
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
AUGUST 6, 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: 227 949 238 893

Meeting Passcode: cEQXta

Or call in (audio only)

+1 657-204-3264, United States

Phone Conference ID: 766 432 617#

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 Resolution No. PC 2024-14, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE VACATION OF KAPLAN AVENUE AND THE DISPOSITION OF THE REAL PROPERTY THEREIN CONFORM TO THE CITY OF INDUSTRY GENERAL PLAN, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

RECOMMENDED ACTION: *Adopt Resolution No. PC 2024-14.*

7. **PUBLIC HEARING**

- 7.1 Consideration of a Resolution approving Conditional Use Permit No. 23-08, to allow a full-service restaurant with an entertainment arcade, along with a Class 41 ABC License for the sale of beer and wine for onsite consumption, and adopting a Notice of Exemption regarding same, and making findings in support thereof, for property located at 17585 Colima Road, City of Industry, California

RECOMMENDED ACTION: *Adopt Resolution No. PC 2024-15 approving Conditional Use Permit 23-08, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.*

8. **CITY MANAGER REPORTS**

9. **AB 1234 REPORTS**

10. **COMMISSIONER COMMUNICATIONS**

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

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

TO: Planning Commission
FROM: Joshua Nelson, City Manager
STAFF: Mathew Hudson, Engineering Manager; John Kao, Civil/Plan Check Engineer, CNC Engineering
DATE: 08/06/2024
SUBJECT: Resolution No. PC 2024-14, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE VACATION OF KAPLAN AVENUE AND THE DISPOSITION OF THE REAL PROPERTY THEREIN CONFORM TO THE CITY OF INDUSTRY GENERAL PLAN, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

Project Background:

Kaplan Avenue is a cul-de-sac street with an approximate length of 600 feet, and is accessible from Echelon Avenue and Amar Road. Kaplan Avenue is designated as a Local Street in the Circulation Element of the City's General Plan, and is an easement granted to the City, recorded on February 5, 1979, for streets and highway purposes.

On December 19, 2023, utility letters entitled, "Notice of Intent to Vacate Kaplan Avenue" were sent to all existing easement holders in and across Kaplan Avenue. The required thirty day notice to respond has expired. The City received three responses from three different utility companies. As described below, two utility companies requested to reserve their easements.

In its letter dated March 12, 2024, Southern California Edison requested to reserve the rights to its easements for public services as they exist today and that a copy of the recorded vacation be provided to them. In an email response dated January 2, 2024, Southern California Gas Company requested to reserve its easements serving the adjacent properties until such time that they will be abandoned, upon request of the new development. In its letter dated February 6, 2024, Suburban Water Systems made no reservations to any easement, and requested copies of the recorded vacation be provided to them. Furthermore, each utility company was contacted on January 23, 2024, to verify their responses and/or non-responses.

On July 26, 2024, Charter/Spectrum and Crown Castle Wireless, being the non-responsive utilities, were contacted via email. Charter/Spectrum responded indicating that their facilities have been removed and none of their easements require reservation. Crown Castle has a cellular tower, which will remain, and is located at the most southwest corner of the property. Crown Castle responded that there are no easements that require reservation and at such time new utility easements will be established with the new development.

Discussion:

On July 9, 2024, the Planning Commission adopted Resolution No. PC 2024-13, recommending that the City Council approve Development Plan Application No. 22-07. Kaplan Avenue is in conflict with this proposed future development. If the City Council approves the vacation of Kaplan Avenue and

the 4-foot wide easement for landscape and utility purposes, it will revert to the current landowner.

Pursuant to Government Code Section 65402, it is necessary for the Planning Commission to find that the vacation is consistent with the City's General Plan. The vacation of Kaplan Avenue is specifically consistent with the following aspects of the General Plan:

Vision: Provide prudent public ownership, improvement, and strategic partnerships to achieve the City's economic development and revitalization goals.

The proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of an approximately 0.66 acre site.

LU2-2 Attract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share growing sectors of the regional and global economy. Encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business.

LU2-3 Encourage the consolidation of smaller lots and large industrial lots to be occupied by a single tenant as opposed to multiple tenants.

Fiscal Impact:

The proposed street vacation of Kaplan Avenue has no fiscal impact to the City.

Recommendation:

Staff recommends that the Planning Commission find that this vacation of Kaplan Avenue is consistent with the City's General Plan pursuant to California Government Code Section 65402.

It is hereby recommended that the Planning Commission adopt Resolution No, PC 2024-14 pertaining to the summary vacation of Kaplan Avenue.

Attachments

- A. Resolution No. PC 2024-14
- B. Exhibit A Legal Description of Road Vacation
- C. Exhibit B Map of Kaplan Avenue Street Vacation

RESOLUTION NO. PC 2024-14

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE VACATION OF KAPLAN AVENUE AND THE DISPOSITION OF THE REAL PROPERTY THEREIN CONFORM TO THE CITY OF INDUSTRY GENERAL PLAN, PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

WHEREAS, in 1979, a Certificate of Acceptance was recorded for the Easement Grant Deed, granting Kaplan Avenue as an easement to the City of Industry for street and highway purposes; and

WHEREAS, on July 9, 2024, the Planning Commission of the City of Industry adopted Resolution No. PC-2024-13 recommending that the City Council approve Development Plan Application No. 22-07. Kaplan Avenue, along with the 4 foot wide easement for landscape and utility purposes (hereinafter the "Vacated Property"), is in conflict with this proposed future development. The Vacated Property is legally defined in Exhibit "A" and shown on Exhibit "B", attached hereto and fully incorporated herein; and

WHEREAS, Streets and Highways Code Section 8312 authorizes the City Council to summarily vacate a street and easements for street or highway or public purposes; and

WHEREAS, Government Code Section 65402 requires the Planning Commission to determine whether the location, purpose, and extend of said vacation of the Vacated Property conforms to the General Plan of the City; and

WHEREAS, the City's General Plan classifies the location of the Vacated Property as Industrial, and the City's Zoning Code designated the location as Industrial; and

WHEREAS, the Planning Commission has reviewed the proposed vacation of the Property and finds that it conforms to the following aspects of the City's General Plan because:

Vision: Provide prudent public ownership, improvement, and strategic partnerships to achieve the City's economic development and revitalization goals.

The proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of an approximately 0.66 acre site.

LU2-2 Attract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share growing sectors of the regional and global economy. Encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business.

LU2-3 Encourage the consolidation of smaller lots and large industrial lots to be

occupied by a single tenant as opposed to multiple tenants.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDUSTRY DOES HEREBY RESOLVE, AS FOLLOWS:

SECTION 1: The Planning Commission finds that all of the facts, findings and conclusions set forth above are true and correct.

SECTION 2: In accordance with, and pursuant to the requirements of California Government code 65402(a), the Planning Commission hereby finds that the proposed vacation of the Property conforms to the City's General Plan because the proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of approximately 0.66 acre site (Vision, LU2-2, and LU2-3) and the vacation of remnant right-of-way will not alter existing street patterns, alter roadway capacity, require amendment of the Roadway Classification Plan of the Circulation Element, or alter or reduce level of service performance (LOS) and emergency access in any manner.

SECTION 3: 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 4: The Planning Commission hereby directs the Secretary of the Planning Commission to transmit a full, true and correct copy to the City Clerk.

