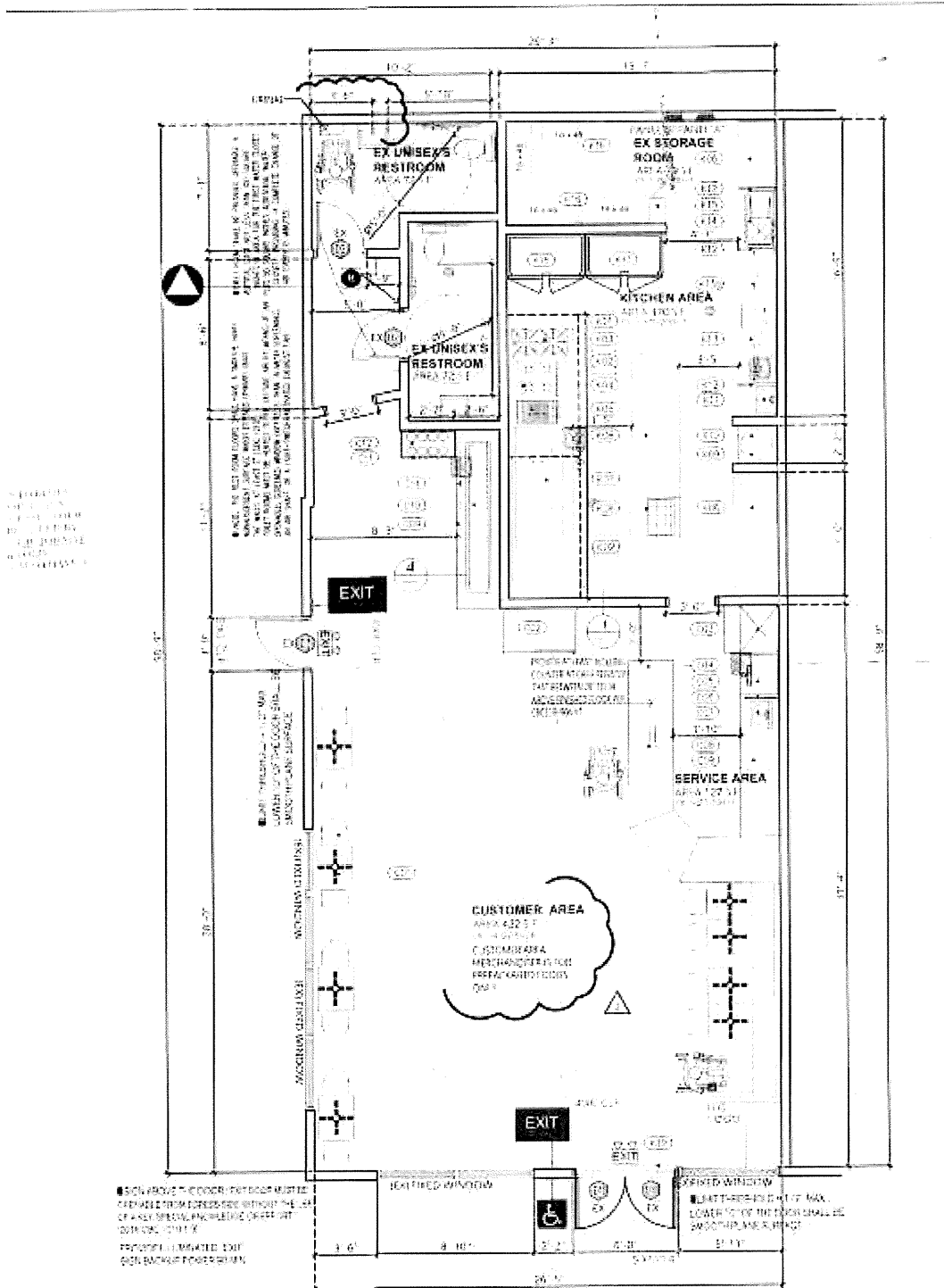
8

T.

