
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
NOVEMBER 12, 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: 252 864 544 539

Meeting Passcode: MLoFNM

Or call in (audio only)

+1 657-204-3264, United States

Phone Conference ID: 452 153 020#

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. **PUBLIC HEARING**

- 6.1 Consideration of a Resolution accepting the surrender of Conditional Use Permit No. 98-02, and approving Conditional Use Permit No. 23-02, for a Class 47 ABC License to allow for the sale of beer, wine, and distilled spirits at a new full-service restaurant, Crash Grill, located at 15425 Valley Boulevard, City of Industry, California, adopting a Notice of Exemption regarding same, and making findings in support thereof.

RECOMMENDED ACTION: Adopt Resolution No. PC 2024-18, approving CUP 23-02 with the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

- 6.2 Consideration of Resolutions recommending approval of Development Plan Application No. 23-06, and Conditional Use Permit 23-03, to demolish an existing gasoline station and canopy, a convenience store, and automatic drive-thru car wash, and to redevelop the site with a new gasoline station and canopy, a convenience store, and automatic drive-thru car wash, for the existing Shell gasoline station at 1320 Fullerton Road, City of Industry, California, and adopting a Notice of Exemption regarding same, and making findings in support thereof

RECOMMENDED ACTION: Staff recommends that the Planning Commission adopt Resolution Nos. PC 2024-19 and PC 2024-20, recommending that the City Council approve the Development Plan application and CUP for the Project, and adopt a notice of exemption regarding same.

7. **CITY MANAGER REPORTS**

8. **AB 1234 REPORTS**

9. **COMMISSIONER COMMUNICATIONS**

10. Adjournment. The next regular meeting is Tuesday, December 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

Date: November 12, 2024

Subject: Consideration of a Resolution accepting the surrender of Conditional Use Permit No. 98-02, and approving Conditional Use Permit No. 23-02, for a Class 47 ABC License to allow for the sale of beer, wine, and distilled spirits at a new full-service restaurant, Crash Grill, located at 15425 Valley Boulevard, City of Industry, California, adopting a Notice of Exemption regarding same, and making findings in support thereof

Proposal:

Rachel Acrey on behalf of Valley Blvd Investment, LLC (“Applicant”), requested approval of Conditional Use Permit (“CUP”) No. 23-02, to establish a full-service restaurant with the sale of beer, wine, and distilled spirits for on-site consumption for a restaurant named Crash Grill (“Restaurant”), located at 15425 Valley Boulevard, City of Industry, California (APN 8208-022-040) (“Property”).

Project Background:

The existing Restaurant is located within a commercial center known as Rhino Plaza (“Plaza”), which is 3.22-acres, with 35,205 square-feet of multi-tenant buildings that has a mixture of retail, office, entertainment, and fast food uses. The proposed Restaurant is a 2,684 square foot tenant space with a 470 square foot patio.

On October 27, 1998, the Planning Commission approved CUP 98-2 to allow Mahoney's Irish Pub & Eatery to operate a fast food restaurant with alcohol service and outdoor seating at the Property.

On March 11, 2014, City’s Planning Staff approved Use Permit No.14-000044, to establish I Grill, a fast food restaurant that served lunch and dinner. On November 16, 2022, the fast-food restaurant ceased operating, and the tenant space has remained vacant.

To ensure compliance with the proposed CUP (No. 23-02), the Applicant desires to surrender the current CUP (No. 98-02) for the Property. Upon approval of the new CUP (No. 23-02), CUP No. 98-02 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP (23-02).

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 as shown on the location map (Exhibit A), the Restaurant is located inside the commercial center known as Rhino Plaza located at 15425 Valley Boulevard. The site is northeast corner of Valley Boulevard and Proctor Avenue. The Property is surrounded by institutional uses to the east across the Southern Pacific Railroad tracks, commercial – adult business overlay uses to the south, industrial uses to the north, and industrial – commercial overlay uses to the west.

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, wine, and distilled spirits 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, wine, and distilled spirits) for on-premises (on-sale) consumption in conjunction with the Restaurant. The State of California Department of Alcohol Beverage Control (ABC) requires a Type 47 On-Sale General license which is issued for eating places. The business proposes to sell American cuisine and operate between 9:00 a.m. and 2:00 a.m. daily.

A Type 47 License (On-Sale General Eating Place) authorizes the sale of beer, wine, and distilled spirits 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 tenant space has been vacant since November 16, 2022. Approval of this CUP allows for the sale of beer, wine, and distilled spirits in conjunction with a bona-fide eating establishment at a new full-service restaurant.

Property

As illustrated on the attached site plan, the Plaza is a 3.22-acre lot, that is currently developed with 35,205 square foot multi-tenant buildings. The Restaurant will occupy an existing tenant space (15425 Valley Blvd) that is approximately 2,684 square feet with a 470 square foot patio. The use does not involve any increase in square footage to the Property, and there will be no significant increase in demand for water, gas, electricity, or sewer utilities that currently serve the site.

Access

The Property is served by two 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 Valley Boulevard. 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

A CUP 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 Property is located within a commercial area that consists of 17 other tenant spaces with a variety of commercial uses including restaurants, retail, entertainment uses, personal services, and office uses. Fourteen of those businesses are either retail, office, entertainment, or personal service uses. The remaining three businesses are take-out food or beverage service uses. Of those three businesses, none provide any type of alcohol service.

Businesses within and surrounding the commercial area will not be exposed to any impact 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 by offering a sit down restaurant service. 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 192 parking spaces. Not including the proposed Restaurant, 128 parking spaces are required for the 31,180 square feet of fast-food restaurants, retail, entertainment uses, personal services, and

office uses per Section 17.12.050.C of the City's Code. The 3,154 square foot Restaurant requires 64 parking spaces per Section 17.12.050.D. It requires one space for every two and one-half fixed seats available for use by the public and one space per fifty square feet of floor area not occupied by fixed seating. The Restaurant proposes to have 68 fixed seats which requires 27 parking spaces, and 1,854 square feet of floor area not occupied by fixed seating, which requires 37 parking spaces. This results in the total of 192 required parking spaces for the Plaza.

The existing parking lot will not change as a result of the proposed use and the parking is adequate to serve all the uses at the Plaza. 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 Valley Boulevard.

General Plan Consistency and Zoning Consistency

The Project site has a General Plan designation of Commercial and is a zoned Commercial – Adult Business Overlay (“AB Overlay”). The Restaurant is located within a mixed-use Plaza 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 an existing or former use. The proposed project is a request to allow the on-site sale of alcoholic beverages in conjunction with a 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 previous restaurant use, which is exempt pursuant to Section 15301 of the CEQA Guidelines.

Public Hearing:

The required Public Hearing Notice was posted on November 1, 2024, at the Property, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the Property, the City's webpage and published in the San Gabriel Valley

Tribune pursuant to Government Code Section 65091.

Fiscal Impact:

Approving CUP 23-02 to allow the operation of a full-service restaurant, and the sale of beer, wine, and distilled spirits 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 adopt Resolution No. PC 2024-18, approving! CUP 23-02 with the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

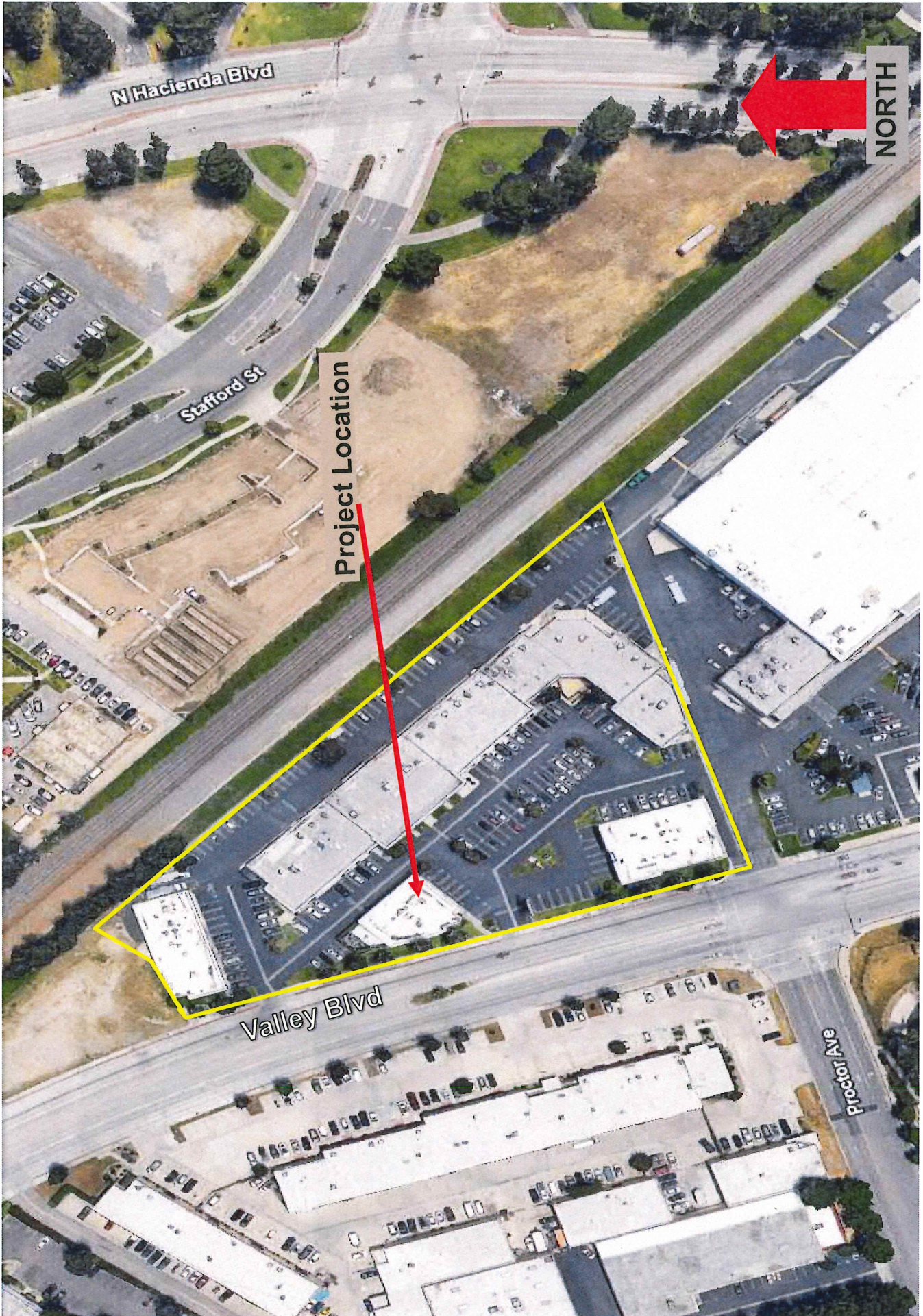
Exhibits:

- A. Location Map - CUP 23-02
- B. Site Plan – CUP 23-02
- C. Floor Plan – CUP 23-02
- D. Notice of Exemption - CUP 23-02
- E. Public Hearing Notice - CUP 23-02
- F. Resolution No. PC 2024-18 recommending Planning Commission approval of Conditional Use Permit No. 23-02 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map – CUP 23-02

[Attached]