SECTION 5: That the City Clerk shall certify to the adoption of this Resolution and that 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 August 6, 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

PASSES, APPROVED, AND ADOPTED this 6th day of August, 2024

Jacob Cortez, Chairman

ATTEST:

Julie Gutierrez-Robles, Secretary

EXHIBIT "A"

PARCEL "A" ROADWAY VACATION

REAL PROPERTY SITUATED IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF KAPLAN AVENUE AS SHOWN PER PARCEL MAP NO. 129, IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 107 PAGES 45 AND 46 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WESTERLY OF THE WEST LINE OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT RECORDED OCTOBER 11, 1955, AS INSTRUMENT NO. 3987, IN BOOK 49201, PAGE 389 OFFICIAL RECORDS, AS SHOWN ON SAID MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

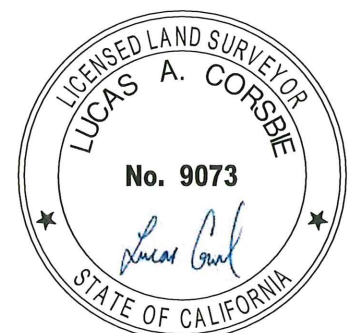
COMMENCING ALONG THE CENTERLINE OF KAPLAN AVENUE WITH ITS INTERSECT OF THE CITY/COUNTY BOUNDARY LINE, AS SHOWN PER SAID PARCEL MAP PARCEL MAP NO. 129; THENCE WEST ALONG SAID CENTERLINE NORTH 85°39'38" WEST 30.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT EASEMENT RECORDED OCTOBER 11, 1955 AS INSTRUMENT NO. 3987 IN BOOK 49201, PAGE 389 OF OFFICIAL RECORDS, SAID INTERSECTION BEING PARALLEL WITH AND DISTANT 30.00 FEET WESTERLY AS MEASURED AT RIGHT ANGLES FROM THE CITY/COUNTY BOUNDARY LINE AND THE **TRUE POINT OF BEGINNING** FOR THIS DESCRIPTION;

THENCE NORTH 04°11'12" EAST, 25.22 FEET TO A POINT OF CUSP WITH A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 29.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 26°57'39" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°18'01", AN ARC DISTANCE OF 15.84 FEET TO A TANGENT LINE; THENCE ALONG SAID TANGENT LINE NORTH 85°39'38" WEST, 526.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 60.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°54'14", AN ARC DISTANCE OF 37.60 FEET TO THE BEGINNING OF REVERSE CURVE CONCAVE EASTERLY HAVING A RADIUS OF 40.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 40°14'36" WEST; THENCE NORTHWESTERLY, SOUTHERLY AND NORTHEASTERLY ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 251°48'28", AN ARC DISTANCE OF 175.79 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 60.00 FEET, A RADIAL TO SAID POINT BEARS NORTH 31°33'52" WEST; THENCE NORTHEASTERLY ALONG SAID LAST MENTIONED REVERSE CURVE THROUGH A CENTRAL ANGLE OF 35°54'14", AN ARC DISTANCE OF 37.60 FEET TO A TANGENT LINE; THENCE ALONG SAID TANGENT LINE SOUTH 85°39'38" EAST, 526.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 29.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°59'41", AN ARC DISTANCE OF 15.69 FEET; THENCE NORTH 04°11'12" EAST, 25.14 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID ROADWAY VACATION HAVING AN AREA OF 28,806 SQUARE FEET, OR 0.6613 ACRES MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

LUCAS A. CORSBIE
CALIFORNIA PLS NO. 9073
FOR AND ON BEHALF OF WARE MALCOMB
10 EDELMAN
IRVINE, CALIFORNIA 92618
P 949.660.9128



Jul 29, 2024

EXHIBIT "A"

PARCEL "B" EASEMENT VACATION FOR LANDSCAPING AND PUBLIC UTILITY PURPOSES

REAL PROPERTY SITUATED IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THOSE PORTIONS OF PARCELS 3, 4, 5, 6, 7, AND 8 OF PARCEL MAP NO. 129 IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP RECORDED IN BOOK 107, PAGES 45 AND 46 OF PARCEL MAPS OF THE OFFICE OF THE COUNTY RECORDER ALSO DESCRIBED AS BEING PARCEL 4 IN AN EASEMENT FOR LANDSCAPING AND PUBLIC UTILITY PURPOSES PER THAT CERTAIN GRANT DEED RECORDED ON FEBRUARY 5, 1979 AS DOCUMENT 79-151952 OF OFFICIAL RECORDS, SAID EASEMENT MORE PARTICULARLY DESCRIBED AS FOLLOWS:

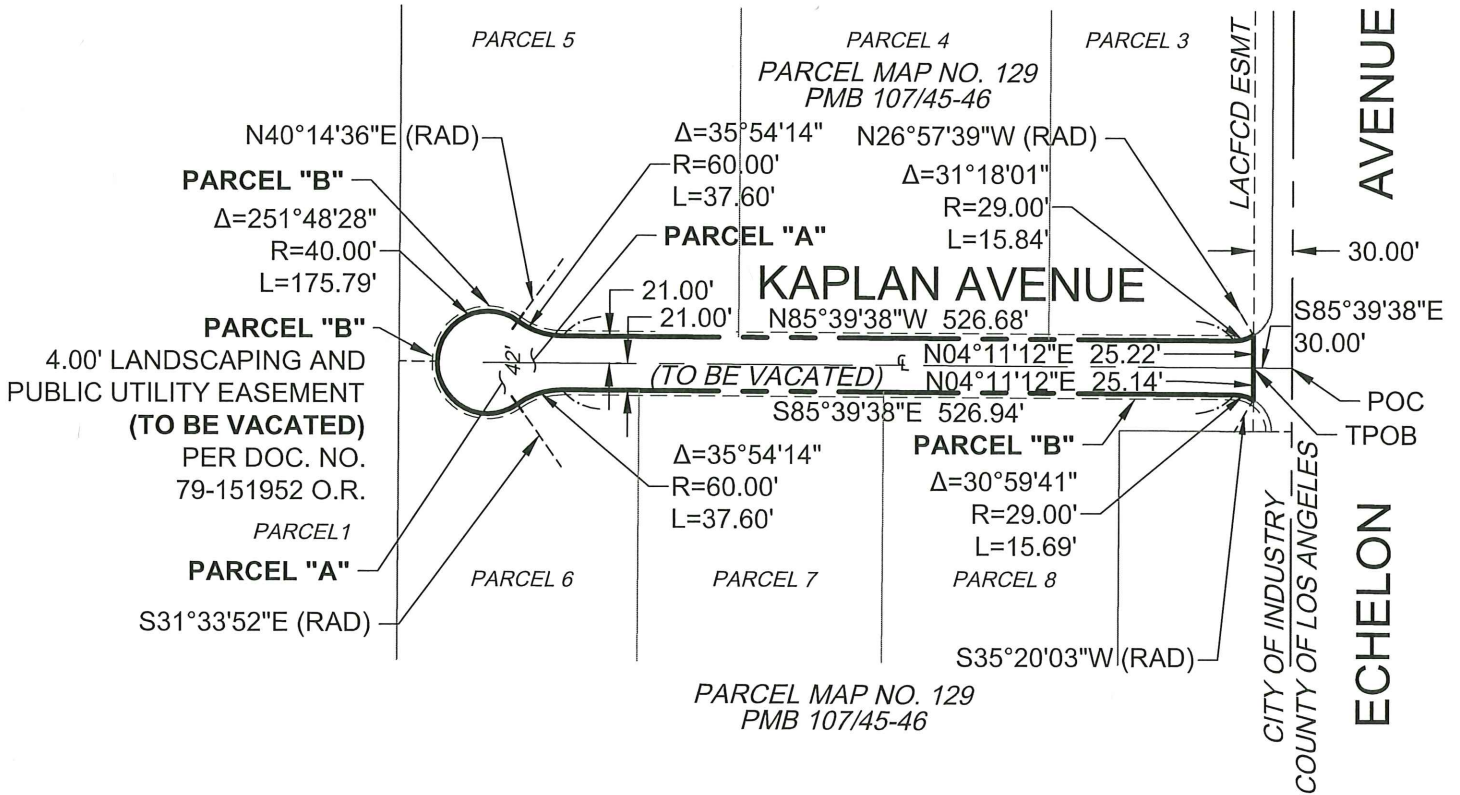
A STRIP OF LAND 4.00 FEET WIDE, THE NORTHERLY, EASTERLY AND SOUTHERLY LINE OF WHICH IS COINCIDENT WITH THE SOUTHERLY, WESTERLY AND NORTHERLY LINES OF PARCEL "A" AS DESCRIBED HEREIN AND AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

