

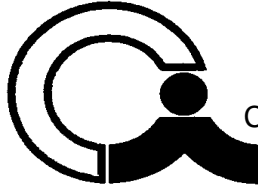
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# PLANNING COMMISSION

## CITY OF INDUSTRY

REGULAR MEETING AGENDA  
JULY 9, 2015 8:00 A.M.



CHAIRMAN - VACANT  
VICE CHAIRMAN - VACANT  
COMMISSIONER FRANK CONTRERAS  
COMMISSIONER BERT SPIVEY  
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
  4. Public Comments
- 
-

5. Consideration of the minutes of the May 14, 2015 regular meeting.

*RECOMMENDED ACTION: Approve as submitted.*

6. **PUBLIC HEARING**

- 6.1 Public Hearing regarding Conditional Use Permit No. 15-4, submitted by Mr. Lamb, to establish alcohol service (Type 41 ABC License) at an existing fast-food restaurant located at 17863 Colima Road.

Consideration of Resolution No. PC 2015-08 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-4 TO ALLOW THE ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT LOCATED AT 17863 COLIMA ROAD, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME.

*RECOMMENDED ACTION: Adopt Resolution No. PC 2015-08.*

7. **PLANNING DIRECTOR MATTERS**

- 7.1 Consideration of changing the day and time of the regularly scheduled Planning Commission meetings.

*RECOMMENDED ACTION: Discuss and direct Staff accordingly.*

8. Adjournment. Next regular meeting: Thursday, August 13, 2015 at 8:00 a.m.

*PLANNING COMMISSION*

ITEM NO. 5

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
MAY 14, 2015  
PAGE 1

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**CALL TO ORDER**

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by City Manager Kevin 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 City Manager Kevin Radecki

**ROLL CALL:**

PRESENT: Bert Spivey  
Frank Contreras  
Andria Welch

ABSENT: Mark Radecki, Vice Chairman

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

MOTION BY COMMISSIONER SPIVEY, AND SECOND BY COMMISSIONER CONTRERAS TO GRANT VICE CHAIRMAN RADECKI AN EXCUSED ABSENCE.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF THE MINUTES OF THE MARCH 12, 2105 REGULAR MEETING**

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

**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**

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
MAY 14, 2015  
PAGE 2

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**THEREOF**

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

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER SPIVEY TO ADOPT RESOLUTION NO. PC 2015-06. MOTION CARRIED 3-0, WITH VICE CHAIRMAN RADECKI ABSENT.

**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**

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

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

City Manager Radecki inquired if anyone wished to be heard on the matter.

Ms. Lisa Kolieb of Gresham Savage, Nolan & Tilden introduced herself to the Planning Commission, and distributed a hand-out with a brief overview of what is allowed under the Type 86 Instructional Tasting License. A copy of the hand-out is on file with the Secretary.

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

**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**

MOTION BY COMMISSIONER SPIVEY, AND SECOND BY COMMISSIONER CONTRERAS TO APPROVE RESOLUTION NO. PC 2015-05. MOTION CARRIED 3-0, WITH VICE CHAIRMAN RADECKI ABSENT.

**ADJOURNMENT**

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
MAY 14, 2015  
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There being no further business, the Planning Commission adjourned.

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ANDRIA WELCH,  
PLANNING COMMISSIONER

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CECELIA DUNLAP,  
SECRETARY

*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

July 2, 2015

From: Paul Philips, City Manager

Staff: Troy Helling, Senior Planner

**Subject: Conditional Use Permit 15-4 – Mr. Lamb Alcohol Service**

### 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 at a fast-food restaurant. This application (Attachment 1) is to establish alcohol service at Mr. Lamb, an existing 1,290 square foot fast-food restaurant. Mr. Lamb proposes to sell beer and wine during their normal business hours (11:00 AM and 9:30 PM) seven days a week.

