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# PLANNING COMMISSION

## CITY OF INDUSTRY

REGULAR MEETING AGENDA  
NOVEMBER 7, 2017 11:30 A.M.



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

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

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

- ▶ **Agenda Items:** Members of the public may address the Planning Commission on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any item listed on the Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary prior to the individual being heard by the Planning Commission.
  
- ▶ **Public Comments (Non-Agenda Items):** Anyone wishing to address the Planning Commission on an item not on the Agenda may do so during the "Public Comments" period. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda. State law prohibits the Planning Commission from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary and prior to the individual being heard by the Planning Commission.

### **Americans with Disabilities Act:**

- ▶ In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

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

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

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

5. **PUBLIC HEARING**

- 5.1 Public Hearing to consider Development Plan No. 17-09 and Conditional Use Permit (CUP) No. 17-06 submitted by Chipotle Mexican Grill for the construction of a new 2,161 square foot commercial building with a 225 square foot outdoor patio and for an alcohol beverage control license for beer and wine for on-site consumption in conjunction with a fast food restaurant at 15495 East Valley Boulevard in the City of Industry.

Consideration of Resolution No. PC 2017-07 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF DEVELOPMENT PLAN NO. 17-9 FOR THE CONSTRUCTION OF A NEW 2,161 SQUARE FOOT COMMERCIAL BUILDING WITH A 225 SQUARE FOOT OUTDOOR PATIO AND CONDITIONAL USE PERMIT NO. 17-6, A REQUEST FOR A NEW ALCOHOL BEVERAGE CONTROL LICENSE FOR BEER AND WINE FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH A FAST FOOD RESTAURANT WITHIN AN EXISTING SHOPPING CENTER LOCATED AT 15495 EAST VALLEY BOULEVARD IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME

*RECOMMENDED ACTION: Adopt Resolution No. PC 2017-07.*

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

7. **ORAL COMMENTS FROM STAFF**

8. Adjournment. Next regular meeting will be on Tuesday, December 12, 2017 at 11:30 a.m.

*PLANNING COMMISSION*

ITEM NO. 5.1



# CITY OF INDUSTRY

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

## MEMORANDUM

**To:** Planning Commission

**From:** Paul J. Philips, City Manager *Paul J. Philips*

**Staff:** Troy Helling, Planning & Safety Manager *TH*  
Dina Lomeli, Consultant Assistant Planner II *DL*

**Date:** November 7, 2017

**Subject:** Development Plan 17-9 and Conditional Use Permit 17-6, Chipotle Mexican Grill, 15495 East Valley Boulevard

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### Overview:

Section 17.04.120 of the Municipal Code ("Code") requires that when separate applications for the same project involve final decisions by the Planning Commission and City Council, all applications first be submitted to the Planning Commission for review and recommendation and then to the City Council for a final decision. This project involves two applications submitted by Chipotle Mexican Grill.

Consideration of Development Plan 17-9 for the construction of a new 2,161 square foot commercial building with a 225 square foot outdoor patio within an existing commercial shopping center.

Consideration of Conditional Use Permit 17-6, for a new alcohol beverage control license for beer and wine for on-site consumption in conjunction with a fast food restaurant known as "Chipotle Mexican Grill".

### Location and Surroundings

As shown on the location map (Exhibit A), the project site is located within an existing shopping center located on the north west corner of Hacienda Boulevard and Valley Boulevard and will be located on a small parcel approximately 170 feet south of the intersection of Valley Boulevard and Proctor Avenue, as shown on the site plan. The property is surrounded by improved commercial developments and streets.

### Project Description

*DP17-9*

Development Plan 17-09 is for the construction of a new 2,161 square foot commercial building and a 225 square foot outdoor patio within an existing commercial shopping center (Exhibit B). The site currently has an abandoned 2,800 square foot structure formerly occupied by Pizza Hut, and a small 400 square foot structure that Teddy's Tacos is currently occupying. These two

structures will be demolished to accommodate the new 2,161 square foot commercial building. The City's Code requires approval of a Development Plan by the City Council. Staff is recommending approval because the project is in conformance with the City's development guidelines set forth in Section 17.36.020 of the City's Code.

#### *CUP 17-6*

Conditional Use Permit 17-6 is a request for a new alcohol beverage control license for beer and wine for on-site consumption in conjunction with a fast food restaurant known as "Chipotle Mexican Grill". The restaurant will be located at 15495 East Valley Boulevard ("Property"). Chipotle Mexican Grill is a fast-casual restaurant serving a variety of specialty Mexican food dishes. The restaurant is proposing business hours of 10:30 AM to 10:00 PM, seven days a week, with approximately five employees per shift. As shown on the floor plan (Exhibit C), the establishment will accommodate 46 seats inside and 20 outdoor patio seats where customers will be able to enjoy their meal and alcoholic beverage if desired.

#### **Staff Analysis:**

##### *Development Plan 17-6*

Staff has reviewed that the proposed development project and determined that it is consistent with the Zoning ("C" – Commercial) and General Plan (Commercial) designations of the Property and complies with the development and design standards found in Section 17.36, *Design Review*, of the City's Code.

##### *Property*

Section 17.36.060 of the Code calls for well-designed and coordinated buildings, walls, lighting and landscaping. The proposed modern-industrial architecture of the new commercial building and the surrounding buildings consist of wood frame structures with stucco walls. The proposed building will bring the unique modern look to an existing shopping center. The building's exterior materials will consist of a black metal canopy with charcoal aluminum framing the glass storefront. The proposed walls will be a mixture of light and dark stucco to match the corporate colors of the Chipotle chains. The building will include a parapet wall that will conceal any rooftop mechanical equipment from street view.