LUCAS A. CORSBIE
CALIFORNIA PLS NO. 9073
FOR AND ON BEHALF OF WARE MALCOMB
10 EDELMAN
IRVINE, CALIFORNIA 92618
P 949.660.9128



Jul 29, 2024

EXHIBIT "B"



LEGEND

STREET VACATION BOUNDARY	---
ROAD CENTERLINE	---
EXISTING EASEMENT LINE	---
PARCEL LINES	---

REFERENCES

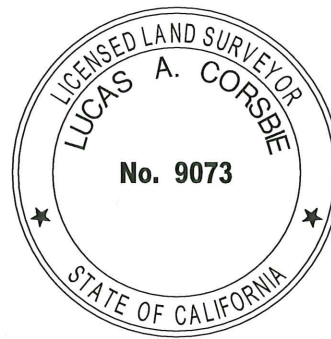
-PARCEL MAP No. 129
BOOK 107 OF MAPS 45-46

NOTE: CURVE DATA WHERE KAPLAN AVENUE MEETS ECHELON AVENUE WERE ADJUSTED TO THE CURVES THAT WERE TANGENT WITH THE ADJACENT LINES

THIS DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.

07/29/2024
DATE

LUCAS CORSBIE NO. 9073
MY LICENSE EXPIRES: 03/31/3026



Jul 29, 2024



10 edelman irvine, ca 92618 p 949.660.9128 waremalcomb.com WARE MALCOMB CIVIL ENGINEERING & SURVEYING	PROJECT NAME: KAPLAN AVENUE			SHEET
	JOB NO.: IRV22-0084	DATE : 07/29/2024		1 OF 1
	DRAWN: CM	PA/PM: LC	SCALE: 1" = 150'	

PLANNING COMMISSION

ITEM NO. 7.1



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission

From: Joshua Nelson, City Manager

Date: August 6, 2024

Subject: Consideration of a Resolution approving Conditional Use Permit No. 23-08, to allow a full-service restaurant with an entertainment arcade, along with a Class 41 ABC License for the sale of beer and wine for onsite consumption, and adopting a Notice of Exemption regarding same, and making findings in support thereof, for property located at 17585 Colima Road, City of Industry, California.

Proposal:

Geri Fox, on behalf of CEC Entertainment, LLC (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 23-08, to allow a full-service restaurant with an entertainment arcade, along with a Class 41 ABC License for the sale of beer and wine for onsite consumption, for a business known as Chuck E. Cheese (“Restaurant”), at property located at 17585 Colima Road, (Assessor’s Parcel Number 8265-062-026) (“Property”).

Location and Surroundings:

As shown on the location map (Exhibit A), the Property is located on a 9.77 acres parcel within the Puente Hills East commercial center, located on the northside of Colima Road, between Hanover Road and Albatross Road. The 82,331 square foot building (labeled Building “B” on the site plan) is currently occupied by ten commercial tenant spaces including the following:

- Preferred Bank
- NC Peking Duck (No alcohol service)
- Mama Lu’s Dumpling House (No alcohol service)
- Dentist Office
- Diamond Bar Jewelry
- Lugiani Salon
- Crab Bay (Beer and wine sales)
- Super Co (Furniture sales)
- Lost Worlds Laser Tag
- Leslie Pool Supplies

The Puente Hills commercial center is surrounded by commercial uses to the north, south, east, and west.

Project Background:

On September 6, 2017, the City's Planning Staff approved Use Permit No. 17-0489 for a Halloween retail store to operate at the Property. This business closed its doors and ceased business operations in November 2017. The 14,497 square foot tenant space has been vacant for almost seven years.

Pursuant to Municipal Code Section 17.12.025 a restaurant - full service with or without alcohol service (IMC 17.12.025.14) and any business or use that includes entertainment or dancing as part of that business or use (IMC 17.12.025.6) are subject to the issuance of conditional use permit for such use(s) by the Planning Commission.

A full-service restaurant is defined by the Municipal Code as a restaurant in which waiters or waitresses take food and drink orders from customers at their tables from a menu containing an assortment of foods prepared and cooked on the premises by chefs in a professional kitchen, which contains freezers, stoves, ovens, food preparation areas, and dishwashing equipment. A full-service restaurant may include a bar as an ancillary use with approval of a conditional use permit as long as the bar area, including bar stools, does not exceed thirty percent of the total floor area of the business.

The activities and entertainment that will be provided include:

- Arcade games
- Interactive dance floor
- Live shows. At birthday parties a mouse character comes out and performs a song including the birthday song.
- Jumbo video walls.
- Mascot interaction. A mouse character comes out, generally peak times/birthday parties.

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 full-service restaurant and entertainment arcade, with on-site sale of beer and wine in conjunction with a bona-fide eating establishment is compatible with the adjacent uses and businesses located within the Commercial Zoning District, subject to conditions of approval.

Staff Analysis:

“Chuck E. Cheese” is a well-known and established business that has operated since 1977. The company and its franchisees operate around 600 Chuck E. Cheeses and 120 Peter Piper Pizzas, with locations in 47 states and 17 foreign countries and territories. Based on Staff’s research there has never been a Chuck E. Cheese within the City of Industry. The closest locations are in Covina, Pico Rivera, and La Mirada. Each Chuck E. Cheese establishment offers at least 70 games per location, food options including pizza, salads, and wings, and a banquet/ dining area where parties can be held.

Although Chuck E. Cheese is a family-friendly establishment, there are extra security precautions in place. There is a “Kid Check” system that requires an adult and child to receive a matching invisible stamp upon entry, and when it is time to leave, an employee will make sure that the stamps match. All guests who are minors (under 18 years of age) must be accompanied by a parent or guardian who must remain at the location to ensure supervision.

In addition to the service of food, the Applicant is requesting a CUP to allow for the sale of beer and wine for onsite consumption. 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). A CUP is also necessary for the proposed entertainment uses.

Floor Plan

The proposed 14,497 square-foot floor plan will consist of a dining area, kitchen service area, restroom facilities, salad bar, prize booth, and gaming area. Upon entry, patrons will be greeted by an employee at the “Kid Check” area, where everyone in each party will receive a matching stamp. From there, they can go to the dining area to meet their party guests or roam around the arcade area. Chuck E. Cheese has become a significant birthday party destination but can also be enjoyed on non-celebratory days. The tenant space is currently vacant but will require interior modifications to better suit the proposed business. The Applicant will be required to obtain approval for their proposed tenant improvements from the City’s Building and Safety Division. Any proposed signage will need to be reviewed and approved by the Planning Department. The signage shown on the elevation is purely conceptual.

