
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
OCTOBER 8, 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: 288 562 984 392

Meeting Passcode: 2CAZPC

Or call in (audio only)

+1 657-204-3264, United States

Phone Conference ID: 415 227 948#

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. **CONSENT**

- 6.1 Consideration of the minutes of July 9, 2024 regular meeting, and the August 6, 2024 regular meeting

RECOMMENDED ACTION: *Approve as submitted.*

7. **PUBLIC HEARING**

- 7.1 Consideration of Resolution No. PC 2024-16, accepting the surrender of Conditional Use Permit No. 09-02, and approving Conditional Use Permit No. 24-01, for a Class 41 ABC License to allow for the sale of beer and wine at an existing full-service restaurant, YouPeng Seafood Gobelieve, located at 18558 Gale Avenue, Suites 186 & 188, City of Industry, California, adopting a Notice of Exemption regarding same, and making findings in support thereof

RECOMMENDED ACTION: *Adopt Resolution No. PC 2024-16.*

8. **CITY MANAGER REPORTS**

9. **AB 1234 REPORTS**

10. **COMMISSIONER COMMUNICATIONS**

11. Adjournment. The next regular meeting is Tuesday, November 12, 2024, at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 6.1

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CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by Chair Cortez at 11:30 a.m., in the City of Industry Council Chamber, 15651 Mayor Dave Way, California.

FLAG SALUTE

The flag salute was led by Chair Cortez.

AB 2449 VOTE ON EMERGENCY CIRCUMSTANCES (IF NECESSARY)

There was no need for AB 2449 vote, due to having a quorum and there were no Commissioners taking part remotely. The webcast was then terminated.

ROLL CALL

PRESENT: Jacob Cortez, Chair
Andria Welch, Vice Chair
Rhonda Contreras, Commissioner
Sandra Divers, Commissioner
Roy Haber, Commissioner

STAFF PRESENT: Josh Nelson, City Manager; Bing Hyun, Assistant City Manager; Bianca Sparks, Assistant City Attorney; and Julie Gutierrez-Robles, Secretary.

CONSENT ITEM

Chair Cortez inquired if anyone had comments or questions regarding the Consent Calendar.

There were none.

6.1 CONSIDERATION OF THE MINUTES OF THE FEBRUARY 6, 2024 SPECIAL MEETING, FEBRUARY 27, 2024 SPECIAL MEETING, AND THE APRIL 9, 2024 REGULAR MEETING

RECOMMENDED ACTION:

Approve as submitted.

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MOTION BY COMMISSIONER HABER, AND SECOND BY COMMISSIONER DIVERS TO APPROVE THE CONSENT CALENDAR. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONER:	CONTRERAS, DIVERS, HABER, VC/WELCH, C/CORTEZ
NOES:	COMMISSIONER:	NONE
ABSENT:	COMMISSIONER:	NONE
ABSTAIN:	COMMISSIONER:	NONE

PUBLIC HEARINGS

7.1 CONSIDERATION OF AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM; GENERAL PLAN AMENDMENT NO. 22-02 TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM COMMERCIAL TO EMPLOYMENT, AND ZONE CHANGE NO. 22-02 TO CHANGE THE ZONING CLASSIFICATION FROM COMMERCIAL (C) TO INDUSTRIAL (M), FOR PROPERTIES LOCATED AT 15940 AND 16016 AMAR ROAD (ASSESSOR'S PARCEL NUMBERS 8250-001-011 AND 8250-001-012); TENTATIVE PARCEL MAP NO. 22-01 (TPM 083978) TO MERGE SEVEN (7) EXISTING PARCELS LOCATED AT 15940-16016 AMAR ROAD AND 15940-16040 KAPLAN AVENUE INTO A SINGLE 10.09-ACRE PARCEL; AND DEVELOPMENT PLAN APPLICATION NO. 22-07, FOR THE PROPOSED CONSTRUCTION OF A 205,460 SQUARE-FOOT TILT-UP CONCRETE INDUSTRIAL BUILDING AND ASSOCIATED IMPROVEMENTS AT THE PROPERTY GENERALLY LOCATED AT 15940 AND 16016 AMAR ROAD AND 16023, 15941, 15940, 16000, 16040 KAPLAN ROAD

RECOMMENDED ACTION: Adopt Resolution No. PC 2024-08, Resolution No. PC 2024-09, Resolution No. PC 2024-10, Resolution No. PC 2024-12, and Resolution No. PC 2024-13, recommending that the City Council approve the IS/MND, the General Plan Amendment, the Zoning Code Amendment, the Parcel Map, and the Development Plan.

Contract Senior Planner, Dina Lomeli provided a staff report and said for the record that she had received an email from Bob Vessuto with questions about the project. Dina Lomeli then read both the questions and responses into the record. In addition, Contract Associate Planner Eduardo Manriquez received a phone call from a resident who lives off Echelon Drive. He expressed concerns about the Project's height and about construction timelines. Eduardo Manriquez informed the resident about the Projects'

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height and explained to him the Project had not been approved yet, therefore no construction was going to be done in the next ten days, as they believed it would. Contract Senior Planner, Dina Lomeli was available to answer any questions.

California Environmental Quality Act (CEQA) Consultant, Frank Coyle Director of Planning with CASC Engineering and Consulting, Inc., provided more information and details on the project along with mentioning two comment letters that were received by the City. One was from Blum, Collins & Ho LLP representing the Golden State Environmental Justice Alliance (GSEJA). The other comment letter was received from Lozeau Drury LLP representing the Supporters Alliance for Environmental Responsibility (SAFER). Both comment letters believe that the proposed Initial Study/Mitigated Negative Declaration (IS/MND) is flawed and that an Environment Impact Report (EIR) should be prepared for the Project. Staff has reviewed the comments and does not agree with the commenters' statements that an EIR must be prepared to analyze the impacts associated with the proposed Project. Staff believes the Draft IS/MND provides substantial evidence that implementation of the proposed Project would not create significant and unavoidable environmental impacts. Staff's response to the comment letters is attached to the Draft IS/MND in the agenda.

