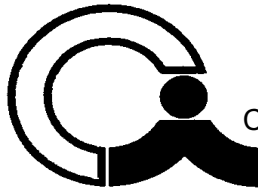

PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
MAY 14, 2015 8:00 A.M.



CHAIRMAN - VACANT
VICE CHAIRMAN MARK RADECKI
COMMISSIONER FRANK CONTRERAS
COMMISSIONER BERT SPIVEY
COMMISSIONER ANDRIA WELCH

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

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.*

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

5. Consideration of the minutes of the March 12, 2015 regular meeting.

RECOMMENDED ACTION: Approve as submitted.

6. **PLANNING MATTERS**

- 6.1 Consideration of Resolution No. PC 2015-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THE SALE OF THE REAL PROPERTY LOCATED AT 804 SOUTH AZUSA AVENUE (AT THE INTERSECTION OF CHESTNUT STREET AND ANAHEIM & PUENTE ROAD) TO BE IN CONFORMITY WITH THE GENERAL PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF.

RECOMMENDED ACTION: Adopt Resolution No. PC 2015-06.

7. **PUBLIC HEARING**

- 7.1 Public Hearing regarding Conditional Use Permit 15-2 submitted by Gresham Savage, Nolan & Tilden on behalf of Wal-Mart Stores, Inc. to establish alcoholic beverage instructional tasting within Wal-Mart located at 17150 Gale Avenue.

Consideration of Resolution No. PC 2015-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-2 TO ALLOW THE SERVICE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TYPE 86 INSTRUCTIONAL TASTING LICENSE IN THE WAL-MART RETAIL STORE LOCATED AT 17150 GALE AVENUE, WITHIN A "C" – COMMERCIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF.

RECOMMENDED ACTION: Adopt Resolution No. PC 2015-05.

8. Adjournment. Next regular meeting: Thursday, June 11, 2015 at 8:00 a.m.

PLANNING COMMISSION

ITEM NO. 5

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
MARCH 12, 2015
Page 1

CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by Vice Chairman Mark Radecki at 8:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, City of Industry, California.

FLAG SALUTE

The flag salute was led by Vice Chairman Mark Radecki

ROLL CALL:

PRESENT: Mark Radecki, Vice Chairman
Frank Contreras
Andria Welch

ABSENT: Manuel Perez, Chairman
Bert Spivey

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER CONTRERAS TO GRANT CHAIRMAN PEREZ AND COMMISSIONER SPIVEY AN EXCUSED ABSENCE. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

STAFF PRESENT: Kevin Radecki, City Manager; Michele Vadon, City Attorney; Brian James, Planning Director; and Cecelia Dunlap, Secretary.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF THE MINUTES OF THE DECEMBER 11, 2014 REGULAR MEETING

MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER WELCH TO APPROVE AS SUBMITTED. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

CONSIDERATION OF THE MINUTES OF THE DECEMBER 11, 2014 CITY COUNCIL

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
MARCH 12, 2015
Page 2

AND PLANNING COMMISSION JOINT SPECIAL MEETING

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER CONTRERAS TO APPROVE AS SUBMITTED. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT 14-10 SUBMITTED BY AMERICAN MULTI-CINEMA INC. TO ESTABLISH ALCOHOL SERVICE INSIDE THE AMC THEATER LOCATED 1560 AZUSA AVENUE

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER CONTRERAS TO OPEN THE PUBLIC HEARING. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

Planning Director James presented a staff report to the Planning Commission.

Vice Chairman Radecki inquired if anyone wished to be heard on the matter.

Mr. Victor De La Cruz, representing AMC theater thanked the staff and the Los Angeles County Sheriff's Department for their assistance, and presented a brief overview of AMC theater's operational and security procedures.

MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER WELCH TO CLOSE THE PUBLIC HEARING. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

RESOLUTION NO. PC 2015-01 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 14-10 TO ALLOW THE SERVICE OF ALCOHOLIC BEVERAGES IN THE AMC THEATER IN THE PUENTE HILLS MALL, LOCATED AT 1560 SOUTH AZUSA AVENUE, WITHIN A “C” – COMMERCIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER WELCH TO APPROVE RESOLUTION NO. PC 2015-01 SUBJECT TO THE CHANGE OF HOURS OF OPERATIONS. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

PUBLIC HEARING REGARDING ZONE EXCEPTION 15-1 AND DEVELOPMENT PLAN 14-11 SUBMITTED BY HARVARD CARD SYSTEMS FOR THE LOCATION AT 111 BALDWIN PARK BOULEVARD. ZONE EXCEPTION 15-1 ADDRESSES DEVIATIONS

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
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FROM SQUARE FOOTAGE, PARKING, DRIVE-AISLE WIDTH, AND LANDSCAPING STANDARDS AND DEVELOPMENT PLAN 14-11 ADDRESSES THE IMPROVEMENT OF AN EXISTING BUILDING

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER CONTRERAS TO OPEN THE PUBLIC HEARING. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

Planning Director James presented a staff report to the Planning Commission.

Vice Chairman Radecki inquired if anyone wished to be heard on the matter. There were no comments.

MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER WELCH TO CLOSE THE PUBLIC HEARING. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

RESOLUTION NO. PC 2015-02 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THE ADOPTION OF DEVELOPMENT PLAN 14-11 TO ALLOW THE ADDITION OF 3,943 SQUARE FEET TO AN EXISTING 112,676 SQUARE FOOT BUILDING, AS WELL AS THE CONSTRUCTION OF A 12,912 SQUARE FOOT ADDITION TO THE BUILDING’S MEZZANINE AREA; AND RECOMMENDING APPROVAL OF ZONE EXCEPTION 15-1 TO ALLOW DEVELOPMENT WITH A GREATER MAXIMUM LOT COVERAGE, REDUCED MINIMUM LANDSCAPING AND MODIFIED PARKING REQUIREMENTS ON PROPERTY LOCATED AT 111 BALDWIN PARK BOULEVARD, WITHIN A “M” – INDUSTRIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER CONTRERAS TO APPROVE RESOLUTION NO. PC 2015-02. MOTION CARRIED 3-0, WITH CHAIRMAN PEREZ AND COMMISSIONER SPIVEY ABSENT.

ADJOURNMENT

There being no further business, the Planning Commission adjourned.

MARK RADECKI, VICE CHAIRMAN

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
MARCH 12, 2015
Page 4

CECELIA DUNLAP, SECRETARY

PLANNING COMMISSION

ITEM NO. 6.1

CITY OF INDUSTRY



TO: Vice Chairman and Members of the Planning Commission

FROM: Kevin Radecki, City Manager
Gregory M. Murphy, Esq.

SUBJECT: FINDING OF CONFORMITY WITH GENERAL PLAN

DATE: May 7, 2015

SUMMARY

The City seeks to sell a parcel of land located at 804 South Azusa Avenue in the City of Industry consisting of approximately 3.53 net acres located within the E-Employment General Plan land use designation and the “M”-Industrial Zone (the “Site”). Before City-owned land may be sold, State law requires that the Planning Commission find that the disposition of the land is consistent with the City’s General Plan.

DISCUSSION

As indicated in the attached resolution, the land use designation for the Site is E-Employment and the zoning is M-Industrial. The transfer of the Site from the City to Rockledge Equity, LLC, and the buyer’s intended development of the Site are consistent with the land use designation and zoning of the Site and would advance several General Plan policies, including (1) LU2-2, by attracting business that will bring new jobs and generate tax revenues in the City; (2) LU5-1 and LU5-4, as a currently-vacant Site will become well-maintained so as to enhance property values and encourage future investment; and (3) LU3-1, because the impacts of a new employment-generating Site will be minimal because it is located within a predominantly-developed area that has adequate access to the highway system.

FISCAL IMPACT

The Site is proposed to be sold for \$3,850,000.00, which is the appraised value.

RECOMMENDATION

It is recommended that the Planning Commission approve the attached resolution.

