
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
SEPTEMBER 10, 2019
11:30 A.M.



CHAIRMAN MICHAEL GREUBEL
COMMISSIONER SANDRA DIVERS
COMMISSIONER HILDA RODRIGUEZ
COMMISSIONER BECKY SIMON
COMMISSIONER ANDRIA WELCH

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

Addressing the Planning Commission:

- ▶ **Agenda Items:** *Members of the public may address the Planning Commission on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any item listed on the Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary prior to the individual being heard by the Planning Commission.*

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

Americans with Disabilities Act:

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

Agendas and other writings:

- ▶ *In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Thursday 8:00 a.m. to 5:00 p.m., Friday 8:00 a.m. to 4:00 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. **ACTION ITEMS**

- 5.1 Consideration of the minutes of the August 6, 2019 regular meeting

RECOMMENDED ACTION: Approve as submitted.

6. **PUBLIC HEARING ITEMS**

- 6.1 Public Hearing for Conditional Use Permit No. 19-5 for the operation of a new fast-food restaurant known as Raising Canes located at 1420 South Azusa Avenue in the Puente Hills Mall

Consideration of Resolution No. PC 2019-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ACCEPT THE SURRENDER OF CONDITIONAL USE PERMIT 97-2, AND APPROVE DEVELOPMENT PLAN NO. 19-05 FOR THE CONSTRUCTION OF A NEW 4,500 SQUARE FOOT COMMERCIAL BUILDING WITH A DRIVE-THRU AND AN OUTDOOR PATIO THAT IS APPROXIMATELY 1,537 SQUARE FEET, AND CONDITIONAL USE PERMIT 19-05, A REQUEST FOR A NEW FAST FOOD RESTAURANT, LOCATED AT 1420 SOUTH AZUSA AVENUE IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME

RECOMMENDED ACTION: Adopt Resolution No. PC 2019-05.

- 6.2 Public hearing for Conditional Use Permit No. 18-4, to convert an existing fast-food restaurant known as Blossom Season Hot Pot, to a full-service restaurant with the sales of beer, wine and distilled spirits located at 18009 Gale Avenue

Consideration of Resolution No. PC 2019-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-4, TO ALLOW FOR THE OPERATION OF A FULL-SERVICE RESTAURANT WITH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS LOCATED AT 18009 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION: Adopt Resolution No. PC 2019-06.

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

8. **ORAL COMMENTS FROM STAFF**

9. Adjournment. Next regular meeting will be held on Tuesday, October 8, 2019 at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 5.1

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
AUGUST 6, 2019
PAGE 1

CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by Chairman Michael Greubel at 11:31 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Chairman Michael Greubel.

ROLL CALL

PRESENT: Michael Greubel, Chairman
Sandra Divers, Commissioner
Hilda Rodriguez, Commissioner
Andria Welch, Commissioner

ABSENT: Becky Simon, Commissioner

STAFF PRESENT: Troy Helling, City Manager; Bing Hyun, Assistant City Manager; James M. Casso, City Attorney; Lynn Thompson, Administrative Technician II; and Maria Hagerty, Planning Technician II.

PUBLIC COMMENTS

There were no public comments.

ACTION ITEMS

5.1 CONSIDERATION OF THE MINUTES OF THE JULY 9, 2019 REGULAR MEETING

RECOMMENDED ACTION: Approve as submitted.

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER DIVERS TO APPROVE AS SUBMITTED. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
AUGUST 6, 2019
PAGE 2

AYES: COMMISSIONERS: DIVERS, RODRIGUEZ, WELCH, C/GREUBEL
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: SIMON
ABSTAIN: COMMISSIONERS: NONE

PUBLIC HEARING

6.1 PUBLIC HEARING FOR ZONING CODE AMENDMENT NO. 18-1 TO CONSIDER RESOLUTION NO. PC 2019-04, RECOMMENDING THAT THE CITY COUNCIL AMEND TITLE 17 (ZONING) OF THE CITY OF INDUSTRY MUNICIPAL CODE, WHICH WILL INCLUDE CHANGES TO CHAPTER 17.08 (DEFINITIONS) AND CHAPTER 17.12 (COMMERCIAL ZONE) ALLOWING FOR “COLLECTIBLE MALL” AS A PERMITTED USE WITH APPROVAL OF A CONDITIONAL USE PERMIT.

Consideration of Resolution No. PC 2019-04 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE ADDING SECTION 17.08.045 (COLLECTIBLE MALL) TO CHAPTER 17.08 (DEFINITIONS), AND AMENDING SECTION 17.12.025 (USES PERMITTED WITH CONDITIONAL USE PERMIT) OF CHAPTER 17.12 (COMMERCIAL ZONE), OF TITLE 17 (ZONING), OF THE CITY OF INDUSTRY MUNICIPAL CODE, TO PERMIT COLLECTIBLE MALLS IN THE COMMERCIAL ZONE UPON APPROVAL OF A CONDITIONAL USE PERMIT, AND ADOPTING A NEGATIVE DECLARATION REGARDING SAME

RECOMMENDED ACTION: Adopt Resolution No. PC 2019-04.

Chairman Greubel opened the public hearing at 11:35 a.m.

Assistant City Manager Bing Hyun, brought up that the Amending Section 17.12.025 (Uses permitted with Conditional Use Permit) was to be a Citywide Code Amendment and not applied to any particular property.

Contract Assistant Planner II, Nathalie Vazquez with Annealta Group, presented a staff report to the Planning Commission and was available to answer any questions.

Chairman Greubel inquired if anyone wished to comment on this matter. There were none.

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
AUGUST 6, 2019
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Chairman Greubel closed the public hearing at 11:39 a.m.

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER RODRIGUEZ, TO ADOPT RESOLUTION NO. PC 2019-04. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	DIVERS, RODRIGUEZ, WELCH, C/GREUBEL
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	SIMON
ABSTAIN:	COMMISSIONERS:	NONE

ORAL COMMENTS FROM THE PLANNING COMMISSION

There were none.

ORAL COMMENTS FROM STAFF

City Manager Troy Helling, asked Contract Planner Nathalie Vazquez, if there were any known items for next month's meeting in September. She stated yes, there was.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 11:42 a.m.

MICHAEL GREUBEL
CHAIRMAN

JULIE ROBLES
ASSISTANT SECRETARY

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission

From: Troy Helling, City Manager *TH*

Staff: Dina Lomeli, Consultant Associate Planner *DL*
Nathalie Vazquez, Consultant Assistant Planner II *NV*
Eduardo Manriquez, Planning Technician *EM*

Date: September 10, 2019

Subject: Development Plan 19-05 and CUP 19-05, Raising Canes Restaurant, 1420 S. Azusa Avenue

Proposal:

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. This project involves the following two applications submitted by PM Design Group, Inc., on behalf of Raising Canes.

Development Plan (DP) 19-05 is for the construction of a new 4,500 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,537 square feet, located at 1420 South Azusa Avenue.

Conditional Use Permit ("CUP") 19-05 is for a new fast food restaurant use, with 200 seats, known as "Raising Canes".

Because a development plan requires City Council approval, and the CUP requires Planning Commission approval, the Planning Commission will be the recommending body, and the final decision will rest with the City Council.

Location and Surroundings:

As shown on the location map (Exhibit A), the project site is on an irregular shape lot located on one of the outer parcels of Puente Hills Mall, on the southeast corner of the 60 Freeway and Azusa Avenue. The parcel is identified by the Assessor's Parcel Number 8265-004-115, and is approximately 2.25 acres and is surrounded by improved commercial developments and streets.

Project Description:

DP 19-05

Development Plan 19-05 is requesting approval for the construction of a new 4,500 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,537 square

feet, located at 1420 South Azusa Avenue (Exhibit B). The proposed restaurant will be located on a lot that was previously developed, and operated under Conditional Use Permit 97-2 for a restaurant use and alcohol sales, the prior use has been inactive for more than six months. The development consisted of a 7,500 square foot commercial structure that will be demolished and replaced by a new building for Raising Canes. Given the inactivity, the property owner has provided the City with a notice of surrender of CUP 97-2. The applicant's request complies with the City's development guidelines set forth in the City's Code.

CUP19-05

Conditional Use Permit 19-05 is a request for a new restaurant use known as "Raising Canes". The restaurant will be located at 1420 South Azusa Avenue ("Property"). The proposed building will operate as a Raising Canes fast-food restaurant chain that specializes in the preparation of chicken fingers for off-site and on-site consumption. The fast-food restaurant's business hours will be from 9:00AM to 1:00AM Sunday through Thursday, and 9:00 AM to 3:00 AM Friday through Saturday, and will accommodate 305 patrons and employ 16 people.

Staff Analysis:

Development Plan 19-05

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 as set forth above. Specifically, the project is in compliance with all applicable development standards including: parking, landscaping, lot coverage, building height and setbacks.