Access

The Property is served by five main driveway entrances that are shared with the entire shopping center and are adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property is currently served by Colima Road, Albatross Road, Hanover Road, and Almahurst Street. All driveways 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.

Parking

The subject site is located within the Puente Hills East commercial center located on the northside of Colima Road, between Hanover Road and Albatross Road. The subject site is adjacent to several parking areas in the center which provide parking for the various uses. The applicant is proposing interior work, and no additional square footage is being proposed to the business.

The overall shopping center has 611 parking spaces. Pursuant to Section 17.12.050.C of the Municipal Code, the shopping center requires a minimum of 446 parking spaces (111,409 square feet/250). Therefore, the number of parking spaces exceeds the Code's requirement by 165 spaces. No expansion of the tenant space is being proposed and the approval for the request of CUP 23-08 will not require additional parking spaces.

Hours of Operation

The Applicant is proposing the following hours of operation for the restaurant with arcade:

Sunday-Thursday: 11:00 a.m. to 9:00 p.m.

Friday: 11:00 a.m. to 10:00 p.m.

Saturday: 10:00 a.m. to 10:00 p.m.

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 other full-service restaurants, fast food restaurants, retail, and office spaces.

The approval of the restaurant with arcade games will allow Chuck E. Cheese to be competitive with other restaurants in the area and will expand the variety of dining and entertainment choices on Colima Road. With the incorporation and implementation of the attached conditions of approval, staff believes that the proposed business operation will be compatible with the surrounding land uses. Therefore, staff is supportive of Conditional Use Permit No. CUP 23-08, subject to the attached conditions of approval.

Moreover, 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. Chuck E. Cheese's has served beer and wine since the concept started almost 40 years ago.

General Plan Consistency and Zoning Consistency

Pursuant to Municipal Code Section 17.12.025, the request to allow a full-service restaurant (with more than 50 seat and alcohol service) and entertainment arcade, is

permitted in the Commercial (“C”) zoning district, subject to the approval of a Conditional Use Permit.

Additionally, pursuant to Municipal Code Section 17.12.025, the request to allow an Indoor children's play facility (in this case an entertainment arcade) in which each child must be accompanied by an adult who must remain in the building at all times until the child departs the building is also subject to the approval of a Conditional Use Permit.

The proposed use is consistent with the General Plan Commercial land use designation which allows a mixture of commercial retail, service, tourist-serving, medical, professional office, entertainment, fitness, and dining uses. 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 of the City.

Entertainment and/or dance regulations:

Pursuant to Municipal Code Section 17.12.030 any business or use that includes entertainment and/or dancing as part of that business or use is required to comply with a number of operating regulations and standards. Most of these operating regulations and standards have been incorporated into the attached conditions of approval, however, two of the conditions are required to be completed prior to the Planning Commission’s review of the CUP application.

These two requirements are:

1. A Los Angeles County Sheriff's department investigation must be conducted on the background on all owners or officers of a business or corporation prior to the planning commission review of the conditional use permit application.

The Los Angeles County Sheriff's Department is currently conducting a background investigation on the officers/owners of CEC Entertainment, LLC. Staff will provide an update on the results of the background check at the Planning Commission meeting on August 6, 2024.

2. A written security program for the premises shall be presented to, and approved by, the Los Angeles County Sheriff's Department and City Manager prior to the planning commission review of the conditional use permit application.

The Applicant has submitted a Restaurant Safety & Security Plan and a Crisis Management Plan. Both documents have been reviewed and found to be acceptable by the Los Angeles County Sheriff's Department and the City Manager.

Environmental Analysis:

Section 15332 of the CEQA Guidelines identifies the Class 32 categorical exemption for projects characterized as infill development. This exemption is intended to promote infill development within urbanized areas. The class consists of environmentally benign infill

projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Such projects must meet conditions (a) through (e) described in the analysis below.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The subject parcel has a General Plan land use designation of Commercial and is zoned Commercial, which allows the proposed Project subject to the approval of a Conditional Use Permit by the Planning Commission. The project generally conforms to General Plan policies and zoning regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The 82,331 square foot (1.89 acres) building (labeled Building "B" on the site plan) is located in the City and is currently occupied by ten commercial tenant spaces. The proposed project will occupy 14,497 square foot tenant space.

(c) The Project site is currently developed and surrounded by development. Pursuant to the General Plan Element 3. Resource Management Section 3.1: "Since the city is urbanized and largely built out, it does not contain significant biological resources", therefore, the Project site has no value as habitat for endangered, rare, or threatened species and does not contain any endangered habitat because it is a developed lot that has an existing industrial building and was disturbed when the original buildings were built and there were no environmental concerns found at the time of original construction. Furthermore, no areas of the City are within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan as stated in the General Plan Element 3. Therefore, the Project site has no value as habitat for endangered, rare or threatened species, and the Project qualifies for an exemption under CEQA Guidelines Section 15332(c) as a Class 32 urban in-fill development under this criteria.

(d) The Project site is currently developed and surrounded by development. The existing shopping center has been built out and operated since 1989 and potential effects to traffic, noise, air quality and water were taken into consideration and accounted for at the time the original development was built. Although the site will be interiorly improved there will be no expansion of the existing building. The proposed project is permitted with the approval of a CUP pursuant to Municipal Code, and the Project's improvements will be constructed and operated in compliance with all applicable development standards and conditions of approval. Therefore, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The Project site is situated in an area of the City that is fully developed. All necessary public services and utilities are readily available to adequately serve the site. The Project site is currently served by all of the City's public services, including Sheriff and fire protection.

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 July 26, 2024, pursuant to Government Code Section 65091.

Fiscal Impact:

Approving Conditional Use Permit 23-08 to allow the operation of an entertainment facility with a full-service 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 2024-15 (Exhibit F) approving Conditional Use Permit 23-08, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

