

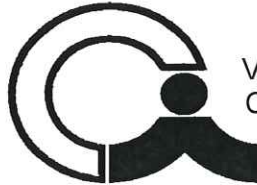
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# PLANNING COMMISSION

## CITY OF INDUSTRY

REGULAR MEETING AGENDA  
JULY 11, 2017 11:30 A.M.



CHAIRMAN JIM DIVERS  
VICE CHAIRMAN MICHAEL GREUBEL  
COMMISSIONER HILDA RODRIGUEZ  
COMMISSIONER BECKY SIMON  
COMMISSIONER ANDRIA WELCH

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*Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California*

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### **Addressing the Planning Commission:**

- ▶ **Agenda Items:** *Members of the public may address the Planning Commission on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any item listed on the Agenda. Anyone wishing to speak to the Planning 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 Secretary prior to the Agenda item being called by the Secretary prior to the individual being heard by the Planning Commission.*
  
- ▶ **Public Comments (Non-Agenda Items):** *Anyone wishing to address the Planning 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 Planning Commission from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the Planning 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 Secretary prior to the Agenda item being called by the Secretary and prior to the individual being heard by the Planning Commission.*

### **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.*

### **Agendas and other writings:**

- ▶ *In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Friday 9:00 a.m. to 5:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.*

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1. Call to Order
  
  2. Flag Salute
  
  3. Roll Call
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4. Public Comments

5. Consideration of appointment of Chairperson and Vice Chairperson

*RECOMMENDED ACTION: Consider nominations and make appointments.*

6. **ACTION ITEMS**

6.1 Presentation and discussion of a one year review and evaluation report concerning recently approved Conditional Use Permits.

*RECOMMENDED ACTION: Receive and file the report.*

7. **PUBLIC HEARING**

7.1 Public Hearing to consider Conditional Use Permit (CUP) No. 17-4, submitted by Star View Behavioral Health, Inc., dba Star View Children and Family Services for a behavioral health hospital and behavioral health urgent care at an existing commercial building located at 18501 Gale Avenue, Suite 100, in the City of Industry.

Consideration of Resolution No. PC 2017-04 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 17-04, TO ALLOW A BEHAVIORAL HEALTH HOSPITAL AND BEHAVIORAL HEALTH URGENT CARE AT 18501 GALE AVENUE, SUITE 100, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXCEPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF.

*RECOMMENDED ACTION: Adopt Resolution No. PC 2017-04.*

6. **ORAL COMMENTS FROM THE PLANNING COMMISSION**

7. **ORAL COMMENTS FROM STAFF**

8. Adjournment. Next regular meeting will be on Tuesday, August 8, 2017 at 11:30 a.m.

*PLANNING COMMISSION*

ITEM NO. 6.1



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## MEMORANDUM

To: Planning Commission  
From: Paul J. Philips, City Manager *Paul J. Philips*  
Staff: Troy Helling, Senior Planner *Troy Helling*  
Date: July 11, 2017  
Subject: **One Year Review and Evaluation of Conditional Use Permits**

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### Staff Analysis

The City implemented a new condition of approval for Conditional Use Permits ("CUP") last year that requires the following:

Upon the one (1) year anniversary of approval of the CUP, staff is required to bring back the CUP for review and evaluation by the Planning Commission. The Commission's evaluation may include the modification of any existing condition of approval and/or the incorporation of any new conditions.

Staff is bringing back the following CUPs for review and evaluation:

- Amended CUP 10-4 El Tepeyac Restaurant, 13131 Crossroads Parkway South, Suite C and D
- CUP 16-2 California Fish Grill Restaurant, 1552 Azusa Avenue, Unit E.
- CUP 16-3 Fasta Enterprises, Inc., D.B.A. Red Pine Restaurant, 18518 E. Gale Avenue
- CUP 16-5 MOD Super Fast Pizza, 1552 Azusa Avenue, Unit B
- CUP 16-6 Happy Duck House, 18210 Gale Avenue
- CUP 16-7 Top Play Global Commercial Group LLC, D.B.A. Miss Tong's Private Kitchen, 18558 E. Gale Avenue Unit 270 and 272

Planning staff, Code Enforcement and the Sheriff's Department conducted site inspections and have reviewed violation records and calls for service for the above CUPs, and did not find any problems or reasons to consider changing or modifying any conditions of approval for the locations.