Frank Coyle mentioned that a third letter was received on July 7, 2024, directly from Steven Piepkorn with Golden State Environmental Justice Alliance, reiterating their belief that the MND is flawed, and a full Environment Impact Report (EIR) should be drafted and circulated for public review.

At the request of City Staff, Frank Coyle read a summary of the comments received from Lozeau Drury LLP and from Lum, Collins & Ho LLP, along with responses from CASC.

Contract Senior Planner, Dina Lomeli said based on this analysis, staff recommends that the Commission adopt these resolutions.

Chair Cortez opened the public hearing at 12:44 p.m.

Chair Cortez inquired if anyone wanted to be heard in opposition or in favor of the project.

Spencer B. Kallick with Allen Matkins who is representing the applicant Hines Global Industrial came to speak about the importance of this project. He brought up local support and the creation of a significant number of jobs. This would fit right in with making the City of Industry the regional employment commercial hub while meeting the mission and vision of the community.

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Assistant City Attorney Bianca Sparks said that the three copies of the Power Point Presentation were distributed to the Commissioners, with one in the back and one with the City Clerk.

Jayson Baiz with the Laborers Union, Local 300, came to speak in favor of this project for generating good paying jobs in the area.

Assistant City Attorney Bianca Sparks confirmed that three (3) comment letters, two (2) emails and one (1) documented phone call received with questions, since the posting of the agenda, need be kept and noted for the record. Assistant City Manager Bing Hyun said yes, the Planners had these and would provide them to the City Clerk. Bing Hyun also wants the four (4) letters received in support of the project from San Gabriel Valley Civic Alliance, L.A. Metropolitan Hispanic Chambers of Commerce, San Gabriel Valley Regional Chamber of Commerce and the Industry Business Council be added to the record.

Chair Cortez closed the public hearing at 12:54 p.m.

MOTION BY COMMISSIONER DIVERS, AND SECOND BY VICE CHAIR WELCH TO ADOPT RESOLUTION NO. PC 2024-08, TO APPROVE THE IS/MND. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONER:	CONTRERAS, DIVERS, HABER, VC/WELCH, C/CORTEZ
NOES:	COMMISSIONER:	NONE
ABSENT:	COMMISSIONER:	NONE
ABSTAIN:	COMMISSIONER:	NONE

MOTION BY VICE CHAIR WELCH, AND SECOND BY COMMISSIONER DIVERS TO ADOPT RESOLUTION NO. PC 2024-09, TO APPROVE THE GENERAL PLAN AMENDMENT. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONER:	CONTRERAS, DIVERS, HABER, VC/WELCH, C/CORTEZ
NOES:	COMMISSIONER:	NONE
ABSENT:	COMMISSIONER:	NONE
ABSTAIN:	COMMISSIONER:	NONE

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MOTION BY COMMISSIONER HABER, AND SECOND BY COMMISSIONER DIVERS TO ADOPT RESOLUTION NO. PC 2024-10, TO APPROVE THE ZONING CODE AMENDMENT. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONER:	CONTRERAS, DIVERS, HABER, VC/WELCH, C/CORTEZ
NOES:	COMMISSIONER:	NONE
ABSENT:	COMMISSIONER:	NONE
ABSTAIN:	COMMISSIONER:	NONE

MOTION BY COMMISSIONER DIVERS, AND SECOND BY VICE CHAIR WELCH TO ADOPT RESOLUTION NO. PC 2024-12, TO APPROVE THE PARCEL MAP. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONER:	CONTRERAS, DIVERS, HABER, VC/WELCH, C/CORTEZ
NOES:	COMMISSIONER:	NONE
ABSENT:	COMMISSIONER:	NONE
ABSTAIN:	COMMISSIONER:	NONE

MOTION BY COMMISSIONER HABER, AND SECOND BY VICE CHAIR WELCH TO ADOPT RESOLUTION NO. PC 2024-13, TO APPROVE THE DEVELOPMENT PLAN. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONER:	CONTRERAS, DIVERS, HABER, VC/WELCH, C/CORTEZ
NOES:	COMMISSIONER:	NONE
ABSENT:	COMMISSIONER:	NONE
ABSTAIN:	COMMISSIONER:	NONE

CITY MANAGER REPORTS

There were none.

AB 1234 REPORTS

There were none.

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COMMISSIONER COMMUNICATIONS

There were none.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 12:55 p.m.

JACOB CORTEZ
CHAIR

JULIE GUTIERREZ-ROBLES
SECRETARY

PLANNING COMMISSION REGULAR MEETING MINUTES
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CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by Chair Cortez at 11:30 a.m., in the City of Industry Council Chamber, 15651 Mayor Dave Way, California.

FLAG SALUTE

The flag salute was led by Chair Cortez.

AB 2449 VOTE ON EMERGENCY CIRCUMSTANCES (IF NECESSARY)

There was no need for AB 2449 vote, due to having a quorum and there were no Commissioners taking part remotely. The webcast was then terminated.

ROLL CALL

PRESENT: Jacob Cortez, Chair
Andria Welch, Vice Chair
Rhonda Contreras, Commissioner
Sandra Divers, Commissioner
Roy Haber, Commissioner

STAFF PRESENT: Josh Nelson, City Manager; Bing Hyun, Assistant City Manager; Bianca Sparks, Assistant City Attorney (online); and Julie Gutierrez-Robles, Secretary.

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:
14.

Adopt Resolution No. PC 2024-

Chair Cortez inquired if anyone had comments or questions, there were none.

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MOTION BY COMMISSIONER DIVERS, AND SECOND BY COMMISSIONER HABER TO ADOPT RESOLUTION NO. PC 2024-14. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONER:	CONTRERAS, DIVERS, HABER, VC/WELCH, C/CORTEZ
NOES:	COMMISSIONER:	NONE
ABSENT:	COMMISSIONER:	NONE
ABSTAIN:	COMMISSIONER:	NONE

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.*

Contract Planning Technician Eduardo Manriquez provided a staff report and was available to answer any questions.