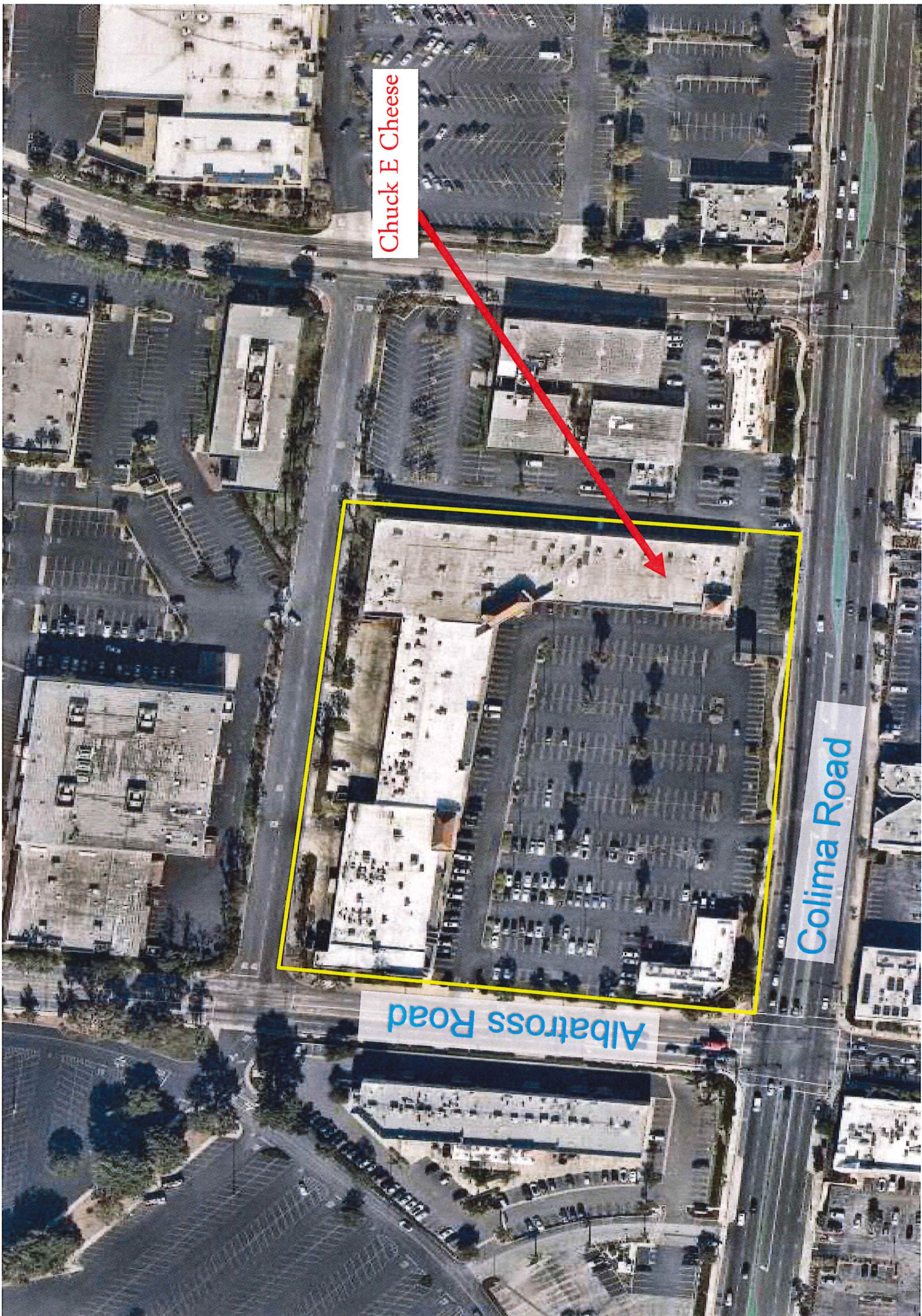
Exhibits:

- A. Location Map - CUP 23-08
- B. Site Plan – CUP 23-08
- C. Floor Plan – CUP 23-08
- D. Notice of Exemption CUP 23-08
- E. Public Hearing Notice
- F. Resolution No. PC 2024-15 recommending Planning Commission approval of Conditional Use Permit No. 23-08 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map – CUP 23-08

[Attached]



Chuck E Cheese

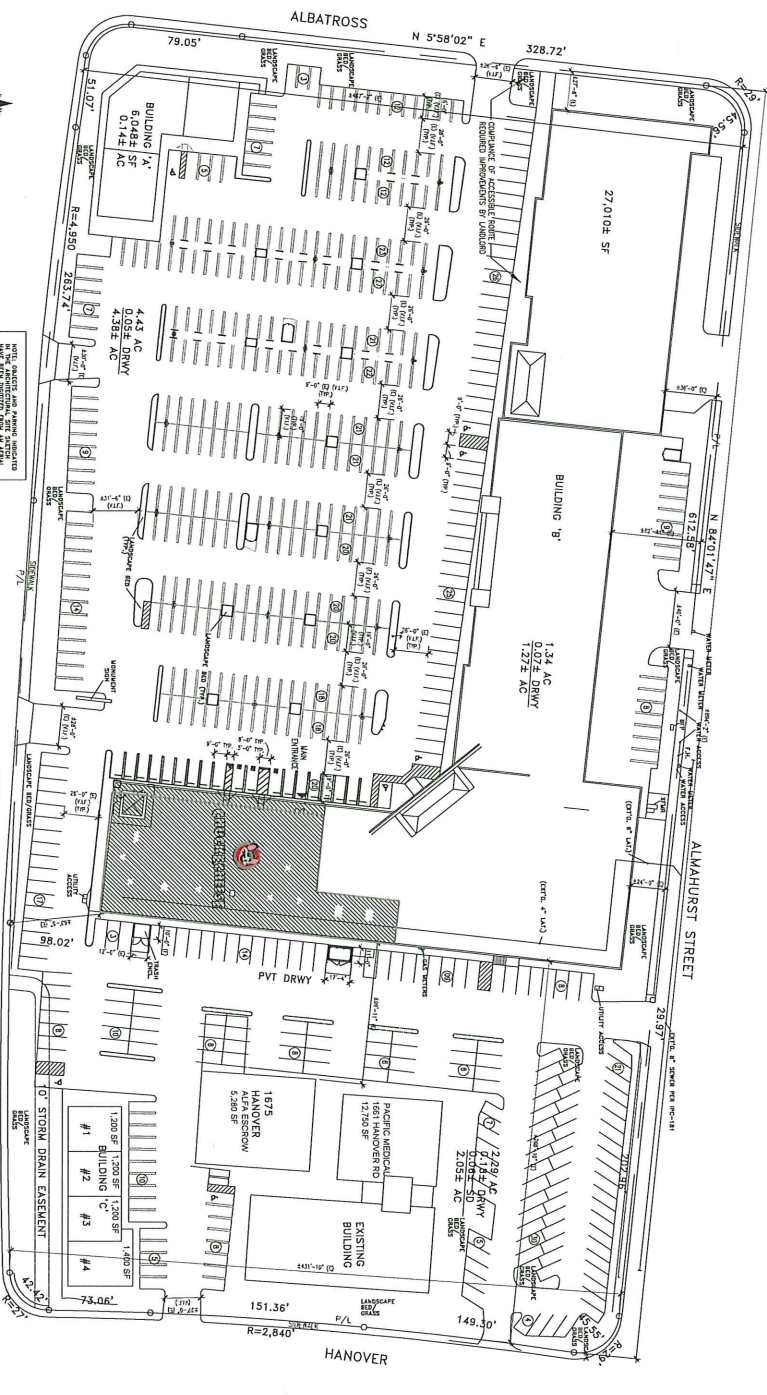
Albatross Road

Colima Road

EXHIBIT B

Site Plan – CUP 23-08

[Attached]



01 ARCHITECTURAL SITE SKETCH

SCALE: 1" = 40'-0"

DEVELOPMENT INFORMATION SUMMARY			
CODE REQUIRED	EXISTING	PROPOSED	
PARCEL SIZE (SITE AREA)	425,624 SF	425,624 SF	
TOTAL BUILDING AREA	111,409 SF	111,409 SF	
MEZZANINE AREA	N / A	N / A	
BUILDING-TO-LOT RATIO	0.26	0.26	
LANDSCAPE AREA (SF & %) (12.2%)	38,420 SF (12.2%)	38,420 SF (12.2%)	

TOTAL VOLUMES FOR THE PROPOSED PLAN			
USE	DEVELOPMENT	AREA	CU. FT.
OFFICE	OFFICE	1,200 SF	2,400
RETAIL	RETAIL	1,200 SF	2,400
RESTAURANT	RESTAURANT	1,200 SF	2,400
RESIDENTIAL	RESIDENTIAL	1,200 SF	2,400
STORAGE	STORAGE	1,200 SF	2,400
TOTAL	TOTAL	12,000 SF	24,000