In 2012, the applicant received approval from the Planning Department for Use Permit 12-220 for a fast-food restaurant without alcohol service. The applicant is now applying for a Type 41 Alcohol Beverage Control (ABC) License, which allows for on-site consumption of beer and wine. ABC defines a Type 41 License as authorizing the sale of beer and wine for consumption on or off premises. Distilled spirits may not be on the premises except for brandy, rum, or liqueurs for cooking purposes. The business must operate and maintain the premises as a bona-fide eating establishment, maintain suitable kitchen facilities, and must make actual and substantial sales of meals for the consumption on the premises.

As shown in the attached floor plans (Attachment 2), the facility includes a kitchen, eating area, and restrooms. This request does not include any changes to the existing floor plan.

### Location and Surroundings

As shown on the attached location map (Attachment 3), the proposed restaurant is located at 17863 Colima Road, within the 123,246 square foot Puente Hills East shopping center, which is located north of Colima Road, east of Walnut Hall Road, west of Stoner Creek Road, and south of Keystone Street.

The project is surrounded on the east, west, and south by commercial developments, and on the south across Colima Road by an apartment complex that is located in unincorporated Los Angeles County (Rowland Heights).

### Staff Analysis

The proposal to add alcohol service to an existing restaurant is consistent with the Zoning (“C” – Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, *Commercial Zone*, of the City’s Code.



### *Alcohol Service*

The addition of alcohol service at the existing restaurant, which closes at 9:30 PM, does not over-saturate the center with alcohol-related uses and is not a stand-alone bar that could result in additional calls for law enforcement services. There are three other restaurants that serve alcohol in the center and there has not been an increase in calls for law enforcement service in the center that can be attributed to alcohol service.

Mr. Lamb is a bona-fide restaurant that has complied with the conditions of approval for Use Permit 12-220, and there have not been any code violations or law enforcement issues since they have been operational.

### *Parking*

The fast-food restaurant use is parked at the rate of one space per 250 square feet and requires six parking spaces. The addition of alcohol service does not result in the need for additional parking spaces.

## **Environmental Analysis**

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301, which exempts the operation of existing uses when there is little or no expansion of the use. Fast-food restaurants are considered ministerial projects in City of Industry and have the same parking requirement as retail uses. The CUP is required for the sale of alcohol service and there will be no modifications to the existing restaurant that would intensify the existing use. The addition of alcohol sales involves only minor changes in operation of an existing facility and is a negligible expansion of the existing use. The Notice of Exemption (Attachment 4) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

## **Public Hearing**

The required public hearing notice (Attachment 5) 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 Tribune by June 26, 2015.

## **Recommendation**

Because 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 approve Resolution No. PC 2015-08 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Attachment 6) and direct staff to file the Notice of Exemption.

## **Attachments**

- Attachment 1: Application
- Attachment 2: Proposed Floor Plan
- Attachment 3: Location Map
- Attachment 4: Notice of Exception
- Attachment 5: Public Hearing Notice
- Attachment 6: Resolution No. PC 2015-08 approving Conditional Use Permit No. 15-4 with findings of approval and Standard Requirements and Conditions of Approval

# **Attachment 1**

## **Application**

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# CITY OF INDUSTRY

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

**CONDITIONAL  
USE PERMIT  
APPLICATION**

15 APR 2 PM 3:48:37

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: 17863 COLIMA RD. CITY OF INDUSTRY, CA 91748  
Street City Zip + 4

Describe in detail the type of business to be conducted and the daily operations of the business.  
CHINESE BBQ LAMP RESTAURANT OPEN DAILY FROM 11AM TO 9:30PM.  
SELL BEER & WINE (TYPE 41)

Days of operation: 7 DAYS Business Hours: 11AM ~ 9:30 PM Number of Employees: 5

### APPLICANT INFORMATION

Applicant: YAN, HONG YUN Title: CEO MANAGER Phone: 626-839-2605 Email: 516562376@QQ.COM  
Address: 17863 COLIMA RD. CITY OF INDUSTRY, CA 91748  
Street City Zip + 4