Chair Cortez opened the public hearing at 11:43 a.m.

Chair Cortez inquired if anyone wanted to be heard in opposition or in favor of the project. There were none.

Chair Cortez closed the public hearing at 11:44 a.m.

MOTION BY VICE CHAIR WELCH, AND SECOND BY COMMISSIONER HABER TO 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. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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AYES: COMMISSIONER: CONTRERAS, DIVERS, HABER, VC/WELCH,
C/CORTEZ
NOES: COMMISSIONER: NONE
ABSENT: COMMISSIONER: NONE
ABSTAIN: COMMISSIONER: NONE

CITY MANAGER REPORTS

There were none.

AB 1234 REPORTS

There were none.

COMMISSIONER COMMUNICATIONS

There were none.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 11:44 a.m.

JACOB CORTEZ
CHAIR

JULIE GUTIERREZ-ROBLES
SECRETARY

PLANNING COMMISSION

ITEM NO. 7.1



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission

From: Joshua Nelson, City Manager

Date: October 8, 2024

Subject: Consideration of a Resolution accepting the surrender of Conditional Use Permit No. 09-02, and approving Conditional Use Permit No. 24-01, for a Class 41 ABC License to allow for the sale of beer and wine at an existing full-service restaurant, YouPeng Seafood Gobelieve, located at 18558 Gale Avenue, Suites 186 & 188, City of Industry, California, adopting a Notice of Exemption regarding same, and making findings in support thereof

Proposal:

Monica Wu, on behalf of GoBelieve LLC (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 24-01, to add the sale of beer and wine for on-site consumption to an existing restaurant named YouPeng Seafood Gobelieve (“Restaurant”), which is located at 18558 Gale Ave, Suites 186 & 188, City of Industry, California (APN 8264-022-015) (“Property”).

Project Background:

The existing Restaurant is located within a commercial center known as Seasons Place, which is 4.93-acres, with a 79,073 square-foot multi-tenant three story building that has a mixture of retail, office, restaurant, and fast food uses.

On July 9, 2009, the Planning Commission approved CUP 09-2 to allow Tea Station to operate a 2,424 square foot restaurant with outdoor seating at the Property. In July 2019, the Tea Station ceased business operations.

On February 9 of 2011, the Planning Commission approved CUP 11-5, to establish a shared parking program and valet parking service at Season's Place.

On October 15, 2020, the City approved Minor Exception (“ME”) 2020-02 for a reduction in parking, which was less than 10 percent required under the City’s Code.

On June 7, 2023, the City’s Planning Staff approved Use Permit No. 23-137 for the Restaurant to operate as a seafood restaurant at the Property. YouPeng Seafood Gobelieve, is a unique Chinese cuisine idea based on several kinds of seafood dishes with emphasis on seasonal ingredients. It consists of cooked and raw fish, pickled and deep fried seafood. To ensure compliance with the proposed CUP (No. 24-01), the Applicant

desires to surrender the current CUP (No. 09-2) for the Property. Upon approval of the new CUP (No. 24-01), CUP No. 09-2 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP (24-01).

In accordance with Section 17.12.025.14 of the City's Code, full-service restaurants with alcohol service require a CUP to operate.

Location and Surroundings:

As previously mentioned above and shown on the location map (Exhibit A), the Restaurant is located inside the commercial center known as Seasons Place located at 18558 Gale Avenue. The site is north of State Route 60 at the southeast corner of the intersection of Gale Avenue and S. Jellick Avenue. The Property is surrounded by industrial uses to the west, commercial uses to the north and east, and directly to the south is State Route 60.

Project Entitlements:

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

1. Conditional Use Permit. – In reviewing this CUP 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 surrounding area.

Staff Analysis:

The Applicant proposes the sale of alcoholic beverages (beer and wine) for on-premises (on-sale) consumption in conjunction with the existing Restaurant. The State of California Department of Alcohol Beverage Control (ABC) requires a Type 41 On-Sale General license which is issued for eating places. The business operates between 11:00 a.m. and 12:00 a.m. daily and the hours are not proposed to change. As indicated on the floor plan (Attachment C), the Restaurant seats 50 customers. The Restaurant employs ten people in two shifts. No construction is proposed as part of this application.

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). Also, the business must operate and maintain the premises as a bona fide eating place. Additionally, 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.

The Restaurant is currently operating, and approval of this Conditional Use Permit would allow for the sale of beer and wine on the premises. The proposed project would not adversely affect the growth and development of the area because the proposed project would not include any new construction or development. Conditions of approval included in the resolution will be imposed to ensure that the subject use operates in a manner that

does not create nuisances, affect the general health and welfare of the community, create a burden to traffic, or adversely affect surrounding properties.

Property

As illustrated on the attached site plan (Exhibit B) the Seasons Place commercial center is a 4.93-acre lot that is currently developed with a three-story, approximately 79,073 square foot building. The Restaurant occupies an existing tenant space (Suites 186 & 188) that is approximately 2,424 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 four 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 60 Freeway, Gale Avenue, and Fullerton Road currently serve the commercial center. 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.

Compatibility

CUP review is required to ensure the compatibility of the proposed use with adjacent uses by identifying potential nuisance activities and establishing appropriate conditions to address the potential nuisances. The project site is located within a commercial area that consists of other full-service restaurants, fast food restaurants, retail, personal service uses and office spaces.

In addition to the Restaurant, there are 23 other suites with a variety of commercial uses on the Property including restaurants, retail, personal services, and office uses. Ten of those businesses are either retail, office, or personal service uses. The remaining 13 businesses are either full-service restaurants, take-out food or beverage service uses. Of those 13 businesses, five businesses provide some type of alcohol service as shown below.