Property

Section 17.36.060 of the Code calls for well-designed and coordinated buildings, walls, lighting and landscaping. The proposed building will bring a unique modern look to an existing lot that has an outdated, rundown building. The building's exterior materials will consist of a black metal canopy with aluminum glass storefront. The building walls will have a variety of decorative architectural elements such as stucco, decorative alamo brick and roman brick. The proposed building will have mixture of light and dark brown paint to match the corporate colors of the Raising Canes. 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 on the southwest side of the proposed building, on Azusa Avenue and will consist of a 26 foot driveway that will lead into the main parking lot of the site. There is also various entrances throughout the mall that lead into 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 26,003 square feet of landscaping, which represents 26.7 percent of the total site, and the landscaping will be concentrated along Azusa Avenue and fronting on the southern drive aisle. 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 restaurant is one space per every two and a half fixed seats, the project is required to provide 80 parking spaces. The lot has a total of 88 existing parking stalls, therefore exceeding the parking requirement.

CUP17-5

The request for a new fast food restaurant in a new 4,500 square foot commercial building for a restaurant known as "Raising Canes" 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, such as adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking and loading facilities, landscaping, required by Section 17.12.050 of the Municipal 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 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 on the southwest side of the proposed building, on Azusa Avenue, and will consist of a 26 foot driveway that will lead into the main parking lot of the site. There are also various entrances throughout the mall that lead into the proposed restaurant. All existing and proposed drive aisles on this site are 26 feet or greater.

Parking

Per Section 17.12.050.C. of the Municipal Code, parking for a restaurant is one space per every two and a half fixed seats, therefore the project is required to provide 80 parking spaces. The lot has a total of 88 existing parking stalls, therefore exceeding the parking requirement.

Environmental Analysis:

The proposed project is exempt from the California Environmental Quality Act ("CEQA") per Section 15332. This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is 2.25 acres which is under the five acre threshold required in the in-fill exemption and is surrounded by developed industrial buildings and uses. All roads and utilities are existing and maintained to serve industrial uses and are suitable for the new commercial structure. The site does not contain any endangered habitat because it is a developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place to address them at that time. The new 4,500 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well design site plan. Noise

and air will not be impacted since the site is located adjacent to the 60 freeway and a major intersection that generates more traffic and noise than a new restaurant. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is treated on site before going to City sewer. Furthermore no hazardous waste is produced at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them.

Fiscal Impact:

Development Plan 19-05 and Conditional Use Permit 19- will have a positive fiscal impact to the City.

Recommendation:

The proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2019-05 (Exhibit G) recommending City Council approval of Development Plan 19-05 and Conditional Use Permit 19-05 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 2019-05 recommending City Council approval of Development Plan 19-05 and Conditional Use Permit 19-05 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map – Development Plan 19-05 and Conditional Use Permit 19-05

[Attached]



Azusa Avenue

60 Freeway

EXHIBIT B

Site Plan – Development Plan 19-05 and Conditional Use Permit 19-05

[Attached]

Drawing name: I:\VIA_CAD\Working\City\158197003 - Industry (Azusa & Hwy 60) - 4571\CAD\Grading\Grading\Plan\Grading Plan.dwg Sheet Apr 18, 2009 11:47am By: Lucas Yarn

HIGHWAY 60

AZUSA AVE

SHOPPING CENTER ACCESS DRIVE

LEGEND

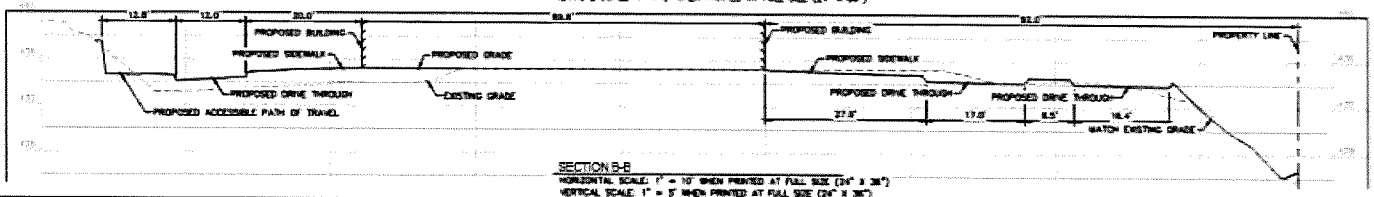
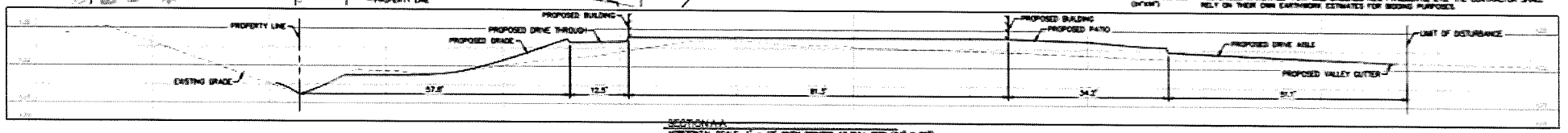
- CENTER LINE
- PROPERTY / RIGHT-OF-WAY LINE
- LEASE LINE
- EASEMENT LINE / SETBACK LINE
- APPROXIMATE LIMITS OF DISTURBANCE
- PROPOSED RIDGE LINE
- PROPOSED GRADE BREAK LINE
- PROPOSED SPOT ELEVATION
- EXISTING SPOT ELEVATION
- PROPOSED FLOW LINE
- PROPOSED STORM DRAIN LINE
- EXISTING STORM DRAIN LINE
- EXISTING FLOW DIRECTION
- STANDARD DUTY CONCRETE PAVEMENT
- HEAVY DUTY CONCRETE PAVEMENT
- LANDSCAPE/PLANTING AREA
- STANDARD DUTY ASPHALT PAVEMENT
- HEAVY DUTY ASPHALT PAVEMENT
- DETECTABLE WARNING SYSTEM
- COLORED CONCRETE ENHANCED PAVING

- ### GRADING AND DRAINAGE NOTES
- 1 PROPOSED OPEN BOTTOM UNDERGROUND STORM WATER INFILTRATION SYSTEM
 - 2 4" 30#-25 P/C STORM DRAIN PIPE SLOPED AT 0.5% MIN. CONCRETE VALLEY CUTTER.
 - 3 TRASH ENCLOSURE DRAIN WITH ACCESSIBLE GRATE. DRAIN TO SEWER.
 - 4 ROOF DOWNSPOUTS TO DRAIN THRU CURB FACE AND SPILL TO GRADE.
 - 5 24" X 36" JENSEN PRECAST DRAIN INLET WITH "NO DRIPPING SCREENING" ALL CATCH BASINS SHALL BE FITTED WITH FULL TRASH CAPTURE CATCH-BASIN FILTER RODS.
 - 6 PROPOSED 4" HIGH MAX CURB BLOCK RETAINING WALL WITH KEEP HOLES AT 20' O.C.
 - 7 6" HIGH MAX CURB BLOCK RETAINING WALL WITH KEEP HOLES AT 20' O.C.
 - 8 EXISTING CATCH BASIN TO REMAIN.
 - 9 EXISTING LANDSCAPE DRAIN TO REMAIN.
 - 10 PROPOSED 4" HIGH MAX REINFORCED CONCRETE CURB.
 - 11 PROPOSED 6" HIGH MAX CURB BLOCK RETAINING WALL WITH KEEP HOLES AT 20' O.C.

ESTIMATED EARTHWORK QUANTITIES

CUT: 182 CY
 FILL: 842 CY
 NET: 432 CY (IMPORT)

NOTE: THE ABOVE QUANTITIES ARE APPROXIMATE IN PLACE VOLUMES CALCULATED FROM THE EXISTING GROUND TO THE PROPOSED FINISHED GRADE. EXISTING GROUND IS DEFINED BY THE CONTOURS AND SPOT GRADES ON THE BASE SURVEY. PROPOSED FINISHED GRADE IS DEFINED BY THE FINAL GRADE AS INDICATED ON THE GRADING PLANS.
 THE EARTHWORK QUANTITIES ABOVE ARE FOR PERMIT PURPOSES ONLY. THEY HAVE NOT BEEN FACTORED TO ACCOUNT FOR CHANGES IN VOLUME DUE TO BLENDING, CLEARING AND SPRING SWELLAGE, OVER-EXCAVATION AND RE-COMPACTION, AND CONSTRUCTION METHODS. NOR DO THEY ACCOUNT FOR THE THICKNESS OF PAVEMENT SECTIONS, FROSTING, SLABBLE, RELIEF OF POLYMERIZED MATERIALS THAT WILL UNDERLIE NEW PAVEMENTS, ETC. THE CONTRACTOR SHALL RELY ON THEIR OWN EARTHWORK ESTIMATES FOR BIDDING PURPOSES.