### Fiscal Impact

Review of the CUPs has no fiscal impact to the City.

## **Recommendation**

Because the above CUPs have complied with the use standards of the Municipal Code, the conditions of approval, and have not caused any code enforcement or law enforcement problems, Staff recommends that the Planning Commission receive and file the report and not make any modifications to the existing approved Conditions of Approval for the above CUPs at this time.

## **Attachments**

- Exhibit A: Amended CUP 10-4 Conditions of Approval
- Exhibit B: CUP 16-2 Conditions of Approval
- Exhibit C: CUP 16-3 Conditions of Approval
- Exhibit D: CUP 16-5 Conditions of Approval
- Exhibit E: CUP 16-6 Conditions of Approval
- Exhibit F: CUP 16-7 Conditions of Approval

**Exhibit A**  
**Conditions of Approval**  
**Amended CUP 10-4**



# CITY OF INDUSTRY

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## Standard Requirements and Conditions of Approval

**Application:** Amendment to Conditional Use Permit 10-4  
**Applicant:** El Tepeyac Restaurant  
**Location:** 13131 Crossroads Parkway South, Units C and D  
**Use:** Full-Service Restaurant with Alcohol Service

### 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 Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department capable of color recording and storing a minimum of 30 days of continuous video. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service within the patio area. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 47 Beer, Wine and spirits license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 47 license shall be maintained in compliance with all ABC requirements.
7. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
8. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the site by the ABC shall be grounds for revocation of CUP No. 10-4.
9. Permittee shall operate as a bona-fide eating place as defined by the 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 on said premises and must comply with all the regulations of the local department of health.
10. The approval is for a bona fide restaurant with on-site sale alcoholic beverages, as set forth in the Type 47 license. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.
11. 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. Permittee shall, upon request by the City, provide the City with its records of all food and beverage sales for the prior six month period.
12. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
13. Permittee 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."
14. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
15. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

### **Code Requirements and Standards**

*The following is a list of 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 change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaped plan and in a healthy and well-kept condition and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. 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.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be from 6:00 am to 12:00 pm seven days a week, or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.

17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No non-prescription drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan, including the patio area, shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 15 minutes in any hour;
  - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
  - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. There shall be no outside cooking or food preparation unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

**Interpretation and Enforcement**

1. 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.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

**Indemnification and Hold Harmless Condition**

1. The owner of the property that is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**Exhibit B**  
**Conditions of Approval**  
**CUP 16-2**



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## Standard Requirements and Conditions of Approval

**Application:** Conditional Use Permit 16-2

**Applicant:** California Fish Grill

**Location:** 1552 Azusa Avenue, Unit E

**Use:** Fast-Food Restaurant with more than 50 Seats and with a Type 41 ABC License for Beer and Wine

### 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 Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service within the patio area. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or 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.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 10-4.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee 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."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

#### **Code Requirements and Standards**

*The following is a list of 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 change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

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

5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. 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.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 10:30 A.M. and 10:00 P.M or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.

22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
- (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 15 minutes in any hour;
  - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
  - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

### **Interpretation and Enforcement**

1. 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.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

### **Indemnification and Hold Harmless Condition**



1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**Exhibit C**  
**Conditions of Approval**  
**CUP 16-3**



# CITY OF INDUSTRY

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## Standard Requirements and Conditions of Approval

**Application:** Conditional Use Permit 16-3  
**Applicant:** Fasta Enterprises, Inc., D.B.A. Red Pine Restaurant  
**Location:** 18518 Gale Avenue  
**Use:** Fast-Food Restaurant with more than 50 Seats and with a Type 41 ABC License for Beer and Wine

### 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 Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.
6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine

license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.

7. Prior to building final or 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.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-3.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee 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."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

#### **Code Requirements and Standards**

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1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. 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.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.

6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. 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.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 A.M. and 11:00 P.M or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.