EXHIBIT C

Floor Plan – CUP 23-04

[Attached]

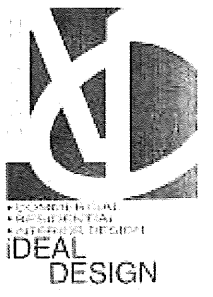


EX FLOOR PLAN A

PLUMBING FACILITIES PER TABLE 422.1

Table with 5 columns: CATEGORY, QUANTITY, UNIT, DIMENSIONS, and NOTES.

CATEGORY	QUANTITY	UNIT	DIMENSIONS	NOTES
RESTROOMS	2	SINK	18" X 12"	SEE PLAN FOR LOCATION
RESTROOMS	2	TOILET	30" X 18"	SEE PLAN FOR LOCATION
RESTROOMS	2	SHOWER	36" X 60"	SEE PLAN FOR LOCATION
RESTROOMS	1	TOILET	30" X 18"	SEE PLAN FOR LOCATION
RESTROOMS	1	SHOWER	36" X 60"	SEE PLAN FOR LOCATION
RESTROOMS	1	TOILET	30" X 18"	SEE PLAN FOR LOCATION
RESTROOMS	1	SHOWER	36" X 60"	SEE PLAN FOR LOCATION



12345 Mainway, Suite 100, Dallas, TX 75201
 Phone: (214) 555-1234 Fax: (214) 555-5678
 Email: info@ideal.com

ALL DRAWING INFORMATION SHALL BE CONTROLLED BY THE DESIGNER. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE DESIGNER.

SPICY CHINESE RESTAURANT
 15648 CALE AVE
 CITY OF INDUSTRY, CA 91744

FLOOR PLAN

DATE: 11/15/11

SCALE: 1/8" = 1'-0"

A-1

Exhibit D

Notice of Exemption - CUP 23-04

[Attached]

NOTICE OF EXEMPTION

To: County Clerk
County of Los Angeles
Environmental Filings
12400 East Imperial Highway #2001
Norwalk, CA 90650

From: City of Industry
15625 Mayor Dave Way,
City of Industry, CA 91744

Project Title: Conditional Use permit CUP 23-04

Project Location - Specific: 18248 Gale Ave

Project Location-City: APNs: 8264-014-047, City of Industry

Project Location-County: Los Angeles

Description of Project: Adoption of a resolution approving Conditional Use Permit No. 23-04, to allow for the operation used as a fast-food restaurant with the sale of beer and wine, for on-site consumption.

Name of Public Agency Approving Project: Planning Commission, City of Industry

Name of Person or Agency Carrying Out Project: Yu Wang, on behalf of Yu Han Xuan Dining & Entertainment Inc.

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. *State type and section number:* 15301(a)
- Statutory Exemptions. *State code number:*

Reasons why project is exempt: An Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines for the following reasons: (1) Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project consists of the addition of alcohol service to an existing fast-food restaurant and therefore is only a negligible expansion of the existing restaurant use. The fast-food restaurant Yu Han Xuan Dining & Entertainment Inc. is required to operate and maintain the premises as a bona fide eating place under the Type 41 ABC license. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises; and (2) no expansion of square-footage or modifications to the existing restaurant are proposed as part of this project.

Lead Agency

Contact Person: Dina Lomeli

Telephone: (626) 333-2211

Signature: _____

Date: 4/09/2024

Title: Contract Senior Planner

Exhibit E

Public Hearing Notice – CUP 23-04

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 23-04

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Industry will hold a public hearing on April 9, 2024 to consider an application from Yu Wang on behalf Yu Huan Xuan Dinning & Entertainment Inc., for consideration of a Resolution of the Planning Commission of the City of Industry, California, approving Conditional Use Permit No.23-04 (“CUP No. 23-04”).

Project Location: The property is located at 18248 Gale Avenue, further described as Assessor’s Parcel Number 8264-014-047 (“Property”). The project site has a zoning designation of “C” Commercial.

Project Description: Consideration of a Resolution approving Conditional Use Permit No. 23-04, for a Class 41 ABC License to allow for the sale of beer and wine at an existing restaurant called Yu Huan Xuan Dinning & Entertainment, located at 18248 Gale Ave, City of Industry, California.