Attachments:

Attachment “A” – Resolution No. PC 2015-06

RESOLUTION NO. PC 2015-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THE SALE OF THE REAL PROPERTY LOCATED AT 804 SOUTH AZUSA AVENUE (AT THE INTERSECTION OF CHESTNUT STREET AND ANAHEIM & PUENTE ROAD) TO BE IN CONFORMITY WITH THE GENERAL PLAN, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, the real property located at 804 South Azusa Avenue in the City of Industry is an existing parcel of approximately 3.53 net acres, located within the E-Employment General Plan land use designation and the "M"-Industrial Zone (the "Site"); and,

WHEREAS, the City proposes to sell the Site to Rockledge Equity, LLC, and Rockledge Equity, LLC, proposes to construct a facility on the Site that will be in conformity with the General Plan land use ; and,

WHEREAS, Government Code Section 65402(a) provides that "[i]f a general plan or part thereof has been adopted ... no real property shall be disposed of . . . if the adopted general plan or part thereof applies thereto, until the location, purpose and extent of such ... disposition . . . have been submitted to and reported upon by the planning agency as to conformity with said adopted general plan or part thereof"; and,

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

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

SECTION 1. The Planning Commission hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

SECTION 2. The Planning Commission hereby finds that the transfer of the Site for the purpose stated above is consistent with the E-Employment land use designation in the City of Industry General Plan.

SECTION 3. The Planning Commission further finds that the transfer of the Site is consistent with the following General Plan Policies:

A. LU2-2, via the attraction of business that will bring new jobs and improve sales tax revenues in the City.

B. LU5-1 and LU5-4, through the development of a currently-vacant Site into a privately-owned and well-maintained site that enhances property values and encourages future investment.

C. LU3-1, by minimizing the impacts of a new employment-generating Site through location within a predominantly-developed area that has adequate access to the highway system.

SECTION 4. The Planning Commission therefore concludes that the transfer of the Site for the purposes stated above will facilitate development of the Site consistent with the goals and objectives of the City of Industry General Plan.

SECTION 5. Based on the foregoing, the Planning Commission hereby resolves that the proposed transfer of the Site is in conformity with the City of Industry General Plan.

SECTION 6. The Secretary of the Planning Commission is directed to certify to the adoption of this Resolution.

APPROVED by the Planning Commission of the City of Industry at a regular meeting held on May 14, 2015.

Mark Radecki
Vice Chairman

ATTEST:

Cecelia Dunlap
Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF INDUSTRY)

PLANNING COMMISSION
SECRETARY'S CERTIFICATION
RE: ADOPTION OF PLANNING
COMMISSION RESOLUTION

I, Cecelia Dunlap, Secretary of the City of Industry Planning Commission, do HEREBY CERTIFY that the foregoing Resolution No. PC 2015-06 was duly passed and adopted at a regular meeting of the Planning Commission of the City of Industry held on the 14th day of May, 2015 by the following vote to wit:

AYES: COMMISSIONERS: _____

NOES: COMMISSIONERS: _____

ABSENT: COMMISSIONERS: _____

ABSTAINED: COMMISSIONERS: _____

Cecelia Dunlap, Secretary
Planning Commission
City of Industry, California

(SEAL)

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

May 7, 2015

From: Brian James

Subject: Conditional Use Permit 15-2 – Wal-Mart Alcohol Instructional Tasting

Proposal

Section 17.12.025 of the Municipal Code requires approval of a Conditional Use Permit (CUP) by the Planning Commission to establish alcohol service. This application, submitted by Gresham Savage, Nolan & Tilden on behalf of Wal-Mart Stores, Inc. (Attachment 1) is to establish alcoholic beverage instructional tasting within the Wal-Mart retail store located at 17150 Gale Avenue.

Wal-Mart is applying to the California Department of Alcoholic Beverage Control (ABC) for a Type 86 Instructional Tasting License and the CUP is required to obtain the license. The Type 86 license would allow the alcoholic beverage makers to conduct instructional tastings within the store under specific conditions, which are listed in Attachment 2. In addition, Wal-Mart has committed to additional procedures, which are noted on pages 3 and 4 of Attachment 3.

As shown on the attached site plan (Attachment 4), the tastings would occur in the alcohol display area of the store up to 36 times per year (2-3 events per month) between the hours of 10:00 AM and 9:00 PM. The tastings would be conducted within a cordoned-off area of approximately 12' x 12' (144 square feet) with signage prohibiting persons under 21 from entering. Valid identification will be required to enter and age will be verified by the tasting coordinators (beverage makers and suppliers) prior to entering the tasting area. Per the Type 86 liquor license: each tasting event is limited to a single type of alcohol (e.g. distilled spirits, wine, or beer); each guest is limited to a maximum of three tastings per event; the quantity of alcohol that each participant may consume is limited (e.g. five ounces of wine, one-fourth of an ounce of distilled spirits, and eight ounces of beer), and; all alcohol must be served and consumed within the tasting area. Wal-Mart may not conduct the events itself but may invite beverage manufactures and suppliers to conduct them.

Location and Surroundings

As shown on the attached location map (Attachment 5), the proposed instructional tasting area would be located inside the existing Wal-Mart retail store at 17150 Gale Avenue, which is located on the southwest corner of Azusa and Gale Avenues. The store is surrounded by the 60 Freeway to the south, automobile dealerships to the east and west, and industrial and office uses to the north across Gale Avenue.

Staff Analysis

The proposed use is consistent with the Zoning ("C" – Commercial) and General Plan (Commercial) designations of the site. Section 17.12.025 of the Municipal Code allows alcohol service in fast-food and full-service restaurants. This provision is designed to prevent stand-

alone bars and night clubs and limits alcohol service to bonafide eating establishments. The Municipal Code does not specifically address instructional tastings inside retail stores. However, it is Staff's opinion that these types of sampling events, with the appropriate license from ABC and within established retail stores, are sufficiently controlled and monitored to ensure that they do not run the risk of turning into a bar or posing law enforcement issues. Accordingly, the proposed tasting activity is sufficiently similar to the intent and spirit of the Municipal Code.

In 2012, the Planning Commission approved a similar tasting activity inside BevMo! at 21660 Valley Boulevard. Since that time, there have been no code enforcement or law enforcement issues associated with the tasting activity.

Environmental Analysis

Per Categorical Exemption 15301, the operation, permitting, leasing, licensing, or minor alteration of existing structures and facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination have been found not to have a significant effect on the environment and are declared to be categorically exempt from the requirement for the preparation of environmental documents. The CUP is required by the City zoning code for alcohol service and there would be no physical modifications to the existing retail store. The Notice of Exemption (Attachment 6) will be posted at the Los Angeles County Clerk's Office upon approval by the Planning Commission.

Public Hearing

The required public hearing notice (Attachment 7) was mailed to property owners within 300 feet of the site; posted at the City Hall, Gale Avenue fire station, and council chambers/Industry Manufactures Council, and; published in the San Gabriel Valley Tribune by May 1, 2015.

Recommendation

Because the project complies with City use standards and satisfies the findings enumerated in the Resolution, staff recommends that the Planning Commission adopt Resolution No. PC 2015-05 (Attachment 8) approving of Conditional Use Permit No. 15-2.

Attachments

- Attachment 1: Application
- Attachment 2: California ABC Instructional Tasting License for Off-Sale Licensees
- Attachment 3: Wal-Mart Information in Support of CUP for Type 86 Instructional License
- Attachment 4: Site plan
- Attachment 5: Location map
- Attachment 6: Notice of Exemption
- Attachment 7: Public hearing notice
- Attachment 8: Resolution No. PC 2015-05 approving CUP 15-2 with the findings and the Standard Requirements and Conditions of Approval contained therein.

Attachment 1

Application



CITY OF INDUSTRY RECEIVED

15625 East Stafford Street • Suite 101 • City of Industry • CA • 91744
Phone: (626) 333-2211 • Fax: (626) 961-6795
www.cityofindustry.org

MAR 27 2015

CONDITIONAL USE PERMIT APPLICATION

CITY OF INDUSTRY

It is the business owner's responsibility to complete this application and checklist and notify the City of Industry Planning Department immediately if there are any changes to the business entity which differs from the information provided on this application.

PROPOSAL

Location Address: 17150 Gale Avenue, City of Industry, CA 91745
Street City Zip + 4

Describe in detail the type of business to be conducted and the daily operations of the business.
See attached Information in Support of Conditional Use Permit for project description.

Days of operation: 7/days/week Business Hours: 24 hours/day Number of Employees varies by shift

APPLICANT INFORMATION

Lisa Kolieb,

Applicant: Wal-Mart Stores, Inc. c/o Gresham Savage Title: Attorney Phone: (213) 213-7249 Email: Lisa.Kolieb@Greshamsavage.com

Address: Wal-Mart Stores, Inc. c/o Gresham Savage 333 S. Hope St. 35th Floor Los Angeles, CA 90071
Street City Zip + 4

BUSINESS INFORMATION

Business Name (DBA): Wal-Mart Store #2251

Corporation Name: Wal-Mart Stores, Inc.