22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
- (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 15 minutes in any hour;
  - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
  - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

### **Interpretation and Enforcement**

1. 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.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

### **Indemnification and Hold Harmless Condition**

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**Exhibit D**  
**Conditions of Approval**  
**CUP 16-5**





# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## Standard Requirements and Conditions of Approval

**Application:** Conditional Use Permit 16-5  
**Applicant:** MOD Super Fast Pizza, LLC  
**Location:** 1552 Azusa Avenue, Unit B  
**Use:** Fast-Food Restaurant with more than 50 Seats and with a Type 41 ABC License for Beer and Wine

### 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 Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition, 24-hour time lapse security cameras, capable of color recording and storing a minimum of 30 days of continuous video, shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service within the patio area. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or 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.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-5.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee 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."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

#### **Code Requirements and Standards**

*The following is a list of 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 change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. 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.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.

5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. 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.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 10:00 a.m. and 11:00 p.m. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers, or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises, wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all

local, county, state, or federal laws.

- 22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
- 23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 15 minutes in any hour;
  - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
  - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.
- 24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
- 25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Director.
- 26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

**Interpretation and Enforcement**

- 1. 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.
- 2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

**Indemnification and Hold Harmless Condition**

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**Exhibit E**  
**Conditions of Approval**  
**CUP 16-6**



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## Standard Requirements and Conditions of Approval

**Application:** Conditional Use Permit 16-6  
**Applicant:** Happy Duck House Restaurant  
**Location:** 18210 Gale Avenue  
**Use:** Fast-Food Restaurant with a Type 41 ABC License for Beer and Wine

### 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 Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition, 24-hour time lapse security cameras, capable of color recording and storing a minimum of 30 days of continuous video, shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or 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.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-6.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee 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."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
14. The Applicant shall operate as a bona-fide eating place as defined by the 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 on said premises and must comply with all the regulations of the local department of health.
15. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.
16. 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. Applicant shall, on the sixth month and twelve month anniversaries of the effective date



of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

### **Code Requirements and Standards**

*The following is a list of 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 change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. 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.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. 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.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 a.m. and 10:00 p.m. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers, or fashion shows permitted on the premises at any time.

14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises, wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 15 minutes in any hour;
  - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
  - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.

25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

### **Interpretation and Enforcement**

1. 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.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

### **Indemnification and Hold Harmless Condition**

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

**Exhibit F**  
**Conditions of Approval**  
**CUP 16-7**



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## Standard Requirements and Conditions of Approval

<b>Application:</b>	<b>Conditional Use Permit 16-7</b>
<b>Applicant:</b>	<b>Top Play Global Commercial Group LLC, D.B.A. Miss Tong's Private Kitchen</b>
<b>Location:</b>	<b>18558 E. Gale Avenue, Unit 270 and 272</b>
<b>Use:</b>	<b>Fast-Food Restaurant with a Type 41 ABC License for Beer and Wine</b>

### 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 Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written

permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or 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.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-7.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee 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."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
14. The Applicant shall operate as a bona-fide eating place as defined by the 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 on said premises and must comply with all the regulations of the local department of health.
15. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.

16. 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. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

### **Code Requirements and Standards**

*The following is a list of 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 change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or a City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. 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.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. 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.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.

11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 A.M. and 11:00 P.M or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.



for a cumulative period of more than 15 minutes in any hour;

- (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
- (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.

- 24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
- 25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
- 26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

**Interpretation and Enforcement**

- 1. 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.
- 2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

**Indemnification and Hold Harmless Condition**

- 1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney’s fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

*PLANNING COMMISSION*

ITEM NO. 7.1





# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## MEMORANDUM

To: Planning Commission

From: Paul J. Philips, City Manager 

Staff: Troy Helling, Senior Planner 

Date: July 11, 2017

Subject: **Conditional Use Permit 17-4 – Star View Behavioral Health Inc., D.B.A. Star View Children and Family Services, 18501 Gale Avenue # 100**