IDIC
 1500 N. GARDEN ST.
 TOLL FREE 1-800-827-380
 A PUBLIC SERVICE BY
 (Professional Seal)

DATE	DESCRIPTION
04/22/09	PLANNING SUBJECT

DM
 DRAWN BY: LT
 CHECKED BY: JP
 PROJECT NO. 158197003

Kimley-Horn
 10150 OLIVE AVENUE
 SUITE 200
 THE WOODBRIDGE
 WOODBRIDGE, CA 94593
 TEL: 925-375-7600
 FAX: 925-375-7601

CITY OF INDUSTRY
 APPROVED BY: _____
 CITY ENGINEER - TIM KOPER
 DATE: 04/18/09

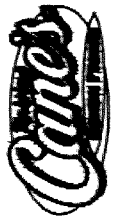
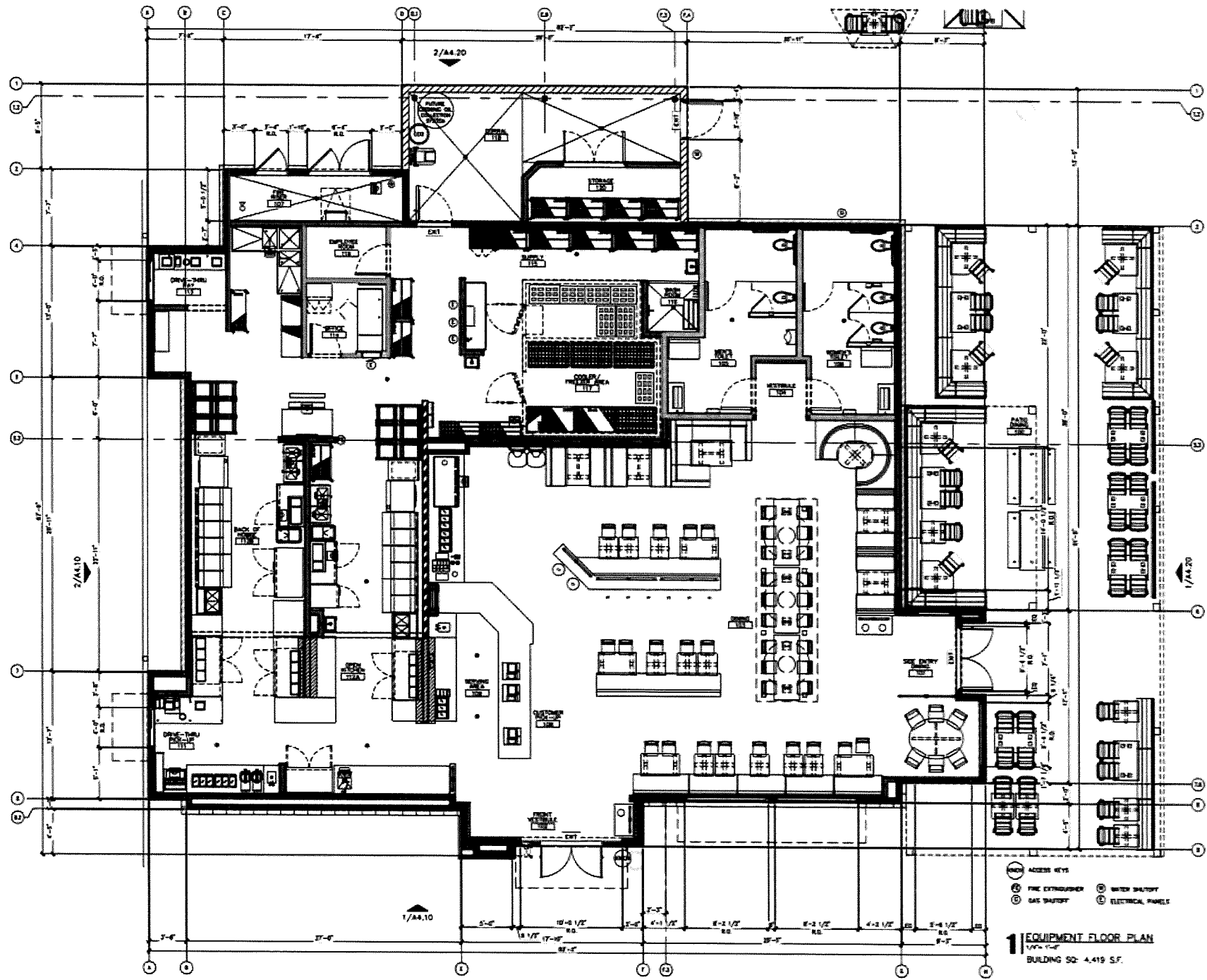
CITY OF INDUSTRY
 1423 SOUTH AZUSA AVENUE
 INDUSTRY, CA 91748

CITY OF INDUSTRY
PRELIMINARY GRADING PLAN

EXHIBIT C

Floor Plan – Development Plan 19-05 and Conditional Use Permit 19-05

[Attached]



Raising Cane's
1420 S. Azusa Ave.,
City of Industry, CA 91748
Tel: (626) 441-1111

Raising Cane's
Store RC407
1420 S. Azusa Ave.,
City of Industry, CA 91748
Prototype - 1 MODIFIED
ERD 4.0 - B



PROJECT: Raising Cane's
DATE: 1/13/10



1/14/10

SPR Submittal

No.	Item	Date	Status

EQUIPMENT FLOOR PLAN

Project Number: RC407
Store ID: 1420
Date: 1/14/10

A1.10



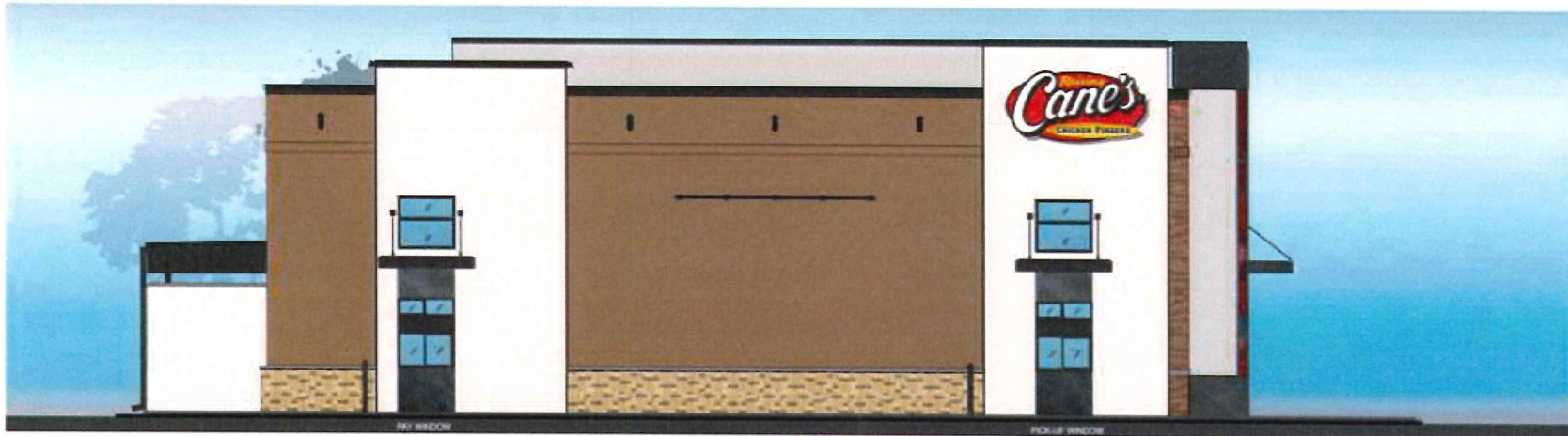
1 | EQUIPMENT FLOOR PLAN
1/4" = 1'-0"
BUILDING SQ. 4,419 S.F.