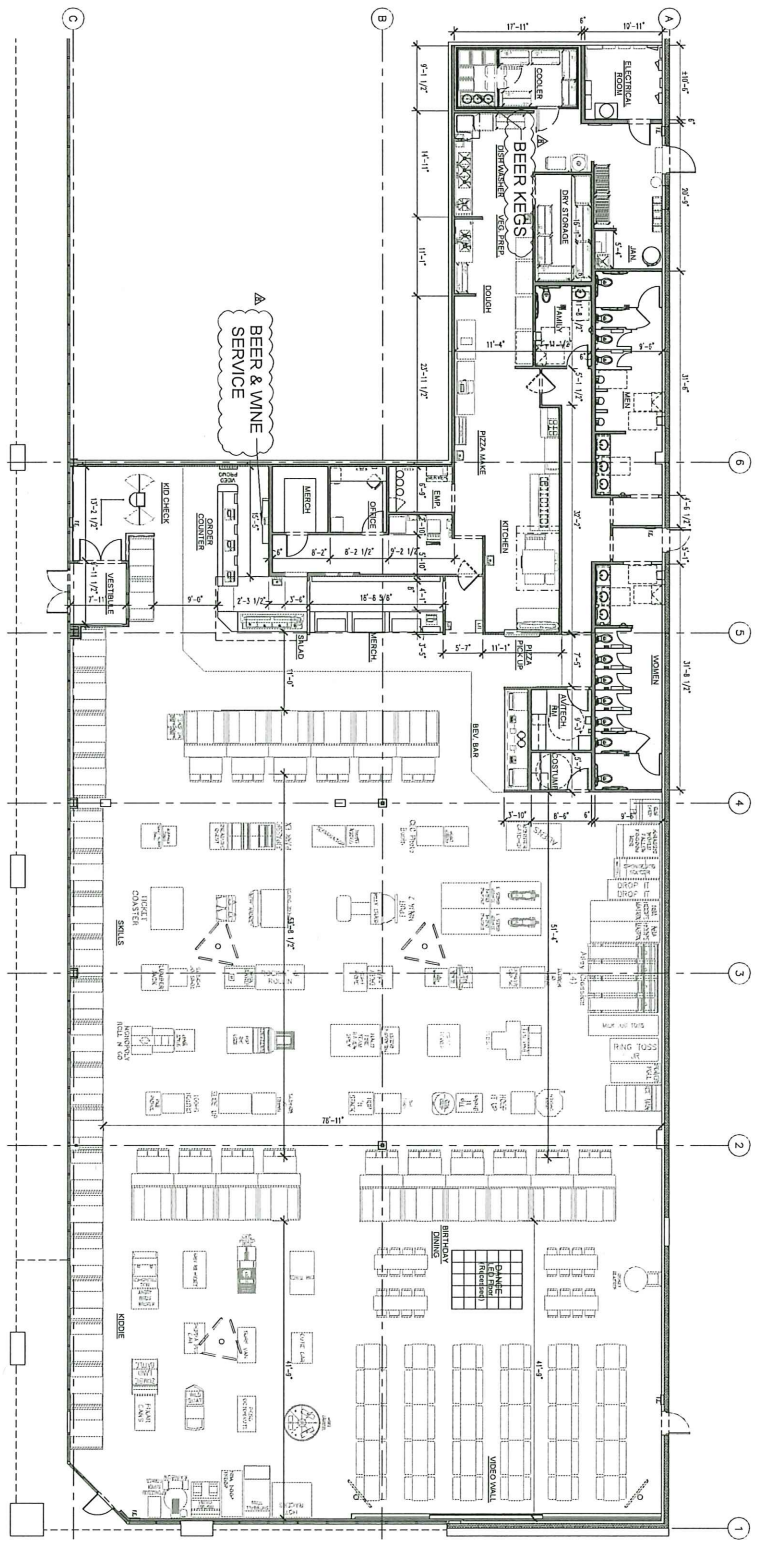
THESE DOCUMENTS ARE THE SOLE PROPERTY OF CEC ENTERTAINMENT, INC. ANY COPYING OR USE OF THESE DOCUMENTS FOR ANY PURPOSE OTHER THAN CONSTRUCTION OF THIS PROJECT WITHOUT EXPRESSED WRITTEN PERMISSION OF THE ARCHITECT AND OWNER IS PROHIBITED.

	CHUCK E. CHEESE PIZZA #806 PUEBLO HILLS EAST 1755 COLIMA ROAD IRVING, TEXAS 75038	James M. Hamill AIA 550 Decker Drive Ste. 170 Irving, Texas 75062 Phone 972/714-0460
	CUP SUBMITTAL - SITE PLAN	PROJECT NUMBER: 20203 DATE: 04/12/2023

EXHIBIT C

Floor Plan – CUP 23-08

[Attached]



01 DIMENSIONED FLOOR PLAN
SCALE 1/8" = 1'-0"



WALL LEGEND
 NEW WALL
 EXISTING MASONRY WALL

THESE DOCUMENTS ARE THE SOLE PROPERTY OF CEC ENTERTAINMENT, INC. ANY COPYING OR USE OF THESE DOCUMENTS FOR ANY PURPOSE OTHER THAN CONSTRUCTION OF THIS PROJECT WITHOUT EXPRESSED WRITTEN PERMISSION OF THE ARCHITECT AND DIVER IS PROHIBITED.

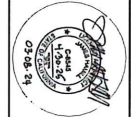
SHEET
04
04 OF 06

PROJECT NUMBER: CEC00006
DATE: 04/12/2023

CHUCK E. CHEESE PIZZA #806
 FUENTE HILLS EAST
 1755 COLIMA ROAD
 CITY OF INDUSTRY, CA 91748

C.E.C. ENTERTAINMENT, INC.
 1707 MARKET PLACE BLVD, SUITE 200
 IRVING, TX 75063

INDUSTRY, CA



James M. Hamill AIA
 580 Decker Drive Ste. 170
 Irving, Texas 75062
 Phone 972714-0420



CUP DIM. FLOOR PLAN

Exhibit D

Notice of Exemption - CUP 23-08

[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, Suite 100
City of Industry, CA 91744

Project Title: Conditional Use Permit 23-08

Project Location - Specific: 17585 Colima Road

Project Location-City: City of Industry **Project Location-County:** Los Angeles

Description of Project: Consideration of a Resolution approving Conditional Use Permit No. 23-08, to allow a restaurant with an entertainment arcade, along with a Class 41 ABC License for the sale of beer and wine for onsite consumption, and adopting a Notice of Exemption regarding same, and making findings in support thereof, for property located at 17585 Colima Road, City of Industry, California.

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

Name of Person or Agency Carrying Out Project: Geri Fox, on behalf of CEC Entertainment, LLC

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:* 15302 (Class 32)
- Statutory Exemptions. *State code number:*

Reasons why project is exempt: Section 15332 of the CEQA Guidelines identifies the Class 32 categorical exemption for projects characterized as infill development. This exemption is intended to promote infill development within urbanized areas. The class consists of environmentally benign infill projects which are consistent with local general plan and zoning requirements. This class is not intended to be applied to projects which would result in any significant traffic, noise, air quality, or water quality effects. Such projects must meet conditions (a) through (e) described in the analysis below.

(a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The subject parcel has a General Plan land use designation of Commercial and is zoned Commercial, which allows the proposed Project subject to the approval of a Conditional Use Permit by the Planning Commission. The project generally conforms to General Plan policies and zoning regulations.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The 82,331 square foot (1.89 acres) building (labeled Building "B" on the site plan) is located in the City and is currently occupied by ten commercial tenant spaces. The proposed project will occupy 14,497 square foot tenant space.