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### Proposal

Section 17.12.025(10) of the Municipal Code allows Hospitals in the “C” Commercial zone with approval of a Conditional Use Permit (“CUP”) by the Planning Commission. CUP 17-4 is an application submitted by Star View Behavioral Health Inc., D.B.A. Star View Children and Family Services to establish a behavioral health hospital and urgent care at 18501 Gale Avenue #100 (Assessor’s Parcel Number 8264-022-003). Stars Behavioral Group will operate seven days a week, 24 hours a day and 365 days a year, and will provide crisis stabilization services and treatment for up to 12 adults and 6 adolescents at a time. They will be able to serve a maximum of 12 adults at a time. Patients can stay up to 24 hours but the average stay is between 4 to 6 hours. It’s estimated that they will average 30 patients a day. Star View will employ 45 people.

### Location and Surroundings

As shown on the location map (Exhibit A), the proposed hospital and behavioral health urgent care will be located at 18501 Gale Avenue #100 within an existing commercial building, located on the northeast corner of Gale Avenue and Jellick Avenue on an 1.71-acre commercial property (Exhibit B). The proposed space will be 9,200 square feet (Exhibit C). The property is bounded by Gale Avenue to the south, Jellick Avenue to the west, commercial properties to the east, and industrial properties to the north. The adjacent land uses are comprised predominantly of restaurants, retail, service and industrial uses.

### Staff Analysis

The proposal to use an existing commercial space within a retail building for a hospital

and behavioral health urgent care is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code.

#### *Property*

The Property is adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking, landscaping, and items which may be required by Sections 17.12.050 and 17.36.060 of the Municipal Code. There will be adequate utilities to accommodate the proposed use. The commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

#### *Access*

The Property is served by street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. There is no expansion of the footprint of the building, and the Property is currently served by Gale Avenue and Jellick Avenue, which is of adequate capacity to serve the commercial use.

#### *Compatibility*

The hospital and behavioral health urgent care use is compatible with surrounding properties and uses because the surrounding area is composed of other similar commercial uses. The uses of the surrounding properties may change, but the character will remain commercial in nature, consistent with the General Plan and zoning designations of the site. The proposed use will complement the adjacent uses.

#### *Parking*

Per Section 17.36.060 (K)(1)(b) of the Municipal Code, a hospital and behavioral health urgent care is parked at the rate of one space per 250 square feet. Based on this formula, the proposed hospital and behavioral health urgent care use requires 37 parking spaces and the remainder of the building requires 58 parking spaces. The property requires 95 parking spaces and has 136 parking spaces, which is sufficient parking for the building and the proposed uses.

### **Environmental Analysis**

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 9,200 square foot tenant space for the development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 23,611 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing retail building; and (5) the site is adequately served by all required utilities and

public services. The Notice of Exemption (Exhibit D) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

### **Public Hearing**

The required Public Hearing Notice (Exhibit E) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the *San Gabriel Valley Tribune* by September 30, 2016, pursuant to Government Code section 65091.

### **Fiscal Impact**

Conditional Use Permit 17-4 may have a fiscal impact related to a possible increase in calls for service to the Sheriff's Department and LA County Fire Department.

### **Recommendation**

The proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2017-04 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Exhibit H) and direct staff to file the Notice of Exemption.

### **Attachments**





- Exhibit A: Location Map
  - Exhibit B: Site Plan
  - Exhibit C: Floor Plan
  - Exhibit D: Notice of Exemption
  - Exhibit E: Public Hearing Notice
  - Exhibit F: Star View Application Letter
  - Exhibit G: La Puente Regional Occupational Program Support letter
  - Exhibit H: Resolution No. PC 2017-04 approving Conditional Use Permit No. 17-4 with findings of approval, Standard Requirements and Conditions of Approval
-

# Exhibit A Location Map CUP 17-4



# Exhibit B Site Plan CUP 17-04



-  Fire Hydrant
-  E.P. Electrical Panel
-  W Water Shut-Off
-  X Fire Extinguisher
-  Knox Access Key