N Hacienda Blvd

Stafford St

Project Location

Valley Blvd

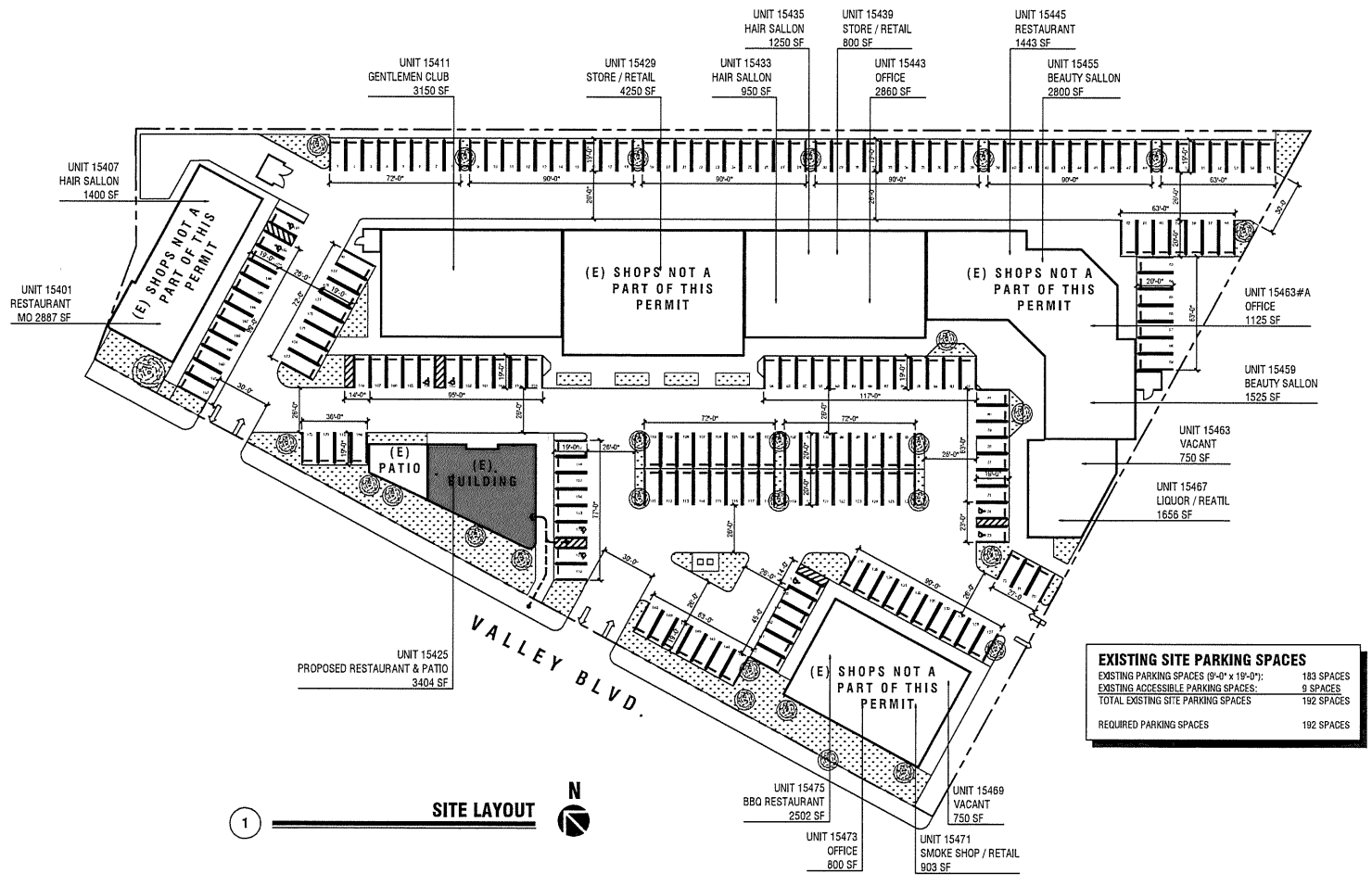
Proctor Ave

NORTH

EXHIBIT B

Site Plan – CUP 23-02

[Attached]



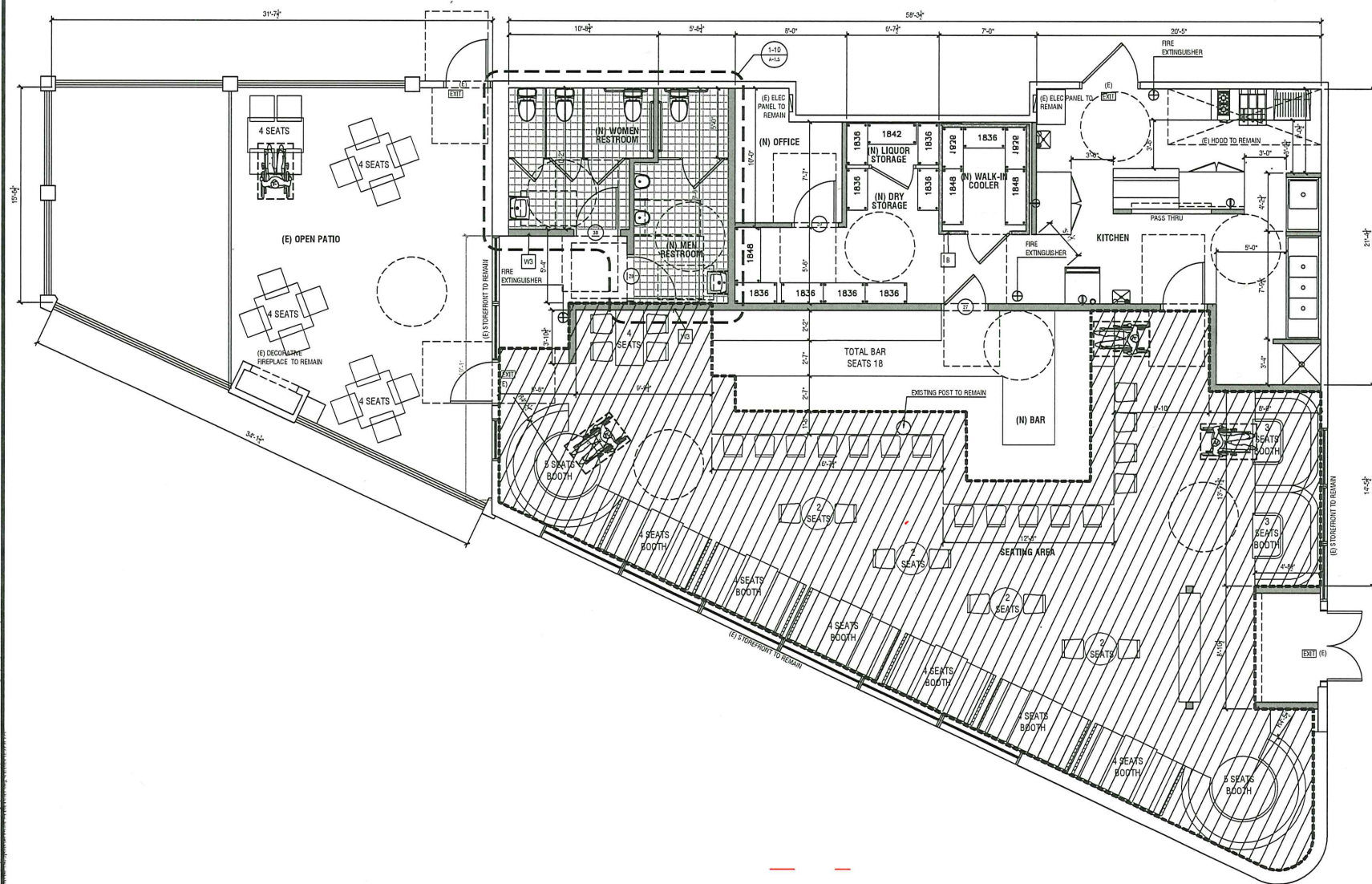
EXISTING SITE PARKING SPACES	
EXISTING PARKING SPACES (8'-0" x 19'-0")	133 SPACES
EXISTING ACCESSIBLE PARKING SPACES:	9 SPACES
TOTAL EXISTING SITE PARKING SPACES	192 SPACES
REQUIRED PARKING SPACES	192 SPACES

1 **SITE LAYOUT**

EXHIBIT C

Floor Plan – CUP 23-02

[Attached]



Project: 19202-01 - [illegible] (1) 2024.09.13 11:11 AM



Exhibit D

Notice of Exemption - CUP 23-02

[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 23-02

Project Location - Specific: 15425 Valley Boulevard

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. 98-02, and approving Conditional Use Permit No. 23-02, for a Class 47 ABC License to allow for the sale of beer, wine, and distilled spirits at a new full-service restaurant, Crash Grill, located at 15425 Valley Boulevard, 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: Rachel Acrey on behalf of Valley Blvd Investment, 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 an existing or former use. The proposed project is a request to allow the on-site sale of alcoholic beverages in conjunction with a new restaurant. The proposal does not include any physical changes to the building or the property. Therefore, Staff has determined that the new full-service restaurant with beer, wine, and distilled spirits services is only a negligible expansion of the previous 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 23-02

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 23-02

On November 1, 2024, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Rachel Acrey on behalf of Valley Blvd Investment, LLC, for consideration of a Resolution of the Planning Commission of the City of Industry, California, accepting the surrender of Conditional Use Permit No. 98-02 ("CUP 98-02"), and approving Conditional Use Permit No. 23-02 ("CUP No. 23-02").

Project Location: The property is located at 15425 Valley Boulevard, further described as Assessor's Parcel Number 8208-022-040 ("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. 98-02, and approving Conditional Use Permit No. 23-02, for a Class 47 ABC License to allow for the sale of beer, wine, and distilled spirits at a new full-service restaurant, Crash Grill, located at 15425 Valley Boulevard, 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: November 12, 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 2024-18

[Attached]

RESOLUTION NO. PC 2024-18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, ACCEPTING THE SURRENDER OF CONDITIONAL USE PERMIT NO. 98-02, AND APPROVING CONDITIONAL USE PERMIT NO. 23-02, TO ALLOW FOR THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION AT A NEW FULL SERVICE RESTAURANT, AT THE PROPERTY LOCATED AT 15425 VALLEY BOULEVARD, AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Rachel Acrey on behalf of Valley Blvd Investment, LLC (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 23-02, to allow the sale of beer, wine, and distilled spirits for on-site consumption at a new full-service restaurant, Crash Grill (“Restaurant”), located at 15425 Valley Boulevard, City of Industry, California, further described as Assessor’s Parcel Number (8208-022-040) (“Property”); and

WHEREAS, the Restaurant is located within the Rhino Plaza (“Plaza”) commercial center which encompasses 3.22-acres, and is developed with 35,205 square-feet of multi-tenant buildings; and

WHEREAS, the application applies to 15425 Valley Boulevard, which is currently vacant; and

WHEREAS, the proposed sale of beer, wine, and distilled spirits for onsite consumption at a new full-service 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 retail, office, entertainment, and fast food uses. 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 beverages is ancillary to the restaurant use, and the conditions of approval regulate the sale of alcohol; and

WHEREAS, on October 27, 1998, the Planning Commission approved CUP 98-2 to allow Mahoney’s Irish Pub & Eatery to operate a fast food restaurant with alcohol service and outdoor seating at the Property; and

WHEREAS, on March 11, 2014, City's Planning Staff approved Use Permit No.14-000044, to establish iGrill, a fast food restaurant that served lunch and dinner, but did not provide alcohol service; and

WHEREAS, on November 16, 2022, iGrill ceased operating, and the tenant space has remained vacant; and

WHEREAS, to ensure compliance with the proposed CUP (No. 23-02), the Applicant desires to surrender the current CUP (No. 98-02) for the Property. Upon approval of the new CUP (No. 23-02), CUP No. 98-02 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP (23-02);and

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 a request to allow the on-site sale of alcoholic beverages in conjunction with a restaurant, which is only a negligible expansion of the previous restaurant use; and

WHEREAS, on November 1, 2024, notice of the Planning Commission's November 12, 2024, public hearing on CUP No. 23-02 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 November 1, 2024, notice of the Planning Commission's November 12, 2024, public hearing on CUP No. 23-02 was also mailed to each property owner within 300 feet of the Property; and

WHEREAS, on November 12, 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. 98-2. 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 an existing or former use. The proposed project is a request to allow the on-site sale of alcoholic beverages in conjunction with a new restaurant. The proposal does not include any physical changes to the building or the property. Therefore, Staff has determined that the new full-service restaurant with beer, wine, and distilled spirits services is only a negligible expansion of the previous 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.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the November 12, 2024, public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, City's Municipal Code, the Planning 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, retail, office, and entertainment uses. 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 18 tenant spaces (including the Restaurant), comprised of other restaurants, retail, office, and entertainment uses. The addition of the restaurant with the sale of beer, wine, and distilled spirits 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 two 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 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 192 parking spaces. Not including the proposed Restaurant, the Plaza requires 128 parking spaces for the 31,180 square feet of fast-food restaurants, retail, entertainment uses, personal services, and office uses per Section 17.12.050.C of the City's Code. The 3,154 square foot Restaurant has 68 fixed seats which requires 27 parking spaces, and 1,854 square feet of floor area not occupied by fixed seating, which requires 37 parking spaces per Section 17.12.050.D of the City's Code. This results in a total of 192 required parking spaces for the overall Plaza therefore meeting the requirements of the Code.

(d) A restaurant with the sale of beer, wine, and distilled spirits for on-site consumption is a compatible use with the surrounding properties and uses. There are 17 other suites with a variety of commercial uses on the Property including other restaurants, retail, office, and entertainment uses. Fourteen of those businesses are either retail, office, entertainment, or personal service uses. The remaining three businesses are take-out food or beverage service uses. 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 restaurant with the sale of beer, wine, and distilled spirits 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 institutional uses to the east across the Southern Pacific Railroad tracks, commercial – adult business overlay uses to the south, industrial uses to the north, and industrial – commercial overlay uses to the west. 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. 23-02 to allow the sale of beer, wine, and distilled spirits for on-site consumption at a new full-service 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 November 12, 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 23-02

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 23-02

Applicant: Valley Blvd Investment, LLC

Location: 15425 Valley Boulevard, City of Industry, California

Proposed Use: The sale of beer, wine, and distilled spirits at a new full-service 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, wine, and distilled spirits at a new full-service restaurant (Crash Grill) subject to the issuance of a Type 47 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 23-02, as approved by the Planning Commission on November 12, 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. 98-2, as of the effective date of Resolution No. PC 2024-18. As of the effective date of the Resolution approving CUP No. 23-02, CUP No. 98-2 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 47 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 shall 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 is 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 people 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, wine, or alcoholic beverages. 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 people, 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) should always be kept closed during the operation of the business except in cases of emergency. Said door(s) does not 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 people 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. Applicants 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. 23-02, 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 9 am to 2 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, added 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. 23-02 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. 23-02.