##### *Access*

The Property is served by street access adequate in width and improved as necessary to carry the quantity of traffic the development may generate. The City's Code requires all driveway and drive-aisles to be a minimum of 26 feet in width. The Property's main entrance is located to the south of the building, on Valley Boulevard and will consist of a 26 foot driveway that will lead into the main parking lot of the site. There is also a 40 foot driveway located north of the building on the intersection of Proctor Avenue and Valley Boulevard that leads into the shopping center and parking of the proposed restaurant. All existing and proposed drive aisles on this site are 26 feet or greater.

##### *Compatibility*

Section 17.36.060.Q. of the Code, requires that a minimum of 12 percent of the site be devoted to landscaping. The property will have a total of 11,324 square feet of landscaping (18%) along Valley Boulevard. The site exceeds the City's minimum landscape requirements and much of the existing landscaping throughout the shopping center consists of mature, shrubs and trees.

##### *Parking*

Per Section 17.12.050.C. of the Municipal Code, parking for a commercial building is one space per every two hundred fifty square feet of floor area, the existing shopping center is required to provide 417 parking spaces, which include the required parking for proposed restaurant. The

shopping center has a total of 425 existing parking stalls, therefore exceeding the parking requirement.

#### *Conditional Use Permit 17-6*

The request for a new alcohol beverage control license for beer and wine for on-site consumption in conjunction with a fast food restaurant in a newly proposed 2,161 square foot commercial building for a restaurant known as "Chipotle Mexican Grill" is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code.

#### *Property*

The Property meets all requirements of the Zoning Code, because it is adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking and loading facilities, and landscaping, proposed for the development, as required by Section 17.12.050 of the Code. There are adequate utilities to accommodate the proposed use, as the CUP request does not involve increased demands placed upon the existing water, gas, electricity and sewer utilities that adequately serve the site.

#### *Access*

The Property is accessed by two streets adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property is currently accessed by Valley Boulevard and Proctor Avenue, which are of adequate capacity to serve the commercial use.

#### *Compatibility*

A fast food restaurant with alcohol service is compatible with surrounding properties and uses because the surrounding area is composed of retail stores and restaurants, and the addition of alcoholic beverages at Chipotle Mexican Grill will provide additional dining options to restaurant goers in that area. The uses of the surrounding properties may change, but the character will remain commercial in nature, consistent with the General Plan and zoning designations of the site. The proposed use of alcohol service in conjunction with a fast food restaurant is a common arrangement in many restaurant uses. The proposed use will add to the diversity of menu items which the fast food restaurant can offer to its customers.

#### *Parking*

The existing site is developed with 425 parking spaces which exceeds the parking requirements by eight parking spaces. The approval of this request to serve beer and wine will not require additional parking spaces.

#### **Environmental Analysis:**

The proposed project is exempt from the California Environmental Quality Act ("CEQA") per Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 0.25 acre site the development occurs within City limits on a project site that is 5.56 acres and is located in an existing shopping center, and surrounded by urban uses; (3) the project site is on a fully developed shopping center with an existing 103,161 square foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is replacing two existing structures that total 3,200 square feet of building area with a smaller building that is approximately 2,161 square feet of building area within an existing shopping center; and (5) the site is adequately

served by all required utilities and public services. The Notice of Exemption (Exhibit E) will be posted at the Los Angeles County Clerk's Office after approval by the City Council.

**Public Hearing:**

The required Public Hearing Notice (Exhibit F) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the *San Gabriel Valley Tribune* by October 27, 2017, pursuant to Government Code section 65091.

**Fiscal Impact:**

Development Plan 17-9 and Conditional Use Permit 17-6 will have a positive fiscal impact to the City of Industry.

**Recommendation:**

The proposed development plan and use comply with the standards set forth in the City's Code and satisfies the findings noted in the Resolution, therefore Staff recommends that the Planning Commission adopt Resolution No. PC 2017-07 (Exhibit G) recommending City Council approval of Development Plan 17-9 and Conditional Use Permit 17-6 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution.