A copy of all relevant material, including the Conditional Use Permit application, and Notice of Exemption are on file in the City Administrative Offices, 15625 Mayor Dave Way, Suite 100, City of Industry, California 91744 or via the City of Industry’s website at www.cityofindustry.org. Please contact Dina Lomeli, Contract Senior Planner, at the City of Industry at 626-333-2211 extension 115 or by email at dlomeli@cityofindustry.org if you have questions.

The time, date and place of such hearing shall be as follows:

Time: 11:30 a.m.
Date: April 9, 2024
Place: City Council Chamber
15651 Mayor Dave Way
City of Industry, CA 91744

Any person wishing to be heard regarding this matter may appear at the above time, date and place. Written comments may be sent via U.S. Mail or by hand delivery to the City of Industry, at 15625 Mayor Dave Way, Suite 100, City of Industry, CA 91744 or via email to the email address listed above. All comments must be received at, or prior to, the date and time of the hearing listed above.

If you challenge the project in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission of the City of Industry at, or prior to, the public hearing.

Julie Gutierrez-Robles, City Clerk

Exhibit F

Resolution No. PC 2024-06

[Attached]

RESOLUTION NO. PC 2024-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-04, TO ALLOW FOR THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT AN EXISTING FAST-FOOD RESTAURANT, AT THE PROPERTY LOCATED AT 18248 GALE AVENUE AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Yu Wang, on behalf of Yu Han Xuan Dining & Entertainment Inc. (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 23-04, to allow the sale of beer and wine for on-site consumption at an existing fast-food restaurant. Yu Han Xuan Dining & Entertainment Inc. (“Restaurant”) is located at 18248 Gale Ave, City of Industry, California further described as Assessor’s Parcel Number (8264-014-053) (“Property”); and

WHEREAS, the Restaurant is located within the Plaza at Puente Hills commercial retail center which is 71.5-acres, and developed with a 726,288 square-foot multi-tenant retail building; and

WHEREAS, the application applies to an existing commercial suite that is currently occupied by the Restaurant; and

WHEREAS, the proposed addition of beer and wine sales for onsite consumption to an existing fast-food restaurant is consistent with the goals and objectives of the City’s General Plan, in that the Property is zoned Commercial, and pursuant to Section 17.12.025.7 of the City’s Municipal Code, fast-food restaurants with alcohol service are permitted in the Commercial Zone with the approval of a Conditional Use Permit. Furthermore, the Property is adequate in size, shape, topography and location for the proposed use and there will be adequate utilities to accommodate a restaurant with alcoholic beverage service. The Property was developed for commercial uses, provides adequate circulation and access to service the restaurant, and is currently served by all required utilities. A restaurant with alcoholic beverage service is compatible with surrounding properties, which provide a mix of restaurants and, retail uses. The use will not be detrimental to the public health, safety, or general welfare because the sale of alcoholic beverage is ancillary to the restaurant use, and the conditions of approval regulate the sale of alcohol; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant. Based on Staff’s review and assessment, the proposed project is exempt from the

California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities) of the CEQA Guidelines because the project consists of the addition of alcohol service to an existing fast-food restaurant, which is only a negligible expansion of the existing restaurant use; and

WHEREAS, on March 29, 2024, notice of the Planning Commission's April 9, 2024, public hearing on CUP No. 23-04 was published in the San Gabriel Valley Tribune, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property, City Hall, the City's Council Chambers, Fire Station 118, and on the City's website; and

WHEREAS, on March 29, 2024, notice of the Planning Commission's April 9, 2024, public hearing on CUP No. 23-04 was also mailed to each property owner within 300 feet of the project site; and

WHEREAS, on April 9, 2024 the Planning Commission of the City of Industry conducted a duly noticed public hearing on the application, and considered all testimony written and oral; and

WHEREAS, all legal prerequisites to the adoption of this Resolution have occurred.