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. 23-02. 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. 23-02.

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. 23-02, 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

PLANNING COMMISSION

ITEM NO. 6.2



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission

From: Joshua Nelson, City Manager

Date: November 12, 2024

Subject: Consideration of Resolution recommending approval of Conditional Use Permit 23-03 and a Resolution recommending approval of Development Plan Application No. 23-06, to demolish an existing gasoline station and canopy, a convenience store, and automatic drive-thru car wash, and to redevelop the site with a new gasoline station and canopy, a convenience store, and automatic drive-thru car wash, for the existing Shell gasoline station at 1320 Fullerton Road, City of Industry, California, and adopting a Notice of Exemption regarding same, and making findings in support thereof

Proposal:

Ken Kang, on behalf of Unique Petroleum, Inc. ("Applicant"), is requesting approval to demolish an existing Shell Gas Station multi-use development that includes 12 fuel station pump dispensers, a fuel pump canopy, a convenience store (544 square feet), and attached automatic drive-thru car wash (1,054 square feet), and to replace it with eight new gasoline fuel station pump dispensers, a fuel pump canopy (2,536 square feet), a new convenience store (2,003 square feet) and an attached automatic drive-thru car wash (1,324-square-foot) ("Project"). The existing underground gasoline tanks will remain. No vacuum stations are being proposed.

Location and Surroundings:

The Project site consists of a single 0.575-acre (25,085 square feet) parcel located at 1320 Fullerton Road at the southeast corner of the intersection of California State Route 60 and Fullerton Road, further described as Assessor's Parcel Number 8270-003-025. The site is currently developed with a Shell gasoline station that operates 24 hours per day, a convenience store, and an attached automated drive-thru car wash.

The site is currently surrounded by commercial uses north of California State Route 60, as well as the Diamond Plaza commercial center to the east in the City of Industry. To the south and the west are residential homes in unincorporated Los Angeles County.

Project Background:

On March 28, 1985, the City approved a Use Permit for the Property, to allow a multi-use development that included 12 fuel station pump dispensers, a fuel pump canopy, a convenience store, and an attached automatic drive-thru car wash. These uses are still in operation today. Currently, pursuant to Section 17.12.025.9., a gasoline service station with a retail store not related to automobile services, requires the approval of a Conditional Use Permit. In addition, the Applicant is proposing to increase the square footage of the convenience store from 544 square feet to 2,003 square feet.

Project Entitlements:

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

1. Conditional Use Permit: Pursuant to Industry Municipal Code Section 17.12.025.9. a conditional use permit is required to permit a combination of gasoline service station and any retail store(s) not related to automobile services on the same parcel of property in the Commercial zone. Pursuant to Section 17.12.020 of the Municipal Code a use permit is required to allow a car wash.
2. Development Plan Application – Long Form: Pursuant to Section 17.36.020 of the City's Code, a development plan is required to construct the Project.

Staff Analysis:

Conditional Use Permit:

The business will operate as a Shell gas station with a convenience store and an attached automatic drive-thru car wash. The convenience store will be 2,003 square feet with a self-operated 1,324 square foot attached automatic drive-thru car wash along the back of the building. The new metal fueling canopy will have four fueling dispensers (eight pumps), unleaded and diesel fuel. The current hours/days of operation are 24 hours/ 7 days per week.

Surrounding Land Uses

In reviewing this Conditional Use Permit Application, the Planning Commission will evaluate whether the Project is compatible with the adjacent uses and businesses located within the Commercial Zoning District, subject to conditions of approval.

The Project vicinity is developed with a mix of commercial and residential uses, including:

North	To the north of the Project Site across State Route 60 is a two-story bank building known as Cathay Bank (1250 Fullerton Road) with a zoning designation of C – Commercial.
South	To the south is a corner lot with a single-family structure (1408 Fullerton Road) located within Unincorporated LA County with a zoning designation of R-1-6000 – Single Family Residential.
East	To the east is a commercial development with several restaurants and retail stores known as Diamond Plaza (1390 Fullerton Road & 1330 Fullerton Road) with a zoning designation of C – Commercial.
West	To the west across Fullerton Road is an on/off ramp for State Route 60 and further west are several single-family homes within Unincorporated LA County with a zoning designation of R-1-600 – Single Family Residential.

General Plan Consistency

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, and specifically, gasoline service stations with a retail store not related to automobile services, with approval of a conditional use permit.

The Project is consistent with the objectives, policies, general land uses, and programs of the General Plan. The Project specifically addresses Land Use Goal LU2, which encourages a competitive business climate and blend of businesses that best serve the long-term economic future of the City. Additionally, the Project is consistent with General Plan Policy LU2-2, which states the City should “[a]ttract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City’s share or growing sectors of the regional and global economy. Also, to encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business.” The reconstruction of the service station to provide a more modern convenience store and automated car wash will meet the objectives of the General Plan by allowing the continued use to be improved and continue to provide services to the community. Further, the new building and site improvements enhance the quality of the existing architecture at the site and the immediate neighborhood. The Project does not have any extraordinary characteristics that would impede implementation of any portion of the Industry General Plan and the site is not governed by a specific plan.

Zoning Consistency

The proposed development is allowed within the subject Commercial Zoning District with approval of a Development Plan to construct the commercial building and Conditional Use Permit for the operation of the Project. The Project complies with all applicable provisions of Title 17 (Zoning) of Industry Municipal Code, including height, setbacks, parking, landscaping, and land use. There are no known Municipal Code violations on the property. Discussion regarding compliance with City’s required development are further discussed in the analysis section of this staff report pertaining to the Development Plan Application.

Floor Plan

The proposed floor plan consists of a 2,003 square foot convenience store that will sell prepackaged food and snacks, nonalcoholic and alcoholic drinks, frozen snacks, tobacco products, lotto, over the counter on the go medication, and miscellaneous items. Separately in the rear there will be a 1,324 square foot automatic carwash attached to the convenience store building. The tunnel is proposed to be 45 feet deep where the vehicle will be rinsed, washed, and air dried.

Hours of Operation

The Applicant is proposing to operate the business 24 hours a day, seven days a week.

Development Plan:

Commercial Development Standards - The Project complies with the standards for commercial zones (Chapters 17.12.050 and 17.36.060). The following table summarizes the requirements and Project compliance with minimum standards.

Development Standard	Permitted/Required	Proposed	Compliance
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Maximum Building Coverage	50% of 28,085 sf 12,542 sf	Fuel canopy = 2,536 sf Car wash = 1,324 sf Convenience store = 2,003 sf Total = 5,863 sf Building coverage = 21%	Yes
Maximum Building Height	50-feet	26-feet, 10-inches	Yes
Minimum Landscape Coverage Required	12% 3,010 sf	12.3% 3,092 sf	Yes
Parking	12 parking spaces	13 parking spaces	Yes
Setbacks	All buildings and structures shall be set back a minimum of 30 feet from the curb line of all streets.	49-feet, 6-inches from Fullerton Road and 51 feet from the eastbound California State Route 60 on-ramp.	Yes

Parking

Pursuant to Section 17.12.050.C. of the City's Code, parking spaces must provided at a minimum ratio of one space per two hundred fifty square feet of floor area within the structures served by such spaces. If the use consists of a gasoline service station and any retail store on the same parcel or lot, then the parcel or lot shall have, in addition to the parking spaces otherwise required for the gasoline service station, a number of parking spaces for the exclusive use of the retail store at a minimum ratio of one space per one hundred sixty-seven square feet of floor area within such retail store, or a total of six parking spaces, whichever is greater.

The Project offers eight fueling positions with eight parking spaces, which is consistent with the parking supply range of what other gas stations in the City. The planned eight spaces would primarily serve customers that enter the site to access the convenience market services while occasionally servicing customers that use the fueling services and access the convenience market services either before or after using the fueling services. The eight fueling positions would also serve as short-term temporary spaces for customers entering the facility to access only the fueling services of the facility as their primary trip objective, whilst having the flexibility to briefly access the convenience marker services before, during, or after using the fueling services. Automatic car washes do not have an explicit parking ratio in that they are a self-serve drive-thru use where parking spaces are not needed to serve the use.

On April 24, 2008, the Planning Commission approved Conditional Use Permit No. 08-2 (Arco AM-PM) at 21530 Valley Boulevard for a new gasoline station, a 2,900 square foot convenience store and a 968 square foot self-serve drive thru car wash. For the approval of the Conditional Use Permit the City only requires parking for the square footage of the convenience store.

The proposed convenience store building is 2,003 square feet. Utilizing the precedent of the previous approval of Conditional Use Permit No. 08-2 set by the City on April 24, 2008, the 2,003 square foot convenience store requires 12 parking spaces ($2,003/167 = 12$). The Applicant is proposing a total of 13 parking spaces, thereby complying with the City's parking requirement.

Access

The site was previously developed in a traditional gas station format, which accommodates the maneuverability of vehicles and gasoline tanker delivery trucks. Although the use of the property is intended to be automobile-centric, in the process of application review, the building and site design have evolved to improve the pedestrian experience. This is accomplished by including a new path of travel directly to the commercial building from Fullerton Road.

Also, pursuant to Chapter 17.25.050.H. of the City's Code all driveways must be a minimum of twenty-six feet in width. Aisles serving parking areas shall be a minimum twenty-six feet in width. The Project is providing three (3) driveways. One (1) driveway off Fullerton Road of 40 feet 4 inches, and two (2) driveways off the private entrance to the Diamond Plaza of 27 feet 2 inches and 31 feet 7 inches.

Architecture

The overall architecture is simple and modern, and the color scheme is appropriate to the design. As shown on Exhibit D, the building facade will include decorative elements such as split face walls of stone veneer and stucco finish with an Arizona tile with a wood look. The convenience store entrance will have an assortment of architectural treatments creating a statement consisting of a variation of tempered glass paneling with storefront framing. The proposed project has been designed to coordinate with a simple one-story architectural design. The convenience store, car wash building, and trash enclosure incorporate similar design features, colors, and materials that contribute to the distinctive architectural character.

Setbacks

Pursuant to Chapter 17.25.050.E. of the City's Code all buildings and structures must be set back a minimum of thirty feet from the curb line of all streets. The proposed building is setback 49-feet, 6-inches from Fullerton Road and 51 feet from the eastbound California State Route 60 on-ramp. Therefore, it is in compliance with the City's minimum required setback distance.

Landscaping

Pursuant to Section 17.36.060.Q of the City's Code a minimum of 12 percent of the Project site must be devoted to landscaping. Based on this requirement, a minimum of 3,010 square-feet of landscaping is required for the 0.575-acre (25,085 square-feet) Project site. The Project complies with this requirement by proposing a total of 12.3 percent or 3,092 square feet of landscaping. The proposed landscaping is located primarily around the perimeter of the site.

Environmental Analysis:

In accordance with the provisions of the California Environmental Quality Act ("CEQA") Guidelines, this project is Categorically Exempt pursuant to Section 15332 (Class 32 In-fill development Projects). Class 32 consists of projects characterized as in-fill development meeting the conditions described 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 Project is consistent with the general plan designation, all applicable general plan policies, and with the applicable zoning designation and regulations. The permissible land uses in the Commercial land use designation include a mixture of commercial (retail, service, tourist-serving) uses, and specifically, gasoline service stations with a retail store not related to automobile services, with approval of a conditional use permit. Additionally, the proposed new building is consistent with the General Plan in that it complies with General Plan Goal LU5, that states the City should provide “[h]igh quality and well-maintained properties, buildings, and infrastructure that enhance property values and encourage additional public and private investment.” The Project provides a new building that is of high architectural design, along with new infrastructure that will enhance the Property’s value. Also, the new development is consistent with Policy LU2-6, which states the City should “[s]upport the use of energy-saving designs and equipment in all new development and rehabilitation or reconstruction projects”, the new building will be solar ready, thereby supporting the use of an energy saving design.

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

The Project occurs within City limits on a Project site that is 0.575 acres and is surrounded by urban uses to the north, south, east, and west. The Property is rectangularly shaped and is south of CA State 60 and east of Fullerton Road. CEQA defines a qualified urban use as “...any residential, commercial, public institutional, transit or transportation facility, or retail use, or any combination of those uses.” Therefore, the proposed development occurs within the City of Industry City limits, on a project site of no more than five acres surrounded by urban uses.

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

The Project site has no value as habitat for endangered, rare, or threatened species since the site was originally disturbed in 1978. The site does not contain any endangered habitat because it is a developed lot that has an existing commercial building, and the land was disturbed when the original buildings were built.