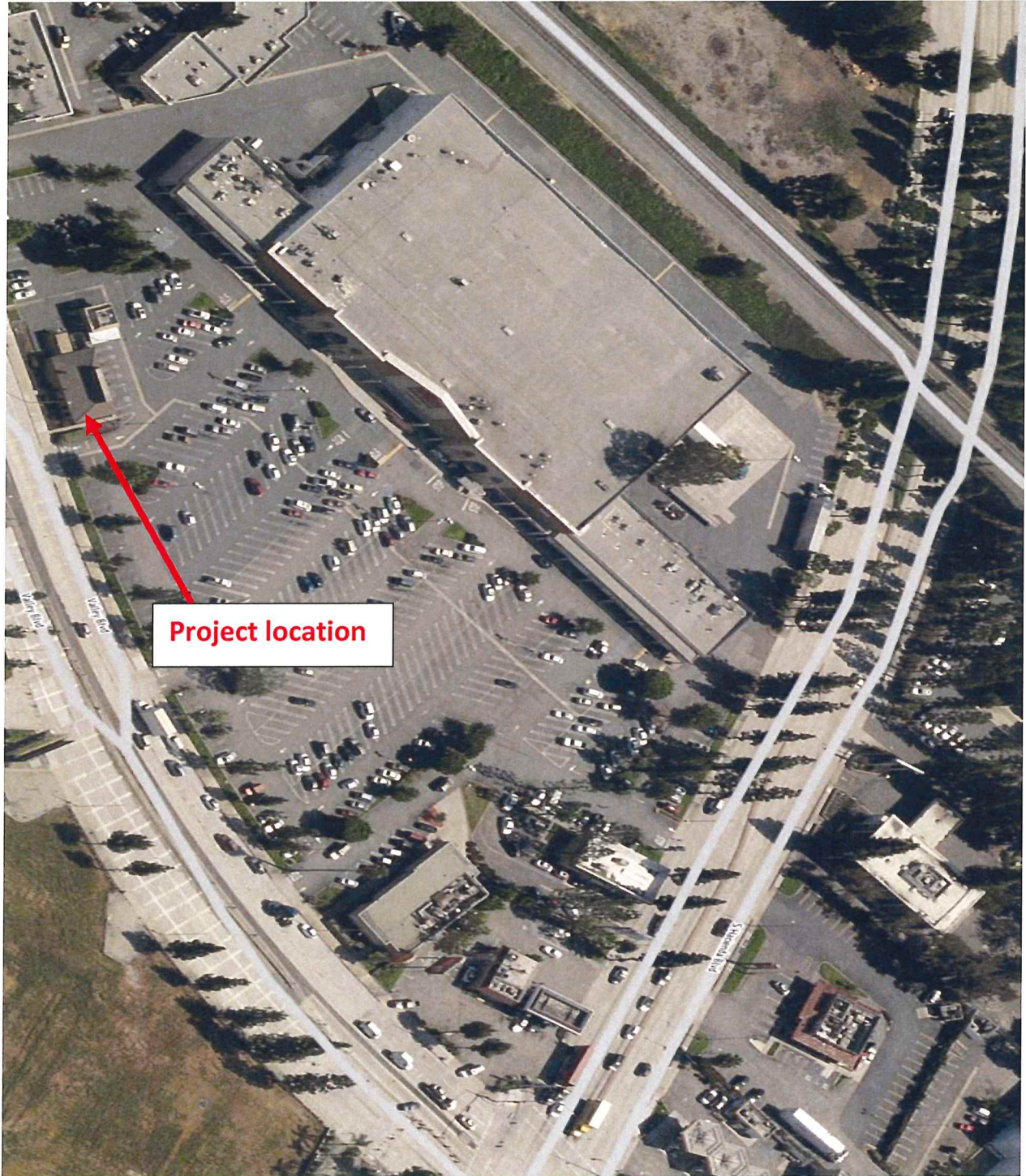
**Exhibits:**

- Exhibit A: Location Map
- Exhibit B: Site Plan
- Exhibit C: Floor Plan
- Exhibit D: Elevation
- Exhibit E: Notice of Exemption
- Exhibit F: Public Hearing Notice
- Exhibit G: Resolution No. PC 2017-07 recommending City Council approval of Development Plan 17-9 and Conditional Use Permit No. 17-6 with findings of approval, Standard Requirements and Conditions of Approval.