### BUSINESS INFORMATION

Business Name (DBA): MR. LAMB  
Corporation Name: HARYWA GROUP INC.  
Mailing Address (if different than location address): \_\_\_\_\_  
Street City State Zip + 4  
Phone: 626-839-2605 Fax: 626-839-2605 E-mail Address: 516562376@QQ.COM  
Business Owner Contact (if different than applicant): \_\_\_\_\_ Phone: \_\_\_\_\_

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

Property Owner: KAM SANG COMPANY INC. Phone: 626-446-2988 EXT. 36  
Address: 411 E. HUNTINGTON DR. SUITE # 305. ARCADIA, CA 91006  
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.

Name (print or type): YAN, HONG YUN Signature: X YAN HONG YUN Date: 03/10/15  
4/2/2014

### 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](http://www.dgs.ca.gov/dsa/home.aspx)  
The Department of Rehabilitation at [www.rehab.ca.gov/dofr](http://www.rehab.ca.gov/dofr)  
The California Commission on Disability Access at [www.coda.ca.gov/](http://www.coda.ca.gov/)

### To Be Completed By City Staff

Conditional Use Permit No. \_\_\_\_\_ Filing Date: \_\_\_\_\_ Accepted by: \_\_\_\_\_  
Date Deemed Complete: \_\_\_\_\_ Date Approved: \_\_\_\_\_ Zoning/GP Designation: \_\_\_\_\_  
Fees:  Filing Fee \_\_\_\_\_  Environmental Fee Deposit \_\_\_\_\_  CA Dept Fish and Game Fee \_\_\_\_\_

## Environmental Information Form

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: YAN HONG YUN Phone Number: 626-839-2605  
 Address: 17863 COLIMA RD. CITY OF INDUSTRY CA 91748  
Street City Zip
2. Project name: MR LAMB RESTAURANT Assessor's Parcel Number: 8265-044-046  
 Address: 17863 COLIMA RD. CITY OF INDUSTRY CA 91748  
Street City 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:

EXISTING MR. LAMB RESTAURANT IN EXISTING PUENTE HILLS EAST SHOPPING CENTER. MR. LAMB RESTAURANT HAS BEEN IN BUSINESS AT THIS LOCATION SINCE 01/06/2013.

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

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.):

NORTH - SHOPPING CENTER

SOUTH - RESIDENTIAL

EAST - SHOPPING CENTER

WEST - SHOPPING CENTER

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:

APPROVAL FROM CALIFORNIA ALCOHOLIC BEVERAGE CONTROL (ABC)  
FOR TYPE 41 ON-SALE BEER AND WINE FOR BONA FIDE PUBLIC  
EATING PLACE.

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

NONE

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

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

N/A NO TENANT IMPROVEMENT PROPOSED.

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:

EXISTING 1800 SQFT RESTAURANT IN A DEVELOPED SHOPPING  
CENTER. 5 EMPLOYEES PER SHIFT, ONLY ONE SHIFT PER DAY.  
FROM 11:30AM TO 9:30PM OF OPERATION. NO CHANGES PROPOSED TO

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:

A REQUEST FOR A TYPE 41 ABC, LICENSE REQUIRES A CUP. PROJECT IS EXEMPT FROM CEQA SECTION 15301, CLASS 1, EXISTING FACILITIES.

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

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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.