Mailing Address (if different then location address): 702 SW 8th Street, Bentonville, AR 72716-0500
Street City State Zip + 4

Phone: (479) 204-8820 Fax: _____ E-mail Address: tim.farrar@wal-mart.com

Business Owner Contact (if different than applicant): Tim Farrar Phone: (479) 204-8820

PROPERTY OWNER INFORMATION (MUST COMPLETE AND NOTARIZE THE PROPERTY OWNER CONSENT AFFIDAVIT)

Property Owner: Wal-Mart Real Estate Business Trust Phone: _____

Address: 702 SW 8th Street, Bentonville, AR 72716-0500
Street City Zip + 4

BUSINESS OWNER DECLARATION

I declare that the statements and information contained in this application are true and correct to the best of my knowledge and belief. I agree to conform with all requirements of zone, building, fire and all other applicable laws, ordinances and regulations pertaining to the operations of such business. Furthermore, I agree to notify the City of Industry Planning Department within ten (10) days of any change in the facts stated herein.

Brent McManigal

Name (print or type): Attorney-in-Fact for Wal-Mart Stores, Inc. Signature: [Signature] Date: 3/20/15

SUBMITTAL CHECKLIST - MAKE SURE THE BELOW ITEMS ARE COMPLETE BEFORE SUBMITTING APPLICATION FOR APPROVAL

- Verify use is permitted (contact Planning Department at 626-333-2211)
- Obtain approval on Supplement A Form from LA County Fire Department
- Obtain approval on Refuse Application Form from Valle Vista Services
- Understand and accept standard conditions of approval (IMC Section 17.44.030)
- Provide Floor and Site Plan
- Provide copy of Owner's Affidavit
- Complete IMC Information Sheet

Under federal and state law, compliance with disability access laws is a serious and significant responsibility that applies to all California building owners and tenants with buildings open to the public. You may obtain information about your legal obligations and how to comply with disability access laws at the following agencies:

The Division of the State Architect at www.dgs.ca.gov/dsa/Home.aspx
The Department of Rehabilitation at www.rehab.ca.gov/hwmet.gov
The California Commission on Disability Access at www.cdda.ca.gov

JN 9174

To Be Completed By City Staff

Conditional Use Permit No. 15-2 Filing Date: 3/27/15 Accepted by: BJ

Date Deemed Complete: _____ Date Approved: _____ Zoning/GP Designation: COMM.

Fees: Filing Fee _____ Environmental Fee Deposit _____ CA Dept Fish and Game Fee _____



CITY OF INDUSTRY

15625 East Stafford Street Suite 101 City of Industry CA 91744
(626) 333-2211 FAX (626) 961-6795
www.cityofindustry.org
planning@cityofindustry.org

RECEIVED
MAR 27 2015
CITY OF INDUSTRY

**PROPERTY OWNER
CONSENT AFFIDAVIT FOR
CONDITIONAL USE PERMIT
APPLICATION**

****THIS FORM MUST BE NOTARIZED****

BUSINESS DESCRIPTION Wal-Mart

BUSINESS LOCATION 17150 Gale Avenue, City of Industry, CA 91745

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS DATE:
CITY OF INDUSTRY)

I/We, Wal-Mart Real Estate Business Trust, the **OWNER(s)** of the Real Property involved in this application, do hereby consent to the filing of this application. I/We do hereby appoint the following person(s) as my agent(s) to act on my behalf on the foregoing application:

OWNER'S AGENT: Brent McManigal Phone No. 909-890-4499
(e.g. Property Manager) (Printed Name of Agent)

Address of Owner's Agent: 550 E. Hospitality Ln., Ste 300, San Bernardino, CA 92408
(Number) (Street) (City) (State) (Zip)

By: Brent McManigal, Attorney-in-Fact

OWNER: *[Signature]* **OWNER:** _____
(Signature) (Signature)

Address: 702 SW 8th Street **Address:** _____
(Number) (Street) (Number) (Street)
Bentonville AR 72716 _____
(City) (State) (Zip) (City) (State) (Zip)

NOTE: A NOTARIZED OWNER'S AFFIDAVIT IS REQUIRED AS PARTY OF ALL APPLICATIONS. IF OWNERSHIP IS HELD OTHER THAN BY AND INDIVIDUAL, PROOF, IN THE FORM OF A SPECIAL POWER OF ATTORNEY, AUTHORIZED CORPORATE RESOLUTION, PARTNERSHIP AGREEMENT OR OTHER ACCEPTABLE DOCUMENT(S) SHALL BE SUBMITTED TO THE CITY ALONG WITH THE NOTARIZED SIGNATURES OF THOSE OFFICERS AUTHORIZED TO SIGN ON BEHALF OF THE CORPORATION OR PARTNERSHIP. PLEASE NOTE THAT OUR APPLICATION MAY NOT BE DETERMINED TO BE COMPLETE UNLESS AND UNTIL OWNERSHIP CAN BE VERIFIED.

FOR NOTARY USE ONLY

STATE OF _____)

COUNTY OF _____)

Subscribed and sworn to (or affirmed) before me this _____ day of _____ 20 _____

BY _____ BY _____
(Printed Name of Owner As Signed Above) (Printed Name of Owner As Signed Above)

Personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared to me.

NOTARY PUBLIC **SEAL**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

STATE OF CALIFORNIA
COUNTY OF San Bernardino

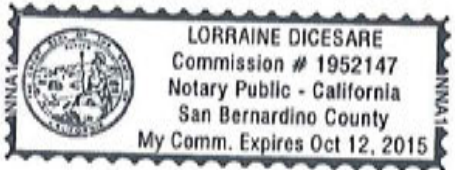
On March 23, 2015 before me, Lorraine Dicesare
(insert name and title of the officer)

personally appeared Brent McManigal,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are
subscribed to the within instrument and acknowledged to me that he/she/they executed the same
in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument
the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Lorraine Dicesare (Seal)



Environmental Information Form

RECEIVED
MAR 27 2015
CITY OF INDUSTRY

The Environmental Information Form is intended to provide the basic information necessary for the evaluation of your project to determine its potential environmental impacts. This review provides the basis for determining whether the project may have a significant impact on the environment, as required by state law, or more specifically, the California Environmental Quality Act (CEQA). After this information has been evaluated by the Planning Department, a determination will be made regarding the appropriate environmental documentation for your project, in accordance with the CEQA Guidelines.

If no significant environmental impacts are anticipated, or if impacts can be mitigated or avoided by a change or specific requirement in the project's design or operation, a Negative Declaration or Mitigated Negative Declaration will be prepared. If potential significant environmental impacts are identified, an Environmental Impact Report must be prepared, which focuses on the areas of concern identified by the Initial Study.

The City of Industry, as Lead Agency, is required to comply with CEQA. In order to assist us in completing this required environmental review, please provide us with the information outlined below. Please note that upon review of the submitted information, City staff may request additional supporting documentation to assist in the environmental analysis of your project to ensure compliance with CEQA.

This Environmental Information Form works in concert with the other applications. Both need to be completed in order for your application to be accepted as complete. If you need assistance in completing the Environmental Information Form, or have questions regarding the environmental review procedures, please contact the Planning Department at (626) 333-2211.

General Information

1. Name developer, agent, or project sponsor: Lisa Kolieb, Esq. Phone Number: (213) 213-7249
 Address: 333 S. Hope Street 35th Floor Los Angeles 90071
Street City Zip
2. Project name: Alcohol CUP for Type 86 Instructional Tasting License Assessor's Parcel Number: 4242-024-090
 Address: 17150 Gale Avenue, City of Industry, CA 91745
Street Zip

Environmental Setting (Attach additional sheets and photos as necessary)

1. Describe the project site as it exists before the project, including information on topography, soil stability, plants and animals, and any cultural, historical, or scenic aspects:

Wal-Mart has been operating a retail store at this location since 1995. The addition of periodic Instructional Tasting Events of alcoholic beverages will not require any structural changes to the existing store.

2. Provide photographs of the site and describe any existing structures onsite and the use of the structures:

See attached photos of Wal-Mart retail store. Wal-Mart is a stand-alone retail store on the SW corner of E. Gale and Azusa Avenue. A car dealership is situated to the immediate west of Wal-Mart and the Interstate 60 is south of the store. Another car dealership is located east of Wal-Mart across E. Azusa Avenue.

3. Describe the surrounding properties (north, east, south, and west of the project site), including information on plants and animals and any cultural, historical, or scenic aspects. Indicate the type of land use (industrial, commercial, etc.), intensity of land use (warehousing, shops, department stores, etc.), and scale of development (height, frontage, setback, rear yard, etc.):

See #2.