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

Traffic –Less than significant traffic impacts are anticipated because the proposed development does not exceed the City’s adopted VMT baseline and thresholds of significance and was screened out from further traffic analysis.

Noise –There will be less than significant impacts to noise because the proposed Project is located in an urbanized commercial area that currently generates noise from traffic, roads, and the surrounding commercial businesses; therefore, the impacts to noise will be negligible and not be any more significant than what the area already produces. Potential noise impacts will be further mitigated by the LA County Noise Ordinance and through the implementation of best management practices required for construction. Also, conditions of approval will be attached (Attachment 1) requiring the Applicant, property owner, construction contractors, and business owners to comply with the Los Angeles County Noise Ordinance (Los Angeles County Municipal Code, Section 2.08.390).

Air Quality- There will be less than significant impacts to air quality because the temporary

construction and post construction operations will not exceed the threshold of significance and will be conditioned (in the attached conditions of approval) that the Applicant, property owner, construction contractors, and business owners will be required to comply with the requirements of the California State Building Code, all State and Federal standards regarding air quality, and the City's General Plan and Municipal Code. Furthermore, the Project will continue to operate as a commercial use as it has operated since 1978, and the Project will be used with a similar intensity as it has been used for the past 46 years.

Water Quality –There will be less than significant impacts to water quality because the Project will comply with all requirements set forth by the Los Angeles County Regional Water Quality Control Board and Best Management Practices (BMPs). Also, the Project is required to have an approved Low impact Development (LID) Plan and Water Quality Management Plan approved by the Engineering Department to construct and has already received said approval.

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

The Project site is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. All roads and utilities exist and are maintained by the City and the respective utility entities and have served the commercial use for many years and are suitable for the new building.

In conclusion, the proposed Project has been reviewed for consistency with the requirements of the CEQA guidelines. Staff has determined that the Project is exempt pursuant to Section 15332 (In-fill Development Projects) for the reasons described above.

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 November 1, 2024, pursuant to Government Code Section 65091

Fiscal Impact:

The costs associated with processing this application are paid through a deposit provided by the Applicant. As a result, there would be no fiscal impacts to the City's General Fund.

Summary/Recommendation:

Based on the information set forth in this Staff Report, Staff recommends that the Planning Commission recommend that the City Council approve the Development Plan application and CUP for the Project, and adopt a notice of exemption regarding same.

Exhibits:

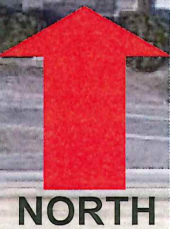
- A. Location Map
- B. Site Plan
- C. Floor Plan

- D. Building Elevations
- E. Public Hearing Notice
- F. Notice of Exemption
- G. Resolution No. PC 2024-19 recommending City Council approval of CUP 23-03 with findings of approval, Standard Requirements and Conditions of Approval
- H. Resolution No. PC 2024-20 recommending City Council approval of Development Plan No. 23-06 with findings of approval, Standard Requirements and Conditions of Approval

EXHIBIT A

Location Map

[Attached]



Pomona Fwy

Pomona Fwy

Project Site

Fullerton Rd

Diamond Plaza

Batson Ave

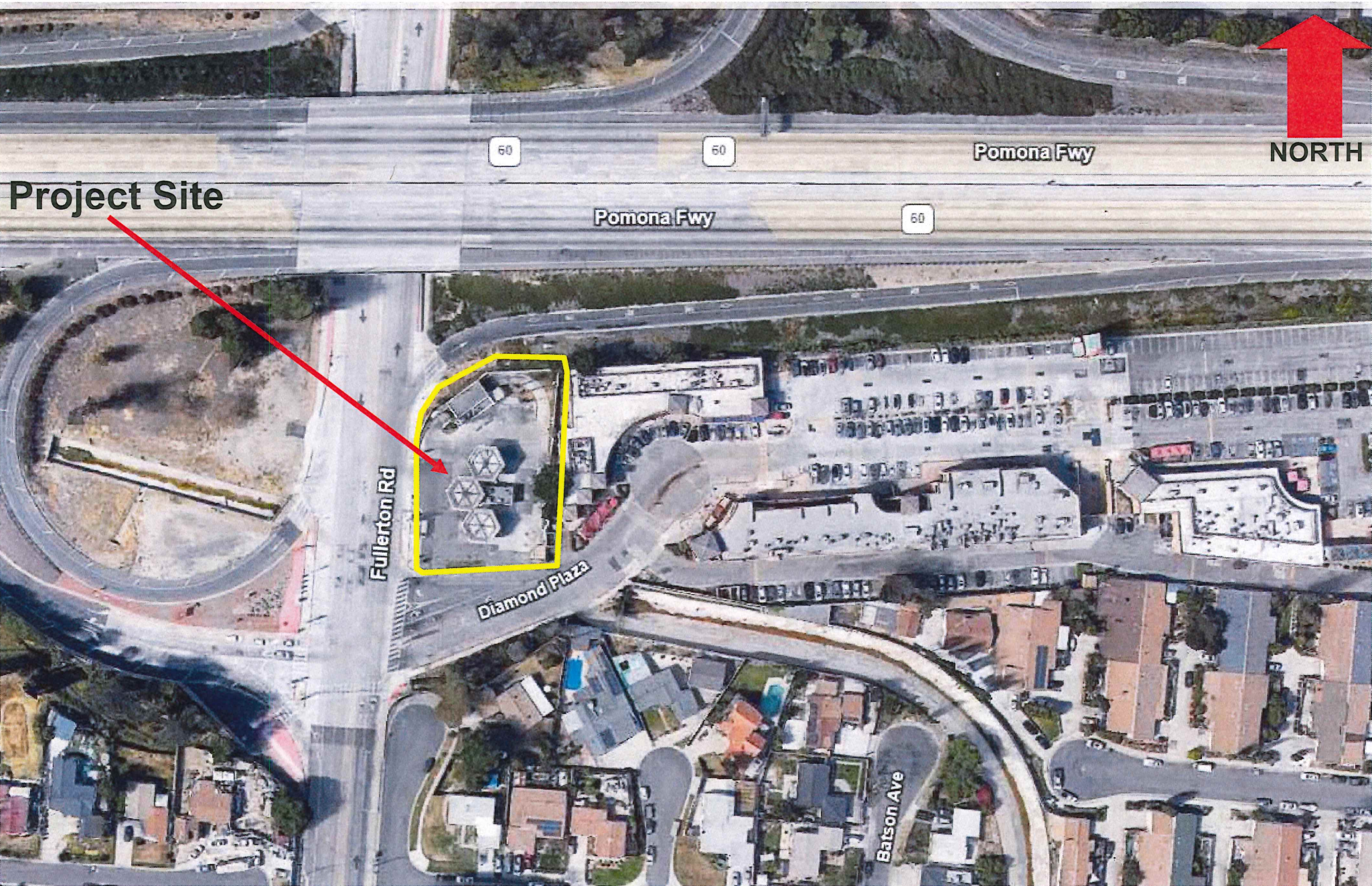
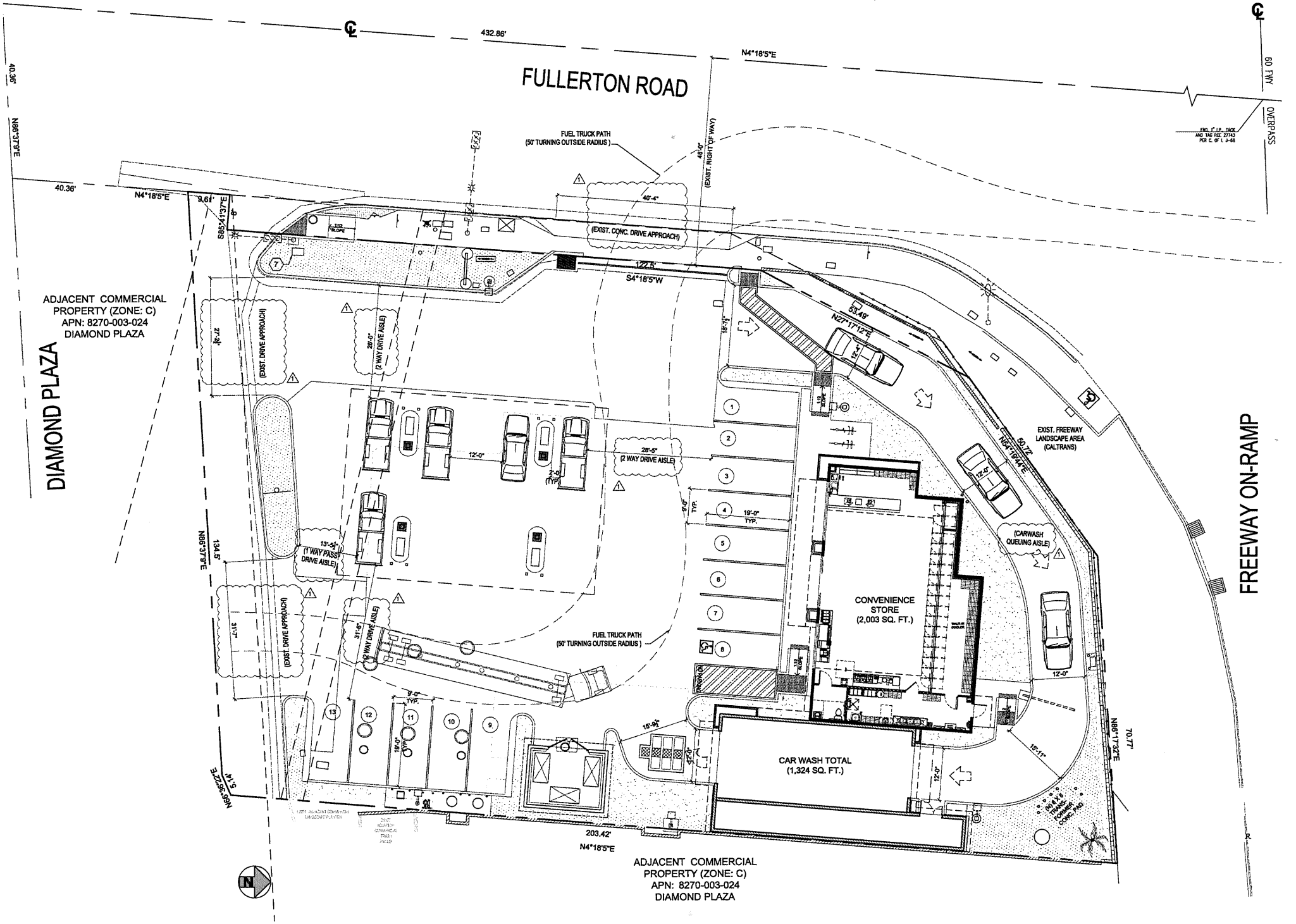


EXHIBIT B

Site Plan

[Attached]