(c) The Project site is currently developed and surrounded by development. Pursuant to the General Plan Element 3. Resource Management Section 3.1: "Since the city is urbanized and largely built out, it does not contain significant biological resources", therefore, the Project site has no value as habitat for endangered, rare, or threatened species and does not contain any endangered habitat because it

is a developed lot that has an existing industrial building and was disturbed when the original buildings were built and there were no environmental concerns found at the time of original construction. Furthermore, no areas of the City are within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan as stated in the General Plan Element 3. Therefore, the Project site has no value as habitat for endangered, rare or threatened species, and the Project qualifies for an exemption under CEQA Guidelines Section 15332(c) as a Class 32 urban in-fill development under this criteria.


(d) The Project site is currently developed and surrounded by development. The existing shopping center has been built out and operated since 1989 and potential effects to traffic, noise, air quality and water were taken into consideration and accounted for at the time the original development was built. Although the site will be interiorly improved there will be no expansion of the existing building. The proposed project is permitted with the approval of a CUP pursuant to Municipal Code, and the Project's improvements will be constructed and operated in compliance with all applicable development standards and conditions of approval. Therefore, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

(e) The Project site is situated in an area of the City that is fully developed. All necessary public services and utilities are readily available to adequately serve the site. The Project site is currently served by all of the City's public services, including Sheriff and fire protection. Therefore, the proposal is exempt from environmental review.

Lead Agency

Contact Person: Eduardo E Manriquez

Telephone: (626)333-2211

Signature: 

Date: August 6, 2024

Title: Contract Associate Planner

Exhibit E

Public Hearing Notice – CUP 23-08

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 23-08

On July 26, 2024, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Geri Fox, on behalf of CEC Entertainment, LLC, for consideration of a Resolution of the Planning Commission of the City of Industry, California, approving Conditional Use Permit No.23-08 ("CUP No. 23-08").

Project Location: The property is located at 17585 Colima Rd, further described as Assessor's Parcel Number 8265-062-026 ("Property"). The project site has a zoning designation of "C" Commercial.

Project Description: Consideration of a Resolution approving Conditional Use Permit No. 23-08, for a commercial entertainment facility and a restaurant with a Class 41 ABC License to allow for the sale of beer and wine for onsite consumption, Chuck E Cheese located at 17585 Colima Rd, 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 Eduardo Manriquez, Contract Associate Planner, at the City of Industry at 626-333-2211 extension 144 or by email at emanriquez@cityofindustry.org if you have questions.

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

Time: 11:30 a.m.
Date: August 6, 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 2024-15

[Attached]

RESOLUTION NO. PC 2024-15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-08, TO ALLOW A FULL-SERVICE RESTAURANT WITH AN ENTERTAINMENT ARCADE, ALONG WITH A CLASS 41 ABC LICENSE FOR THE SALE OF BEER AND WINE FOR ONSITE CONSUMPTION, AT THE PROPERTY LOCATED AT 17585 COLIMA ROAD, AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Geri Fox, on behalf of CEC Entertainment, LLC (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 24-01, to allow a full-service restaurant with an entertainment arcade, along with a Class 41 ABC License for the sale of beer and wine for onsite consumption, at the property located at 17585 Colima Road, City of Industry, California, further described as Assessor’s Parcel Number (8265-062-026) (“Property”); and

WHEREAS, the project is located within a 14,497 square foot vacant suite, within the 9.77-acre Puente Hills East commercial center; 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 15332 (Class 32 Infill) because the Project is consistent with local general plan and zoning requirements, the proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, the project site has no value as habitat for endangered, rare or threatened species, as it is fully built-out. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because it is a fully built out site that operates as a commercial center, and the Project site is situated in an area of the City that is fully developed and all necessary public services and utilities are readily available to adequately serve the site; and

WHEREAS, on July 26, 2024, notice of the Planning Commission’s August 6, 2024, public hearing on CUP No. 23-08 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 July 26, 2024, notice of the Planning Commission's August 6, 2024, public hearing on CUP No. 23-08 was also mailed to each property owner within 300 feet of the project site; and

WHEREAS, on August 6, 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 15332 (Class 32 Infill), because the Project is consistent with local general plan and zoning requirements. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses, The project site has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality, and the Project site is situated in an area of the City that is fully developed and all necessary public services and utilities are readily available to adequately serve the site.

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The subject parcel has a General Plan land use designation of Commercial and is zoned Commercial, which allows the proposed Project subject to the approval of a Conditional Use Permit by the Planning Commission. The project generally conforms to General Plan policies and zoning regulations.

- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses. The 82,331 square foot

(1.89 acres) building (labeled Building “B” on the site plan) is located in the City and is currently occupied by ten commercial tenant spaces. The proposed project will occupy 14,497 square foot tenant space.

- (c) The project site has no value, as habitat for endangered, rare or threatened species.

The Project site is currently developed and surrounded by development. Pursuant to the General Plan Element 3. Resource Management Section 3.1: “Since the city is urbanized and largely built out, it does not contain significant biological resources”, therefore, the Project site has no value as habitat for endangered, rare, or threatened species and does not contain any endangered habitat because it is a developed lot that has an existing industrial building and was disturbed when the original buildings were built and there were no environmental concerns found at the time of original construction. Furthermore, no areas of the City are within an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional or state habitat conservation plan as stated in the General Plan Element 3. Therefore, the Project site has no value as habitat for endangered, rare or threatened species, and the Project qualifies for an exemption under CEQA Guidelines Section 15332(c) as a Class 32 urban in-fill development under this criteria

- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

The Project site is currently developed and surrounded by urban uses. The existing shopping center has been built out and operated since 1989 and potential effects to traffic, noise, air quality and water were taken into consideration and accounted for at the time the original development was built. Although there will be tenant improvements, there will be no expansion of the existing building. The proposed project is permitted with the approval of a CUP pursuant to Municipal Code, and the Project’s improvements will be constructed and operated in compliance with all applicable development standards and conditions of approval. Therefore, approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- (e) The site can be adequately served by all required utilities and public services.

The Project site is situated in an area of the City that is fully developed. All necessary public services and utilities are readily available to adequately serve the site. The Project site is currently served by all of the City’s public services, including Sheriff and fire protection.

SECTION 3: Based upon substantial evidence presented to the Planning Commission during the August 6, 2024, public hearing, including public testimony and written and oral staff reports, the Planning Commission finds as follows.

- (a) The proposed use is consistent with the goals and objectives of the general plan and any applicable redevelopment plan;

The proposed use is consistent with the goals and objectives of the general plan and any applicable redevelopment plan. 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 which allows a mixture of commercial retail, service, tourist-serving, medical, professional office, entertainment, fitness, and dining uses. The proposed Project can be classified as an entertainment and dining use which is permitted in the Commercial General Plan land use designation. Chuck E. Cheese is an American entertainment restaurant chain founded in 1977 and features arcade games and musical shows (entertainment) in addition to serving pizza and other food items ((dining use). Additionally, the proposed Project is consistent with Policy LU2-2 in that this will establish a new business in the City that will bring new jobs and improve sales tax revenue.