4. Provide photographs of the surrounding uses and adjoining properties.

Project Description (attach additional sheets as necessary)

1. List and describe any other permits and approvals required for project implementation, including those required by local, regional, state, and/or federal agencies:

CA Dept. of Alcoholic Beverage Control ("ABC") will need to issue a Type 86 Instructional Tasting License.

An application has already been filed with the ABC.

2. List any other development proposals associated with the project and its relationship to a larger project or series of projects, if any:

N/A

3. Demolition proposed: No: Yes: Square feet:

4. Tentative development schedule including start and completion dates, and phasing if proposed:

N/A

5. If commercial or office, indicate the type, whether neighborhood, city or regionally oriented, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, and location of loading facilities and anticipated hours of loading/delivery operations:

Wal-Mart has been operating a retail store at this location since 1995. The proposed Instructional Tasting Events of alcoholic beverages will take place approximately 8-12 times a year during regular business hours.

6. If industrial, manufacturing or warehouse, indicate the type and major function, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, and location of loading facilities and anticipated hours of loading/delivery operations:

N/A

7. If institutional, indicate the type and major function, square footage, anticipated hours of operation, estimated employees per shift and number of shifts, location of loading facilities and anticipated hours of loading/delivery operations, and community benefits to be derived from project:

N/A

8. If the project involves an exception, conditional use permit, or re-zoning application, state this and indicate clearly why the application is required:

Wal-Mart is located in the Commercial Zone which requires a Conditional use permit for on-site consumption. The proposed Instructional Tasting Events will include the on-site consumption of alcoholic beverages and accordingly, a Conditional use permit is required.

Potential Environmental Impacts

If any of the following items are applicable to your project please discuss (use a separate sheet as necessary).

	Yes	No
1. Change in existing features of any drainage ways or hills, or substantial alteration of any ground contours.		<input checked="" type="checkbox"/>
2. Change in scenic views or vistas from existing residential areas or public lands or roads.		<input checked="" type="checkbox"/>
3. Change in pattern, scale, or character of the general area of the project.		<input checked="" type="checkbox"/>
4. Result in significant amounts of solid waste or debris.		<input checked="" type="checkbox"/>
5. Change in or introduction of air emissions (e.g., dust, ash, smoke, fumes) or odors in the vicinity during grading and/or construction phases.		<input checked="" type="checkbox"/>
6. Change in surface water (e.g., channel, stream) or ground water quality or quantity.		<input checked="" type="checkbox"/>
7. Substantial alteration of existing drainage patterns that could lead to flooding on- or offsite.		<input checked="" type="checkbox"/>
8. Substantial change in noise or vibration levels in the project vicinity during grading and/or construction phases.		<input checked="" type="checkbox"/>
9. Substantial change in traffic patterns and circulation in the project vicinity.		<input checked="" type="checkbox"/>
10. Substantial change in topography of project site and/or vicinity.		<input checked="" type="checkbox"/>
11. Site located on filled land or on slopes of 10 percent or more.		<input checked="" type="checkbox"/>
12. Use or disposal of potentially hazardous materials, such as toxic substances, flammables, or explosives.		<input checked="" type="checkbox"/>
13. Substantial change in demand for public services and utilities and service systems (police, fire, water, wastewater, solid waste, electricity, gas, etc.)		<input checked="" type="checkbox"/>
14. Substantial increase in fossil fuel consumption (electricity, oil, natural gas, etc.)		<input checked="" type="checkbox"/>

What studies have been prepared for this site that might assist the City in reviewing the potential environmental impacts of the project? Some examples of such studies include environmental site assessment, soils and geology study, biological resources study, cultural resources study, hydrology study, etc. These studies may have been prepared for this project or some earlier development project. Supporting documentation or studies may answer questions and facilitate the processing of your application.

Certification

I am the legal owner of the property that is the subject of this application or have been authorized by the owner to act on his/her behalf regarding this application. I hereby certify that the statements furnished above and in the attached exhibits present the data and information required for this initial evaluation to the best of my ability, and that the facts, statements, and information presented are true and correct to the best of my knowledge and belief. I further acknowledge that any false statements or information presented herein may result in the revocation of any approval or permit granted on the basis of this information.

Brent McManigal, Attorney-In-Fact

Name of preparer: for Wal-Mart Real Estate Business Trust

Preparer's signature: 

Date: 3/20/15

Attachment 2

California ABC Instructional Tasting License for Off-Sale Licensees



INDUSTRY ADVISORY

Instructional Tasting License for Off-Sale Licensees

Recently enacted legislation (Assembly Bill 605, Statutes 2010, effective January 1, 2011) created sections 23396.6 and 25503.56 of the Business and Professions Code. In addition to providing for a new license, these sections include carefully crafted exceptions to California's three-tier system of alcohol regulation. As such, they are nuanced and contain many detailed provisions, not all of which are specifically addressed in this advisory.

Section 23396.6 provides for a new "instructional tasting license" to be issued to holders of certain, qualified off-sale retail licensed businesses. Off-sale premises where motor vehicle fuel is sold and those with a total of less than 5,000 square feet of interior retail space are *generally* not eligible to apply for the instructional tasting license.

Application procedures for an instructional tasting license will be similar to those currently established for other retail businesses, although some ABC Act provisions (such as those related to numbers limitations within counties and public convenience or necessity) are not applicable. The premises of the instructional tasting license will be recognized as being the same area designated and approved for the accompanying off-sale license, although areas used for instructional tasting events will need to be appropriately separated and posted while events are taking place. Eligible off-sale retailers will be able to apply for the instructional tasting license at the Department's district and branch offices beginning Monday, January 3, 2011, and applications shall be subject to a \$300 original fee and \$261 annual renewal fee. The license has been designated as "Type 86" by the Department.

An application for the Type 86 license should be prepared using forms required for an original retail license (available on the Department's website at www.abc.ca.gov) and submitted, along with all required fees, to the appropriate District Office. As the license is to be issued to an off-sale licensee

“at the premises” of the underlying off-sale license, form ABC-257 will not be required at the time of application. Forms ordinarily required for the purpose of establishing the qualification of a person or entity (ABC-208, ABC-243, ABC-256, ABC-256-LLC, ABC-140) need not be submitted at the time of application for a Type 86 license. However, in cases where such information is deemed necessary for completion of a full licensing investigation, any of the above described forms and any other supporting documents or information may be subsequently requested by District Office licensing staff.

Section 25503.56 authorizes certain, qualified suppliers (i.e.; “authorized licensees”) or their designated agents to conduct “instructional tasting events” at off-sale retail locations holding the instructional tasting licenses, and to provide tastes of alcoholic beverages to consumers under very specific conditions, restrictions and limitations. Some provisions related to supplier participation at instructional tasting events are similar to those for existing “consumer instruction” activities at on-sale premises. However, other supplier allowances and limitations are unique to the Type 86 license.

A unique aspect of the instructional tasting license is that, while it will be applied for and held by a retail licensee, its core privileges require the involvement or participation of a qualified supplier. With that in mind, suppliers and retailers alike should be fully aware of existing tied-house laws that otherwise restrict or limit business relationships between the supply and retail tiers. A supplier shall in no way, directly or indirectly, pay, reimburse, or assist a retail licensee with any efforts associated with obtaining a type 86 license, nor shall instructional tasting events be used to, in any way, circumvent existing tied-house laws. Any payment made by a supplier to or on behalf of a retailer, directly or indirectly, in connection with an instructional tasting event, except as authorized or required for alcoholic beverage products to be used during the tasting event, shall be considered a violation of tied-house laws.

Off-sale retailers interested in applying for instructional tasting licenses and suppliers interested in conducting instructional tasting events should familiarize themselves with all details of the applicable statutes, paying close attention to provisions related to licensee eligibility and operating requirements, restrictions and limitations. The Department believes that it is the responsibility of all participating parties to be fully aware of the detailed provisions set forth in Assembly Bill 605 and to conduct instructional tasting events in full compliance with the ABC Act.

The following addendum to this advisory highlights *some* of the unique aspects and restrictions associated with the Type 86 license and instructional tasting events. The full text of the chaptered bill and detailed legislative analysis is available at www.leginfo.ca.gov.