ADJACENT COMMERCIAL
PROPERTY (ZONE: C)
APN: 8270-003-024
DIAMOND PLAZA

DIAMOND PLAZA

ADJACENT COMMERCIAL
PROPERTY (ZONE: C)
APN: 8270-003-024
DIAMOND PLAZA



FIG. 113 - 3/22
AND THE RE: 3743
FOR C. OF 1 - 1-88

FREEWAY ON-RAMP

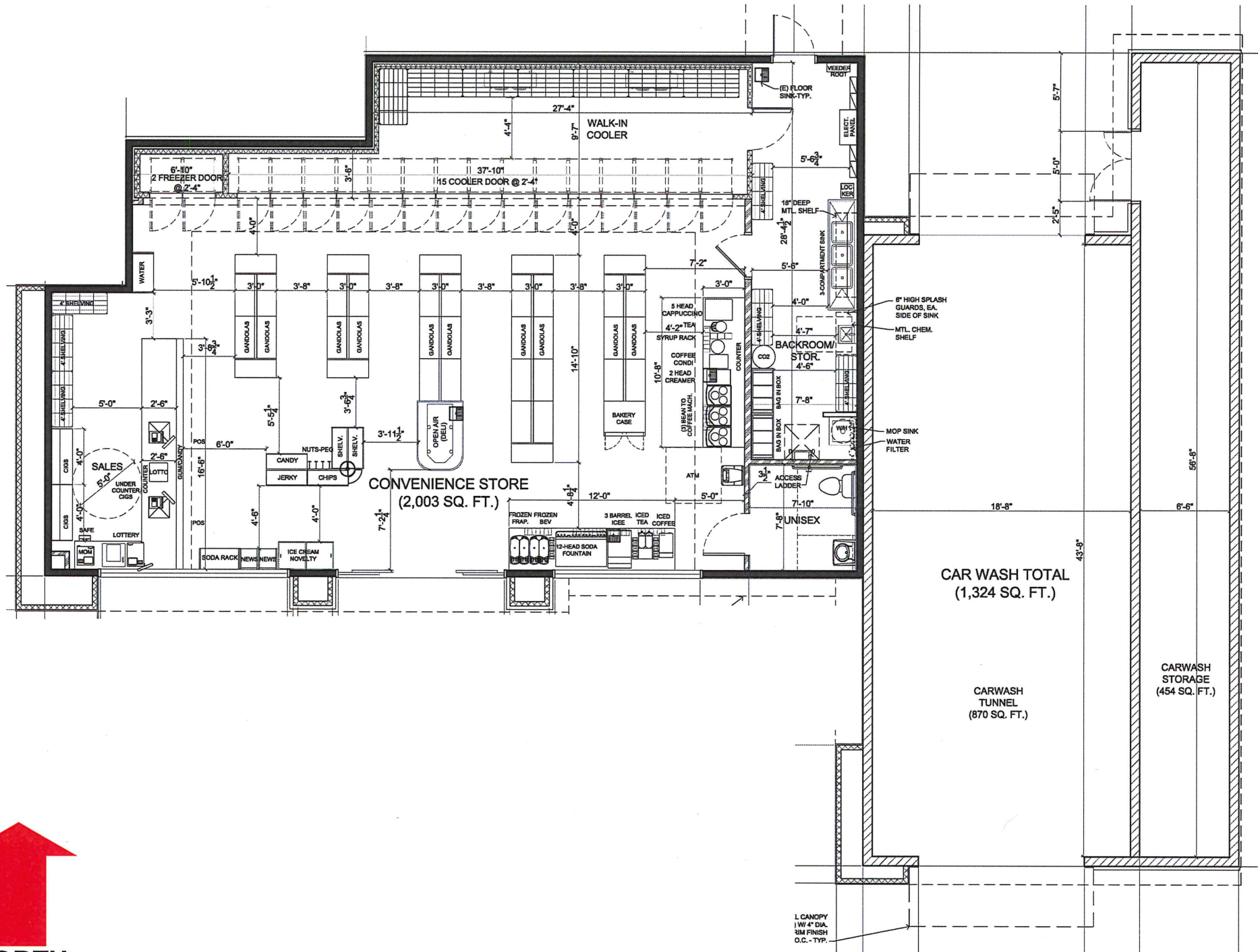
60 F.W.
OVERPASS

FULLERTON ROAD

EXHIBIT C

Floor Plan

[Attached]



CAR WASH TOTAL
(1,324 SQ. FT.)

CARWASH
TUNNEL
(870 SQ. FT.)

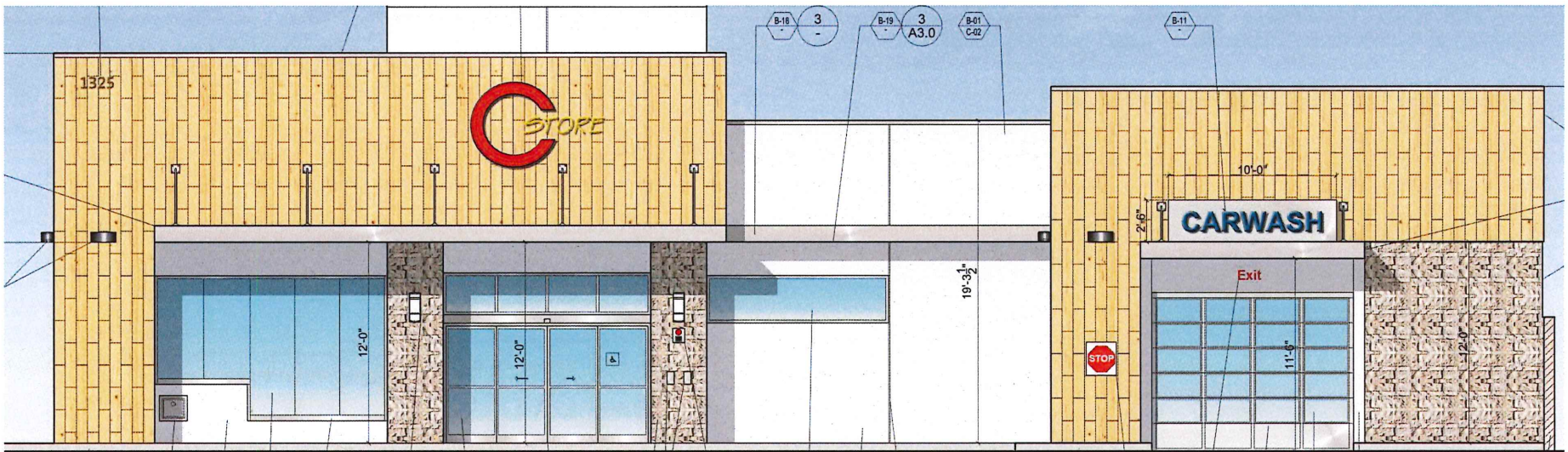
CARWASH
STORAGE
(454 SQ. FT.)

L GANOPY
1 W 4\"/>

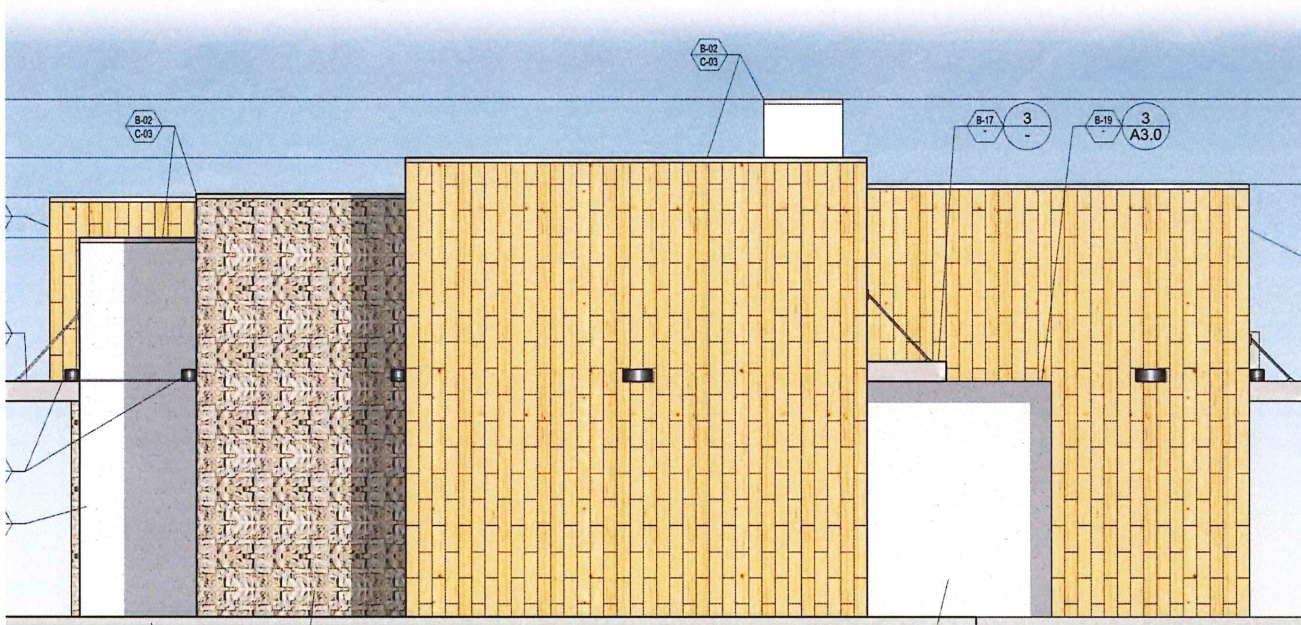
Exhibit D

Elevations

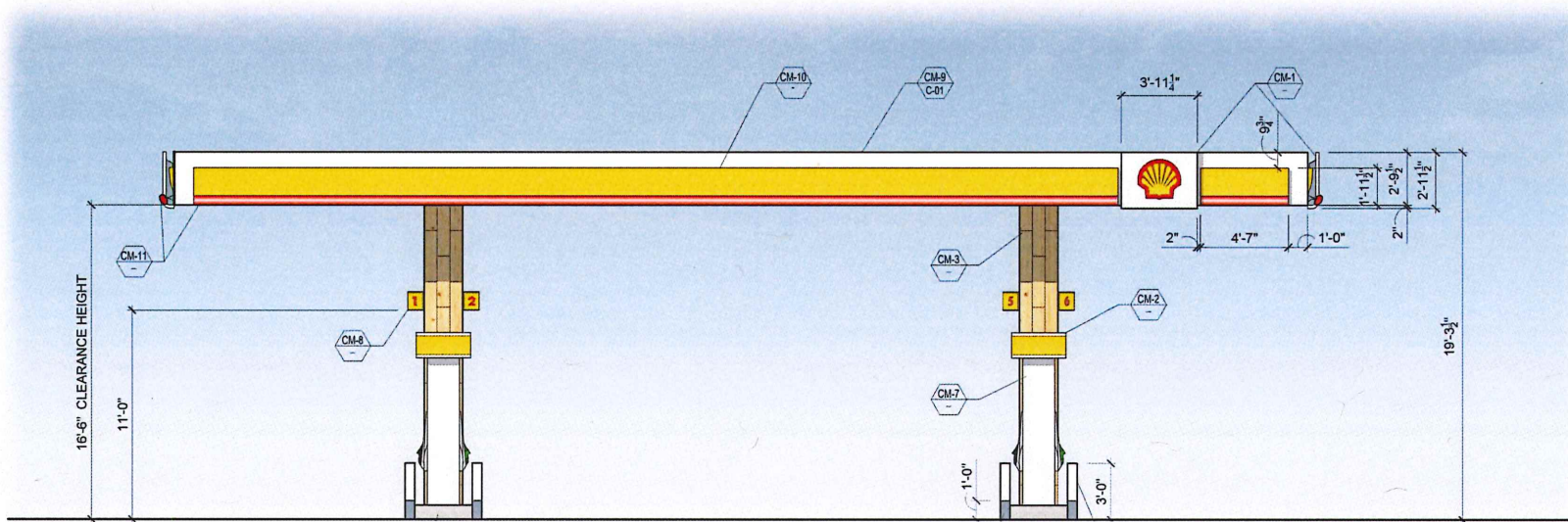
[Attached]



1 PROPOSED C-STORE & CARWASH / SOUTH ELEVATION

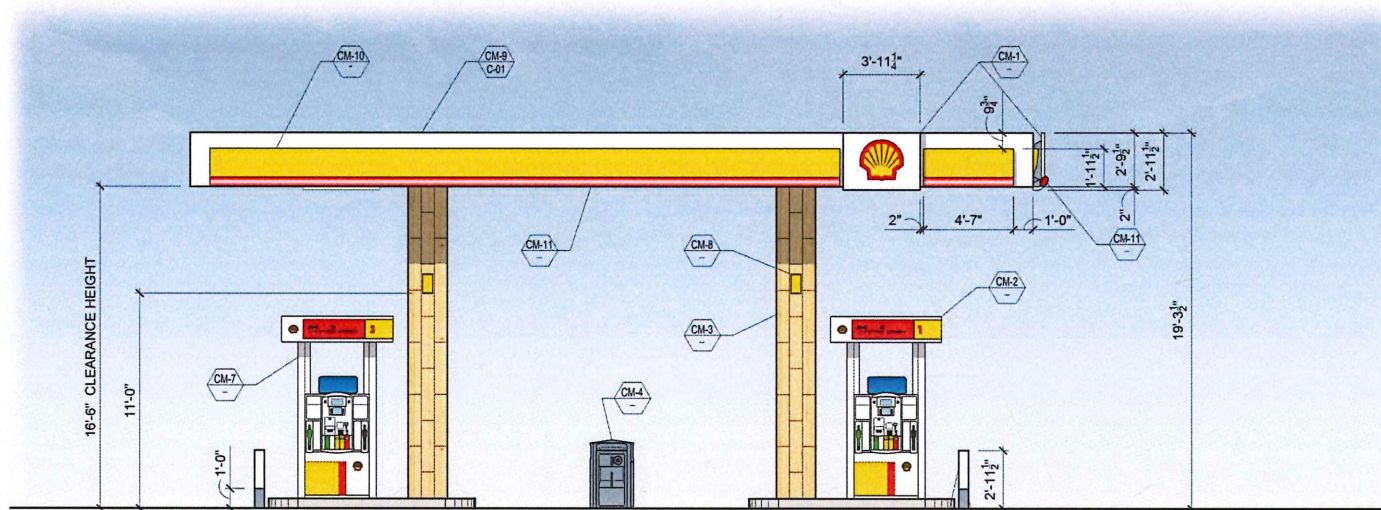


2 PROPOSED C-STORE & CARWASH / EAST ELEVATION



① PROPOSED CANOPY WEST ELEVATION

SCALE: 1/4" = 1'-0"



② PROPOSED CANOPY NORTH ELEVATION

SCALE: 1/4" = 1'-0"

Exhibit E

Public Hearing Notice

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 23-03 & Development Plan No. 23-06

On November 1, 2024, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Ken Kang, on behalf of Unique Petroleum, Inc., for consideration of Resolutions of the Planning Commission of the City of Industry, California, recommending approval of Conditional Use Permit No. 23-03 ("CUP No. 23-03") and Development Plan Application No. 23-06 ("DP No. 23-06").