Table 1

Business Name	Suite No.	Use	Alcohol sales/service
Monja	Suite 108	Fast Food	No
J.J. Bakery & Café	Suite 166-172	Bakery Café	No
Focus BBQ	Suite 270-272	Fast food	Beer and wine
Half & Half Tea Express	Suite 152	Hot Honey Boba Iced Milk Drinks	No
Jazz Cat Fusion	18588 Gale Avenue	Restaurant	Beer and wine

Slurpin Ramen Bar	18508 Gale Suite A	Fast food	Beer and wine
Junbi	Suite 106	Beverage store	No
T-Swirl Crepe	Suite 112	Dessert store	No
Sushi Yuen	Suite 100	Restaurant	Beer and wine
All That 'N Dim Sum	18518 Gale Avenue	Fast food	No
Yu Cake	Suite 158	Dessert store	No
The X Pot	Suite 122-128	Restaurant	Beer, wine, and distilled spirits
Pelicana Chicken	18508 Gale Suite B	Fast food	No

Businesses within and surrounding the commercial area will not be exposed to any impacts resulting from 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.

Additionally, the proposed use will not adversely affect the economic stability of the area but will instead allow the restaurant to compete with other nearby restaurants that offer a full selection of alcoholic beverages for sale to their customers. Moreover, the offering of alcoholic beverages will allow the restaurant to be economically viable and compete with nearby full-service restaurants in Industry.

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

The overall shopping center shares parking and was developed with 547 parking spaces. According to City records, with the approval of ME 2020-02, six parking spaces were removed leaving the site with 541 parking spaces. According to the shared parking agreement approved with CUP 11-5, during peak hours on a weekday the peak demand would be 476 spaces, plus a 10 percent contingency would result in an adjusted peak demand of 524 parking spaces. On the weekend during peak hours the peak demand would be 483 parking spaces, plus a 10 percent contingency would result in an adjusted peak demand of 531 parking spaces. In both instances, there is a surplus of parking including the 10 percent parking contingency added to the total peak demand to address potential circulation issues associated with fully occupied parking facilities. This results in an excess of 17 parking spaces on the weekdays and 10 parking spaces on the weekends

according to the study prepared for CUP 11-5.

The existing parking lot will not change as a result of the proposed use, nor will the proposed use increase the demand for parking. With implementation of the conditions of approval, the site proposed for the use is adequate to allow the full development of the proposed use, in a manner not detrimental to either the area or health and safety. The traffic generated by the use proposed would not impose an undue burden upon the streets and highways. Adequate access to the site is provided by two driveways off Gale Avenue and two driveways of S. Jellick Avenue. The addition of on-site beer and wine sales to the existing restaurant would not increase the traffic load from what currently exists on the site.

General Plan Consistency and Zoning Consistency

The Project site has a General Plan designation of Commercial and is also zoned Commercial ("C"). The existing restaurant is located within a mixed-use building and is consistent with the General Plan and zoning designations. Pursuant to Section 17.12.025.14 of the City's Code, the sale of alcoholic beverages in a full-service restaurant is permitted with an approved CUP.

The proposed use is consistent with General Plan Goal LU2 which encourages a competitive business climate and blend of businesses that best serve the City's long-term economic future.

Environmental Analysis:

Staff recommends that the Planning Commission find that the effects of the proposed project are Categorically Exempt under the California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1 (Existing Facilities). The Class 1 exemption consists of the repair, maintenance, and/or minor alteration of existing public or private structures or facilities, involving negligible or no expansion of the use beyond that existing at the time of this determination. The proposed project is a request to allow the on-site sale of alcoholic beverages in conjunction with an existing restaurant. The proposal does not include any physical changes to the building or the Property that Staff anticipates would result in a significant impact on the environment. Therefore, Staff has determined that this is only a negligible expansion of the existing use, which is exempt pursuant to Section 15301 of Title 14 of the California Code of Regulations.

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 September

27, 2024, pursuant to Government Code Section 65091.

Fiscal Impact:

Approving CUP 24-01 to allow the operation of 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:

Staff recommends that the Planning Commission approve Conditional Use Permit 24-01 and approve Resolution No. PC 2024-16 (Exhibit F), with the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