EXHIBIT D

Elevation – Development Plan 19-05 and Conditional Use Permit 19-05
[Attached]



1 | SOUTH ELEVATION – FRONT
1/4" = 1'-0"



2 | WEST ELEVATION – DRIVE-THRU
1/4" = 1'-0"

MATERIALS FINISH

- | | | | | | | | |
|--|--|--|---|---|---|---|---|
| EM-3 | EM-4 | EFW-1 | EFW-2 | EFW-4 | EFW-5 | EFW-6 | EWS-2 |
| | | | | | | | |
| <small>CARBON GRADE FINISH RAW STEEL WITH EXPOSED WELDS CLEAR COAT FLAT FINISH</small> | <small>RECYCLED METAL PANEL WITH NO CAR HOOD OCCURS AT FACE OF 1" ONLY</small> | <small>BLUSH ROMAN BRICK MASONRY MEDIUM RANGE SMOOTH, RICH SPOT MORTAR TO MATCH ISLAND PRODUCTS WITH WEATHERED HORIZONTAL STRING VERTICAL JOINTS ARE FLUSH</small> | <small>3/8" SINGLE PORTLAND CEMENT STUCCO</small> | <small>CORAL ISLAND MORTAR BRICK MORTAR TO MATCH SOLOMON PRODUCTS 10 X 1.5 LIGHT BUFF SACK RUB FINISH</small> | <small>1/2" MOUNTAIN PEAK PORTLAND STUCCO</small> | <small>1/2" OYSTER SHELL INSULATING PLASTER</small> | <small>ALUMINUM STOREFRONT SYSTEM FINISH ANODIZED BLACK</small> |

1400 S. Azusa Ave. Suite 100
 Azusa, CA 91701
 (951) 943-9000

Professional Seal

Raising Cane's
 Store 407RC
 1420 S. Azusa Ave.,
 City Of Industry, CA 91748
 Prototype - 1 CA-HC-A
 ERD 4.0 - A

PM
 DESIGN
Architectural
 Selection Group
1400 S. Azusa Ave. Suite 100
 Azusa, CA 91701
 (951) 943-9000
 pmdesign.com

For Complete Information

SPR
Submittal

Sheet No.	Date	Description

EXTERIOR ELEVATIONS

A4.10




1 RIGHT SIDE ELEVATION
1/4" = 1'-0"




2 REAR ELEVATION
1/4" = 1'-0"

MATERIALS FINISH


- EM-3**




CARBON GREYS FINISH
RAW STEEL, EXPOSED
WELDS, CLEAR COAT FLAT
FINISH
- EM-4**




RECLAIMED METAL PANEL,
VINYL-CLEAR WOOD OCCURS
AS FACE IF "1" ONLY
- EFW-1**




BELLEVUE ROMAN BRICK
HAND-THROWN BRICKS
SMOOTH, IRON SPOT, MISTAR
TO MATCH BOLDWIN
PRODUCTS 814, WEATHERED
HORIZONTAL STRIPS,
VERTICAL JOINTS ARE FLUSH
- EFW-2**




"3/2" TSBAL" PORTLAND
CEMENT STUCCO
- EFW-4**




BORAL "ALAMO" MODULAR
BRICK, SORTED TO MATCH
BOLDWIN PRODUCTS 10 H,
LIGHT BUSHY BACK TUB FINISH
- EFW-5**



"132 MOUNTAIN FOG"
PORTLAND STUCCO
- EFW-6**



4/8 OYSTER SHELL
INSULATING PLASTER
- EWS-2**



ALUMINUM STOREFRONT SYSTEM
FINISH, ANODIZED BLACK



Raising Cane's, Inc.
 1420 S. Azusa Ave.,
 Industry, CA 91748
 © 2012 Raising Cane's, Inc.

Raising Cane's
Store 407RC
1420 S. Azusa Ave.,
City Of Industry, CA 91748
Prototype - 1 CA-HC-A
ERD 4.0 - A



ARCHITECTURAL
INTERIORS GROUP
4075 E. 11th Ave.
Suite 100
Denver, CO 80232
303.755.1111
www.pmdesign.com

Get LDD file information **000-41-4**
Project Name: **0000**
Project Manager: **96**

**SPR
Submittal**

Sheet Revision:

#	Date	Description

Drawn By: **EXTERIOR ELEVATIONS**
Project Number: **0000**
Sheet No: **44.20**
Sheet Title: **PMDC**

EXHIBIT E

Notice of Exemption – Development Plan 19-05 and Conditional Use Permit 19-05

[Attached]

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 19-05 & CUP 19-05

Project Location - Specific: 1420 South Azusa Avenue

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

Description of Project: Development Plan 19-05 and Conditional Use Permit 19-05 to allow for a new Fast Food Restaurant use known as "Raisin Canes". Also for the construction of a new 4,500 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,537 square feet within an existing shopping center at the address of 1420 S. Azusa Avenue in the (C) Commercial zone.

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

Name of Person or Agency Carrying Out Project: Raising Canes

Exempt Status: *(check one)*

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

Reasons why project is exempt: The proposed project is exempt from the California Environmental Quality Act ("CEQA") per Section 15332. This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is 2.25 acres which is under the five acre threshold required in the infill exemption and is surrounded by developed industrial buildings and uses. All roads and utilities are existing and maintained to serve industrial uses and are suitable for the new commercial structure. The site does not contain any endangered habitat because it is a developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place to address them at that time. The new 4,500 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well design site plan. Noise and air will not be impacted since the site is located adjacent to the 60 freeway and a major intersection that generates more traffic and noise than a new restaurant. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is treated on site before going to City sewer. Furthermore no hazardous waste is produced at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them.

Lead Agency

Contact Person: Dina Lomeli

Telephone: (626) 333-2211

Signature: _____

Date: 9/10/2019

Title: Consultant Associate Planner

EXHIBIT F

PUBLIC HEARING NOTICE

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 19-05

On August 30, 2019 notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from PM Design Group on behalf of Raising Canes for Conditional Use Permit 19-05.

Project Location: at 1420 S. Azusa Avenue in the City of Industry ("Property"); and the project site is zoned "C" Commercial.

Project Description: Conditional Use Permit 19-05 is to establish a new fast food restaurant with more than 50 seats.

A copy of all relevant material, including the Conditional Use Permit application, and Notice of Exemption are on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Dina Lomeli, Consultant Associate Planner, at the City of Industry at 626-333-2211 extension 115 or by email at 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: September 10, 2019
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 No. 19-05 in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission of the City of Industry at, or prior to, the public hearing.

Julie Gutierrez-Robles, City Clerk

9335

EXHIBIT G

RESOLUTION No.PC2019-05

[Attached]

RESOLUTION NO. PC 2019-05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ACCEPT THE SURRENDER OF CONDITIONAL USE PERMIT 97-2, AND APPROVE DEVELOPMENT PLAN NO. 19-05 FOR THE CONSTRUCTION OF A NEW 4,500 SQUARE FOOT COMMERCIAL BUILDING WITH A DRIVE-THRU AND AN OUTDOOR PATIO THAT IS APPROXIMATELY 1,537 SQUARE FEET, AND CONDITIONAL USE PERMIT 19-05, A REQUEST FOR A NEW FAST FOOD RESTAURANT, LOCATED AT 1420 SOUTH AZUSA AVENUE IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME

RECITALS

WHEREAS, on July 10, 2019, PM Design Group (“Applicant”), Inc. filed a complete application requesting the approval of Development Plan (“DP”) No. 19-05 and Conditional Use Permit (“CUP”) No. 19-05 described herein (“Application”); and

WHEREAS, the Application applies to an irregular shaped lot of approximately 2.25 acres, located on one of the outer parcels of the Puente Hills Mall, on the southeast corner of the 60 Freeway and Azusa Avenue. The parcel is identified by the Assessor’s Parcel Number 8265-004-115, located at 1420 S. Azusa Avenue, City of Industry, California, (“Property”); and

WHEREAS, the Applicant’s request is for a new fast food restaurant, with 200 seats, known as “Raising Canes” 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 fast food restaurants with more than 50 seats; and

WHEREAS, the Application includes a request for approval of a Development Plan for the construction of new 4,500 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,537 square feet located at 1420 South Azusa Avenue (Exhibit B). The proposed restaurant will be located on a lot that was previously developed and operated under Conditional Use Permit 97-2, for a restaurant use with alcohol sales. The development consisted of a 7,500 square foot commercial structure that will be demolished and replaced by a new building for Raising Canes. In accordance with Section 17.36.020 of the City’s Municipal Code (“Code”), a DP is required for the construction of the new restaurant; and

WHEREAS, in an effort to ensure compliance with the proposed CUP, the Applicant desires to surrender the current CUP No. 97-2 for the Property. Upon approval of the new CUP, CUP No. 97-2 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP; 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 first be submitted to the Planning Commission for review and recommendation and then to the City Council for a final decision. Here, development plans are decided by the City Council, and CUPs are decided by the Planning Commission, because we have two applications, the Planning Commission will serve as the recommending body to the City Council; and

WHEREAS, the Land Use Element of the General Plan designates the Property as Commercial. The proposed restaurant 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 more than 50 seats 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, the Land Use Element of the General Plan designates the Property as “C” – Commercial. 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 (Public Resources Code Section 21000 *et seq.*) (“CEQA”), the proposed project is exempt per Section 15332 (Class 32 Infill Development Projects) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations), based on the following: This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is 2.25 acres, which is under the five acre threshold required in the infill exemption, and is surrounded by developed commercial buildings and uses. All roads and utilities are existing and maintained to serve commercial uses and are suitable for the new commercial structure. The site does not contain any endangered habitat because it is a fully developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place to address them at that time. The new 4,500 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well-designed site plan. Noise and air will not be impacted since the site is located adjacent to the 60 Freeway and a major intersection that generates more traffic and noise than a new restaurant. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is

treated on site before going to City sewer. Furthermore no hazardous waste is produced at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them upon completion of the development; and

WHEREAS, notice of the Planning Commission's September 10, 2019 public hearing on the Application was published in The San Gabriel Valley Tribune on August 30, 2019, in compliance with the City's Code and Government Code Section 65091, was posted at the Property and at three public places on August 30, 2019, and was also mailed to property owners within 300 feet of the Property on August 30, 2019; and

WHEREAS, on September 10, 2019, 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: The Property owner surrenders, and the Planning Commission hereby accepts the surrender of CUP No. 97-2. As of the effective date of this resolution, CUP No. 97-2 shall become null and void, and all rights and privileges granted under the CUP shall be of no further force or effect.