# Exhibit A

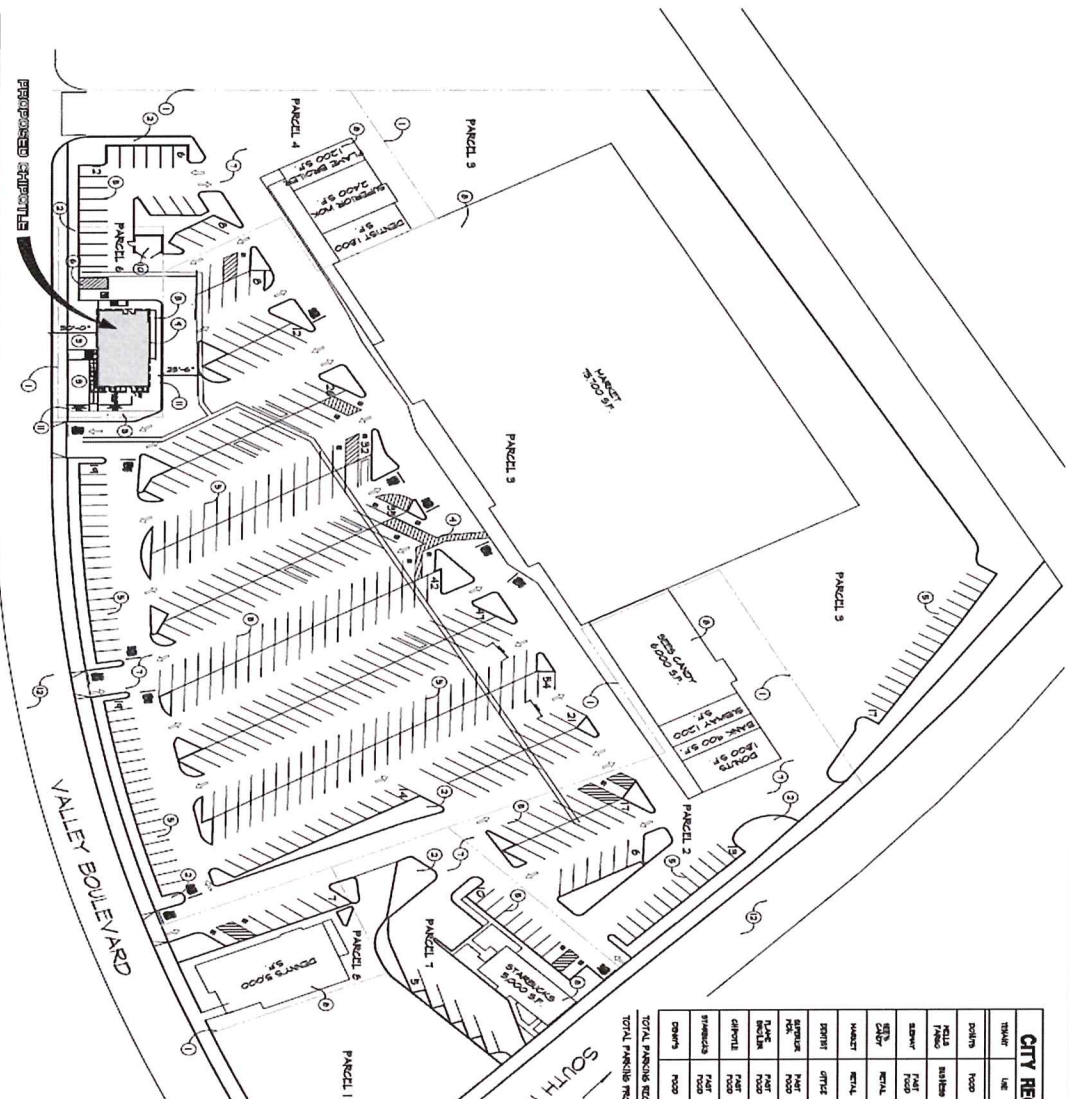
## Location Map

### DP 17-9 & CUP 17-6





# Exhibit B Site Plan DP 17-9 & CUP 17-6



**CHIPOTLE MEXICAN GRILL - OVERALL SITE PLAN**

**VALLEY & HACIENDA**  
15494 E. VALLEY BLVD.  
CITY OF INDUSTRY, CA 91746

Prepared by: [Faint text] Date: [Faint text]



CITY REQUIRED PARKING					
Vehicle	Use	Area Sq. Ft.	Number of Stalls	Area Sq. Ft.	Number of Stalls
Booths	1000	1400	1200	1200	1200
Handicapped	400	1200	1200	1200	1200
Delivery	1200	1200	1200	1200	1200
Storage	1200	1200	1200	1200	1200
Trucks	1200	1200	1200	1200	1200
Other	1200	1200	1200	1200	1200
<b>TOTAL</b>					

KEY NOTES	
1	EXISTING BUILDING
2	PROPOSED IMPROVEMENTS
3	PROPOSED ACCESS DRIVE
4	PROPOSED STALL STRIPES
5	PROPOSED ACCESS DRIVE
6	PROPOSED DRIVE
7	PROPOSED DRIVE
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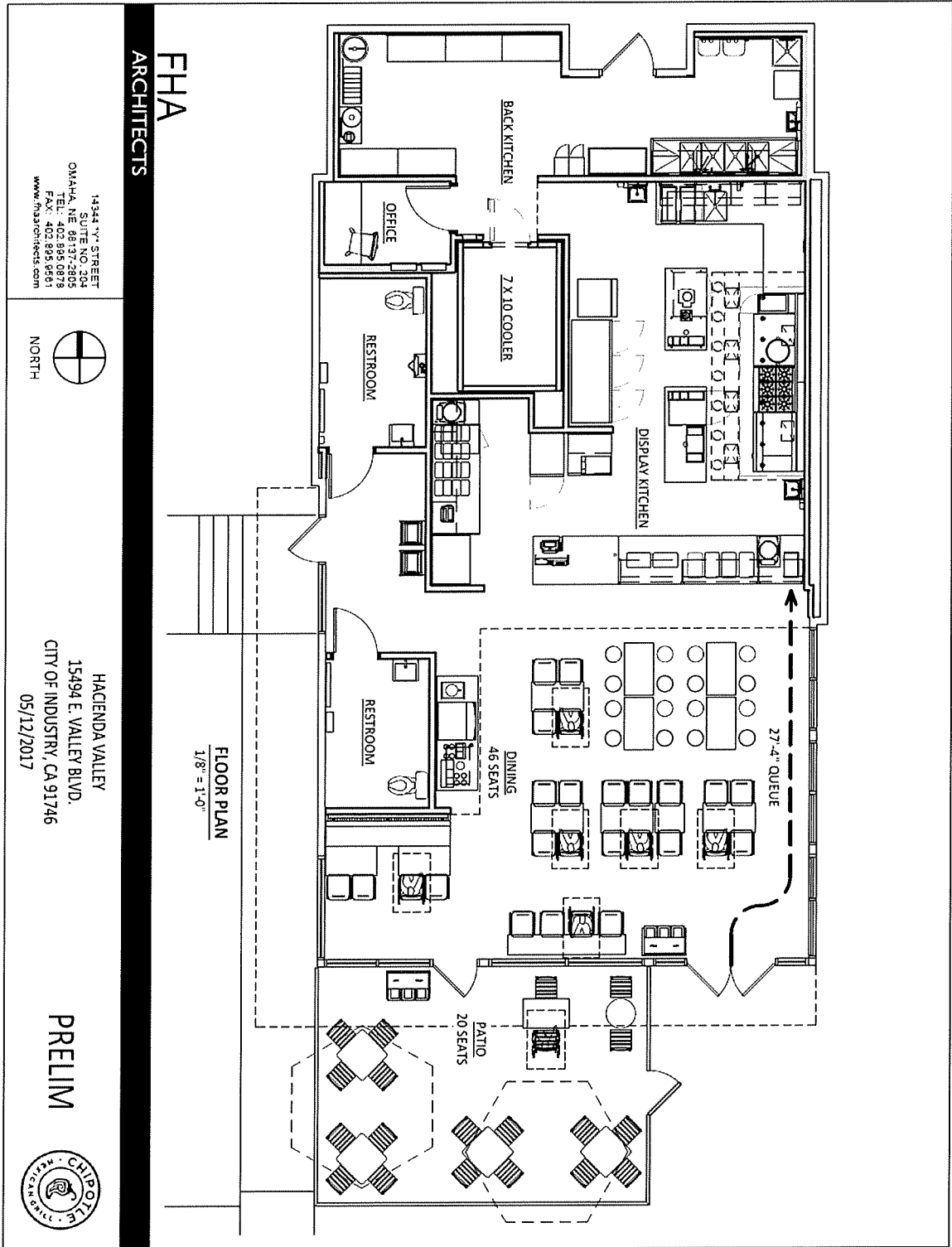
VICINITY MAP