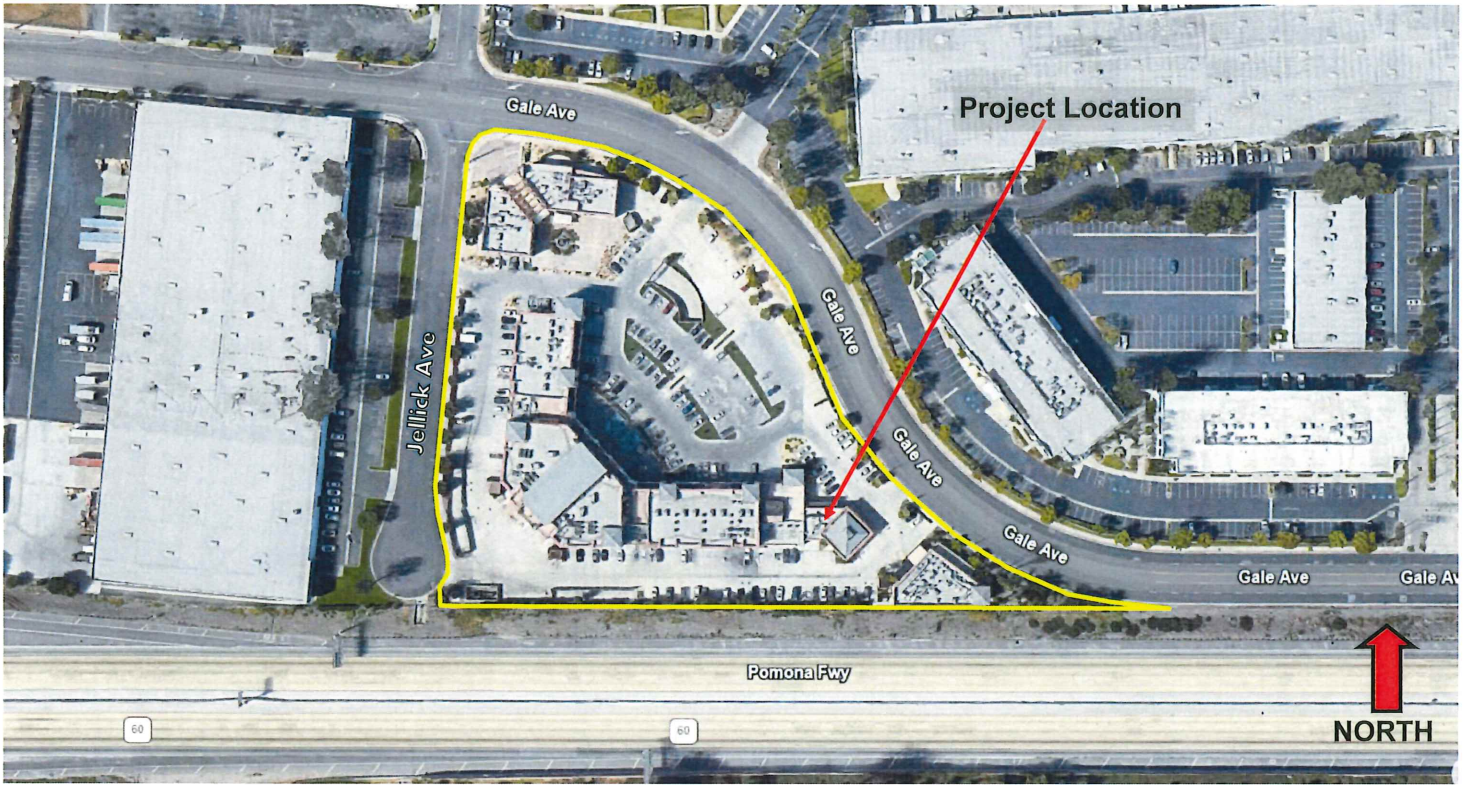
Exhibits:

- A. Location Map - CUP 24-01
- B. Site Plan – CUP 24-01
- C. Floor Plan – CUP 24-01
- D. Notice of Exemption - CUP 24-01
- E. Public Hearing Notice - CUP 24-01
- F. Resolution No. PC 2024-16 recommending Planning Commission approval of Conditional Use Permit No. 24-01 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map – CUP 24-01

[Attached]



Project Location

Gale Ave

Jellick Ave

Gale Ave

Gale Ave

Gale Ave

Gale Ave

Gale Ave

Pomona Fwy

60

60

NORTH

EXHIBIT B

Site Plan – CUP 24-01

[Attached]