SECTION 4: 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 This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is 2.25 acres which is under the five acre threshold required in the infill exemption and is surrounded by developed commercial buildings and uses. All roads and utilities are existing and maintained to serve commercial uses and are suitable for the new commercial structure. The site does not contain any endangered habitat because it is a

fully developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place to address them at that time. The new 4,500 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well design site plan. Noise and air will not be impacted since the site is located adjacent to the 60 freeway and a major intersection that generates more traffic and noise than a new restaurant. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is treated on site before going to City sewer. Furthermore no hazardous waste is produced at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them; and

SECTION 5: Based upon substantial evidence presented to the Planning Commission during the September 10, 2019 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, lot coverage, 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 Applicant, business owner, and property owner are also responsible for complying with the current Building and Fire Codes. 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 on the southwest side of the proposed building on Azusa Avenue and will consist of a 26 foot driveway that will lead into the main parking lot of the site. There are also various entrances throughout the mall that lead into the proposed restaurant. All existing and proposed drive aisles on this site are 26 feet or greater. The proposed drive-thru is designed to wrap around the rear of the building in order to avoid traffic, congestion and provide adequate circulation throughout the lot. 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 4,500 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,537 square feet for a new 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

SECTION 6 Based upon substantial evidence presented to the Planning Commission during the September 10, 2019 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. The Zoning Ordinance, which implements the General Plan, allows for a fast food restaurant that seats more than 50 seats with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance; and

B. The Property meets all requirements of the Code, as it is adequate in size and shape, topography and location to accommodate the yards, walls, fences, parking and loading facilities, landscaping required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there are adequate utilities to accommodate the proposed use because the new restaurant will be located within an existing shopping center and will replace a larger building area with a smaller building. The project complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code and the new commercial use will not require increased demands on the existing water, gas, electricity, and sewer utilities that adequately serve the site because the proposed project is replacing an existing restaurant that is approximately 7,500 square feet of building area with a smaller building that is approximately 4,500 square feet of building area within an existing shopping center; and

C. The Property is served by street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property is currently accessed by Azusa Avenue which is of adequate capacity to serve the commercial use.

D. The fast food restaurant use is compatible with surrounding properties and uses because the surrounding area is composed of retail stores, a health club, and various restaurants. The request for a new a restaurant provides an additional dining

option for restaurant goes 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; and

E. The nature, condition and proposed development of adjacent uses, buildings and structures have been considered, and the requested fast food restaurant, will not be detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare, in that the surrounding area is composed of other similar commercial uses. The fast food restaurant will be consistent with the adjacent uses. Further, the establishment must remain in compliance with all of the conditions adopted by the Planning Commission throughout the life of the CUP.

SECTION 6: Based on the foregoing, the Planning Commission recommends that the City Council approve Development Plan No. 19-05, and Conditional Use Permit No. 19-05, subject to the Conditions of Approval, attached hereto as Attachment 1, and incorporated herein by reference.

SECTION 7: 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 8: 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 September 10, 2019, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Michael Greubel
Chairman

ATTEST:

Julian Gutierrez-Robles, Secretary



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Development Plan 19-05 and Conditional Use Permit 19-05

Applicant: PM Design Group on behalf of Raising Canes

Location: 1420 South Azusa Avenue

Use: A request for the construction of a new 4,500 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,537 square feet and new fast food restaurant that seats 50 or more

Conditions of Approval

CUP 19-05

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the City per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions 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. 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.
3. 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.
4. The Property Owner shall surrender CUP No. 97-2, as of the effective date of Resolution No. PC 2019-05. As of the effective date of this Resolution, CUP No. 97-2 shall become null and void, and all rights and privileges granted under the UUP shall be of no further force or effect.

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. 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).
2. 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.
3. All trash containers shall be kept inside a building or in a designated trash enclosure.
4. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
5. 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.
6. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
7. 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.
8. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
9. The hours of operation shall be between the hours of 9:00 A.M. and 1:00 A.M Sunday through Thursday, and 9:00AM to 3:00 AM Friday through Saturday.
10. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
11. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
12. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
13. 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.

- 14. 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.
- 15. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
- 16. All perimeter walls, fencing, and common areas, shall be maintained by the Property Owner.

Conditions of Approval

DP19-05

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.
- 3. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.

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. 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.
4. 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.
5. 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.
6. The Applicant shall construct adequate fire protection facilities to the satisfaction of the Los Angeles County Fire Department.
7. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
8. 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).
9. All exterior surfaces of buildings and appurtenant structures shall be painted in accordance with the approved Development Plan.
10. 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.
11. 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).
12. 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.
13. Prior to building final or operation of the use/business approved by the DP, 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.
14. All trash containers shall be kept inside a building or in a designated trash enclosure.

15. 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.
16. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
17. 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.
18. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.

Engineering Conditions

1. The applicant shall provide drainage and grading plans to be approved by the City Engineer prior to the issuance of a building permit. Such plans shall be in substantial conformity with the development plans.
2. The applicant shall supply sanitary sewer facilities to serve all buildings to the satisfaction of the City Engineer prior to the final approval of the development and hook-up utilities.
3. The owner of the property must comply with the Subdivision Ordinance of the City of Industry.
4. Depending upon the nature of the propose used, the applicant shall obtain an Industrial Waste Permit or receive Domestic Wastewater Clearance from the City Engineer depending on the building use.
5. The applicant shall construct curb, gutter, pave-out, necessary drainage facilities, and sidewalk along street frontage in accordance with City standards and specifications.
6. The applicant shall construct storm drains and water quality devices to the satisfaction of the City Engineer prior to the final approval of the development and the hook-up of utilities.
7. Prior to the issuance of building permits for any interior improvements that serve to create separate units within the building, the applicant shall consult with the City Engineer and demonstrate that each separate unit is equipped with its own sewer line and that the sewer lines join together before the connection to the main sewer line. This will allow for the addition of a clarifier or grease interceptor if required to serve future tenants/uses in the building.
8. In conformance with Chapter 13.16 of the Municipal Code and prior to the start of grading and construction, the Applicant will provide a Storm water Pollution Prevention Plan (SWPPP), developed by a Qualified SWPPP Developer (QSD) and consistent with the current National Pollutant Discharge Elimination System (NPDES) construction general permit, along with

proof that a Waste Discharger Identification (WDID) Number has been obtained, to the City Engineer for review and approval.

9. In conformance with Chapter 13.16 of the Municipal Code and prior to the start of grading and construction, the applicant will implement an effective combination of erosion and sediment control BMPs consistent with the NPDES construction general permit to prevent erosion and sediment loss and the discharge of construction wastes, to the satisfaction of the City Engineer, which shall be in the form of a storm water soil loss prevention plan (also called an erosion control plan or a water pollution control plan).
10. In conformance with Chapter 13.16 of the Municipal Code, the Applicant shall provide: 1) a Low Impact Development (LID) plan; and 2) an operations, maintenance, and monitoring plan to the City Engineer for review and approval. Upon approval, the Applicant shall construct storm drains and water quality devices according to the approved plans and the satisfaction of the City Engineer. Prior to building final and/or issuance of the certificate of occupancy, the Applicant shall provide the City Engineer with a signed and recorded covenant and agreement stating that the Property and all structural or treatment control Best Management Practices (BMPs) will be maintained in compliance with the municipal NPDES permit (also sometimes called the MS4 permit) and other applicable regulatory requirements.
11. In conformance with Chapter 13.16 of the Municipal Code, all future owners or successors of a property subject to a requirement for maintenance of structural and treatment control BMPs must either: 1) assume responsibility for maintenance of any existing structural or treatment control BMPs at least once a year and retain proof of maintenance/inspection for review by the City Engineer upon request; or 2) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the City and the municipal NPDES permit. Prior to building final and/or issuance of the certificate of occupancy, this requirement will be included in a recorded restrictive covenant on Property and included in any sale or lease agreement or deed of the Property.

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.

3. 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.

Indemnification and Hold Harmless Condition for both Development Plan and CUP

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 Conditional Use Permit and Development Plan within 10 days after the approval of said entitlements. The Applicant and Property Owner understand and agree that approval of the Development Plan and Conditional Use Permit will be of no force or effect unless such written consent is submitted to the City within the stated 10-day period.