SCALE: 1" = 50' (AS SHOWN)  
DATE: 01/13/17  
DRAWN BY: [Faint text]  
CHECKED BY: [Faint text]  
PROJECT: VALLEY & HACIENDA  
15494 E. VALLEY BLVD.  
CITY OF INDUSTRY, CA 91746  
**NRDEL**  
1 OF 4

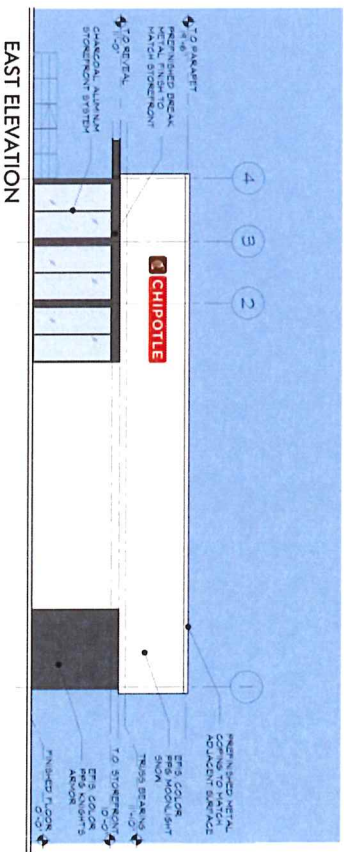
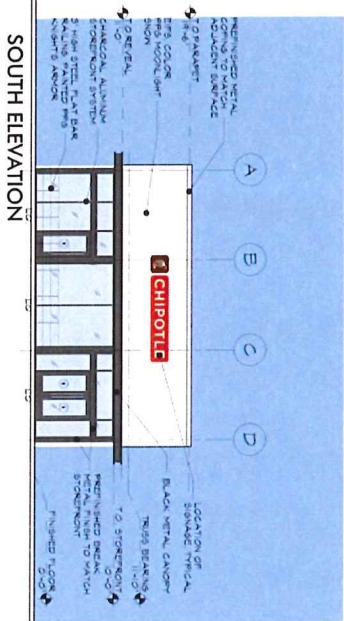
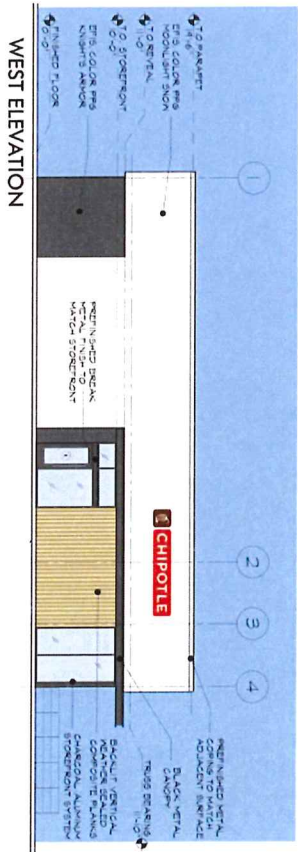
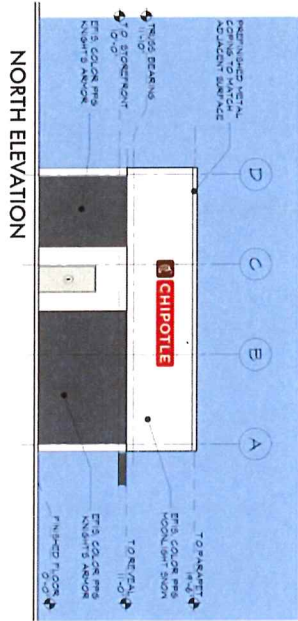
# Exhibit C

## Floor Plan

### DP 17-9 & CUP 17-6



# Exhibit D Elevation DP 17-9 & CUP 17-6



CHIPOTLE MEXICAN GRILL - ELEVATIONS

VALLEY & HACIENDA  
15494 E. VALLEY BLVD.  
CITY OF INDUSTRY, CA 91746



DATE: 04/11/11  
SCALE: 1/8" = 1'-0"  
DRAWN BY: [Redacted]  
CHECKED BY: [Redacted]  
PROJECT: 15494 E. VALLEY BLVD.  
CITY OF INDUSTRY, CA 91746  
WWW.CHIPOTLE.COM

**NADEL**

# Exhibit E

## Notice of Exemption

### DP 17-9 & CUP 17-6

**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:** DP 17-9 & CUP 17-6

**Project Location - Specific:** 15495 E. Valley Blvd

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

**Description of Project:** Development Plan No. 17-9 and Conditional Use Permit No. 17-6 a request for a new alcohol beverage control license for beer and wine for on-site consumption in conjunction with a fast food restaurant known as "Chipotle Mexican Grill" within a new 2,161 square foot commercial building located within an existing shopping center at the address of 15495 East Valley Blvd in the (C) Commercial zone.