DESIGN INC.
MICHAEL VJ
CONSTRUCTION
88-47-0-11
michaelvj@comcast.com

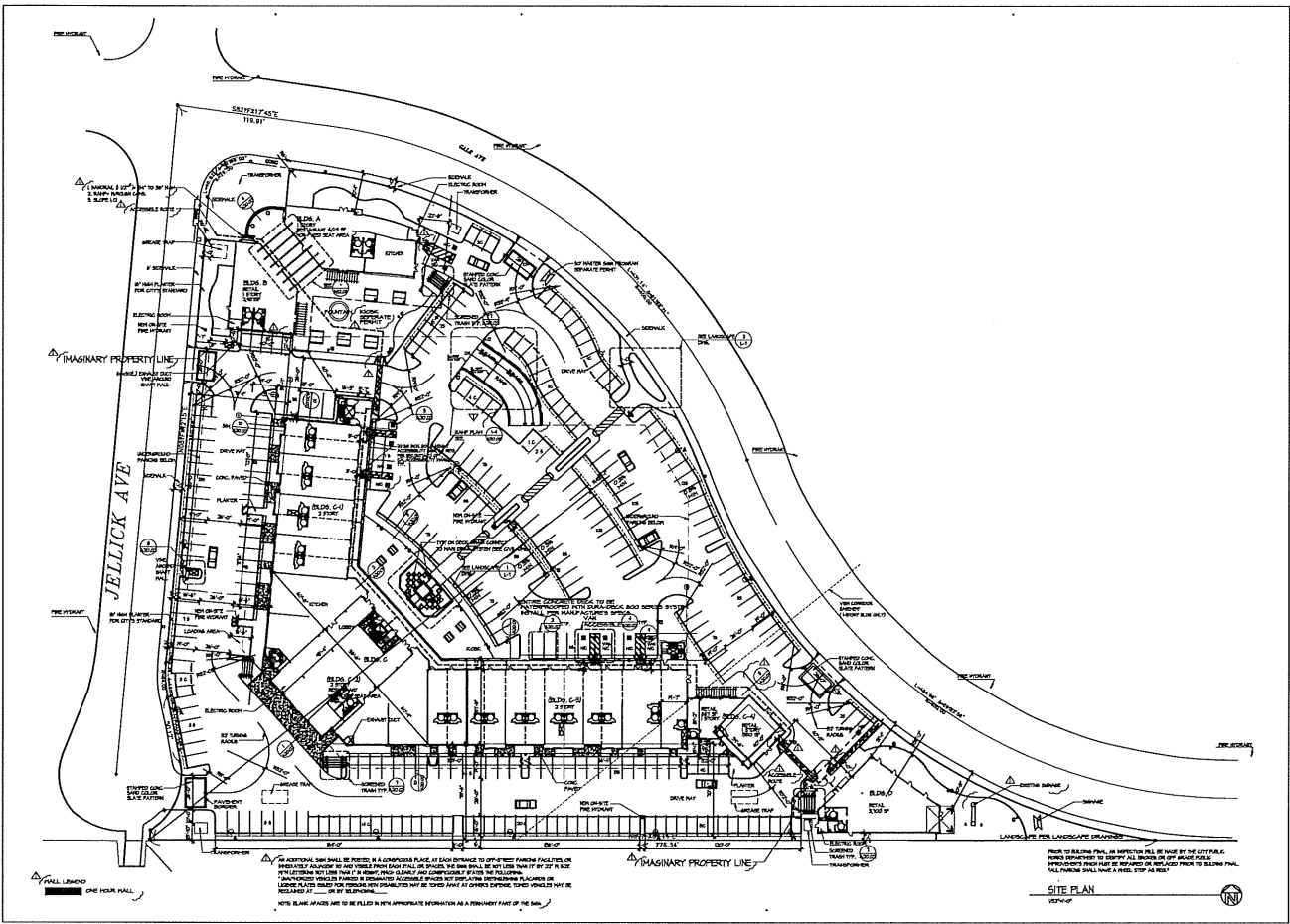
DESIGNER:
Lori Paul
Lori

OWNER:
PENOWSKI DINO

PROJECT:
1848 GALE AVE.
CITY OF INDUSTRY CA, 91744

TITLE:
INTERIOR RENOVATION
SITE PLAN

TITLE SHEET
A-1



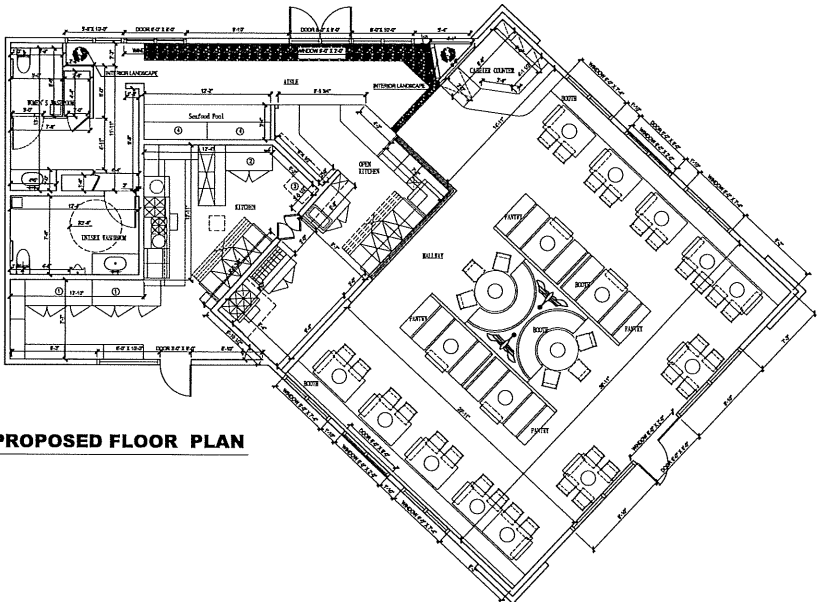
AN ADDITIONAL SIGN SHALL BE PROVIDED IN A CONSPICUOUS PLACE AT EACH ENTRANCE TO DIFFERENT PARKING FACILITIES OR PREMISES ACCORDING TO ANY RULES AND REGULATIONS THAT APPLY TO THE SIGN. THE SIGN SHALL BE NOT LESS THAN 18" BY 12" IN SIZE AND LETTERS NOT LESS THAN 1/2" HIGH, WHICH IS CLEARLY AND CONSPICUOUSLY SET FORTH THE FOLLOWING:
LANDSCAPE VEHICLES PARKED IN DESIGNATED AREAS SHALL BE TOWED AWAY AT OWNER'S EXPENSE. TOWED VEHICLES MAY BE RELEASED AT ANY TIME.
NOTE: BLANK SPACES ARE TO BE FILLED IN WITH APPROPRIATE INFORMATION AS A PERMANENT PART OF THE SIGN.

SITE PLAN
DATE: 07/10/11

EXHIBIT C

Floor Plan – CUP 24-01

[Attached]



PROPOSED FLOOR PLAN



DESIGN INC.
MICHAEL VU
CONSTRUCTION
85-41418
michaelvu@comcast.net

DESIGNER:
Laf. Phach
lori

OWNER:
FENGWANG ZHANG

PROJECT:
1534 GALE AVE.
CITY OF INDUSTRY CA, 91744

TITLE:
INTERIOR REMOVAL
FLOOR PLAN

TITLE SHEET
A-2.1

Exhibit D

Notice of Exemption - CUP 24-01

[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 24-01

Project Location - Specific: 18558 Gale Ave, Suites 186 & 188

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

Description of Project: Consideration of a Resolution accepting the surrender of Conditional Use Permit No. 09-02, and approving Conditional Use Permit No. 24-01, for a Class 41 ABC License to allow for the sale of beer and wine at an existing full-service restaurant, YouPeng Seafood Gobelieve, located at 18558 Gale Avenue, Suites 186 & 188, City of Industry, California, adopting a Notice of Exemption regarding same, and making findings in support thereof.

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

Name of Person or Agency Carrying Out Project: Monica Wu, on behalf of GoBelieve 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:* 15301 (Class 1)
- Statutory Exemptions. *State code number:*

Reasons why project is exempt: The proposed project is Categorically Exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1 (Existing Facilities). The Class 1 exemption consists of the repair, maintenance, and/or minor alteration of existing public or private structures or facilities, involving negligible or no expansion of the use beyond that existing at the time of this determination. The proposed project is a request to allow the on-site sale of alcoholic beverages in conjunction with an existing restaurant. The proposal does not include any physical changes to the building or the property. Therefore, Staff has determined that the addition of beer and wine services is only a negligible expansion of the existing restaurant use. Therefore, pursuant to Section 15301 of Title 14 of the California Code of Regulations, proposed project is categorically exempt from the provisions of CEQA

Lead Agency

Contact Person: Eduardo Manriquez

Telephone: (626)333-2211

Signature: _____

Date: _____

Title: Contract Associate Planner

Exhibit E

Public Hearing Notice – CUP 24-01

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 24-01

On September 27, 2024, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Monica Wu, on behalf of GoBelieve LLC, for consideration of a Resolution of the Planning Commission of the City of Industry, California, accepting the surrender of Conditional Use Permit No. 09-02 ("CUP 09-02"), and approving Conditional Use Permit No. 24-01 ("CUP No. 24-01").