PLANNING COMMISSION

ITEM NO. 6.2



CITY OF INDUSTRY

MEMORANDUM

TO: Planning Commission

FROM: Troy Helling, City Manager *TH*

STAFF: Nathalie Vazquez, Consultant Assistant Planner II *NV*
Dina Lomeli, Consultant Associate Planner *D.L.*

DATE: September 10, 2019

SUBJECT: Consideration of Conditional Use Permit 18-4 to allow for the operation of a full-service restaurant with the sales of beer, wine and distilled spirits located at 18009 Gale Avenue.

Proposal:

Chen Dai, the owner of Freezing Point Investment LLC, DBA Blossom Season ("Applicant"), is requesting approval of Conditional Use Permit ("CUP") No. 18-4, to allow for the operation of a full-service restaurant with the sale of beer, wine and distilled spirits, at an existing 5,963 square-foot tenant space, within the Plaza at Puente Hills shopping center, located at 18009 Gale Avenue ("Property"). Currently, Blossom Season operates as a fast-food restaurant with no alcohol sales and desires to convert the space to a sit-down hot pot restaurant with alcohol sales. The transition from a fast-food restaurant to a full-service hot pot restaurant (with alcohol sales) will provide a communal eating experience in which patrons order a variety of meats, chicken, fish and vegetables and boil them in a simmering pot of water.

The proposed restaurant will accommodate a total of 120 patrons, will operate during the hours of 11:00 AM to 2:00 AM, seven days a week, and will employ up to 15 people. Pursuant to Section 17.12.025(14), an approval of a CUP by the Planning Commission is required for the operation of a full service restaurant with alcohol sales. No expansion of floor area or modification to the structure is proposed as part of this project.

Project Background:

In July of 2018, Blossom Season was approved for a business license (AKA use permit) to operate a fast-food restaurant on the Property, a tenant space that is part of Plaza at Puente Hills shopping center. The shopping center is approximately a 33.26 acre property, and is currently developed with approximately 444,561 square-feet of building area that is made up of four large multitenant structures, including three big-box store tenant spaces, six free standings structures, and two mixed use two-story buildings with offices, retail and restaurants. Among the tenants are Home Depot, Benihana, and Sam Ash Music Store. According to the City's business license records, there are 45 tenant spaces on the property and six of these tenant spaces are vacant.

Location and Surroundings:

As shown on the location map (Exhibit A), the Project site is located within the existing Plaza at Puente Hills Shopping Center and is north of Gale Avenue and west of Fullerton Road. The

Property is bounded by Union Pacific Railroad to the north, Gale Avenue and the 60 Freeway to the south, commercial uses to the east and the Automobile Mall to the west.

Staff Analysis:

The request for a full-service restaurant with alcohol sales, in an existing commercial space is consistent with the Zoning "C" (Commercial) and General Plan land use designation of Commercial. There is no expansion of floor area or modification to the structure proposed for this project; therefore, the property currently complies with all previous entitlements. Additionally, the use at this location complies with the standards in Section 17.12.025 of the City of Industry Municipal Code.

Property

The proposed full-service restaurant with alcohol sales, will be located in an existing tenant space that is approximately 6,000 square-feet in size located at 18009 Gale Avenue with the assessor's parcel number: 8264-014-053 that is approximately 27,750 square-feet. The Property is part of the Plaza at Puente Hills, a commercial shopping center that is a total of 33.26 acres and is divided into 12 individual parcels with existing access and parking agreements on site. As mentioned, there are 45 tenant spaces available and there are currently six vacancies. The commercial use does not involve any physical changes to the property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

Access

The Property is served by multiple street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property can directly be accessed from one entrance off of Gale Avenue. In addition, Plaza at Puente Hills is currently served by the 60 Freeway from Fullerton Road and has multiple entrances off Gale Avenue and a single entrance from Stoner Creek Road.

Compatibility

A full-service restaurant with the sale of beer, wine, and distilled spirits is a compatible use with the surrounding properties and uses because the area is composed of retail stores, service uses, and restaurants that also provide alcohol as an ancillary use. The proposed use will complement the adjacent uses and will provide a dining service for visitors of Plaza at Puente Hills. The uses of the surrounding properties may change, but the character will remain commercial in nature which is consistent with the General Plan and Zoning designations of the site. The proposed full-service restaurant with alcohol sales will also contribute to the economic viability of the shopping center. There is no expansion of square-footage being proposed and not interior tenant improvements proposed as part of this project.

Parking

In January of 2015, a parking study was prepared for the overall Plaza at Puente Hills site by Kunzman Associates, which determined that the 1,861 parking spaces on site is sufficient parking for all 45 tenant spaces despite not meeting the City's parking requirements per Section 17.36.060.K. In July of 2019, a new parking study was prepared by Kunzman Associates to assess the potential parking impacts in regards to converting Blossom Season from a fast-food restaurant to a full-service restaurant with alcohol sales. According to the study, a full-service restaurant with alcohol sales will have less of a parking impact than a fast-food restaurant. The analysis focused on the parking demand between fast-food and full-service restaurants in reference to "The Institute of Transportation Engineers Parking Generation 4th Edition" which determined that the parking impacts will be reduced when the restaurant transitions from a fast-food to a full-service restaurant. The study also focused on the entire Plaza at Puente Hills shopping center's current and future tenants and made a final determination that no impacts to

parking are anticipated, as sufficient parking is currently allocated to all existing and future tenants.

Environmental Analysis:

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines for the following reasons: (1) The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. The Plaza at Puente Hills Shopping center is currently occupied by several restaurant, retail and other commercial uses. The proposed restaurant use is consistent with what is presently operating at the shopping center, and the conversion to a full service restaurant with alcohol sales will have negligible impacts to the site because the applicant is not proposing any expansion or modifications to the existing tenant spaces. (2) No expansion of square-footage or modifications to the existing restaurant are proposed as part of this Project. (3) Finally, all existing plumbing and electrical services are sufficient since no modifications and changes are proposed as part of this Project. The Notice of Exemption (Exhibit D) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

Public Hearing:

The required Public Hearing Notice (Exhibit E) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the *San Gabriel Valley Tribune* on August 30, 2019, pursuant to Government Code section 65091.

Fiscal Impact:

Conditional Use Permit 18-4 will have a positive fiscal impact to the City of Industry.

Recommendation:

The proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2019-06 (Exhibit F) approving Conditional Use Permit 18-4 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution.

Exhibits:

- A. Location Map - CUP 18-4
- B. Site Plan - CUP 18-4
- C. Floor Plan - CUP 18-4
- D. Parking Study – CUP 18-4
- E. Notice of Exemption CUP 18-4
- F. Public Hearing Notice CUP 18-4
- G. Resolution No. PC 2019-06 recommending Planning Commission approval of Conditional Use Permit No. 18-4 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map –CUP 18-4

[Attached]



Stoner Creek
Road

Gale Avenue

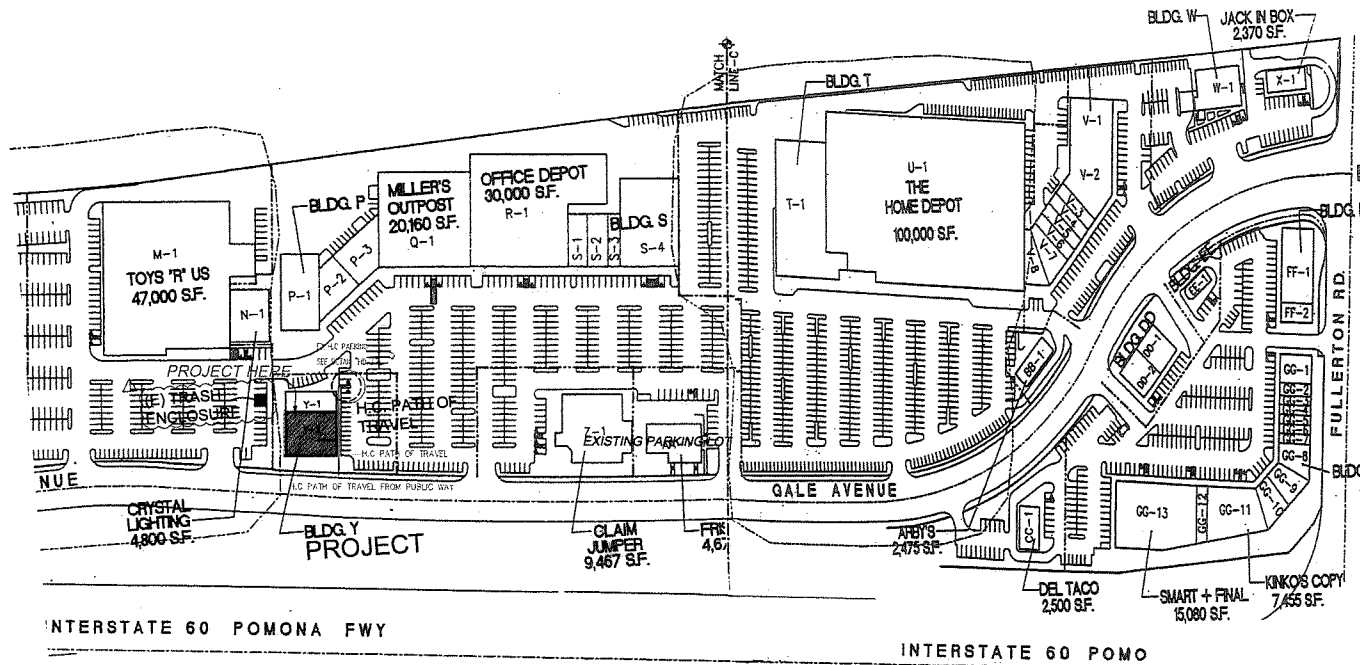
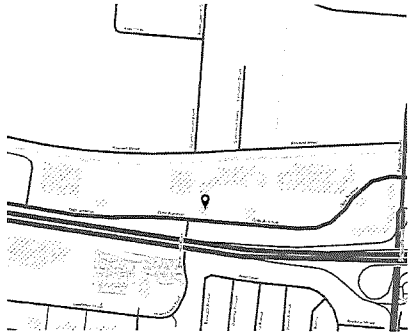
60 FWY