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

**Name of Person or Agency Carrying Out Project:** Chipotle Mexican Grill

**Exempt Status:** *(check one)*

- Ministerial (Sec. 21080(b)(1); 15268);
- Declared Emergency (Sec. 21080(b)(3); 15269(a));
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c));
- Categorical Exemption. *State type and section number:* 15332 Class 32
- Statutory Exemptions. *State code number:*

**Reasons why project is exempt:** Pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 0.25 acre site for the development occurs within city limits on a project site of no more than 5 acres within an existing shopping center, and surrounded by urban uses; (3) the project site is on a fully developed shopping center with an existing 103,161 square foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is replacing two existing structures that total 3,200 square feet of building area with a smaller building that is approximately 2,161 square feet of building area within an existing shopping center; and (5) the site is adequately served by all required utilities and public services. The Notice of Exemption (Exhibit D) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

#### Lead Agency

**Contact Person:** Dina Lomeli

Telephone: (626) 333-2211

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

Date: 11/7/2017

Title: Consultant Assistant Planner II

# Exhibit F

## Public Hearing Notice

### CUP 17-6



## CITY OF INDUSTRY

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

### NOTICE OF PUBLIC HEARING

#### Conditional Use Permit No. 17-6

On October 28, 2017, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Chipotle Mexican Grill for Conditional Use Permit 17-6, located at 15495 East Valley Boulevard in the City of Industry. Conditional Use Permit 17-6 is a request to establish a new alcohol beverage control license for beer and wine with a fast food restaurant.

A copy of all relevant material, including the Conditional Use Permit application, and Notice of Exemption are on file in the City's Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Dina Lomeli, Consultant Assistant Planner II, at the City of Industry at 626-333-2211 extension 115 or by email at [dlomeli@cityofindustry.org](mailto:dlomeli@cityofindustry.org) if you have questions.

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

**Time:** 11:30 a.m.  
**Date:** November 7, 2017  
**Place:** City Council Chamber  
15651 East Stafford Street  
City of Industry, CA 91744

Any person wishing to be heard regarding this matter may appear at the above time, date, and place. Written comments may be sent via US Mail or by hand delivery to the City of Industry at the address listed above or via email to the email address listed above. All comments must be received at, or prior to, the date and time of the hearing listed above.

If you challenge the Conditional Use Permit in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission of the City of Industry at, or prior to, the public hearing.

A blue ink signature of Troy Helling, written over a horizontal line.

Troy Helling  
Planning & Safety Manager

JN 9302

# **Exhibit G**

**Resolution No. PC 2017-07**

## RESOLUTION NO. PC 2017-07

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING CITY COUNCIL APPROVAL OF DEVELOPMENT PLAN NO. 17-9 FOR THE CONSTRUCTION OF A NEW 2,161 SQUARE FOOT COMMERCIAL BUILDING WITH A 225 SQUARE FOOT OUTDOOR PATIO AND CONDITIONAL USE PERMIT NO. 17-6, A REQUEST FOR A NEW ALCOHOL BEVERAGE CONTROL LICENSE FOR BEER AND WINE FOR ON-SITE CONSUMPTION IN CONJUNCTION WITH A FAST FOOD RESTAURANT WITHIN AN EXISTING SHOPPING CENTER LOCATED 15495 EAST VALLEY BOULEVARD IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME**

### RECITALS

**WHEREAS**, on July 13, 2017, Nadel Architects filed an application for approval of Development Plan ("DP") No. 17-9 and Conditional Use Permit ("CUP") No. 17-6 described herein ("Application"); and

**WHEREAS**, the Application applies to a 0.25 acre property within an existing shopping center located northwest of the intersection of Hacienda Boulevard and Valley Boulevard, City of Industry, California, Assessor's Parcel Numbers 8208-022-041 ("Property"); and

**WHEREAS**, the Application includes a request for approval of a Development Plan for the construction of a new 2,161 square foot commercial building with a 225 square foot outdoor patio at an existing commercial shopping center. The site currently has an abandoned 2,800 square foot structure formally occupied by Pizza Hut, and a small 400 square foot structure that is currently occupied by Teddy's Tacos. These two structures will be demolished to accommodate the new 2,161 square foot commercial building. In accordance with Section 17.36.020 of the City's Municipal Code ("Code"), a DP is required for this type of activity; and

**WHEREAS**, the Applicant is requesting a CUP to allow the service of beer and wine in conjunction with a fast food restaurant known as "Chipotle Mexican Grill" in the "C" Commercial zone and, in accordance with Section 17.12.025(14) of the City's Municipal Code ("Code"), a CUP is required for this type of activity; and

**WHEREAS**, the Land Use Element of the General Plan designates the Property as Commercial. The proposed use is consistent with the General Plan as it would provide essential goods and services commonly available at other shopping centers, and does not conflict with the established goals and objectives of the Land Use Element. Fast food restaurants with alcohol service are permitted in the "C" Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025.14. of City's Code; and

**WHEREAS**, Section 17.04.120 of the Municipal Code ("Code") requires that when separate applications for the same project involve final decisions by the Planning Commission and City Council, all applications must first be submitted to the Planning Commission for review and recommendation, and then to the City Council for a final decision.; and