# Exhibit C Floor Plan CUP 17-4

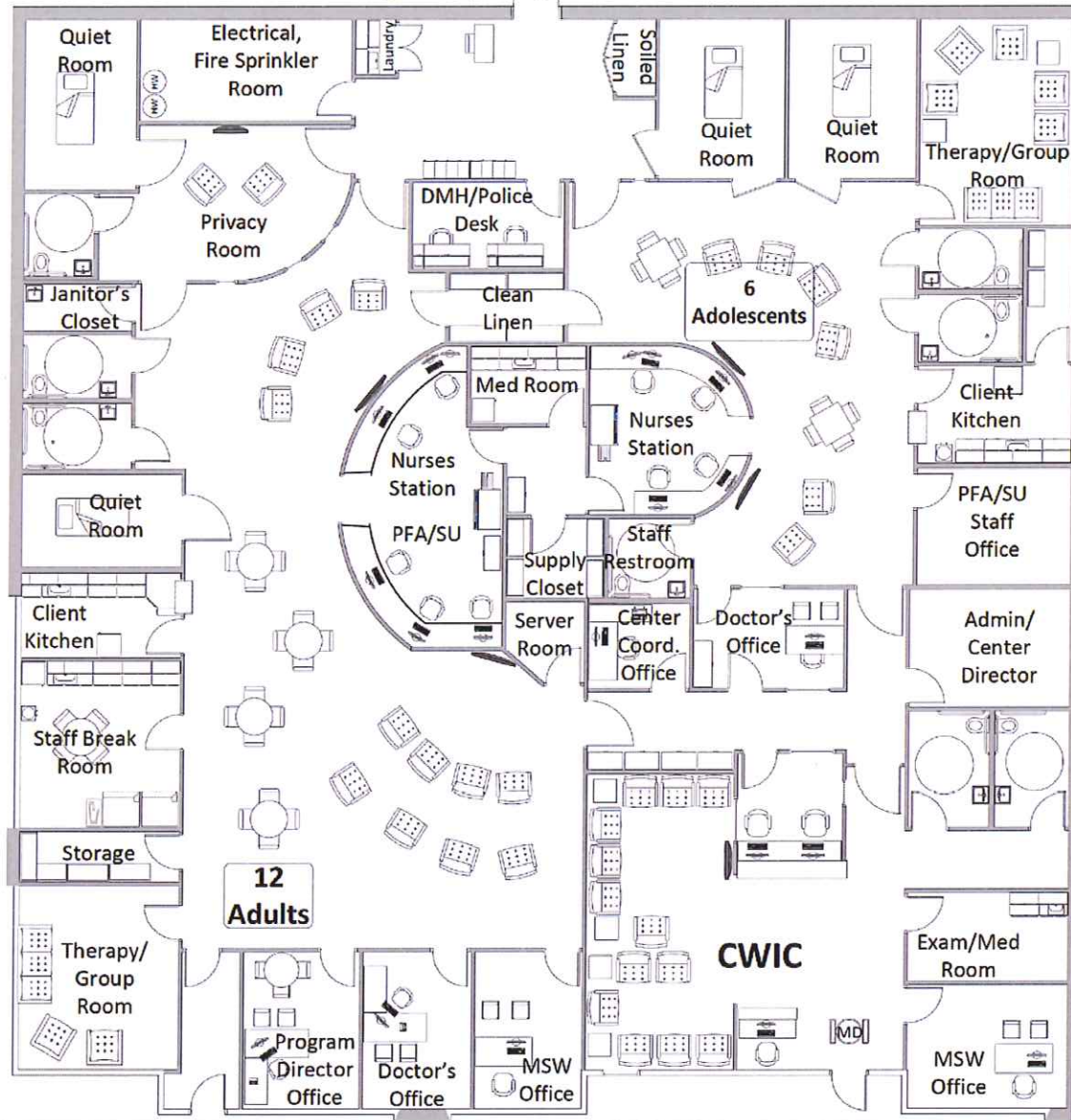
## Star View

Behavioral Health Urgent Care Center  
City of Industry

9,000+/- Square Feet



Revision date  
3-28-17





# Exhibit D

## Notice of Exemption

### CUP 17-4

#### 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 E. Stafford Street, Suite 100  
City of Industry, CA 91744

**Project Title:** CUP 17-4

**Project Location - Specific:** 18501 Gale Avenue Suite 100

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

**Description of Project:** Conditional Use Permit 17-4 is an application to establish a hospital and behavioral health urgent care center within an commercial building.