Name of preparer: YAN HONG YUN Preparer's signature: X YAN HONG YUN

Date: X 03/31/15



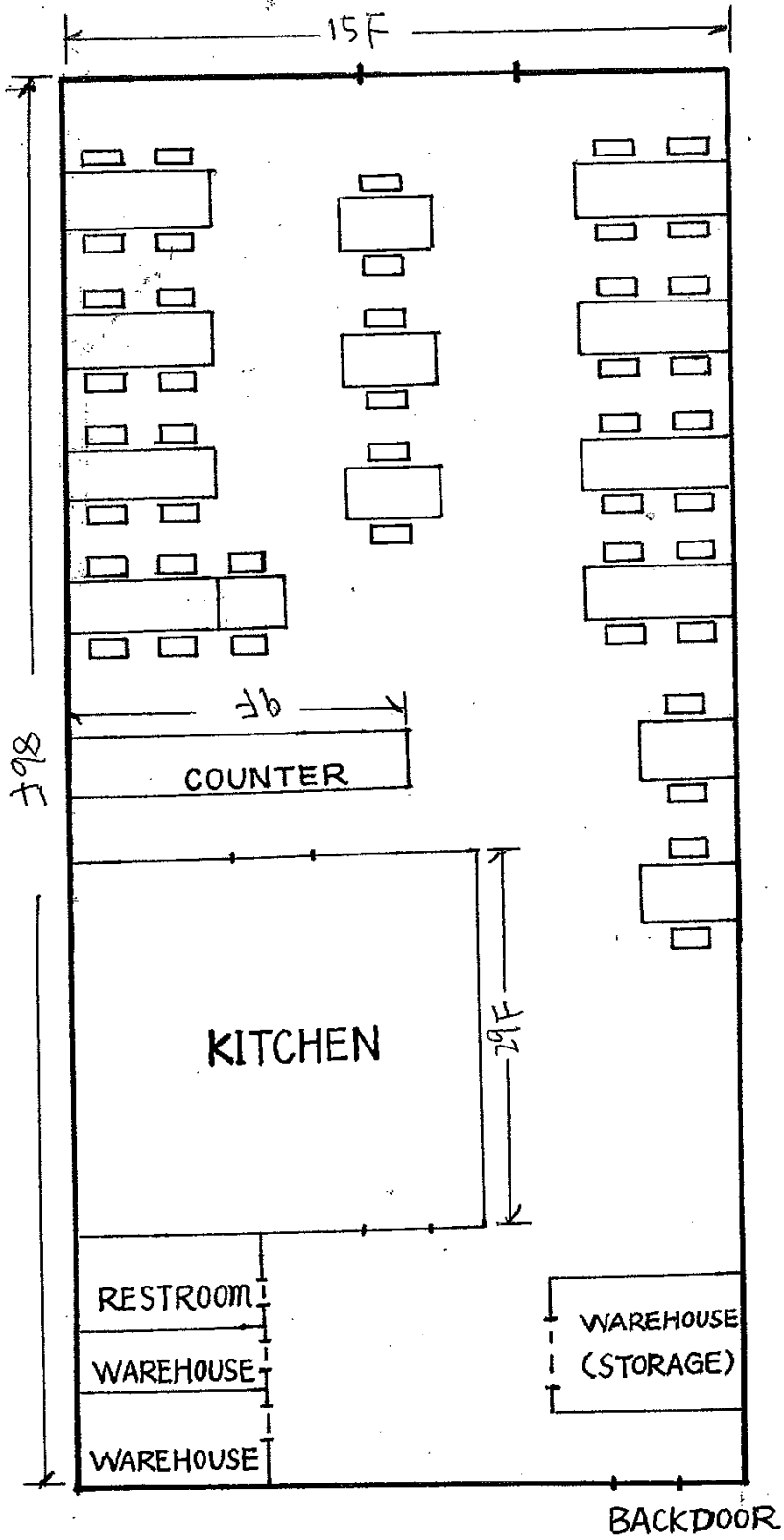
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# **Attachment 2**

## **Floor Plan**

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# CUP 15-4 Floor Plans



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# **Attachment 3 Location Map**

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# CUP 15-4 Location Map



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Keystone St

Walnut Hall Rd

Stoner Creek Rd

**Project Site**



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# **Attachment 4**

## **Notice of Exemption**

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## 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 15-4

**Project Location - Specific:** 17863 Colima Road

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

**Description of Project:** Conditional Use Permit 15-4 is an application to establish alcohol service (Type 41 ABC License, beer and wine for on-site consumption) at an existing 1,290 square foot-fast food restaurant (Mr. Lamb).