NOW THEREFORE, the Planning Commission of the City of Industry hereby finds, determines, and resolves as follows:

SECTION 1: The Planning Commission finds that all of the facts set forth in the Recitals above are true and correct and are incorporated herein by reference.

SECTION 2: An Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities) of the CEQA Guidelines for the following reasons: (1) Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The project consists of the addition of alcohol service to an existing fast-food restaurant and therefore is only a negligible expansion of the existing restaurant use. The Restaurant is required to operate and maintain the premises as a bona fide eating place under the Type 41 ABC license. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. No expansion of square-footage or modifications to the existing restaurant are proposed as part of this project.

SECTION 3: Based upon substantial evidence presented to the Planning Commission during the April 9, 2024, public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the General Plan in that the Property has a Commercial General Plan Land Use designation. Pursuant to Section 17.12.025.7 of the City's Code, fast-food restaurants that sell alcoholic beverages are permitted in the City's Commercial Zone, subject to the approval of a CUP. Further, the operating characteristics of a fast-food restaurant with ancillary alcoholic beverage sales are compatible with the existing land uses in the area which include other fast-food restaurants, retail, and commercial services, and also with future land uses in the vicinity of the Property. The Restaurant is located within the Plaza at Puente Hills commercial retail center, which is surrounded by other commercial uses. The tenant space provides adequate room for the operation of a fast-food restaurant with alcoholic beverage sales, which as conditioned, will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size, shape, topography, and location to accommodate the proposed use in that the Property is physically suitable for a restaurant with ancillary on-site alcoholic beverage sales. The Property was developed for commercial use, and currently operates as a fast-food restaurant. The addition of the sale of beer and wine for onsite consumption does not affect the suitability of the site for a fast-food restaurant, and there is no proposed physical expansion. Further, fast-food restaurants with the on-site sale of beer and wine are permitted in the Commercial Zone upon approval of a CUP. No adverse impacts will be created to the surrounding neighborhood as the operation will be consistent with the conditions of approval, and the requirements of the State of California Department of Alcoholic Beverage Control. The site provides adequate circulation and parking for the proposed use and access for emergency and public service vehicles.

(c) There will be adequate street access, traffic circulation and parking capacity for the proposed use. The Property is served by three driveway entrances that are shared with the entire Plaza at Puente Hills and are adequate in width and improved as necessary to carry the kind and quantity of traffic a restaurant with alcoholic beverage sales would generate. All driveway and drive aisle widths meet the minimum 26 feet required by the City's Code, and no new driveway entrances or modifications to existing entrances are proposed as part of this project. The existing 726,288 square-foot Plaza shares parking and was developed with 4,335 parking spaces. The City's Code requires 2,902 parking spaces for the Plaza. No expansion of the building is proposed and the approval for the request of CUP 23-04 does not require additional parking spaces.

(d) A fast-food restaurant with the sale of beer and wine for on-site consumption is a compatible use with the surrounding properties and uses because the area is composed of other fast-food restaurants, retail, and commercial services. The proposed use will complement the adjacent uses and will provide a dining service for visitors of the Plaza. The uses of the surrounding properties may change, but the character will remain commercial in nature which is consistent with the General Plan

and Zoning designations of the site. The fast-food restaurant with alcohol sales will also contribute to the economic viability of the Plaza.

(e) The proposed addition of the sale of beer and wine, for on-site consumption to the existing fast-food restaurant will not be detrimental to the public health, safety, or general welfare because the sale of alcoholic beverages is an ancillary use to the primary use as a restaurant. Furthermore, Conditions of Approval provide the City the authority to revoke the subject CUP if it is discovered that the operators of the proposed use are violating state regulations or any condition(s) of this approval. Moreover, the proposed use is subject to the operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC), which regulates and monitors the manner in which alcoholic beverages are sold.

SECTION 4: Based upon the foregoing findings, the Planning Commission hereby approves the Notice of Exemption, and directs Staff to file same as required by law and approves CUP No. 23-04 to allow the sale of beer and wine for on-site consumption at the existing Restaurant, subject to the conditions contained in Attachment 1, attached hereto and incorporated herein by reference.