EXHIBIT B

Site Plan – CUP 18-4

[Attached]

VICINITY MAP



INTERSTATE 60 POMONA FWY

INTERSTATE 60 POMO



PROJECTS

Blooming Season

18009 Gale Ave, City of Industry, CA 91708

CLIENT

Blooming Season Restaurant
18009 Gale Ave, City of Industry, CA 91708

ENGINEER

[JH CONSTRUCTION & DESIGN]



1081 Overlook Ridge Rd,
Diamond Bar, CA 91765
1-1-626-722-7999
hodder1969@hotmail.com

CONSULTANTS

Interior Designers

[GRAND VISUALIZATION]
Design | Build | Architecture



420 E 3rd St Suite 1015,
Los Angeles, CA 90013
1-1-818-635-6623
suh@grandvisualization.com

STAMP

No.	Description	Date
4	Issued for Tender V.3.0	April 25, 2018
3	Issued for Tender V.2.0	March 26, 2018
2	Issued for Tender	March 12, 2018
1	Issued for Permit	March 9, 2018

PROJECT #: HR079
 PHASE: Tender Document
 DATE: 25 April, 2018
 SCALE: NTS

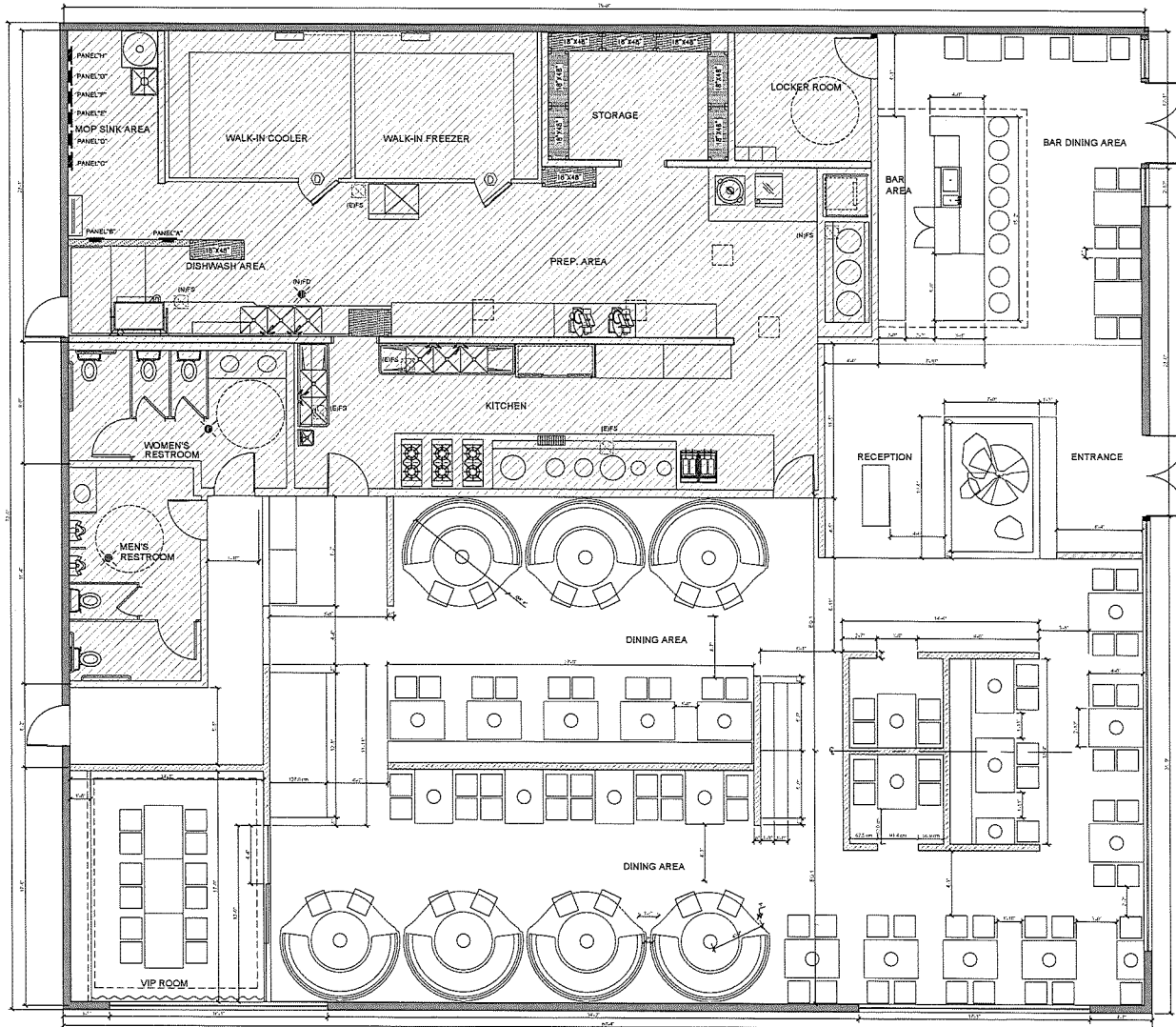
Plan: Plot

ID 2.0.0

EXHIBIT C

Floor Plan – CUP 18-4

[Attached]



LEGEND

- 1. PANELS
- 2. MOP SINK AREA
- 3. WALK-IN COOLER
- 4. WALK-IN FREEZER
- 5. STORAGE
- 6. LOCKER ROOM
- 7. BAR AREA
- 8. BAR DINING AREA
- 9. RECEPTION
- 10. ENTRANCE
- 11. DINING AREA
- 12. VIP ROOM
- 13. MEN'S RESTROOM
- 14. WOMEN'S RESTROOM
- 15. KITCHEN
- 16. PREP AREA
- 17. DISHWASH AREA

NOTES

1. ALL DIMENSIONS SHOWN IN HEADINGS UNLESS OTHERWISE SPECIFIED.
2. ALL DIMENSIONS SHOWN IN HEADINGS UNLESS OTHERWISE SPECIFIED.
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PLAN LAYOUT DIMENSIONS

PROJECTS

Blooming Season
18009 Gale Ave. City of Industry, CA 91708

CLIENT
Blooming Season Restaurant
18009 Gale Ave. City of Industry, CA 91708

ENGINEER
JH CONSTRUCTION & DESIGN

JH construction & design
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Interior Designers
[GRAND VISUALIZATION.]
Itevan | Iuka | Architecture

Grand Visualization
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Los Angeles, CA 90013
t: +1 818.835.6623
suh@grandvisualization.com

STAMP

No.	Description	Date
1	Issued for Permit	March 9, 2018
2	Issued for Tender	March 12, 2018
3	Issued for Tender V.2.0	March 28, 2018
4	Issued for Tender V.3.0	April 25, 2018
5	Issued for Tender V.4.0	August 13, 2018

PROJECT # HR079
PHASE Tender Document
DATE 15 August, 2018
SCALE 1/4"=1'-0"

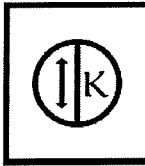
Plan: Layout + Dimensions

ID 2.2.2

Exhibit D

Parking Study - CUP 18-4

[Attached]



KUNZMAN ASSOCIATES

TRAFFIC ENGINEERING AND
TRANSPORTATION PLANNING

July 31, 2019

Nathalie Vazquez
City of Industry
15625 East Stafford Street #100
City of Industry, CA 91744

Dear Ms. Vazquez:

The firm of Kunzman Associates is pleased to submit this parking analysis for (1) the proposed 116,000 square foot Frank & Son retail project at 17835 East Gale Avenue in the City of Industry, and (2) the conversion of the 6,000 square foot Hot Pot restaurant from a fast-food use to a sit down restaurant use.