Addendum (detailing specific provisions set forth in Business and Professions Code sections 23396.6 and 25503.56):

- *Type 86 licenses shall not be issued to off-sale licensees at locations where motor vehicle fuel is sold, unless the licensee operates a fully enclosed off-sale retail area encompassing at least 10,000 square feet, nor to off-sale licensees at locations with a total of less than 5,000 square feet of interior retail space, unless the calendar quarterly gross sales of alcoholic beverages at the licensed location comprise at least 75 percent of the total gross sales of all products sold at the licensed premises. A licenseholder that is issued an instructional tasting license pursuant to this paragraph shall maintain records that separately reflect the gross sales of alcoholic beverages and the gross sales of all other products sold on the licensed premises.*
- *“Authorized licensee” means a winegrower, California winegrower’s agent, beer and wine importer general, beer and wine wholesaler, wine rectifier, distilled spirits manufacturer, distilled spirits manufacturer’s agent, distilled spirits importer, distilled spirits importer general, distilled spirits rectifier, distilled spirits general rectifier, out-of-state distilled spirits shipper’s certificate holder, distilled spirits wholesaler, brandy manufacturer, brandy importer, California brandy wholesaler, beer manufacturer, or an out-of-state beer manufacturer certificate holder.*
- *“Authorized licensee” shall not include an entity that solely holds a combination of a beer and wine wholesale license and an off-sale beer and wine retail license or holds those licenses solely in combination with any license not listed in this paragraph.*
- *No charge of any sort shall be made for tastings at an instructional tasting event.*
- *A person under 21 years of age shall not serve, or be served, wine, beer, or distilled spirits at the instructional tasting event.*
- *Unless otherwise restricted, an instructional tasting event may only take place between the hours of 10 a.m. and 9 p.m.*
- *The type 86 license shall not authorize any on-sale retail sales to consumers attending the instructional tasting event.*
- *The type 86 licenseholder shall not permit any consumer to leave the instructional tasting area with an open container of alcohol.*

- *A type 86 licenseholder that permits a person under 21 years of age to enter and remain in the instructional tasting event area during an instructional tasting event is guilty of a misdemeanor. Any person under 21 years of age who enters and remains in the instructional tasting area during an instructional tasting event is guilty of a misdemeanor and shall be punished by a fine of not less than \$200.00, no part of which shall be suspended.*
- *At all times during an instructional tasting event, the instructional tasting event area shall be separated from the remainder of the off-sale licensed premises by a wall, rope, cable, cord, chain, fence, or other permanent or temporary barrier. The type 86 licenseholder shall prominently display signage prohibiting persons under 21 years of age from entering the instructional tasting event area.*
- *An instructional tasting event shall be limited to a single type of alcoholic beverage. “Type of alcoholic beverage” means distilled spirits, wine, or beer.*
- *A single tasting of distilled spirits shall not exceed one-fourth of one ounce and a single tasting of wine shall not exceed one ounce. No more than three tastings of distilled spirits or wine shall be provided to any person on any day. The tasting of beer is limited to eight ounces of beer per person per day. The wine, beer, or distilled spirits tasted shall be limited to the products that are authorized to be sold by the holder of the type 86 license under its requisite off-sale license.*
- *No more than one “authorized licensee” or its designated representative may conduct an instructional tasting event that includes the serving of tastes of wine, beer, or distilled spirits at any individual type 86 licensed premises per day.*
- *All tastes shall be served by an employee or the designated representative of the “authorized licensee.”*
- *The “authorized licensee” or its designated representative shall either supply the wine or distilled spirits to be tasted during the instructional event or purchase the wine or distilled spirits from the holder of the type 86 at the original invoiced cost.*
- *The “authorized licensee” or its designated representative shall purchase beer to be tasted during the instructional event from the holder of the type 86 at the original invoiced cost.*
- *Any unused wine, beer, or distilled spirits remaining from the tasting shall be removed from the off-sale license licensed premises by the “authorized licensee” or its designated representative.*
- *If the instructional tasting event is conducted by a designated representative, the designated representative shall not be owned, controlled, or employed directly or indirectly by the holder of the type 86 on whose premises the instructional tasting event is held.*

- *A beer and wine wholesaler may conduct an instructional tasting event but shall not serve tastes of beer unless the beer and wine wholesaler also holds a beer manufacturer’s license, an out-of-state beer manufacturer’s certificate, or more than six distilled spirits wholesaler’s licenses.*
- *The holder of the type 86 may conduct an instructional tasting event that includes the serving of tastings only when an “authorized licensee” or its designated representative is unable to conduct an instructional tasting event previously advertised pursuant to Section 25503.56 and scheduled by the authorized licensee or its designated representative, provided the holder of the type 86 supplies the wine, beer, or distilled spirits in the instructional tasting event and provides or pays for a person to serve the wine, beer, or distilled spirits. Instructional tasting events conducted by the holder of the type 86 pursuant to the applicable subdivision of Section 25503.56 are subject to the provisions of Sections 25503.56 and 23396.6.*
- *A holder of a type 86 license that also holds an on-sale beer and wine license, an on-sale beer and wine eating place license, or an on-sale general license shall not allow an “authorized licensee” or its designated representative, to conduct an instructional tasting event on the same day and at the same location as any instructional tasting event held pursuant to subdivision (b) of Section 23386, Section 25503.4, subdivision (c) of Section 25503.5, or Section 25503.55.*
- *A holder of a type 86 license shall not condition the allowance of an instructional tasting event upon the use of a particular designated representative of an “authorized licensee”.*
- *An “authorized licensee” or its designated representative, in his or her absolute discretion and with permission of the holder of the type 86 license where the instructional tasting event will be held, may list in an advertisement to the general public the name and address of the type 86 licensee, the names of the alcoholic beverages being featured at the instructional tasting event, and the time, date, and location of, and other information about, the instructional tasting event, provided that BOTH of the following apply:*
 1. *The advertisement does not contain the retail price of the alcoholic beverages.*
 2. *The listing of the type 86 licensee’s name and address is the only reference to the type 86 licensee in the advertisement.*

NOTE: Pictures or illustrations of the type 86’s licensed premises and laudatory references to the type 86 licensee in these advertisements are not authorized. An “authorized licensee” or its designated representative cannot share in the costs, if any, of the type 86 licensee.

- *A type 86 licensee may advertise an instructional tasting event to the general public. The costs of this advertising shall be borne solely by the type 86 licensee. Permitted advertising includes flyers, newspaper ads, Internet communications, and interior signage.*

- *Except as otherwise provided in the ABC Act or rules of the department, no premium, gift, free goods, or other thing of value shall be given away by an “authorized licensee” or its designated representative in connection with an instructional tasting event that includes tastings of an alcoholic beverage.*
- *The type 86 licensee or the “authorized licensee” or its designated representative are authorized to perform set up and break down of the instructional tasting event area.*
- *The “authorized licensee” or its designated representative may provide, free of charge to the type 86 licensee, the equipment, materials, and utensils as may be required for use in connection with the instructional tasting event.*
- *The type 86 licensee shall not require, or enter into a collusive scheme with an “authorized licensee” or its designated representative to conduct one or more instructional tasting events as a condition of carrying or continuing to carry a brand or brands of the “authorized licensee” or as a condition for display or other merchandising plan which is based on an agreement to provide shelf space.*
- *An “authorized licensee” or its designated representative shall not require any preferential treatment or benefit from, or enter into a collusive scheme with, a holder of a type 86 license as a condition of conducting one or more instructional tasting events, require to carry or continue to carry a brand or brands of the “authorized licensee” as a condition of conducting one or more instructional tasting events, or condition display or other merchandising plans that are based on agreements for the provision of shelf space on the conducting of one or more instructional tasting events.*
- *Any agreement, whether written or oral, entered into by and between a type 86 licensee and an “authorized licensee” or its designated representative that precludes the conducting of instructional tasting events on the licensee’s type 86 premises by any other “authorized licensee” is prohibited.*
- *A type 86 licenseholder or “authorized licensee” or its designated representative, shall not use an instructional tasting event to circumvent any other requirement in the ABC Act.*

Attachment 3

Wal-Mart Information in Support of CUP for Type 86 Instructional License

Walmart
17150 Gale Avenue
City of Industry, CA

Information in Support of
Conditional Use Permit
for a Type 86 “Instructional Tasting” License

I. Project Description

This application is a request by Wal-Mart Stores, Inc. (“Walmart”) for a Conditional Use Permit (“CUP”) for a Type 86 “Instructional Tasting” Liquor License (“Proposed Use”) at the Walmart store located at 17150 Gale Avenue, in the City of Industry (“Store”).

The Store currently sells grocery products, fresh produce and general retail items. The Store has been selling beer and wine since 2008, and liquor was added to the store’s inventory in 2011 pursuant to an upgrade to a Type 21 License issued by the California Department of Alcohol Beverage Control (“ABC”).