SECTION 5: The provisions of this Resolution are severable and if any provision, clause, sentence, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words, or parts thereof of the Resolution or their applicability to other persons or circumstances.

SECTION 6: The Planning Commission Secretary shall certify to the adoption of this Resolution and the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on April 9, 2024, by the following vote:

AYES:	COMMISSIONERS:
NOES:	COMMISSIONERS:
ABSTAIN:	COMMISSIONERS:
ABSENT:	COMMISSIONERS:

Jacob Cortez, Chairman

ATTEST:

Julie Gutierrez-Robles, Secretary

Attachment 1

Conditions of Approval – CUP 23-04

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 23-04

Applicant: Yu Wang, on behalf of Yu Han Xuan Dining & Entertainment Inc.

Location: 18248 Gale Ave, City of Industry, California

Proposed Use: The sale of beer and wine, for on-site consumption at an existing fast-food restaurant.

Conditions of Approval

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the City per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions changes, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The approved use is the sale of beer and wine, for on-site consumption at an existing fast-food restaurant (Yu Han Xuan Dining & Entertainment Inc.) subject to the issuance of a Type 41 license by the California Department of Alcoholic Beverage Control ("ABC"), and for no other use.
2. The Applicant and Property Owner shall file an executed and acknowledged Acceptance of Terms and Conditions of the Conditional Use Permit within 10 days after the approval of said entitlement. The Applicant and Property Owner understand and agree that approval of the Resolution and Conditional Use Permit will be of no force or effect unless such written consent is submitted to the City within the stated 10-day period.
3. Pursuant to Section 17.04.100 of the City's Code, if the use for which this CUP was granted is discontinued for a period of 180 days or more, such use shall not be re-established, and the matter may be referred to the Planning Commission to initiate the proceedings for the revocation of this CUP.
4. Noncompliance with any Condition of Approval shall constitute a violation of the City's Code. Violations may be enforced in accordance with the provisions of Title 17 of the City's Code, and any other applicable ordinance, rule, or law.
5. Current and future property owners, business managers, operators, successors, assigns, etc.

shall be responsible for ensuring and complying with all conditions of approval contained herein.

6. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws, rules, and ordinances.
7. The Applicant shall operate in accordance with approved plans and specifications on file with the City of Industry Planning Department and shall be in compliance with all conditions of approval of Conditional Use Permit No. CUP-23-04, as approved by the Planning Commission on April 9, 2024.
8. Prior to operation of the use/business approved by the CUP, the Applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
9. Upon the one (1) year anniversary of approval of the CUP, staff shall bring back the CUP for review and evaluation by the Planning Commission of the Applicant/Owner's operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.

ABC License/Sale of Alcoholic Beverages

10. This approval shall be of no force or effect unless and until a Type 41 License has been obtained from the California Department of Alcoholic Beverage Control ("ABC"). Applicant and all successors and assigns shall comply with the licensing requirements and provide evidence of said license to the Planning Department prior to the commencement of service of any alcoholic beverages. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
11. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the ABC license issued for the establishment shall be grounds for revocation of this CUP.
12. The Applicant and all successors and assigns shall operate the establishment as a bona-fide eating place, as defined by Business and Professions Code §23038, in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation, and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food at the establishment, and must comply with all the regulations of the Los Angeles County Health Department. The approval is for a bona fide restaurant with on-site sale of the sale of beer and wine only. The Applicant and successors shall always offer full meal/menu service during the times which beer and wine being served.

13. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. The applicant shall, on the sixth month and twelve-month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six-month period.
14. No sale or distribution of alcoholic beverages shall be made from a walk-up window.
15. No display, sale, or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel, or similar container.
16. Alcohol sales are on-sale, for on-site consumption only, no beer or wine ("to-go") are permitted.
17. Employees engaged in the sale or service of alcoholic beverages shall be at least 21 years old.
18. During the hours of operation, there shall be not less than one employee at least 21 years of age present in a managerial capacity.
19. Applicant shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
20. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the selling or serving of alcohol.
21. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the property.
22. No signs advertising the sale of beer, wine or other products shall be installed on the exterior of the property, or within the interior of the Property directed and intended to be visible toward the exterior of the property in accordance with the provisions of the City's Code.