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

**Name of Person or Agency Carrying Out Project:** Stars Behavioral Group D.B.A. Star View Children and Family Services

**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:** Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 9,200 square foot tenant space for the development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 23,611 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing retail building; and (5) the site is adequately served by all required utilities and public services.

**Lead Agency**

**Contact Person:** Troy Helling

Telephone: (626)333-2211

Signature: \_\_\_\_\_

Date: 7-11-2017

Title: Senior Planner

# Exhibit E

## Public Hearing Notice

### CUP 17-4



## CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

### NOTICE OF PUBLIC HEARING

#### Conditional Use Permit No. 17-4

On June 30, 2017, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Stars Behavioral Group D.B.A. Star View Children and Family Services for Conditional Use Permit 17-4 located at 18501 Gale Avenue #100 in the City of Industry. Conditional Use Permit 17-4 is to establish hospital and behavioral health urgent care service center.

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 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Troy Helling, Senior Planner, at the City of Industry at 626-333-2211 or by email at [thelling@cityofindustry.org](mailto:thelling@cityofindustry.org) if you have questions.

The time, date, and place of the hearing will be as follows:

**Time:** 11:30 a.m.  
**Date:** July 11, 2017  
**Place:** City Council Chamber  
15651 East Stafford Street  
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 US Mail or by hand delivery to the City of Industry at the address listed above 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 Conditional Use Permit 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.

  
Diane Schlichting  
Chief Deputy City Clerk of the City of Industry

JN 9299

# Exhibit F

## Application Letter

### CUP 17-4

## Star View Behavioral Health

Corporate Office

1501 Hughes Way, Suite 150, Long Beach, CA 90810  
Tel: (310) 221-6336 • Fax: (310) 221-6350 • [www.starsinc.com](http://www.starsinc.com)

June 19, 2017

**Re: Planned Use for –**  
**18501 E. Gale Avenue Suite 100**  
**City of Industry, CA 91748-1301**

To Whom It May Concern:

The following information is provided for the Conditional Use Permit application, for this location.

The planned use for this 9,200 sq. ft. space is an outpatient medical office use, specializing in mental health counseling. The center will operate 24/7, however patients can only stay up to 23 hours, 59 minutes. It is therefore an *outpatient* service that is more similar to a medical clinic (like an urgent care center for physical medicine or the Universal Industrial Care clinic down the street on Gale) than a hospital, which is an *inpatient* service. Most patients will receive services for 4 to 6 hours.

The center will not be a state licensed facility. By state law, if a program allows patients to stay over 24 hours, it is then a hospital or residential treatment facility. The center will therefore not be licensed by the state as neither a hospital (Department of Health Care Services license) nor a residential facility (Department of Social Services Community Care Licensing Division license).

The facility will meet building code requirements to be a secured facility.

The center will be contracted and funded by LA County.

Sincerely,



Kent Dunlap, MPH  
President and CEO



Los Angeles County

- ★ Star View Adolescent Center
  - Torrance
- ★ Star View Community Services
  - Carson
  - Compton
  - LA Metro
  - Long Beach
  - Torrance

# Exhibit G

## La Puente Regional Occupational Program Support letter

### CUP 17-4

311 La Sola St., La Puente, CA 91764



626-810-3300  
www.rpop.org

**LA PUENTE VALLEY**  
REGIONAL OCCUPATIONAL PROGRAM  
CONSEJO REGIONAL DE OPORTUNIDADES EDUCATIVAS

June 21, 2017

Mr. Paul J. Phillips, City Manager  
City of Industry  
PO Box 3366  
City of Industry, CA 91744-0366

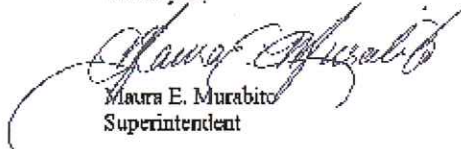
Dear Mr. Phillips,

It is my pleasure to write this letter in support of Star View Behavioral Health Urgent Care Center moving into the City of Industry. As an educational provider in the community, it is important to us that mental health services are available to our students and families at all times. According to the National Alliance on Mental Illness (NAMI), approximately 1 in 5 adults - or approximately 43.8 million Americans, experience mental illness in a given year. For youth ages 12-18, that number is 21%. This is a concerning statistic, and having a community partner ready to address this issue is most welcome.