Project Location: The property is located at 1320 Fullerton Road, further described as Assessor's Parcel Number 8270-003-025 ("Property"). The project site has a zoning designation of "C" Commercial.

Project Description: Consideration of Resolutions recommending approval of Conditional Use Permit 23-03 and a Resolution recommending approval of Development Plan Application No. 23-06, to demolish an existing gasoline station and canopy, a convenience store, and automatic drive-thru car wash, and to redevelop the site with a new gasoline station and canopy, a convenience store, and automatic drive-thru car wash, for the existing Shell gasoline station at 1320 Fullerton Road, 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: November 12, 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

Notice of Exemption

[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 23-03 & Development Plan Application No. 23-06

Project Location - Specific: 1320 Fullerton Road

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

Description of Project: Consideration of a Resolution that the City Council approve Conditional Use Permit 23-03 and a Resolution that the City Council approve Development Plan Application No. 23-06, to demolish an existing gasoline station and canopy, a convenience store, and automatic drive-thru car wash, and to redevelop the site with a new gasoline station and canopy, a convenience store, and automatic drive-thru car wash, for the existing Shell gasoline station at 1320 Fullerton Road, City of Industry, California, and adopting a Notice of Exemption regarding same, and making findings in support there.

Name of Public Agency Approving Project: City Council, City of Industry

Name of Person or Agency Carrying Out Project: Ken Kang, on behalf of Unique Petroleum, Inc.

Exempt Status: *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. *State type and section number:* 15332 (Class 32)
- 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 15332, Class 32 (In-fill development Projects). The Class 32 consists of projects characterized as in-fill development meeting the conditions described 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 Project is consistent with the general plan designation, all applicable general plan policies, and with the applicable zoning designation and regulations. The permissible land uses in the Commercial land use designation include a mixture of commercial (retail, service, tourist-serving) uses, and specifically, gasoline service stations with a retail store not related to automobile services, with approval of a conditional use permit. Additionally, the proposed new building is consistent with the General Plan in that it complies with General Plan Goal LU5, that states the City should provide "[h]igh quality and well-maintained properties, buildings, and infrastructure that enhance property values and encourage additional public and private investment." The Project provides a new building that is of high architectural design, along with new infrastructure that will enhance the Property's value. Also, the new development is consistent with Policy LU2-6, which states the City should "[s]upport the use of energy-saving designs and equipment in all new development and rehabilitation or reconstruction projects", the new building will be solar ready, thereby supporting the use of an energy saving design.

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

The Project occurs within City limits on a Project site that is 0.575 acres and is surrounded by urban uses to the north, south, east, and west. The Property is rectangularly shaped and is south of CA State 60 and east of Fullerton Road. CEQA defines a qualified urban use as "...any residential, commercial, public institutional, transit or transportation facility, or retail use, or any combination of those uses." Therefore, the proposed development occurs within the City of Industry City limits, on a project site of no more than five acres surrounded by urban uses.

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

The Project site has no value as habitat for endangered, rare, or threatened species since the site was originally disturbed in 1978. The site does not contain any endangered habitat because it is a developed lot that has an existing commercial building, and the land was disturbed when the original buildings were built.

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

Traffic –Less than significant traffic impacts are anticipated because the proposed development does not exceed the City's adopted VMT baseline and thresholds of significance and was screened out from further traffic analysis.

Noise –There will be less than significant impacts to noise because the proposed Project is located in an urbanized commercial area that currently generates noise from traffic, roads, and the surrounding commercial businesses; therefore, the impacts to noise will be negligible and not be any more significant than what the area already produces. Potential noise impacts will be further mitigated by the LA County Noise Ordinance and through the implementation of best management practices required for construction. Also, conditions of approval will be attached (Attachment 1) requiring the Applicant, property owner, construction contractors, and business owners to comply with the Los Angeles County Noise Ordinance (Los Angeles County Municipal Code, Section 2.08.390).

Air Quality- There will be less than significant impacts to air quality because the temporary construction and post construction operations will not exceed the threshold of significance and will be conditioned (in the attached conditions of approval) that the Applicant, property owner, construction contractors, and business owners will be required to comply with the requirements of the California State Building Code, all State and Federal standards regarding air quality, and the City's General Plan and Municipal Code. Furthermore, the Project will continue to operate as a commercial use as it has operated since 1978, and the Project will be used with a similar intensity as it has been used for the past 46 years.

Water Quality –There will be less than significant impacts to water quality because the Project will comply with all requirements set forth by the Los Angeles County Regional Water Quality Control Board and Best Management Practices (BMPs). Also, the Project is required to have an approved Low impact Development (LID) Plan and Water Quality Management Plan approved by the Engineering Department to construct and has already received said approval.

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

The Project site is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. All roads and utilities exist and are maintained by the City and the respective utility entities and have served the commercial use for many years and are suitable for the new building.

In conclusion, the proposed Project has been reviewed for consistency with the requirements of the CEQA guidelines. Staff has determined that the Project is exempt pursuant to Section 15332 (In-fill Development Projects) for the reasons described above.

Lead Agency

Contact Person: Eduardo Manriquez

Telephone: (626)333-2211

Signature: _____

Date: _____

Title: Contract Associate Planner

Exhibit G

Resolution No. PC 2024-19 (CUP 23-03)

[Attached]

RESOLUTION NO. PC 2024-19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE CONDITIONAL USE PERMIT NO. 23-03, TO ALLOW FOR A NEW GASOLINE STATION, CONVENIENCE STORE, AND AUTOMATIC DRIVE-THRU CAR WASH, AT THE PROPERTY LOCATED AT LOCATED AT 1320 FULLERTON ROAD, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Ken Kang, on behalf of Unique Petroleum Inc. ("Applicant"), is requesting approval of Development Plan Application No. 23-06, and Conditional Use Permit No. 23-03, to allow for the construction and operation of a new gasoline station, convenience store, and automatic drive-thru car wash (collectively the "Project"), located at 1320 Fullerton Road, City of Industry, California, further described as Assessor's Parcel Number (8270-003-025) ("Property"); and

WHEREAS, the Project site is located on a 0.575-acre site, and since 1985, has operated as a Shell Oil gas station, with a convenience store, and an automatic drive-thru car wash; and

WHEREAS, the Applicant proposes to demolish the existing development, and develop the Project; and

WHEREAS, the Property has a General Plan Land Use designation and zoning designation of Commercial (APN: 8270-003-025). In accordance with Section 17.12.25 of the City's Municipal Code ("Code"), a Conditional Use permit is required to permit the gasoline station, convenience store, and automated carwash in the Commercial zone for the Project; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant and based on Staff's review and assessment, the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 In-fill development projects); and

WHEREAS, on November 1, 2024, notice of the Planning Commission's November 12, 2024, public hearing on CUP No. 23-03 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 November 1, 2024, notice of the Planning Commission's November 12, 2024, public hearing on CUP No. 23-03 was also mailed to each property owner within 300 feet of the project site; and

WHEREAS, on November 12, 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 the facts set forth in the Recitals above are true and correct and are incorporated herein by reference.

SECTION 2: All necessary public hearings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's Code.

SECTION 3: INSERT CEQA FINDINGS HERE

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the November 12, 2024, public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Municipal Code, 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 General Plan Commercial land use designation which allows a mixture of commercial retail, service, tourist-serving, medical, professional office, entertainment, fitness, and dining uses, and specifically, gasoline service stations with a retail store not related to automobile services, with approval of a conditional use permit. The Project specifically addresses Land Use Goal LU2, which encourages a competitive business climate and blend of businesses that best serve the long-term economic future of the City. Additionally, the Project is consistent with General Plan Policy LU2-2, which states the City should "[a]ttract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share or growing sectors of the regional and global economy." Also, to encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business. Further, the new building and site improvements would enhance the quality of the existing architecture at the site and the immediate neighborhood.

- (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 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 reconstruction of the commercial building and proposed site improvements on a 0.575-acre site is adequate for the continued use of the site as a service station with incidental uses. The new development complies with the City's applicable development standards relating to building height, setbacks, lot coverage, landscaping, and circulation. The site is served by all necessary utilities, including water, sewer, gas, and electric services, which will continue to adequately supply the service station. There are no physical constraints on the site that would impact the continued use of the service station.

- (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. Fullerton Road is an existing improved street with pedestrian access from the sidewalk. Fullerton Road is adequate in width and pavement type to carry the traffic generated by the proposed use. Pursuant to Section 17.25.050.C. of the City's Code, if the use consists of a gasoline service station and any retail store on the same parcel or lot, then the parcel or lot shall have, in addition to the parking spaces otherwise required for the gasoline service station, a number of parking spaces for the exclusive use of the retail store at a minimum ratio of one space per one hundred sixty-seven square feet of floor area within such retail store, or a total of six parking spaces, whichever is greater. The Applicant is proposing a total of 13 parking spaces, thereby complying with the City's parking requirement.

The site was previously developed in a traditional gas station format, which accommodates the maneuverability of vehicles and gasoline tanker delivery trucks. Although the use of the property is intended to be automobile-centric, in the process of application review, the building and site design have evolved to improve the pedestrian experience. This is accomplished by including a new path of travel directly to the commercial building from Fullerton Road.

Also, pursuant to Chapter 17.25.050.H. of the City's Code all driveways must be a minimum of twenty-six feet in width. Aisles serving parking areas shall be a minimum twenty-six feet in width. The Project is providing three (3) driveways. One (1) driveway off Fullerton Road of 40 feet 4 inches, and two (2) driveways off the private entrance to the Diamond Plaza of 27 feet 2 inches and 31 feet 7 inches.

- (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 use is compatible with the other existing land uses within the commercial zone, an area that is already an active environment with commercial uses. The service station has been part of the commercial landscape, operating continuously with incidental uses for more than 39 years in this location. The existing service station currently maintains a convenience store and carwash. The construction of the new commercial building, including its placement on the site, is similar to the existing building for the service station. The new building will replace the existing convenience store and carwash service bays with a 3,327 square foot convenience store and automated carwash building. Customers will not be able to drive their vehicle through the car wash facility. In this manner vehicles will be managed by the attendant to be queued in an orderly method while waiting to be washed without idling and obstructing any driveways or pedestrian path-of-travel.

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

The proposed project combines two automobile service uses on one property in an area appropriate for such uses as the property is located on Fullerton Road, adjacent to California State Route 60. There are nearby residential sites located on the west side of Fullerton Road, approximately 260 feet southwest of the property and a common concern for car washes when near residential uses are potential noise impacts. A design feature to limit noise was to place the proposed car wash at the northeast corner of the project site. Additionally, the forced air blowers of the car wash are maintained 30 feet inside of the structure and there is the use of noise absorption materials and a sound barrier. As a result, noise levels are not expected to exceed 47 dBA, which is below the County's operational residential noise standard of 50 dBA.

SECTION 5: Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt the Notice of Exemption and approve Conditional Use Permit No. 23-03 subject to the Conditions of Approval, attached hereto as Attachment 1, 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 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 November 12, 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 23-03

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 23-03

Applicant: Unique Petroleum Inc

Location: 1320 Fullerton Road, (APN 8270-003-025) City of Industry

Proposed Use: A gasoline service station, convenience store, and attached automated drive-thru-car wash.

PLANNING DIVISION

Conditional Use Permit Conditions

1. The approved use is a new gas station with a foot convenience store, and square foot drive through car wash, 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-23-03, as approved by the City Council.

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.

Business Operations

11. All current and future business owners shall have a valid business license to operate the restaurant.
12. Expansion of use beyond the scope and nature described in this Conditional Use Permit No. 23-03, 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.
13. All uses allowed by the conditional use permit shall be conducted indoors within the approved space. No storage shall take place outdoors.
14. 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.
15. 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.
16. The hours of operation shall be seven days a week from 24 hours a day.
17. The applicant shall not block out or tint any of the tenant building windows at any time. All windows shall be clear and always remain translucent to the satisfaction of the Planning Department.

18. A burglary and robbery alarm system shall be installed and always maintained. 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.
19. The operator of the restaurant 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.
20. 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.
21. The appropriate Alcoholic Beverage Control (ABC) License shall be obtained prior to the sale of any retail alcoholic beverage sales.
22. Any alcohol sales that occur with the appropriate ABC license are on-sale, for off-site consumption only, no onsite consumption sales are permitted.
23. 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."
24. All employees selling alcohol shall be required to participate in an alcohol management training program prior to the selling of alcohol.
25. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the property.
26. There shall be no exterior advertising of any kind or type, including on motor fuel islands, advertising directed to the exterior from within, promoting or indicating the availability of a specific brand of alcohol or alcoholic beverages. Interior displays of alcoholic beverages that are clearly visible to the exterior shall constitute a violation of this condition.
27. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot.
28. The use of any amplifying systems, outdoor sound system and paging system or any other such device is prohibited on the licensed premises.