The Type 86 License will allow authorized alcoholic beverage manufacturers, winegrowers and wholesalers (“Tasting Coordinator”) to conduct instructional tasting events within existing Store. These tasting events are intended to inform Walmart’s customers on the subject of wine, beer or distilled spirits, including (but not limited to) the history, nature, values, and characteristics of the beverage; along with preferred methods of presentation and serving of the featured wine, beer or distilled spirits. The Tasting Coordinator will also verify everyone’s identification to ensure no one under the age of 21 is served any alcoholic beverage at the tasting event. At this time, Walmart is proposing to conduct instructional tasting events approximately 2-3 times a month throughout the year.

The following information has been provided to support the findings required by the City’s Zoning Code to approve the CUP for the Proposed Use.

II. Findings

1. The proposed use is consistent with the goals and objectives of the general plan and any applicable redevelopment plan.

The Store is designated Commercial (C) on the City of Industry General Plan. Land Use Goal LU2 of the General Plan encourages a competitive business climate and blend of businesses that best serve the long-term economic future of the City of Industry. Land Use Policy LU2-2 is to attract establishments and the continuation of businesses that bring new jobs and improve sales tax revenue.

The approval of this CUP is consistent with this goal and policy in that Walmart currently offers its customers a “one-stop shopping” experience that allow them to simultaneously shop for fresh produce, groceries and alcoholic beverages. The addition of Instructional Tastings will further the goal and policy by enhancing the customer experience by allowing them to learn about and sample, in limited quantities, alcohol that they are interested in purchasing. Further, the Instructional Tastings are used for marketing purposes. As such, Walmart expects to see increases in its alcoholic beverage sales, which in turn increases the amount of sales tax to the City.

2. The site is adequate in size, shape, topography and location for the proposed use and there will be adequate utilities to accommodate the proposed use.

The Instructional Tastings will be conducted within the existing Store, which currently sells general merchandise, grocery products, and liquor. The Proposed Use does not require any changes to the building, size, shape, topography or location. In order to accommodate the Proposed Use, Walmart will create a temporary space for the Instructional Tasting events, and these events will not hinder the retail purpose of the Store or unduly impact Walmart’s customers. The existing Store has sufficient space for the events and is physically suitable for such activities.

3. There will be adequate street access, traffic circulation and parking capacity for the proposed use.

Walmart does not anticipate any increase in the amount of traffic that will be generated through the offering of occasional Instructional Tastings.

4. The proposed use is compatible with the surrounding properties and uses; in making this finding, consideration shall be given to the potential for changes in the uses for surrounding properties.

The Store is located within the Commercial (C) Zoning District. Permitted uses in the C zone include retail stores and liquor stores. The approval of this CUP is compatible with the surrounding properties and uses. The zoning district is commercial and the overall predominant land uses in the area are commercial and retail in nature.

5. The proposed use will not be detrimental to public health, safety or general welfare.

The CUP for the Instructional Tastings will not be detrimental to public health, safety or general welfare. First, Walmart has a Responsible Vendor of Alcohol Policy, which it currently implements in connection with its existing sales of beer, wine and liquor in order to prevent sales to minors or sales during prohibited hours. In addition to these policies, consistent with the ABC's regulations regarding Instructional Tastings, the following policies for Instructional Tasting Events will be implemented by Walmart to ensure the on-site consumption will not be detrimental to the community:

- The instructional tasting event will be conducted in a separate area ("Tasting Area") within the alcohol display area. The Tasting Area will be approximately Twelve Feet by Twelve Feet (12'X12') and will be separated by a rope, cable, cord, chain, fence, or other permanent or temporary barrier. (Please see the attached floor plan). Walmart will prominently display signage prohibiting persons under 21 years of age from entering the instructional tasting event area, and all entrants will be required to show identification.
- No person under 21 years of age may serve, or be served, wine, beer, or distilled spirits at the instructional tasting event.
- Walmart will not permit any consumer to leave the instructional tasting area with an open container of alcohol.
- Walmart anticipates having 10-12 events per year at the Store, initially, during peak shopping days and peak shopping hours. Pursuant to state law, instructional tasting events can only take place between the hours of 10:00 a.m. and 9:00 p.m.

- Each instructional tasting event will be limited to a single type of alcoholic beverage (distilled spirits, wine, or beer) and will be limited only to those products which are sold by Walmart under its Type 21 license.
- Quantity: State law limits the number and size of the portions that may be provided to the customer.

Operational note: The vendor will mark the customer's hand with a marker to ensure the customer has not received more than the allowed limit.

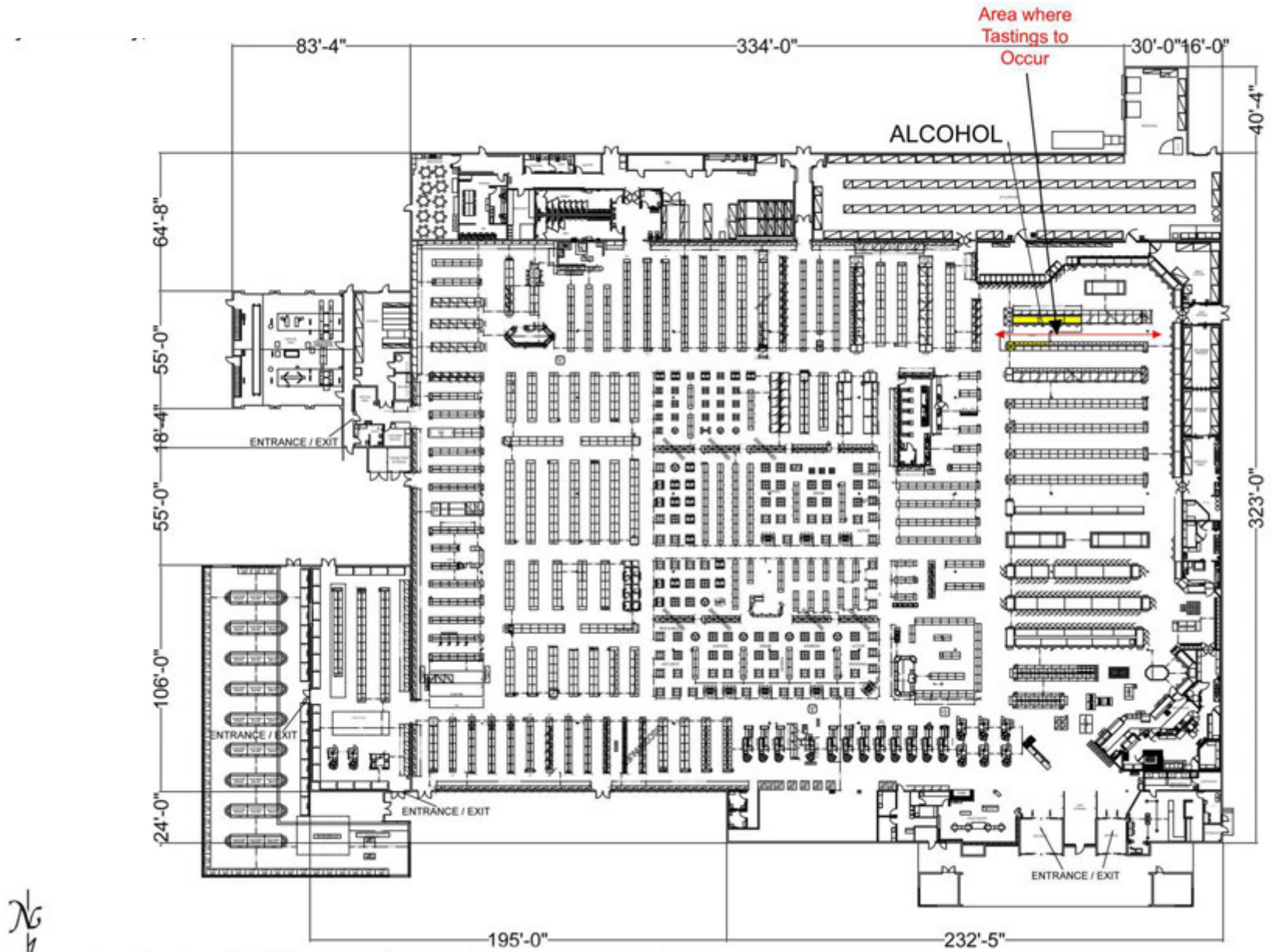
- Wine will not exceed one ounce.
- Operational note: Walmart will limit wine samples to half an ounce.
- Distilled spirits will not exceed one-fourth of one ounce.
- Beer will not exceed eight ounces of beer per person per day.
- No person may have more than 3 tastings of wine or spirits.