**WHEREAS**, the Land Use Element of the General Plan designates the Property as Zoning (“C” – Commercial) and General Plan (Commercial) designations. The Project is consistent with the General Plan, complies with the development and design standards found in Section 17.36, *Design Review*, of the City’s Code, and does not conflict with the established goals and objectives of the Land Use Element; and

**WHEREAS**, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. In accordance with California Environmental Quality Act (“CEQA”) the proposed project is exempt per Section 15332 of the CEQA Guidelines, based on the following(1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 0.25 acre site for the development occurs within City limits on a project site that is 5.56 acres, and is located in an existing shopping center, and surrounded by urban uses; (3) the project site is on a fully developed shopping center with an existing 103,161 square foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is replacing two existing structures that total 3,200 square feet of building area with a smaller building that is approximately 2,161square feet of building area, and the use is remaining the same; and (5) the site is adequately served by all required utilities and public services; and

**WHEREAS**, notice of the Planning Commission’s November 7, 2017, public hearing on the CUP Application was published in The San Gabriel Valley Tribune on October 28, 2017, in compliance with the City’s Code and Government Code Section 65091, and was posted at the Property and at three public places on October 27, 2017; and

**WHEREAS**, notice of the Planning Commission’s November 7, 2017 public hearing on CUP No. 17-6 was also mailed to property owners within 300 feet of the Property on October 27, 2017; and

**WHEREAS**, on November 7, 2017, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral including the information contained in the Notice of Exemption; 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 HEREBY RESOLVE, DETERMINE, FIND, AND ORDER AS FOLLOWS:**

**SECTION 1:** The Planning Commission finds that all of the facts set forth in the Recitals are true and correct, and are incorporated herein by reference.

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

**SECTION 3:** An Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. In accordance with California Environmental Quality Act (“CEQA”) the proposed project is exempt per Section 15332 of the CEQA Guidelines, based on the following(1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 0.25 acre site for the development occurs within City limits on a project site that is 5.56 acres, and is located in an existing shopping center, and surrounded by urban uses; (3) the project site is on a fully developed shopping center with an existing 103,161 square foot



building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is replacing two existing structures that total 3,200 square feet of building area with a smaller building that is approximately 2,161 square feet of building area, and the use is remaining the same; and (5) the site is adequately served by all required utilities and public services; and

**SECTION 4:** Based upon substantial evidence presented to the Planning Commission during the November 7, 2016 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Code, the Planning Commission finds as follows:

A. The site is suitable for development in accordance with the development plan because the project is in conformance with the City of Industry General Plan, Zoning Code and all applicable development standards outlined within Section 17.36.060 of the City's Code. This includes: setbacks, building height, parking and landscaping standards. Furthermore, the project is within a geographic area that is fully developed and is currently served by all public services and facilities such as sewer, water and gas; and

B. The total development is arranged to avoid traffic congestion, ensure the public health, safety and general welfare and prevent adverse effects upon neighboring properties because it has been designed to minimize any potential impacts by complying with the City's Code. The existing site has five driveways that are used for ingress and egress and have been designed to avoid traffic congestion on the main roadways. Also, the site has existing 26 foot wide drive aisles that are adequate for circulation throughout the site. The Applicant, business owner and property owner are also responsible for complying with the current Building and Fire Codes. The project complies with the citywide driveway and drive aisle requirements to reduce traffic and congestion. Furthermore, conditions of approval have been incorporated to minimize potential adverse impacts from occurring on the premises; and

C. The proposed commercial building will be in general accord with all elements of the City's Zoning Ordinance because the Project complies with all development standards in regards to building setbacks, building height, parking, access, screening and design; and

D. The development is consistent with the provisions of the general plan or any applicable redevelopment plan. The request for a new 2,161 square foot commercial building with a 225 square foot outdoor patio for a restaurant is consistent with the commercial land use designation of the Property. Restaurants are permitted in the City's commercial zone. The project is also compatible with surrounding properties and uses because the surrounding area is composed of a commercial shopping center that contains a variety of existing retail and restaurant uses. The uses of the surrounding properties may change, but the character will remain commercial in nature and consistent with the general plan and zoning designations of the site. The project also supports several goals and policies of the General Plan by encouraging development and attracting a variety of commercial establishments in order to contribute to the City's economic sustainability and strategic growth; and

E. Based on the foregoing, the Planning Commission recommends City Council approval of Development Plan No. 17-9 and Conditional Use Permit No. 17-6, subject to the Conditions of Approval, attached hereto as Attachment 1, and incorporated herein by reference.

**SECTION 5:** Based upon substantial evidence presented to the Planning Commission during the November 7, 2017 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Code, the Planning Commission finds as follows:

A. The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Commercial, which allows for a fast food restaurant in conjunction with alcohol service for on-site consumption. The Zoning Ordinance, which implements the General Plan, allows for a fast food restaurant with alcohol service with approval of a CUP. Further, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance; and

B. The Property is adequate in size and shape, topography and location to accommodate the yards, walls, fences, parking and loading facilities, and landscaping required for the project as set forth in Sections 17.12.050 and 17.36.060 of the City's Code. There are adequate utilities to accommodate the proposed use because the new restaurant will be located within an existing shopping center which is currently served by all utilities, and will replace a larger building area with a smaller building. Given the smaller square footage, and the similar use, there will not be any increased demands on the existing water, gas, electricity, and sewer utilities that adequately serve the site; and

C. There will be adequate street access, traffic circulation and parking for the proposed use because the Property is served by street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property is currently accessed by Valley Boulevard and Proctor Avenue which are of adequate capacity to serve the commercial use. The existing site has 26 foot wide drive aisles that allow for proper circulation throughout the site and the existing parking exceeds the required parking per Code.