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.

29. 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.
30. 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).
31. 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.
32. All trash containers shall be kept inside a building or in a designated trash enclosure.
33. Emergency fire facilities (hydrants) shall always be kept free and unobstructed.
34. 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.
35. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
36. 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.
37. Adequate lighting will always be provided in the parking areas in accordance with the originally approved site plan.
38. The City must approve all signs, banners, pennants, flags or other outside advertising materials or structures.
39. The applicant is responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
40. Any violation of these conditions or any local, county, state or federal laws may constitute grounds for revocation or suspension of the CUP.
41. All perimeter walls, fencing, and common areas shall be maintained by the Property Owner.

Interpretation and Enforcement

42. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.

43. 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, added 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.
44. 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.
45. 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. 23-03 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. 23-03.

Indemnification

46. 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. 23-03. This indemnity provision applies to all damages and claims for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for CUP No. 23-03.

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. 23-03, 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

Exhibit H

Resolution No. PC 2024-20 (DP 23-06)

[Attached]

RESOLUTION NO. CC 2024-20

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL APPROVE DEVELOPMENT PLAN APPLICATION NO. 23-06, FOR THE DEMOLITION OF AN EXISTING GASOLINE STATION, CONVENIENCE STORE, AND AUTOMATIC DRIVE-THRU CAR WASH, AND THE CONSTRUCTION OF A NEW GASOLINE STATION, CONVENIENCE STORE, AND AUTOMATIC DRIVE-THRU CAR WASH ON A 0.575-ACRE SITE, LOCATED AT 1320 FULLERTON ROAD, CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Ken Kang, on behalf of Unique Petroleum Inc. (“Applicant”), is requesting approval of Development Plan Application No. 23-06, and Conditional Use Permit No. 23-03, to allow for the construction and operation of a new gasoline station, convenience store, and automatic drive-thru car wash (collectively the “Project”), located at 1320 Fullerton Road, City of Industry, California, further described as Assessor’s Parcel Number (8270-003-025) (“Property”); and

WHEREAS, the Project site is located on a 0.575-acre site, which is currently developed with a gasoline station, convenience store, an attached automatic drive-thru car wash; and

WHEREAS, the Applicant proposes to demolish the existing development, and develop the Project; and

WHEREAS, the Property has a General Plan Land Use designation and zoning designation of Commercial (APN: 8270-003-025). In accordance with Section 17.36.020 of the City’s Municipal Code (“Code”), a Development Plan Application is required for the Project; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant and based on Staff’s review and assessment, the proposed project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32 In-fill development projects); and

WHEREAS, on November 1, , 2024, notice of the Planning Commission’s November 12, 2024, public hearing on the application 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 November 1, 2024, notice of the Planning Commission’s November 12, 2024, public hearing on the application was also mailed to each property owner within 300 feet of the Property; and

WHEREAS, on November 12, 2024, the Planning Commission of the City of Industry conducted a duly noticed public meeting on the Project, and considered all testimony written

and oral; and

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

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

SECTION 1: The above Recitals are true and correct and are incorporated herein by reference.

SECTION 2: All necessary public meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's Code.

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 Project is exempt from the California Environmental Quality Act ("CEQA") pursuant to Section 15332 of the CEQA Guidelines (Class 32 In-fill development projects). Pursuant to the California Environmental Quality Act (CEQA), staff analyzed the proposal and determined the Project does not have a significant effect on the environment and is categorically exempt from the provisions of CEQA, pursuant to Section 15332 (In-Fill Development Projects).). Class 32 consists of projects characterized as in- fill development meeting the following conditions: (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; (b) The proposed development occurs within city limits on a project site of no more than five acres surrounded by urban uses; (c) The project site has no value as habitat for endangered, rare, or threatened species; (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (e) The site can be adequately served by all required utilities and public services.

- (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 general plan designation, all applicable general plan policies, and with the applicable zoning designation and regulations. The permissible land uses in the Commercial land use designation include a mixture of commercial (retail, service, tourist-serving) uses, and specifically, gasoline service stations with a retail store not related to automobile services, with approval of a conditional use permit. Additionally, the proposed new building is consistent with the General Plan in that it complies with General Plan Goal LU5, that states the City should provide "[h]igh quality and well-maintained properties, buildings, and infrastructure that enhance property values and encourage additional public and private investment." The Project provides a new building that is of high architectural design, along with new infrastructure that will enhance the Property's value. Also, the new development is consistent with Policy LU2-6, which states the City should "[s]upport the use of energy-saving designs and equipment in all new development and rehabilitation or reconstruction projects", the new building will be solar ready, thereby supporting the use of an energy saving design.

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

The Project occurs within City limits on a Project site that is 0.575 acres and is surrounded by urban uses to the north, south, east, and west. The Property is rectangularly shaped and is south of CA State 60 and east of Fullerton Road. CEQA defines a qualified urban use as "...any residential, commercial, public institutional, transit or transportation facility, or retail use, or any combination of those uses." Therefore, the proposed development occurs within the City of Industry city limits, on a project site of no more than five acres surrounded by urban uses.

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

The Project site has no value as habitat for endangered, rare, or threatened species since the site was originally disturbed and developed in 1978. The site does not contain any endangered habitat because it is a developed lot that has an existing commercial building, and the land was disturbed when the original buildings were built.

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

Traffic –Less than significant traffic impacts are anticipated because the proposed development does not exceed the City's adopted VMT baseline and thresholds of significance and was screened out from further traffic analysis.

Noise –There will be less than significant impacts to noise because the proposed Project is located in an urbanized commercial area that currently generates noise from traffic, roads, and the surrounding commercial businesses; therefore, the impacts to noise will be negligible and not be any more significant than what the area already produces. Potential noise impacts will be further mitigated by the LA County Noise Ordinance and through the implementation of best management practices required for construction. Also, the conditions of approval (Attachment 1) require the Applicant, property owner, construction contractors, and business owners to comply with the Los Angeles County Noise Ordinance (Los Angeles County Municipal Code, Section 2.08.390).

Air Quality- There will be less than significant impacts to air quality because the temporary construction and post construction operations will not exceed the threshold of significance and will be conditioned (in the attached conditions of approval) that the Applicant, property owner, construction contractors, and business owners will be required to comply with the requirements of the California State Building Code, all State and Federal standards regarding air quality, and the City's General Plan and Municipal Code. Furthermore, the Project will continue to operate as a commercial use as it has operated since 1978, and the Project will be used with a similar intensity as it has been used for the past 46 years.

Water Quality –There will be less than significant impacts to water quality because the Project will comply with all requirements set forth by the Los Angeles County Regional Water Quality Control Board and Best Management Practices (BMPs).

Also, the Project is required to have an approved Low impact Development (LID) Plan and Water Quality Management Plan approved by the Engineering Department to construct and has already received said approval.

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

The Project site is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan. All roads and utilities exist and are maintained by the City and the respective utility entities and have served the commercial use for many years and are suitable for the new building.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the November 12 2024, public hearing, including public testimony, and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Municipal Code, the Planning Commission finds as follows:

- (a) The site is suitable for development in accordance with the development plan.

The proposed use is situated on a parcel that is physically suitable in terms of location, size, topography, and access, and that is adequately served by public services and utilities. The Engineering Division has reviewed the site design to ensure proper onsite circulation. The site can be adequately served by public services and utilities. Additionally, the Project complies with the City's applicable development standards, requirements, and regulations of the Commercial zone in which it is located.

- (b) The total development is arranged to avoid traffic congestion, ensure the public health, safety, and general welfare, or prevent adverse effects upon neighboring properties, because it has been designed to minimize any potential impacts by complying with the City's Code. The City's Code requires all driveways and drive-aisles to be a minimum of 26 feet in width. The Property has three entrances, one driveway off Fullerton Road that is 40 feet 4 inches, and two driveways off the private entrance to the Diamond Plaza of 27-foot 2-inches and 31-foot 7-inches. The interior drive aisles are 27 to 36-foot wide throughout the Project site. The 31-foot-wide drive aisle starts at the southeastern entrance and has over 84-feet of length and connects to the 36-foot-wide drive aisle that exits to Fullerton Road and leads to the southwest exit, with adequate circulation around the parking lot, thereby avoiding any potential traffic impacts such as congestion, stacking, or spillage onto City streets. Further, conditions of approval are incorporated to prevent the Conditions of Approval include a requirement to comply with the Los Angeles County Noise Ordinance regarding hours permitted for construction, compliance with the standards set for in the California Building Code, standards and requirements from the City's Public Works/Engineering Department, Los Angeles County Regional Water Quality Control Board, and South Coast Air Quality Management District.
- (c) The development is in general accord with all elements of the City's Zoning Code because the Project complies with all development standards regarding building setbacks, building height, parking, access, screening, and design. The Project meets the minimum setback requirements of 30-feet from the front of the curb line by having a setback of 49-feet, 6-inches from Fullerton Road and 51 feet from the eastbound California State Route 60 on-

ramp. Further, while the maximum building height in the Commercial Zone is 50 feet, the proposed building is only approximately 26 feet. The Project complies with the City's minimum parking requirement, as set forth in Section 7.12.050.C. of the City's Code. Pursuant to the provisions of the Code, 12 parking spaces are required, and 13 are proposed. The Project also meets the City's access requirements. There are three driveways for vehicles entering and existing the site which comply with the City's minimum driveway width standard. These driveways are from Fullerton Road and the Diamond Plaza commercial center. The driveways range in width from 26-40 feet. One driveway from Fullerton Road is 40 feet and 4-inches in width. All proposed drive aisles are a minimum of 27-feet in width, which complies with the City's minimum development standard of 26-feet. The Property will be provided with new landscaping along the perimeter of the site. The design of the building facade will include decorative elements such as split face walls of stone veneer and stucco finish with an Arizona tile with a wood look. The convenience store entrance will have an assortment of architectural treatments creating a statement consisting of a variation of tempered glass paneling with storefront framing. The entry features are clearly visible, accessible, and designed as a significant aspect of the building's overall composition.

The proposed development is consistent with the provisions of the General Plan or any applicable redevelopment plan.

- (d) The Project is consistent with the objectives, policies, general land uses, and programs of the General Plan.

The Project specifically addresses Land Use Goal LU2, which encourages a competitive business climate and blend of businesses that best serve the long-term economic future of the City. Ther applicant is proposing to redevelop the site with a new upgraded gas station, convenience store and automated carwash which will enhance its current operations, to the benefit of its patrons. Furthermore, the proposed project will not change the character of the use of the site and will maintain an underlying consistency with adjacent parcels, the built environment, and surrounding properties.

Also, the Project is consistent with General Plan Policy LU2-2, which states the City should "[a]ttract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share or growing sectors of the regional and global economy." Also, to encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business. The proposed project assists the City in promoting the development and retention of an existing retail use that serve local needs and helps the City to compete for retail sales tax revenue with the region.

SECTION 5: Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt the Notice of Exemption for the Project and approve Development Plan Application No. 23-06 subject to the Conditions of Approval, attached hereto as Attachment 1, 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: That the City Clerk shall certify to the adoption of this Resolution and the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on November 12, 2024, by the following vote:

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

Jacob Cortez, Chairperson

ATTEST:

Julie Gutierrez-Robles, City Clerk

Attachment 1

Conditions of Approval – DP 23-06

[Attached]



CITY OF INDUSTRY

Standard Requirements and Conditions of Approval

Application: Development Plan No. 23-06

Applicant: Unique Petroleum Inc

Location: 1320 Fullerton Road, (APN 8270-003-025) City of Industry

Proposed Use: A gasoline service station, convenience store, and attached automated drive-thru-car wash.

PLANNING DIVISION

Development Plan Conditions

1. The Applicant and Property Owner shall file an executed and acknowledged Acceptance of Terms and Conditions of Development Plan No. 23-06 within 10 calendar days after the approval of said entitlements by the City Council. The Applicant and Property Owner understand and agree that approval of the Resolution for Development Plan No. 23-06 will be of no force or effect unless such written consent is submitted to the City within the stated 10-day period.
2. Failure to comply with any of the conditions set forth herein, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City's requirement for full compliance may require minor corrections and/or complete demolition of a noncompliant improvement, regardless of costs incurred, where the Project does not comply with design requirements and approvals that the Applicant agreed to when permits were pulled to construct the Project.
3. Construction plans submitted for Building Permits shall be in substantial compliance with plans approved by this action by the City Council. Any modifications to the use, building, site, or Project description shall be subject to review and approval by the Planning Department and may require a separate planning entitlement review process.
4. A copy of the conditions of approval provided herein shall be included in the construction documentation package for the Project, which shall be maintained on site during construction.
5. It shall be the responsibility of the Property Owner and Applicant to ensure that any required permits, inspections, and approvals from any regulatory agency shall be obtained from the concerned agency prior to the establishment of the use.