Project Location: The property is located at 18558 Gale Avenue, Suites 186 & 188, further described as Assessor's Parcel Number 8264-022-015 ("Property"). The project site has a zoning designation of "C" Commercial.

Project Description: Consideration of a Resolution accepting the surrender of Conditional Use Permit No. 09-02, and approving Conditional Use Permit No. 24-01, for a Class 41 ABC License to allow for the sale of beer and wine at an existing full-service restaurant, YouPeng Seafood Gobelieve located at 18558 Gale Avenue, Suites 186 & 188, 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, 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: October 8, 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, 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 2024-16

[Attached]

RESOLUTION NO. PC 2024-16

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, ACCEPTING THE SURRENDER OF CONDITIONAL USE PERMIT NO. 09-2, AND APPROVING CONDITIONAL USE PERMIT NO. 24-01, TO ALLOW FOR THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION AT AN EXISTING RESTAURANT, AT THE PROPERTY LOCATED AT 18558 GALE AVENUE, SUITES 186 AND 188, AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Monica Wu, on behalf of GoBelieve LLC (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 24-01, to allow the sale of beer and wine for on-site consumption at an existing restaurant, YouPeng Seafood Gobelieve (“Restaurant”), located at 18558 Gale Ave, Suites 186 and 188, City of Industry, California, further described as Assessor’s Parcel Number (8264-022-015) (“Property”); and

WHEREAS, the Restaurant is located within the Season Place commercial center which encompasses 4.93-acres, and is developed with a 79,073 square-foot three story multi-tenant retail building; and

WHEREAS, the application applies to Suites 186 and 188, which are currently occupied by the Restaurant; and

WHEREAS, the proposed addition of beer and wine sales for onsite consumption to an existing 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 17.12.025.14 of the City’s Municipal Code, full-service restaurants with alcohol service are permitted in the Commercial Zone with the approval of a CUP. The Property was developed for commercial uses and includes full-service restaurants, fast food restaurants, retail, personal service uses and office spaces. It also 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, On July 9, 2009, the Planning Commission approved CUP 09-2 to allow Tea Station to operate a 2,424 square foot restaurant with outdoor seating at the Property; and

WHEREAS, On June 7, 2023, the City's Planning Staff approved Use Permit No. 23-137 for the Restaurant to operate as a seafood restaurant at the Property as allowed with CUP 09-2.

WHEREAS, to ensure compliance with the proposed CUP (No. 24-01), the Applicant desires to surrender the current CUP (No. 09-2) for the Property. Upon approval of the new CUP (No. 24-01), CUP No. 09-2 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP (24-01);

WHEREAS, the Applicant submitted an Environmental Assessment form. 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 restaurant, which is only a negligible expansion of the existing restaurant use; and

WHEREAS, on September 27, 2024, notice of the Planning Commission's October 8, 2024, public hearing on CUP No. 24-01 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 September 27, 2024, notice of the Planning Commission's October 8, 2024, public hearing on CUP No. 24-01 was also mailed to each property owner within 300 feet of the project site; and

WHEREAS, on October 8, 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: The Property owner surrenders, and the Planning Commission hereby accepts the surrender of CUP No. 09-2. As of the effective date of this resolution, CUP No. 09-2 is null and void, and all rights and privileges granted under the CUP shall be of no further force or effect.

SECTION 3: The Applicant submitted an Environmental Assessment form pursuant to the City's requirements. Based upon the information received and Staff's

review and assessment, the proposed project is Categorically Exempt from the requirements to prepare additional environmental documentation per California Environmental Quality Act (CEQA) Guidelines, Section 15301, Class 1 (Existing Facilities). The Class 1 exemption consists of the repair, maintenance, and/or minor alteration of existing public or private structures or facilities, involving negligible or no expansion of the use beyond that existing at the time of this determination. The proposed project is a request to allow the on-site sale of alcoholic beverages in conjunction with an existing restaurant. The proposal does not include any physical changes to the building or the property. Therefore, Staff has determined that the addition of beer and wine services is only a negligible expansion of the existing restaurant use. Therefore, pursuant to Section 15301 of Title 14 of the California Code of Regulations, the proposed project is categorically exempt from the provisions of CEQA.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the October 8, 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 17.12.025.14 of the City's Code, full-service 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 restaurant with ancillary alcoholic beverage sales are compatible with the existing land uses in the area which include other restaurants (full-service and take-out), retail uses, personal services uses and office space. The tenant space provides adequate room for the operation of a restaurant with alcoholic beverage sales, and the operational standards applicable to the alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use.

(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 has 24 tenants (including the Restaurant), comprised of retail sales, personal service uses, office spaces, restaurants, (full-service and take-out), along with take-out beverage uses. The addition of the sale of beer and wine for onsite consumption does not affect the suitability of the site for a restaurant, and there is no proposed physical expansion. Further, 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 four 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 a restaurant with alcoholic beverage sales would generate. All driveways 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 overall shopping center shares parking and was developed with 547 parking spaces. According to City records, with the approval of ME 2020-02, six parking spaces were removed leaving the site with 541 parking spaces. According to the shared parking agreement approved with CUP 11-5, during peak hours on a weekday the peak demand would be 476 spaces, plus a 10 percent contingency would result in an adjusted peak demand of 524 parking spaces. On the weekend during peak hours the peak demand would be 483 parking spaces, plus a 10 percent contingency would result in an adjusted peak demand of 531 parking spaces. In both instances, there is a surplus of parking including the 10 percent parking contingency added to the total peak demand to address potential circulation issues associated with fully occupied parking facilities. This results in an excess of 17 parking spaces on weekdays, and 10 parking spaces on weekends, according to the study prepared for CUP 11-5. No expansion of the tenant space is being proposed.