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

**Name of Person or Agency Carrying Out Project:** Harywa Group 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 for the sale of alcohol service and there will be no modifications to the existing restaurant that would intensify the existing use. The addition of alcohol sales involves only a minor change in operations of an existing facility and is only a negligible expansion of the existing use.

**Lead Agency**

**Contact Person:** Troy Helling

Telephone: (626)333-2211

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

Date: \_\_\_\_\_

Title: Senior Planner

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**Attachment 5**  
**Public Hearing Notice**

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## NOTICE OF PUBLIC HEARING

### Conditional Use Permit No. 15-4

On June 26, 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. 15-4 to establish alcohol service (Type 41 ABC License) at an existing 1,290 square foot-fast food restaurant (Mr. Lamb) at 17863 Colima Road 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: July 9, 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 City Clerk of the City of Industry



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**Attachment 6**  
**Resolution No. PC 2015-08**

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## RESOLUTION NO. PC 2015-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-4 TO ALLOW THE ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT LOCATED AT 17863 COLIMA ROAD, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME.

### RECITALS

**WHEREAS**, on April 23, 2015, Feng Xiao (“Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 15-4 described herein (“Application”); and

**WHEREAS**, the Application applies to an existing 1,290 square-foot restaurant located on a 11.09 acre property, at 17863 Colima Road, City of Industry, California (“Property”), Assessor’s Parcel Number 8265-044-046 (“Property”); and

**WHEREAS**, the Applicant desires to sell beer and wine for on-premise consumption Alcohol Beverage Control Type 41 license, and in accordance with Section 17.12.025(7) 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 for general commercial uses. The proposed use is consistent with the General Plan as it would provide essential goods and services commonly available at other restaurants, and does not conflict with the established goals and objectives of the Land Use Element. Establishments that sell alcoholic beverages are permitted in the Commercial (C) zone, subject to the approval of an CUP pursuant to Section 17.12.025(7) 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 project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15301 (Class 1 Existing Facility) of the CEQA Guidelines, because the sale of beer and wine at an existing restaurant only involves a minor change in operations of an existing facility, and is only a negligible expansion of the existing use; and

**WHEREAS**, notice of the Planning Commission’s July 9, 2015 public hearing on CUP No. 15-4 was published in *The San Gabriel Valley Tribune* on June 26, 2015, 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 26, 2015; and

**WHEREAS**, the notice of the Planning Commission's July 9, 2015, public hearing on CUP No. 15-4 was also mailed to property owners within 300 feet of the Property on June 26, 2015; and

**WHEREAS**, on July 9, 2015, 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:

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.

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.

3. Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for Conditional Use Permit Application No. 15-4, the Planning Commission hereby finds and determines that Conditional Use Permit No. 15-4 will not result in or have a significant impact on the environment, because the service of on-site alcoholic beverages only involves a minor change in operations of an existing facility, and involves only a negligible expansion of the existing use. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15301 (Class 1, Existing Facilities) 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.

4. Based upon substantial evidence presented to the Planning Commission during the July 9, 2015, 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 for commercial uses, including retail and services uses such as fast-food restaurants. The Zoning Ordinance, which implements the General Plan, allows alcohol service in bonafide restaurants with approval of a CUP. In addition, the attached conditions of approval set operational and management standards that ensure the business that will operate in a manner consistent with general plan

policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size and shape 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, Zoning Code of the Industry Municipal Code. The on-site consumption of alcoholic beverages 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 nature, condition and proposed development of adjacent uses, buildings and structures has been considered, and the proposed use, the sale of beer and wine for on-site consumption in conjunction with a bona-fide eating establishment, 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, including an established retail shopping center where customers may purchase goods and services that are conveniently located near each other and which is regularly monitored by the Sheriff's Department. The addition of the sale of beer and wine will complement the adjacent uses by offering an additional service at the shopping center.

(d) The Property is served by highways 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 Property's footprint of the commercial center, and the Property is currently served by Colima Road, Walnut Hall Road, Stoner Creek Road and Keystone Street, which are of adequate capacity to serve the commercial use. The addition of the sale of alcoholic beverages does not require additional parking, and the Property is currently adequately parked.