D. The fast food restaurant with alcohol service use is compatible with surrounding properties and uses because the surrounding area is composed of retail stores, a health club, a dental practice and restaurants, and the request to serve beer and wine in conjunction with a restaurant provides an additional dining option for restaurant goers in that area. The proposed use of alcohol service in conjunction with a fast food restaurant is a common arrangement in many restaurant uses. The proposed use will add to the diversity of menu items which the fast food restaurant can offer to its customers. 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.; and

E. The proposed use will not be detrimental to the public health, safety or general welfare because a fast food restaurant with alcohol service is consistent with the adjacent uses. Further, the attached conditions of approval set operational and management standards that ensure the businesses will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance; and serve to ensure that the service of beer and wine in conjunction with a fast food restaurant will not be detrimental to the public health, safety or general welfare.

**SECTION 6:** The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

**SECTION 7:** The Secretary of the Planning Commission shall certify to the adoption of this Resolution, and that the same shall be in full force and effect. The Planning Commission hereby directs the Secretary to transmit a copy of this Resolution to the City Clerk of the City of Industry.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Industry at a regular meeting held on November 7, 2017, by the following vote:

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

\_\_\_\_\_  
Michael Greubel, Chairman

**ATTEST:**

\_\_\_\_\_  
Diane M. Schlichting, Secretary



# CITY OF INDUSTRY

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

## ATTACHMENT 1

### Standard Requirements and Conditions of Approval

**Application:** Development Plan 17-9 & Conditional Use Permit 17-6

**Applicant:** Steve Stoddard for Nadel Studio One, Chipotle Mexican Grill

**Location:** 15495 East Valley Boulevard

**Use:** Fast Food Restaurant with an ABC License for Beer and Wine for Onsite Consumption

### Conditions of Approval

DP 17-9

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the City Council per Section 17.36.080 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. All perimeter walls, fencing, and common areas, shall be maintained by the Property Owner.
2. All roof top mechanical equipment shall be screened by a parapet wall four inches taller than the proposed mechanical equipment.

### 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 City Council 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. All development shall comply with the approved Development Plan.
2. The Development Plan approval expires twelve (12) months after the date of approval by the City Council if a building permit for each building and structure thereby approved has not been obtained within such period.

3. In conformance with Chapter 13.18 of the Municipal Code, the Applicant shall provide landscaping and automatic irrigation plans to be approved by the Planning Department prior to the issuance of a building permit. Such plans shall be in substantial conformity with the approved Development Plan.
4. The Applicant shall construct adequate fire protection facilities to the satisfaction of the Los Angeles County Fire Department.
5. All exterior surfaces of buildings and appurtenant structures shall be painted in accordance with the approved Development Plan.
6. The Applicant shall provide off-street parking as shown on the approved Development Plan.
7. Building plans shall be submitted to and approved by the Los Angeles County Engineer's Office - Building and Safety Division prior to the issuance of a building permit. All development shall be completed in substantial compliance with the approved Development Plan.
8. Demolition and construction operations shall be limited to the hours (7:00 am to 7:00 pm) prescribed by the Los Angeles County Noise Ordinance (Los Angeles County Municipal Code, Section 12.08.390).
9. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the Applicant shall provide proof of payment.

### **Interpretation and Enforcement**

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

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

1. The Applicant and each of its 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 Commission concerning this project. The City shall promptly notify the Applicant of any

claim, action or proceeding and should cooperate fully in the defense thereof.

2. The Applicant and Property Owner shall file an executed and acknowledged Acceptance of Terms and Conditions of the Development Plan and Conditional Use Permit within 10 days after the approval of said Development Plan.

### **Conditions of Approval**

#### CUP 17-6

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. Alcohol sales shall be limited to the hours of 10:30 a.m. to 10:00 p.m.
3. High definition 24-hour time lapse security cameras shall be installed and properly maintained in the interior of the business at locations set forth by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
4. Upon the one (1) year anniversary of approval of the CUP, staff shall bring back the CUP for review and evaluation by the Planning Commission of the Applicant/Owner's operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.
5. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department may review and revise the security plan and Applicant is required to implement those provisions required by the City and Sheriff. That may include hiring a security guard and limiting hours of alcohol service.
6. No changes to the approved floor plan are permitted without prior written permission from the City in consultation with the Los Angeles County Sheriff's Department.
7. 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.

8. Prior to building final or operation of the use/business approved by the CUP, the Applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
9. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
10. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 17-6.
11. 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.
12. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
13. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
14. Alcohol service and consumption shall be limited to the 46 seats inside and 20 outdoor patio seats. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
15. 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.
16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.
17. 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.

## **Code Requirements and Standards**

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any “conditions of approval” adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 10:30 A.M. and 10:00 P.M. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.



14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. 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 is allowed, unless approved in advance by the Planning Department.

25. 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.

### **Interpretation and Enforcement**

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

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

1. The Applicant and each of its 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 Commission concerning this project. The City shall promptly notify the Applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The Applicant and Property Owner shall file an executed and acknowledged Acceptance of Terms and Conditions of the Development Plan and Conditional Use Permit within 10 days after the approval of said Conditional Use Permit.