Attached is an ABC Advisory that provides more detail on the Type 86 License.

Attachment 4

Site Plan

CUP 15-2 Site Plan



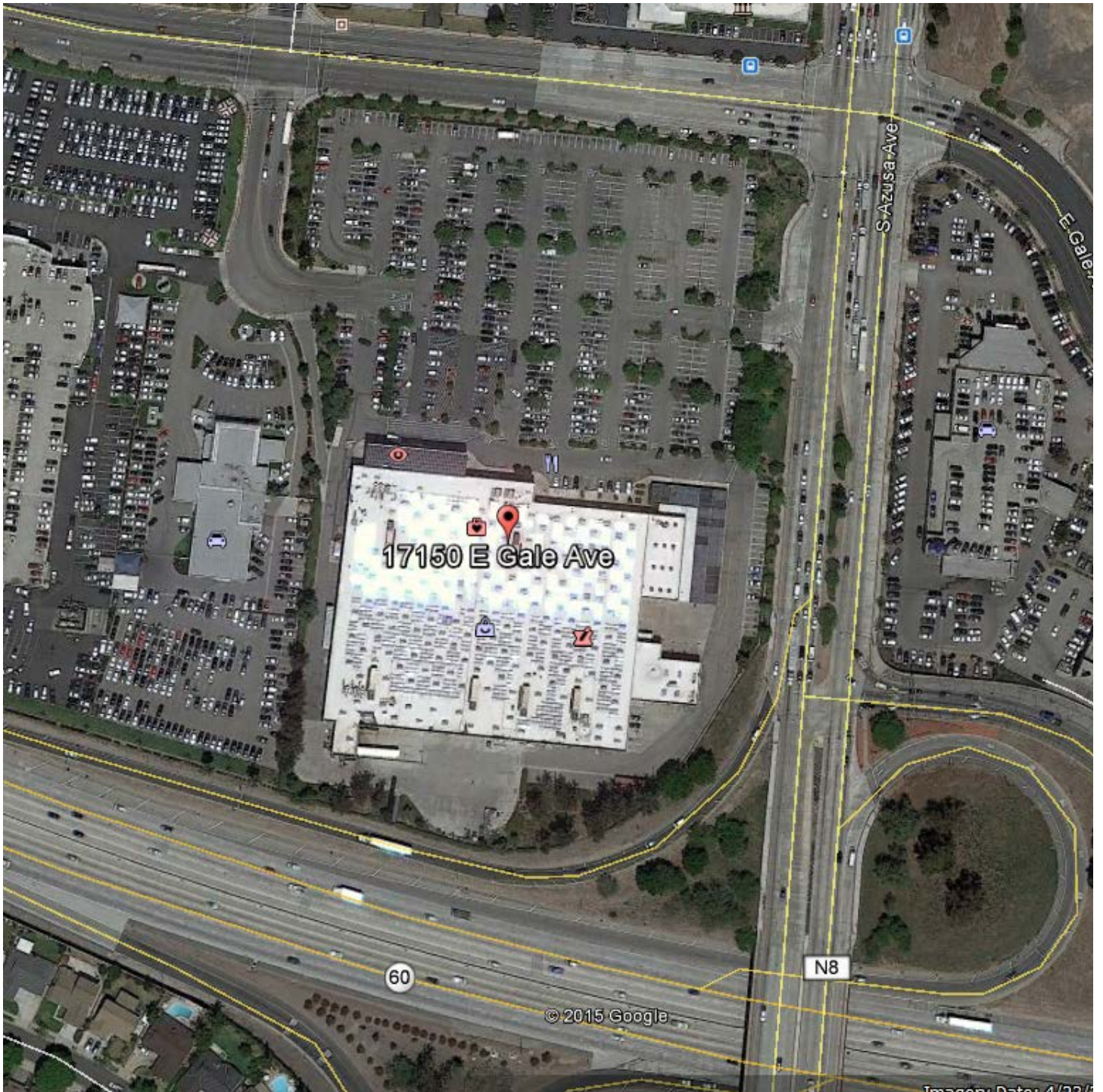
Attachment 5

Location Map

CUP 15-2

17150 Gale Avenue

Location Map



Attachment 6

Notice of Exemption

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 15-2

Project Location - Specific: 17150 Gale Avenue

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

Description of Project: Conditional Use Permit 15-2 is to establish alcoholic beverage instructional tasting within an existing Wal-Mart retail store.

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

Name of Person or Agency Carrying Out Project: Gresham Savage on behalf of Wal-Mart Stores, Inc.

Exempt Status: *(check one)*

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

Reasons why project is exempt: Section 15301 Class 1, which exempts the operation, permitting, or minor alteration of existing facilities involving negligible or no expansion of the existing use. The CUP is required by the City zoning code for alcohol service and there would be no physical modifications to the existing retail store.

Lead Agency

Contact Person: Brian James

Telephone: (626)333-2211

Signature: _____

Date: _____

Title: Planning Director

Attachment 7

Public Hearing Notice

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 15-2

On May 1, 2015, notice has been given that the Planning Commission of the City of Industry shall hold a public hearing on the application for Conditional Use Permit No. 15-2 to establish alcoholic beverage instructional tasting within the Wal-Mart retail store at 17150 Gale Avenue in the City of Industry.

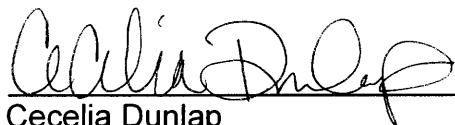
A copy of all relevant material, including the Conditional Use Permit Application, is on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744.

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

Time: 8:00 a.m.
Date: May 14, 2015
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.

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.



Cecelia Dunlap
Deputy Clerk of the City of Industry

Attachment 8

Resolution No. PC 2015-05

RESOLUTION NO. PC 2015-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-2 TO ALLOW THE SERVICE OF ALCOHOLIC BEVERAGES IN CONJUNCTION WITH A TYPE 86 INSTRUCTIONAL TASTING LICENSE IN THE WAL-MART RETAIL STORE LOCATED AT 17150 GALE AVENUE, WITHIN A “C” – COMMERCIAL ZONE, AND MAKING FINDINGS IN SUPPORT THEREOF.

WHEREAS, Gresham Savage, Nolan & Tilden, PC, on behalf of Wal-Mart Stores, Inc. (“Wal-Mart”), a Delaware corporation, has filed an application for a Conditional Use Permit to operate an approximately 144 square foot (12’x12’) alcohol instructional tasting area for the purpose of providing alcoholic beverage makers and suppliers to conduct instructional tastings within its existing Wal-Mart Store (the “Application”), located at 17150 Gale Avenue, City of Industry, within a “C”-Commercial Zone (the “Site”).

WHEREAS, the Application calls for a twelve foot by twelve foot cordoned off instructional tasting area located entirely within Wal-Mart’s existing operations, which area would allow alcoholic beverage makers and suppliers to offer instructional tasting sessions within the Site’s existing alcohol display area, consistent with a type 86 Instructional Tasting License from the California Department of Alcoholic Beverage Control (ABC); and,

WHEREAS, the use proposed in the Application is allowed subject to the issuance of a Conditional Use Permit in the “C”-Commercial Zone; and,

WHEREAS, the Site is more particularly shown on the map attached hereto as Exhibit “A” and incorporated herein by this reference; and,

WHEREAS, the activity proposed by the Application is exempt from compliance with the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Section 15301 as a class 1 categorical exemption applicable to the operation, permitting, or minor alteration of existing facilities involving negligible or no expansion of the existing use; and,

WHEREAS, on May 14, 2015, the Planning Commission of the City of Industry conducted a duly noticed public hearing in connection with the Application and the categorical exemption and considered all evidence, oral and written; and,

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

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

SECTION 1. The Planning Commission hereby finds that the above recitations are true and correct and, accordingly, are incorporated as a material part of this Resolution.

SECTION 2. Based upon the environmental information form supplied by Wal-Mart as part of the Application, the Planning Commission exercises its independent judgment and finds that the proposed project is exempt from compliance with CEQA pursuant to CEQA Guidelines Section 15301 as a class 1 categorical exemption.