Business/Restaurant Operations

23. The Applicant and Property owner shall comply with all provisions for licensing and certification from the Los Angeles County Health Department.
24. All current and future business owners shall have a valid business license to operate the restaurant.
25. Expansion of use beyond the scope and nature described in this Conditional Use Permit No. 23-04, which would increase the projected scale of operations, shall not be permitted except upon application for and approval of modification to this Conditional Use Permit.
26. All uses allowed by the conditional use permit shall be conducted indoors within the approved

tenant space. No storage shall take place outdoors.

27. The Applicant and successors shall operate the Property in a safe and sanitary manner at all times, including compliance with curfew and daytime loitering regulations pursuant to the provisions of Title 17 of the City's Code. Continued or repeated violations of any municipal or health code, or other violation, as determined by the City of Industry, the Los Angeles County Sheriff's Department, the Los Angeles County Health Services Department, ABC, or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this CUP.
28. Adequate litter receptacles shall be provided both in and outside the building. All litter shall be removed from the exterior areas around the building as required and no less frequently than once each day this business is open.
29. The hours of operation shall be seven days a week from 9 am to 11 pm.
30. No dancing, live entertainment, DJ or karaoke by employees or customers is permitted at any time.
31. No outside cooking, food preparation, or sales of products or merchandise is allowed, unless approved in advance by the Planning Department.
32. A minimum, unobstructed pedestrian clearance of at least 48" in width shall be maintained along the entire length of the walkway for the outdoor dining area. If after commencement of operations, City Staff determines that 48" is inadequate based upon obstructions, pedestrian traffic volume, or other similar problems that may arise in the future, the City Staff may review and require more clearance area based on the location of walkway obstructions, pedestrian traffic volumes, or other similar problems.

Code Requirements and Standards

The following is a list of Municipal Code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions changes, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

33. The entire property is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
34. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
35. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.

36. All trash containers shall be kept inside a building or in a designated trash enclosure.
37. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
38. No outside storage of any private property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
39. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
40. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
41. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
42. No illegal drugs or drug paraphernalia shall be on the Property at any time.
43. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
44. The applicant is responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
45. Any violation of these conditions or any local, county, state or federal laws may constitute grounds for revocation or suspension of the CUP.
46. All perimeter walls, fencing, and common areas shall be maintained by the Property Owner.

Interpretation and Enforcement

47. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
48. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of the Industry Municipal Code.
49. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.

50. If the Planning Department finds evidence that conditions of approval have not been fulfilled or the use has resulted in a substantial adverse effect on the health and/or general welfare of uses of adjacent or proximate property or have a substantial adverse impact on public facilities or services, the Planning Department may refer CUP No. 23-04 back to the Planning Commission for review. If, upon review of the matter the Planning Commission finds that any of the results above have occurred, the Planning Commission may modify or revoke CUP No. 23-04.

Indemnification

51. The Applicant and any of its heirs, successors and assigns, shall defend, indemnify, and hold harmless the City and its elected officials, officers, employees, agents and volunteers (“City Indemnitees”) from any claim, action or proceedings, liability cost, including attorneys’ fees and costs against the City Indemnitees, caused or alleged to have been caused by reason of the Applicant’s activities in connection with CUP No. 23-04. This indemnity provision applies to all damages and claims for damages, as described above, regardless of whether or not the City prepared, supplied, or approved the plans, specifications, or other documents for CUP No. 23-04.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, including the environmental review, or any other supporting document relating to CUP No. 23-04, the Applicant and its successors and assigns, shall indemnify, defend and hold harmless the City Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City Indemnitees in relation to such action. The City shall have the right to select counsel of its choice.

The City shall promptly notify Applicant of any claim, action or proceeding, and shall cooperate fully in the defense thereof.