(e) The sale of alcoholic beverages is compatible with surrounding properties and uses because the surrounding area is composed of other similar commercial uses, including an established retail shopping center. 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 service of alcoholic beverages at a fast-food restaurant complements existing and potential retail uses.

Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 15-4, subject to the conditions contained in Exhibit A.

**APPROVED** by the Planning Commission of the City of Industry at a regular meeting held on July 9, 2015.

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Andria Welch  
Planning Commissioner

**ATTEST:**

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Cecelia Dunlap  
Secretary



# CITY OF INDUSTRY

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## EXHIBIT A

### Standard Requirements and Conditions of Approval

**Application:** Conditional Use Permit 15-4

**Applicant:** Mr. Lamb

**Location:** 17863 Colima Road

#### 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. The conditions are related to the use, and assist in furthering the purpose and intent of the City's Zoning Code and protect the public health, safety and general welfare. 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. 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 and such requirements shall be a condition of approval.
2. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the Property by the ABC shall be grounds for revocation of the CUP.
3. Prior to City approval of the ABC license, the manager shall provide proof of the License Education on Alcohol and Drugs (LEAD) training by the California Department of Alcoholic Beverage Control for its managers. All employees selling or serving alcohol shall be required to participate in the LEAD training prior to selling/serving alcohol.
4. 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.
5. 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. 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.



6. 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.
7. 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. In addition, all employees involved in the sale of alcoholic beverages must be at least 21 years of age.
8. If there are multiple police actions and/or complaints, the Planning Director shall give notice to the applicant that an on-site, security officer, licensed by the State of California, shall be hired by the business to police the facility during evening and night time operating hours.
9. Prior to City approval of the ABC license, security cameras, connected to the PSO system, will be installed to provide complete coverage inside the facility.
10. No live entertainment of karaoke shall be permitted.
11. The Applicant shall post onsite, 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. The sale of alcoholic beverages (beer and wine) shall be limited to the hours of operation of the existing restaurant as noted on the application.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant 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 Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances, including all requirements of ABC.
2. 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. The Los Angeles County Sheriff's Department and the City reserve the right to review the business owner's compliance with the terms and conditions of this permit at any time. If any security and/or public safety concerns develop, the Applicant shall work cooperatively with the Sheriff's Department and the City to resolve these issues in a mutually acceptable manner.
3. 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).

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. 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 on the application or as subsequently approved by the Planning Director and/or Planning Commission.
12. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
13. No X-rated or adult films shall be maintained or shown anywhere on the premises.
14. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
15. No dancing or live entertainment by employees or customers will be permitted at any time.
16. 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.
17. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
18. No non-prescription drugs or drug paraphernalia shall be on the premises at any time.
19. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
20. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
21. 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.

22. 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.
23. 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.
24. 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. The City reserves the right to take any and all action the City deems to be in the best interest of the

City and its citizens in regard to such defense.

*PLANNING COMMISSION*

ITEM NO. 7.1



# CITY OF INDUSTRY

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## MEMORANDUM

To: Planning Commission

July 2, 2015

From: Paul Philips, Acting City Manager

Staff: Brian James, Planning Director

### **Subject: Reschedule Planning Commission Meetings**

The City Attorney recommends that the City maintain a clear separation between the counsel who handles the Planning Commission from the counsel who handles the City Council, especially in the event of an appeal of an item from the Planning Commission. In essence, this means that there should be different attorneys at the City Council and Planning Commission meetings.

Due to scheduling conflicts, the City Attorney is requesting that the time and/or date of the regularly scheduled Planning Commission meetings be shifted. The following are suggested as potential times for the rescheduled meetings:

- The second Thursday of each month between 11:00 AM and 2:00 PM.
- The second Monday, Tuesday, or Friday of each month in the morning.

### **Recommendation**

Discuss and direct Staff accordingly.