SECTION 3. Pursuant to the requirements of the Industry Municipal Code, Section 17.48.050, the Planning Commission hereby finds, based upon the substantial evidence contained in the record, including the written and oral staff reports presented to the Planning Commission with respect to the Application, as well as all other written and oral testimony submitted at the May 14, 2015 public hearing, as follows:

A. The proposed use is consistent with the goals and objectives of the General Plan as it is an approximately 144 square foot (12'x12') alcohol instructional tasting area within an existing Wal-Mart store, that will be compatible with, and complimentary to, the existing provision of an alcohol display area at the Site because Wal-Mart has committed to a set of operational and management standards that provide protection from the abuse of alcohol, which standards are included as conditions of approval for this Resolution; and

B. The Site is within an "C"-Commercial Zone, which zone permits, with the issuance of a conditional use permit, the provision of alcohol in connection with certain uses; the project description as provided in the Application and the proposed operational and management standards agreed to by Wal-Mart will cause the alcohol service in the existing store to be substantially similar to alcohol service in connection with a restaurant as explicitly allowed by the "C"-Commercial Zone (Industry Municipal Code, Section 17.12.025, sub-sections 7 and 14) and as designed to avoid standalone bars and night clubs and, thus, the Site is appropriately zoned for the proposed use; and,

C. The Site is located an existing commercial building which has been developed with adequate parking and will be constructed to all applicable development standards. Accordingly, the Site is adequate in size, shape, topography and location for the proposed use and there will be adequate utilities to accommodate the proposed use; and,

D. There will be adequate street access, traffic circulation, and parking capacity for the proposed use; and,

E. The proposed use is compatible with the surrounding properties and uses, taking into account the potential for changes in the uses of surrounding properties; and,

F. The proposed use will not be detrimental to the public health, safety or general welfare.

SECTION 4. The Planning Commission hereby approves the Application subject to the conditions and standard code requirements set forth in Exhibit "B" attached hereto and incorporated herein by this reference and in accordance with the plans submitted in conjunction with the Application.

SECTION 5. The Secretary of the Planning Commission is directed to certify to the adoption of this Resolution.

APPROVED by the Planning Commission of the City of Industry at a regular meeting held on May 14, 2015.

Mark Radecki
Vice Chairman

ATTEST:

Cecelia Dunlap
Secretary

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF INDUSTRY)

PLANNING COMMISSION
 SECRETARY'S CERTIFICATION
 RE: ADOPTION OF PLANNING
 COMMISSION RESOLUTION

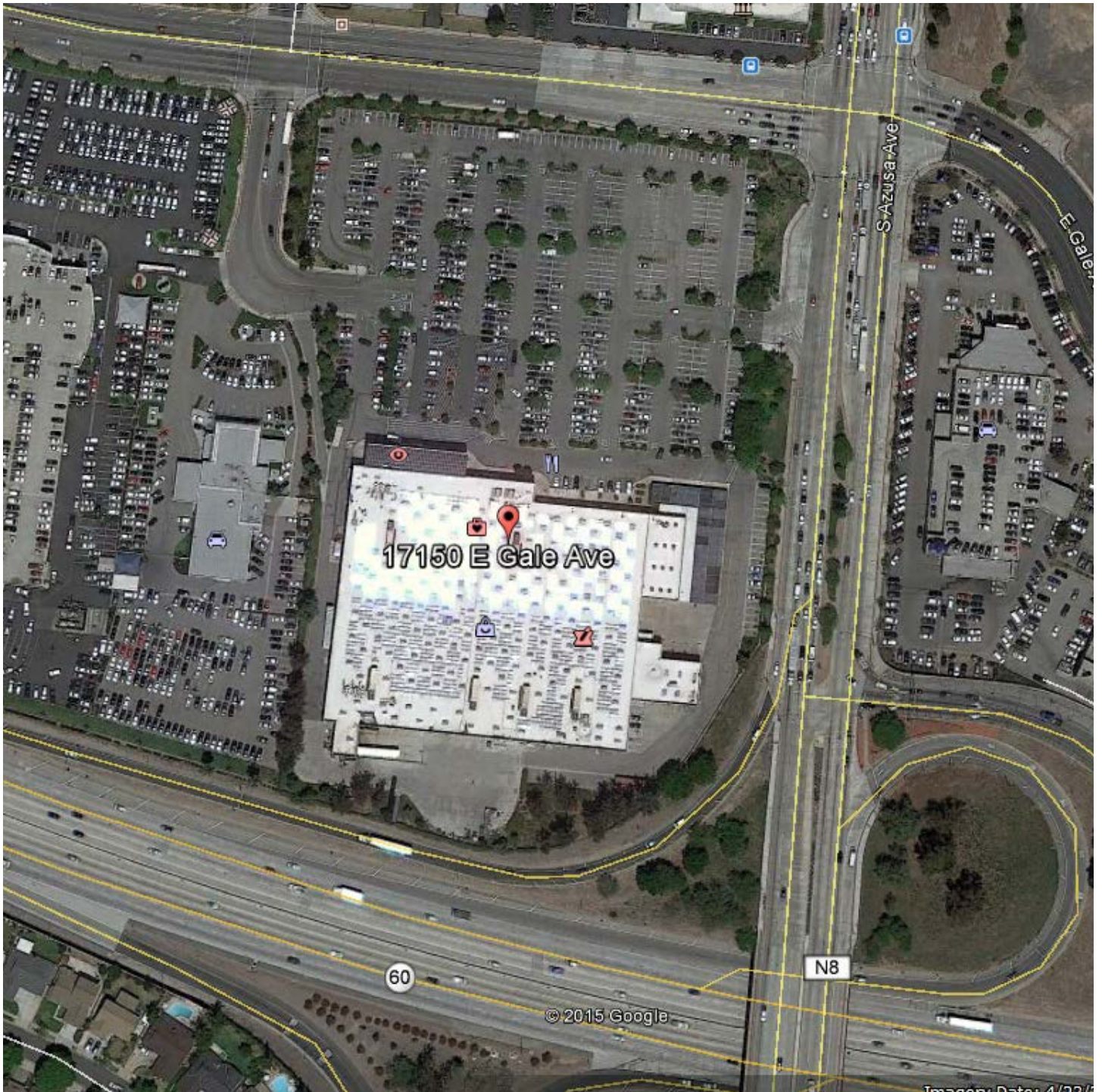
I, Cecelia Dunlap, Secretary of the City of Industry Planning Commission, do HEREBY CERTIFY that the foregoing Resolution No. PC 2015-05 was duly passed and adopted at a regular meeting of the Planning Commission of the City of Industry held on the 14th day of May, 2015 by the following vote to wit:

AYES: COMMISSIONERS: _____
 NOES: COMMISSIONERS: _____
 ABSENT: COMMISSIONERS: _____
 ABSTAINED: COMMISSIONERS: _____

Cecelia Dunlap, Secretary
 Planning Commission
 City of Industry, California

(SEAL)

EXHIBIT A
CUP 15-2
17150 Gale Avenue





CITY OF INDUSTRY

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

EXHIBIT B

Standard Requirements and Conditions of Approval

- Application:** Conditional Use Permit 15-2
- Applicant:** Gresham Savage, Nolan & Tilden on behalf of Wal-Mart Stores, Inc.
- Location:** 17150 Gale Avenue
- Use:** Alcoholic beverage instructional tasting within Wal-Mart

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 alcoholic beverage instructional tasting within Wal-Mart shall be subject to: 1) the provisions of the approved Type 86 ABC License, a summary of minimum requirements of the Type 86 License is provided in the California ABC Instructional Tasting License for Off-Sale Licensees (Attachment 2 of the Staff Report dated May 7, 2015), and 2) the procedures contained in item II.5 of the Wal-Mart Information in Support of CUP for Type 86 Instructional License (Attachment 3 of the Staff Report dated May 7, 2015).

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. 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.
7. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
8. 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.
9. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
10. 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.
11. The hours of operation shall be restricted to those as stated in the accompanying Staff report.
12. 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.
13. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
14. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
15. 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.
16. 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.

17. 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.
18. No outside cooking, food preparation, or sales of product or merchandise, unless approved in advance by the Planning Director.

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

HAND-OUT ITEM

Received/Made part of the Record
5.14.15 Planning Commission Meeting

Item No. 7.1

Instructional Tastings

(California Department of Alcoholic Beverage Control—Type 86 License)



The Type 86 License allows authorized alcoholic beverage manufacturers, winegrowers and wholesalers to conduct "Instructional Tasting Events" within retail locations. These Instructional Tasting Events are intended to inform customers on the subject of wine, beer, or distilled spirits, including the history, nature, values, and characteristics of the beverage, along with preferred methods of presentation and serving of the featured wine, beer, or distilled spirits.