6. The Project uses shall always operate in a manner not detrimental to surrounding properties or residents by reason of lights, noise, activities, parking, or other actions.
7. All building corners shall be established by a licensed surveyor prior to construction of the foundation.
8. Prior to issuance of a building permit, the Applicant shall submit a Photometric Plan showing locations and height of all exterior lighting fixtures with arrows showing the direction of light being cast by each fixture for review and approval of the City of Industry Planning Department, the Los Angeles County Building and Safety Department and the Los Angeles County Sheriff's Department.
9. The Photometric Plan shall ensure any exterior night lighting installed on the Project site is of low intensity, low glare design, minimum height, and shall be hooded to direct light downward onto the subject lot and prevent spill-over onto adjacent lots. The fixtures will be reviewed for quality, aesthetics, illumination values, sustainability values such as LED and shall be decoratively and architecturally consistent with the building design. The location, height, style, and design shall be reviewed and approved by the City of Industry Planning Department, the Los Angeles County Building and Safety Department and the Los Angeles County Sheriff's Department.
10. A complete landscape/irrigation package prepared by a landscape architect licensed by the State of California shall be reviewed and approved by the City of Industry Planning Department prior to issuance of building permit. The plans shall include the following elements: a. Water conservation concept statement. b. Calculation of maximum applied water allowance. c. Calculation of estimated total water use. d. Landscape design plan. e. Irrigation design plan. f. Certificate of substantial completion. g. The landscape plan shall demonstrate compliance with Zoning Ordinance requirements related to minimum dimensions and percentages of landscaping in parking areas, including required front yard setback landscaping.
11. Prior to the issuance of certificates of use and occupancy, the Applicant shall install said landscaping and irrigation system and shall have a licensed landscape architect or licensed landscape contractor, certify in writing that it was installed in accordance with the approved plan. Said written certification shall be submitted to the Planning Department.
12. The landscape irrigation system shall be designed to accept recycled water from future recycled water lines, which are currently being planned to be in the area. The irrigation plan, which is submitted to the City for approval per Chapter 13.18 of the Municipal Code, shall be designed and clearly noted to allow the transition from potable water to recycled water when and if recycled water lines are eventually installed in the immediate vicinity.
13. All irrigation systems shall function properly, and landscaping shall be maintained in a healthy and thriving condition. The maintenance of landscaping and the irrigation system shall be permanently provided for all areas of the Project site, as well as walkways and the portion of public rights-of-way abutting the Project site.

Furthermore, the plans shall identify responsibility for the continued maintenance.

14. Trash enclosures shall be provided with three decorative walls, enhanced wall caps, a pedestrian entrance, a gate, and a structural steel cover, in a style compatible with the structure's architecture. The gate shall be maintained in working order and shall remain closed except when in use.
15. Storage use and removal of toxic substances, solid waste, and flammable liquids shall conform to all applicable federal, state, and local regulations. All required licensing shall always be maintained in good order.
16. All proposed mechanical units, air conditioning equipment, blowers, make-up air units, ducts, etc. shall be shown on the building permit plans. The Applicant shall effectively screen from view all ducts, blowers, air conditioning equipment, and any other mechanical equipment, whether on the structure, on the ground, or on the roof, with materials architecturally compatible with the building. Screening details shall be shown on the plans submitted for issuance of building permits, the adequacy of which shall be determined by the Planning Department. All required screening shall be provided prior to occupancy. The construction plans shall include appropriate elevations and cross-section drawings demonstrating how such equipment is to be screened from view (include dimensions, materials, colors, etc.).
17. All ground mounted utility structures such as transformers and back flow prevention valves shall be located out of view from a public street or screened using landscaping and/or masonry walls.
18. Bumper guard or wheel stops shall be provided, where necessary, to protect the structure or parked vehicle.
19. The Applicant, and/or Property Owner shall arrange for a final inspection by representatives of the City of Industry Planning Department, the Los Angeles County Building and Safety Department, the City of Industry Public Works Department, and the Los Angeles County Fire Department prior to the release of certificate of occupancy. Any discrepancy between the approved plans and the field conditions shall be remedied prior to occupancy such that the field condition is consistent with the approved plans.
20. Pedestrian paths shall be maintained in such manner to allow the safe and convenient passage of people across drive aisles. Pedestrian pathways shall be clearly marked with paint and/or enhanced paving materials and designated with adequate and appropriate signage. Pedestrian pathways adjacent to drive aisles shall be separated by a raised curb or other device to ensure a safe and adequate separation between pedestrians and motor vehicles.
21. Prior to any permit issuance, the Applicant shall provide a letter to the Planning Department that certifies that the following will be adhere to during all stages of development:

- All equipment used on site meets the EPA Tier 4 Interim emissions standards for off-road diesel-powered construction equipment with more than 50 horsepower, unless it can be demonstrated to the City that such equipment is not available. Any emissions control device used by the contractor shall achieve emissions reductions that are no less than what could be achieved by a Level 4 diesel emissions control strategy for a similarly sized engine, as defined by CARB's regulations.
 - All equipment used on site has emission noise control parts in place and have not been altered in any way from their initial condition as delivered from the factory.
 - A list of all operating equipment in use on the construction site including the make, model, and numbers of each piece of equipment.
 - All equipment shall be properly serviced and maintained in accordance with the manufacturer's recommendations.
 - All nonessential idling of construction equipment is limited to no more than five minutes or less in compliance with Section 2449 of the California Code of Regulations, Title 13, Article 4.8, Chapter 9.
22. Prior to issuance of a grading permit, the Applicant shall provide the name and telephone number to the Planning Department of an assigned construction relations officer to function as a community liaison concerning on-site activity, including resolution of issues related to dust generation from grading/paving activities.
23. A note shall be added to the building plans stating that the construction contractor shall only use interior and exterior paints with a VOC content of 90 grams per liter (g/L) or less for the building structures to reduce VOC emissions. Prior to issuance of building permits, the construction contractor shall provide documentation to the satisfaction of the Planning Department that verifies use of coatings with a VOC content of 90 g/L or less.
24. The Applicant/Property Owner shall comply with all surface drainage and driveway requirements set forth in the City's Code.
25. The Applicant shall comply with all the requirements set forth in the mitigation measures of the MND for the Project. In the event of any conflict between the Conditions of Approval set forth herein and those set forth in the MND, the mitigation measures set forth in the MND shall prevail.

BUILDING DIVISION

26. The Project shall comply with the adopted California Model Code (California Code of Regulations, Title 24).
27. The Project shall comply with the applicable provisions of the California Green

- Building Standards Code and provide at least 15% of the rooftop area for solar photovoltaic power.
28. Prior to the issuance of any permit, a soils report is required to be submitted to the Building Division for review and approval.
 29. The Project shall provide Americans with Disabilities Act (ADA) compliance accessibility to public right-of-way.
 30. The Project shall provide Americans with Disabilities Act (ADA) compliance throughout the site.

PUBLIC WORKS AND ENGINEERING

31. The Applicant shall provide drainage and grading plans to be approved by the City Engineer prior to the issuance of a building permit. Such plans shall be in substantial conformity with the development plans.
32. The Applicant shall supply sanitary sewer facilities to serve all buildings to the satisfaction of the City Engineer prior to the final approval of the development and hook-up utilities.
33. Depending upon the nature of the proposed use, the Applicant shall obtain an Industrial Waste Permit or receive Domestic Wastewater Clearance from the City Engineer depending on the building use.
34. The Applicant shall use the City of Industry Benchmark's (NAVD-29) for all construction plans. Contact the City's survey department for benchmark information.
35. The Applicant shall construct storm drains and water quality devices to the satisfaction of the City Engineer prior to the final approval of the development and the hook-up of utilities.
36. Prior to the issuance of building permits for any interior improvements that serve to create separate units within the building, the Applicant shall consult with the City Engineer and demonstrate that each separate unit is equipped with its own sewer line and that the sewer lines join together before the connection to the main sewer line. This will allow for the addition of a clarifier or grease interceptor if required to serve future tenants/uses in the building.
37. In conformance with Chapter 13.16 of the Municipal Code, and prior to the start of grading and construction, the Applicant shall provide a Stormwater Pollution Prevention Plan (SWPPP), developed by a Qualified SWPPP Developer (QSD) and consistent with the current National Pollutant Discharge Elimination System (NPDES) construction general permit, along with proof that a Waste Discharger Identification (WDID) Number has been obtained, to the City Engineer for review and approval.
38. In conformance with Chapter 13.16 of the Municipal Code and prior to the start of demolition, grading, and construction activities, the Applicant will implement an effective combination of erosion and sediment control BMPs consistent with the NPDES construction general permit to prevent erosion and sediment loss and the

discharge of construction wastes, to the satisfaction of the City Engineer, which shall be in the form of a storm water soil loss prevention plan (also called an erosion control plan or a water pollution control plan).

39. In conformance with Chapter 13.16 of the Municipal Code, the Applicant shall provide: 1) a Low Impact Development (LID) plan; and 2) an operations, maintenance, and monitoring plan to the City Engineer for review and approval. Upon approval, the Applicant shall construct storm drains and water quality devices according to the approved plans and the satisfaction of the City Engineer. Prior to building final and/or issuance of the certificate of occupancy, the Applicant shall provide the City Engineer with a signed and recorded covenant and agreement stating that the Property and all structural or treatment control Best Management Practices (BMPs) will be maintained in compliance with the municipal NPDES permit (also sometimes called the MS4 permit) and other applicable regulatory requirements.
40. In conformance with Chapter 13.16 of the Municipal Code, all future owners or successors of a property subject to a requirement for maintenance of structural and treatment control BMPs must either: 1) assume responsibility for maintenance of any existing structural or treatment control BMPs at least once a year and retain proof of maintenance/inspection for review by the City Engineer upon request; or 2) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the City and the municipal NPDES permit. Prior to building final and/or issuance of the certificate of occupancy, this requirement will be included in a recorded restrictive covenant on Property and included in any sale or lease agreement or deed of the Property.
41. Prior to obtaining a Certificate of Occupancy Applicant shall submit digital copies of as-built plans to the City Engineer.
42. Prior to the close out of the grading permit the Applicant shall video via CCTV or any other applicable method all sewer and storm drains on-site and submit to the City Engineer for approval.

CODE REQUIREMENTS AND STANDARDS

The following is a list of general planning conditions, 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 City Council 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.

43. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws, rules, and ordinances.
44. The Applicant shall pay off all existing deficit deposit accounts associated with processing this permit. The Applicant shall provide a receipt to the Planning Department, which shows that all discretionary deposit accounts have been paid. No Certificate of Occupancy or Final Planning Division Inspection can be

issued/completed if there are deficit deposit accounts.

45. 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.
46. The Applicant shall abide and continue to comply with all previous City approvals, permits, or requirements relating to the subject property, unless explicitly superseded or revised by this Approval.
47. The Applicant/Property Owner shall construct adequate fire protection facilities to the satisfaction of the Los Angeles County Fire Department.
48. The Applicant/Property Owner shall supply sanitary sewer facilities to serve all buildings to the satisfaction of the City Engineer. One sewer connection per parcel is permitted and, in the case of multiple units or buildings, all sewer lines must join at the connection point.
49. The Applicant/Property Owner shall provide drainage and grading plans to be approved by the City Engineer prior to the issuance of any building permit. Such plans shall be in substantial conformity with the approved development plans.
50. In conformance with Chapter 13.16 of the Municipal Code and prior to the start of grading and construction, the Applicant/Property Owner shall provide a Storm Water Pollution Prevention Plan (SWPPP), developed by a Qualified SWPPP Developer (QSD) and consistent with the current National Pollutant Discharge Elimination System (NPDES) construction general permit, along with proof that a Waste Discharger Identification (WDID) Number has been obtained, to the City Engineer for review and approval.
51. Demolition and construction operations shall be limited to the hours prescribed by the Los Angeles County Noise Ordinance (Los Angeles County Code, Section 12.08.390).
52. Should archeological resources be uncovered during site preparation, grading, or excavation, work shall be stopped for a period not to exceed 14 days. The find shall be immediately evaluated for significance by a county-certified archaeologist. If the archaeological resources are found to be significant, the archaeologist shall perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit resources to the California State University Fullerton; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).
53. Hours of construction are limited to 7:00 am to 7:00 pm Monday through Saturday with no construction work on Sundays.

INTERPRETATION AND ENFORCEMENT

54. The City of Industry Planning Department, the Los Angeles County Building and Safety Department, the City of Industry Public Works Department, and the Los Angeles County Fire Department shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
55. 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, latest 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 Industry Municipal Code.

INDEMNIFICATION

56. 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 and Development Plan No. 23-06. This indemnity provision applies to all damages and claims for damages, as described above, regardless of whether the City prepared, supplied, or approved the plans, specifications, or other documents for and Development Plan No. 23-06.

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 Development Plan 23-06, 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