(d) A restaurant with the sale of beer and wine for on-site consumption is a compatible use with the surrounding properties and uses. There are 23 other suites with a variety of commercial uses on the Property including restaurants, retail, personal services, and office uses. Ten of those businesses are either retail, office, or personal service uses. The remaining 13 businesses are either full-service restaurants, take-out food or beverage service uses. Of those 13 businesses, 5 five businesses provide some type of alcohol service. The proposed sale of alcoholic beverages for on-premises consumption at this location will provide an ancillary service to the Restaurant's customers by allowing them the ability to purchase alcoholic beverages with their meal. Operational standards applicable to the alcoholic beverage control ("ABC") license and conditions of approval will mitigate any potential impacts created by the use and will ensure that the use will not negatively affect the surrounding community. 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 restaurant with alcohol sales will also contribute to the economic viability of the shopping center.

(e) The proposed sale of alcoholic beverages for on-premises consumption at an existing restaurant will not be detrimental to the health, safety, or general welfare because the operational standards applicable to the alcoholic beverage control license and conditions of approval will address any potential negative or adverse impacts created by the use. The granting of the CUP will not negatively impact any sensitive land uses that may be nearby. because the property is not surrounded by any sensitive land uses. The property is surrounded by industrial uses to the west, commercial uses to the north and east, and directly to the south is State Route 60. 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 5: 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. 24-01 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 6: 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 7: 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 meeting held on October 8, 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 24-01

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 24-01

Applicant: GoBelieve LLC

Location: 18558 Gale Ave, Unit 186 & 188, City of Industry, California

Proposed Use: The sale of beer and wine, for on-site consumption at an existing 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 restaurant (YouPeng Seafood Gobelieve) 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-24-01, as approved by the Planning Commission on October 8, 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. The Property Owner shall surrender CUP No. 09-2, as of the effective date of Resolution No. PC 2024-16. As of the effective date of the Resolution approving CUP No. 24-01, CUP No. 09-2 is null and void, and all rights and privileges granted under the CUP shall be of no further force or effect.
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 Applicant/Manager/Owners needs to contact the Department of Alcoholic Beverage Control and obtain LEAD (Licensee Education on Alcohol and Drugs Program) or a similar certificate training program for themselves and service employees.
13. The sale of alcoholic beverages for consumption off the premises shall be prohibited.
14. There shall be a sign posted on the inside of the main doors facing the restaurant that reads, "No alcohol beyond this point."
15. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
16. The alcoholic beverage license shall not be exchanged for a public premise (bar) type license, nor shall the establishment be operated as a public premise as defined in Section 23039 of the Business and Professions Code.

17. The business shall not employ or permit any persons to solicit or encourage others, directly or indirectly, to buy them drinks in the licensed premises under any commission, percentage, salary, or other profit-sharing plan, scheme, or conspiracy.
18. At all times when the premises are open for business, the premises shall be maintained as a bona fide restaurant and shall provide a menu containing an assortment of foods normally offered in such a restaurant.
19. The Restaurant must have meal service with the service of beer or wine. Customers may not only order alcohol.
20. The number of people shall not exceed the maximum occupancy load as determined by the Fire Department. Signs indicating the occupancy load shall be posted in a conspicuous place.
21. Parking lots, driveways, circulation areas, aisles, passageways, recesses, and grounds contiguous to buildings, shall be provided with enough lighting to illuminate and make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe, secure environment for all persons, property, and vehicles onsite.
22. Any graffiti painted or marked upon the premises or on any adjacent area under the control of the licensee shall be removed or painted over within 24 hours of being applied.
23. The Applicant shall be responsible for maintaining free of litter the area adjacent to the premises over which they have control.
24. There shall be no entertainment or amplified music on the premises at any time.
25. There shall be no admission fee, cover charge, nor minimum purchase required.
26. The door(s) shall always be kept closed during the operation of the business except in cases of emergency. Said door(s) not to consist solely of a screen or ventilated security door.
27. The Applicant/Manager/Owners shall police the area under their control to prevent the loitering of persons about the premises.
28. 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.
29. 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.

30. 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.
31. No sale or distribution of alcoholic beverages shall be made from a walk-up window.
32. 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.
33. Employees engaged in the sale or service of alcoholic beverages shall be at least 21 years old.
34. During the hours of operation, there shall be not less than one employee at least 21 years of age present in a managerial capacity.
35. 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."

Business/Restaurant Operations

36. The Applicant and Property owner shall comply with all provisions for licensing and certification from the Los Angeles County Health Department.
37. All current and future business owners shall have a valid business license to operate the restaurant.
38. Expansion of use beyond the scope and nature described in this Conditional Use Permit No. 24-01, 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.
39. 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.
40. The hours of operation shall be seven days a week from 11 am to 12 am.

41. 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.

42. 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.
43. Off-street parking shall always be provided 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).
44. 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.
45. All trash containers shall be kept inside a building or in a designated trash enclosure.
46. Emergency fire facilities (hydrants) shall always be kept free and unobstructed.
47. 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.
48. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
49. 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.
50. Adequate lighting will always be provided in the parking areas in accordance with the originally approved site plan.
51. No illegal drugs or drug paraphernalia shall be on the Property at any time.

52. The City must approve all signs, banners, pennants, flags or other outside advertising materials or structures.
53. The applicant is responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
54. Any violation of these conditions or any local, county, state or federal laws may constitute grounds for revocation or suspension of the CUP.
55. The Property Owner shall maintain all perimeter walls, fencing, and shared areas.

Interpretation and Enforcement

56. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
57. 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 if 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.
58. 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.
59. 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. 24-01 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. 24-01.

Indemnification

60. 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. 24-01. 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. 24-01.

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. 24-01, 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.

END OF CONDITIONS OF APPROVAL