- (b) The site is adequate in size, shape, topography and location for the proposed use and there will be adequate utilities to accommodate the proposed use;

The Project site is currently developed. The Property is adequate in size, shape, topography, and location in that the proposed project will be located within an existing 82,331 square-foot building located on a 9.77-acre lot. The proposed Project will occupy a 14,497 square foot tenant space in the existing 82,331 square foot building. Construction for the proposed Project will be restricted to interior tenant improvements to the 14,497 square foot tenant space in order to accommodate the new floor plan layout. There will be no changes to the size of 82,331 square foot building, it's shape, the topography of the property, access points and circulation or parking layout.

- (c) There will be adequate street access, traffic circulation and parking capacity for the proposed use;

There will be adequate street access, traffic circulation and parking capacity for the proposed use. Colima Road is an existing improved street with pedestrian access from the sidewalk. Colima Road is adequate in width and pavement type to carry the traffic generated by the proposed use. In addition, the proposed location is situated within the Puente Hill East commercial center which has an adequate amount of parking. No additional square footage is being proposed. The commercial center has shared parking and is developed with 611 parking spaces. No expansion of the tenant space is being proposed, and approval for the request of CUP 23-08 will not require additional parking spaces.

- (d) The proposed use is compatible with the surrounding properties and uses; in making this finding, consideration shall be given to the potential for changes in the uses of surrounding properties;

The proposed use will be compatible with the existing and future land uses within the zoning district and surrounding area, as it is a commercial use contemplated by the zoning district. The Project is located within an existing commercial center and the proposed motel is a conditionally permitted use in the Commercial zoning district, which is compatible with the commercial zoning in the general area. The proposed project will be in a tenant space surrounded by other commercial and urban uses. Interior changes and modifications will be made to minimize any potential impact on adjacent properties. With appropriate conditions, the approval should ensure the compatibility of the use with the surrounding commercial areas.

- (e) The proposed use will not be detrimental to the public health, safety or general welfare.

The proposed entertainment facility and full-service restaurant with the sale of beer and wine, for on-site consumption 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 full-service 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. 23-08 to allow for an entertainment facility and full-service restaurant with the sale of beer and wine for on-site consumption, 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 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 meeting held on August 6, 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 23-08

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

- Application:** Conditional Use Permit 23-08
- Applicant:** Geri Fox, on behalf of CEC Entertainment, LLC
- Location:** 17585 Colima Rd, City of Industry
- Proposed Use:** A commercial entertainment facility and a full-service restaurant, with a Class 41 ABC License to allow for the sale of beer and wine for onsite consumption.

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 a commercial entertainment facility and a full-service restaurant with a Class 41 ABC License to allow for the sale of beer and wine for onsite consumption (Chuck E. Cheese) 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-23-08, as approved by the Planning Commission on August 6, 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. These conditions of approval shall be posted on-site and acknowledged by all management of the business and the property owner. It shall be the applicant/business owner's responsibility to provide these records to the City of Industry Planning Department upon request.
10. 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

11. 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.
12. 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.
13. 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.

14. 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 anniversary 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.
15. No sale or distribution of alcoholic beverages shall be made from a walk-up window.
16. 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.
17. Alcohol sales are on-sale, for on-site consumption only, no beer or wine ("to-go") are permitted.
18. Employees engaged in the sale or service of alcoholic beverages shall be at least 21 years old.
19. During the hours of operation, there shall be not less than one employee at least 21 years of age present in a managerial capacity.
20. 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."
21. 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.
22. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the property.
23. 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

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. 23-08, 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 always operate the Property in a safe and sanitary manner, 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:
 - Sunday-Thursday: 11:00 a.m. to 9:00 p.m.
 - Friday: 11:00 a.m. to 10:00 p.m.
 - Saturday: 10:00 a.m. to 10:00 p.m.
30. No outside cooking, food preparation, or sales of products or merchandise is allowed, unless approved in advance by the Planning Department.
31. 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.
32. Each minor at the facility shall be accompanied by an adult who must always remain in the building until the minor departs the building.
33. The Applicant shall not block out or tint any of the tenant building windows at any time. All windows shall be clear and remain translucent to the satisfaction of the Planning Department at all times.
34. Food facilities must be maintained in a sanitary condition to comply with all the regulations of the Los Angeles Health Department at all times.
35. During all business hours, the restaurant operator(s) shall employ adequate staff for the preparation and service of meals (i.e., cook, waiter, waitress, etc.).
36. A burglary and robbery alarm system shall be installed and maintained at all times. Several panic buttons placed secretly around the establishment enabling employees to trip a silent

alarm during emergencies. The business shall provide the Sheriff's Department with contact information and post an alarm company contact number outside of the business in a conspicuous location.

37. The Applicant or Property Owner shall be responsible for insuring that a video surveillance system on the premises complies with the following minimum standards: a. Visually records and monitors the parking lot area, all entrance(s) and exit(s). b. The surveillance system and recording device shall be in continuous operation during business hours. c. The videotape, DVD, CD or hard drive data shall be saved for a period of thirty (30) days and shall be available for review by law enforcement personnel.
38. The Applicant or Property Owner shall install locking devices on exterior water and electrical receptacles to prevent unauthorized use by the public. In addition, any Wi-Fi provided by the business shall be limited to customers and employees only.

17.12.030 Entertainment and/or dance regulations

39. The business shall have a minimum of five thousand square feet of continuous building area to conduct entertainment and/or dancing.
40. The required security program shall be implemented and maintained in a manner satisfactory to the City and the Sheriff's department.
41. The entire premises is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
42. Adequate lighting will be provided in the parking lot areas and access sidewalks at all times.
43. Applicant/Property Owner is responsible for acquainting all employees with these rules and all applicable local, county, state, or federal laws.
44. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City.
45. The noise level created by any entertainment use shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - a. Fifty-five dBA between seven a.m. and ten p.m. Fifty dBA between ten p.m. and seven a.m. for a cumulative period of more than thirty minutes in any hour;
 - b. Sixty dBA between seven a.m. and ten p.m. Fifty-five dBA between ten p.m. and seven a.m. for a cumulative period of more than fifteen minutes in any hour;
 - c. Sixty-five dBA between seven a.m. and ten p.m. Sixty dBA between ten p.m. and seven a.m. for a cumulative period of more than five minutes in any hour;
 - d. Seventy dBA between seven a.m. and ten p.m. Sixty-five dBA between ten p.m. and

seven a.m. at any time.

49. Any noise level measurements made shall be performed in accordance with the following criteria:
 - a. "Noise level" means the "A" weighted sound pressure level in decibels obtained by using a sound level meter at slow response with a reference pressure of twenty microneutons per square meter. The unit of measurement shall be designated as dB(A).
 - b. "Sound level meter" means an instrument meeting American National Standard Institute's Standard S1.4-1971 for Type 1 or Type 2 sound level meters or an instrument and the associated recording and analyzing equipment which will provide equivalent data.
50. Any violation of these regulations or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the conditional use permit.

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.

51. 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.
52. 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).
53. 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.
54. All trash containers shall be kept inside a building or in a designated trash enclosure.
55. Emergency fire facilities (hydrants) shall be always kept free and unobstructed.
56. 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.
57. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.

58. 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.
59. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
60. No illegal drugs or drug paraphernalia shall be on the Property at any time.
61. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
62. The applicant is responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
63. Any violation of these conditions or any local, county, state or federal laws may constitute grounds for revocation or suspension of the CUP.
64. All perimeter walls, fencing, and common areas shall be maintained by the Property Owner.

Interpretation and Enforcement

65. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
66. 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.
67. 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.
68. 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. 23-08 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. 23-08.

Indemnification

69. 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. 23-08. 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. 23-08.

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. 23-08, 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.