By providing 24/7 emergency services, Star View Behavioral Health Urgent Care Centers reduces the burden on city services such as fire and law enforcement. This means our city resources are directed towards other community members who also need their services.

At La Puente Valley ROP, we see that there is a need for this type of community partner in the City of Industry and the surrounding cities, and we look forward to partnering with them in the future for our schools, students, and families.

Thank you,

  
Maura E. Murabito  
Superintendent

**Exhibit H**  
**Resolution No. PC 2017-04**  
**CUP 17-4**

## RESOLUTION NO. PC 2017-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 17-4, TO ALLOW A BEHAVIORAL HEALTH HOSPITAL AND BEHAVIORAL HEALTH URGENT CARE AT 18501 GALE AVENUE SUITE 100, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF**

### RECITALS

**WHEREAS**, on June 23, 2017, Star View Behavioral Health Inc., D.B.A. Star View Children and Family Services (“Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 17-4 described herein (“Application”); and

**WHEREAS**, the Applicant is requesting approval of a CUP to operate a behavioral health hospital and behavioral health urgent care in an existing commercial building, on an existing 1.71 acre property, at 18501 Gale Avenue Suite 100, City of Industry, California, Assessor’s Parcel Number 8264-022-003 (“Property”); and

**WHEREAS**, the Applicant desires to operate a behavioral health hospital and behavioral health urgent care in the “C” Commercial zone and, in accordance with Section 17.12.025(10) of the City’s Municipal Code (“Code”), a CUP is required for this type of activity; and

**WHEREAS**, the Land Use Element of the General Plan designates the Property as Commercial. The proposed use is consistent with the General Plan as it would provide essential services for the community, and does not conflict with the established goals and objectives of the Land Use Element. Hospitals are permitted in the “C” Commercial zone, subject to the approval of a CUP, pursuant to Section 17.12.025(10) of City’s Code; and

**WHEREAS**, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. Based upon the information received and Staff’s review and assessment, the proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations, hospitals are permitted in the Commercial Zone, upon approval of a CUP; (2) the proposed 9,200 square foot tenant space for the development occurs within City limits on a project site of no more than five acres, substantially surrounded by urban uses, the Property is located in an urban area that is completely built out, and is surrounded by

developed commercial and industrial properties; (3) the project site is fully developed with a 23,000 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing building and replacing another commercial use; and (5) the site is adequately served by all required utilities and public services; and

**WHEREAS**, notice of the Planning Commission's July 11, 2017 public hearing on CUP No. 17-4 was published in the *San Gabriel Valley Tribune* on June 30, 2017, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on June 30, 2017; and

**WHEREAS**, the notice of the Planning Commission's July 11, 2017 public hearing on CUP No. 17-4 was also mailed to property owners within 300 feet of the Property on June 30, 2017; and

**WHEREAS**, on July 11, 2017 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**, it is hereby found, determined and resolved by the Planning Commission of the City of Industry as follows:

**SECTION 1:** The Planning Commission finds that all of the facts set forth in the Recitals 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 Municipal Code of the City of Industry.

**SECTION 3:** Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for CUP No. 17-4, the Planning Commission hereby finds and determines that CUP No. 17-4 will not result in or have a significant impact on the environment for the following reasons: (1) the commercial use is consistent with the general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 9,200 square foot tenant space for the development occurs within the City limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 23,611 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail

unit space within an existing retail building; and (5) the site is adequately served by all required utilities and public services. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the Planning Commission adopts the Notice of Exemption and directs Staff to file same as required by law.

**SECTION 4:** Based upon substantial evidence presented to the Planning Commission during the July 11, 2017 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Commercial, which allows for hospitals and has a goal to support a mutually beneficial and compatible relationship with non-business resources and surrounding jurisdictions. The Zoning Ordinance, which implements the General Plan, allows for a hospital and behavioral health urgent care with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size and shape, topography and location to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there will be adequate utilities to accommodate the proposed use. The Property complies with the development standards outlined in Chapter 17.36 of the Zoning Code of the Industry Municipal Code and the commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

(c) The Property is served by street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. There is no expansion of the footprint of the building, and the Property is currently served by Gale Avenue and Jellick Avenue, which is of adequate capacity to serve the commercial use.

(d) The behavioral health hospital and behavioral health urgent care use is compatible with surrounding properties and uses because the surrounding area is composed of other similar commercial uses such as doctor offices and an urgent care. The uses of the surrounding properties may change, but the character will remain commercial in nature consistent with the General Plan and zoning designations of the site.



(e) The nature, condition and proposed development of adjacent uses, buildings and structures have been considered, and the proposed use, the behavioral health hospital and behavioral health urgent care, will not adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare, in that the surrounding area is composed of other similar commercial uses. The behavioral health hospital and behavioral health urgent care will complement the adjacent uses. Further, conditions of approval have been drafted to ensure the public health, safety and welfare.

**SECTION 5:** Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 17-4, 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 regular meeting held on July 11, 2017 by the following vote:

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

---

Jim Divers  
Chairman

**ATTEST:**

---

Diane M. Schlichting  
Secretary



# CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

## ATTACHMENT 1

### Standard Requirements and Conditions of Approval

**Application:** Conditional Use Permit 17-4

**Applicant:** Star View Behavioral Health Inc., D.B.A. Star View Children and Family Services

**Location:** 18501 Gale Avenue # 100

**Use:** Hospital and Behavioral Health Urgent Care

#### 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 Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. The Property shall only be operated as a behavioral health hospital and behavioral health urgent care, no other uses are permitted.
3. The Applicant shall obtain and maintain any and all licenses required by federal, state, and/or local law to operate the behavioral health hospital and urgent care.
4. The Applicant shall maintain staffing ratios as required by all applicable laws, rules and regulations.
5. The Applicant shall be limited to a maximum of 50 patients per 24 hour period and shall be limited to a maximum of 18 patients at a time.
6. At no time shall the Property be operated as a methadone or similar clinic.
7. In the event that a patient does not have transportation from the clinic to his/her place of residence, the Applicant shall provide the patient with private transportation to his/her residence.
8. Applicant shall not permit patients to stay at the Property in excess of 24 hours.
9. The Applicant shall not permit loitering at, or adjacent to, the Property.
10. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other

recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.

11. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to opening for business. The security plan shall include at least one security guard at the Property during the hours of operation. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and Applicant shall implement those additional provisions.
12. Applicant shall not permit any public nuisances, as set forth in Chapter 1.30 of the City's Code, at the Property, or on adjacent areas.
13. Applicant shall provide transportation for the patient if they require additional care from another facility or have completed their treatment and are stabilized. Star View shall provide transportation to their residence or if homeless provide transportation to a shelter or the location where they consider where they live.
14. Any significant increase in calls for service to the Property, or to adjacent areas, which are related to the permitted use, shall be deemed a violation of the conditions of this CUP, and are grounds for revocation. The term "significant increase" shall be determined by the Sheriff's Department, in consultation with the City.
15. Upon the six (6) month and one (1) year anniversaries 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.
16. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.
17. Prior to building final or 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.
18. All requirements of the City shall be observed at all times and such requirements shall be a condition of approval.

**Code Requirements and Standards**

*The following is a list of 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 change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.*

1. 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.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).

3. 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.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. 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.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be 24 hours a day and 365 days a year or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. No illegal drugs or drug paraphernalia shall be on the premises at any time.
16. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
17. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
18. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.

for a cumulative period of more than 15 minutes in any hour;

- (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;

- (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.

19. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.

20. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the Applicant shall provide proof of payment.

**Interpretation and Enforcement**

1. 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.
2. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

**Indemnification and Hold Harmless Condition**

1. The owner of the property that is the subject of this project, and the Applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the Applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions of CUP 17-4 within 10 days of approval.