The proposed retail project will consist of 116,000 square feet of retail floor space, all under one roof, rented to numerous small retail establishments. The land use is retail and is called collectible mall.

The proposed change in restaurant land use will be from 6,000 square feet of fast food to 6,000 square feet of sit down restaurant.

The collectible mall land use currently exists at 19649 San Jose Avenue in unincorporated Los Angeles County.

Findings

1. The proposed collectible mall use will generate the need for 542 parking spaces, which is 78 parking spaces above what the City of Industry's retail parking code requires. The parking code requires 464 parking spaces.
2. At the Future Location of the collectible mall land use, there are 544 unused parking spaces when the current vacancies, other than the Sam's Club vacancy, are accounted for.
3. This means that there is adequate parking to accommodate the relocation of the collectible mall use.

1111 TOWN & COUNTRY ROAD, SUITE 34 , ORANGE, CA 92868-4667
TELEPHONE: (714) 904-2821

E-MAIL: BILL @ TRAFFIC-ENGINEER.COM WEB: WWW.TRAFFIC-ENGINEER.COM

4. The Hot Pot fast food restaurant currently generates more parking than it will when converted to a sit-down restaurant.
5. Because the parking is adequate when the collectible mall land use is added, it will remain adequate when the Hot Pot land use is changed from fast food to a sit-down restaurant (see conclusion 4 above).
6. The above conclusions are based on maximum likely assumptions, and the actual parking demand is expected to be less when typical vacancy rate of 6 percent occurs.

Previous Parking Study

The center to where the retail mall will be relocated had a parking study done in June 9, 2015 by Kunzman Associates. That study could have been revisited; however, at that point in time Sam's Club was operating. The author believed it was best to get all new parking counts because (1) that data was 4 years old (typically traffic engineers try to not use data over 1 or 2 years old if there is reason to believe things have changed), and (2) Sam's Club was the single largest user in the center. Sam's Club was 116,000 square feet, and the total center had 186,323 square feet. Sam's club was 62 percent of the total center, or nearly two-thirds. Sam's Club was by far the dominant player in the center.

The previous parking study was what is called a shared parking analysis. In a shared parking analysis an attempt is made to account for non-coincidental peak parking demands. Some land uses have peak parking demand on weekdays (office for instance), other land uses have peak parking demand on weekends (retail and restaurant for instance). If a parking study is done without accounting for non-coincidental peak parking demands, then the parking code requirements for each separate use is simply added together.

Terminology

The future location of the collectible mall at 17835 Gale Avenue will be called **Future Location** in this report, and the current location and parking utilized in the vicinity of 19545 to 19649 San Jose Avenue in the un-incorporated county Los Angeles County will be called the **Current Location** in this report.

Comparable Sized Collectible Malls

The size of the collectible mall at its Current Location and at its Future Location is similar in size. The Current Location is about 10 percent larger in square feet of floor than the Future Location.

If anything the amount of parking generated by the Current Location is larger than that parking generated at the Future Location because Current Location has more square feet of floor.

Parking Analysis

The parking analysis consists of counting the parking usage at the Future Location and Current Location.

The parking count at the Future Location will determine if there is adequate parking available to accommodate the future parking needs once the collectible mall is relocated from the Current Location to the Future Location.

It should be noted that the parking at the Future Location should be viewed as a pool of parking which can be used by all tenants. It should also be noted that trying to segment off what part of the parking area serves which tenant is nearly impossible since a patron may go to more than one establishment and would probably not park, un-park, and re-park. Thus, a patron might park near Tenant X and go to both Tenant X and Tenant Y. Or a patron might park half-way between Tenant X and Tenant Y. In either case, half of the patrons parking would be assigned to Tenant X and half to Tenant Y assuming equal time at is spent at each tenant's location.

The parking count at the Current Location will determine the amount of parking needed to accommodate the collectible mall land use at the Future Location.

The parking counts were made on a Saturday, on an every 30 minute basis, from 9:00 am to 6:00 pm. These are generally the hours that the collectible mall establishment is open now.

Parking at the two locations was counted on a Saturday, which is usually the busiest hours of operation for collectible mall, restaurants, and retail in general. Saturday will be busier than a weekday, and a Saturday was counted to assure a maximum likely count of parking.

With the counted parking data for the two locations, hourly parking profiles can be created for each of the two locations, and the total parking demand for collectible mall at the proposed location can be reliably estimated.

Land Uses

Table 1 shows the existing land use at the center at 17835 to 18001 East Gale Avenue. The center is now occupied except for (1) the former 116,000 square foot Sam's Club building which will be converted to collectible mall land use at 17835 East Gale Avenue, (2) the former 45,034 square foot Toy's R Us building

is assumed to be converted to a food court at 17961 East Gale Avenue, and (3) one vacant 2,500 square foot office space at 17919 East Gale Avenue, Unit 102.

Table 2 shows the estimated amount of parking which will be generated by the three vacant sites listed in the above paragraph. All total, the three vacant sites will generate the need for an additional 655 parking spaces **based on City parking code**. Of those 655 spaces, 464 are for the former Sam's Club and the other 191 spaces (655 minus 464) are for the other two vacancies.

Parking Data Collection

Future Location. Figure 1 shows the center at 17835 to 18001 East Gale Avenue which is to where the collectible mall use will be moved. The center has been divided into 5 areas and the Saturday parking data collected for each of the five areas labeled A to E. Parking data was collected on Saturday, July 13, 2019.

The counted parking data for the Future Location is contained in Table 3. Table 3 shows that there are a total of 853 parking spaces, and that the maximum number of spaces used today is 118 spaces. There are 735 unused parking spaces (853 minus 118). These 735 spaces are available for (1) the collectible mall, and (2) the other two vacant land uses. The other two vacancies require 191 parking spaces per Table 2. The amount of unused parking available for the collectible mall is 544 spaces (735 minus 191).

The conclusion is that the collectible mall requires 464 parking spaces and the number of spaces available is 544 spaces **based on City parking code**. Based on parking code, there is enough parking.

However, the City of Industry staff has recognized that the collectible mall use may generate more parking than the City parking code requires.

Current Location. Figure 2 shows the Current Location of the collectible mall at 1964 San Jose Avenue in un-incorporated Los Angeles County. The parking area surveyed has been divided into 5 areas and the Saturday parking data collected for each of the five areas labeled A to E. Parking data was collected on Saturday, July 13, 2019.

The parking data is contained in Table 4. Table 4 shows that the current collectible mall is generating the need for 542 parked vehicles.

Table 2 shows that the number of spaces needed for the 116,000 square foot vacant space where the collectible mall will go is 464 spaces, based on City parking code.

This means that the collectible mall generates about 78 more parked cars (542 minus 464) than the expected parked cars based on the City retail parking code.

Per Table 3, at the Future Location there are 853 parking spaces total, 118 parking spaces are currently used, and 735 spaces are unused (853 minus 118). Per Table 2, the other two vacancies (not including the Sam's Club vacancy) at the Future Location will use 191 spaces of the 735 available spaces, leaving 544 spaces available for the collectible mall land use.

What this means is that although the collectible mall land use generates 78 more parked cars than the City retail parking code requires, there is still adequate parking at the Future Location. Namely, there are 544 unused spaces available and 542 spaces are need to accommodate the collectible mall.

Peak Holiday Parking

Parking tends to be maximum around Christmas for retail uses that have merchandise holiday shoppers buy.

In the Future Location, the use which will likely have a holiday peak is the collectible mall. Shopping centers in general have this Holiday peaking, and many successful shopping centers have over flow parking during the Christmas holidays. The peak Christmas retail holidays begins with the day after Thanksgiving and ends the day after Christmas.

There is a concept of designing for the 30th highest hour in a year. That concept recognizes it is not practical to design for the single highest hour in a year, and that there will be parking overflows for 30 hours in a year. If retail is open 10 hours per day 365 days per year, then there are total 36,500 shopping hours per year. The 30 highest hours is 0.8 percent of the shopping hours (30/36,500). Land is a valuable, scarce urban resource, and to devote land to be used for parking less than 1 percent of the shopping hours in a year is not considered good planning by many.

If one thinks about what the 30 highest shopping hours are for a year, one may find 6 hours are used up for each of the following 5 days: Friday and Saturday after Thanksgiving, Saturday before Christmas, the day before Christmas, and the day after Christmas.

Hot Pot

There is a Hot Pot fast food restaurant located at 18009 East Gale Avenue in the City of Industry. This location is just east of Area E in Figure 1. Some Hot Pot parking undoubtedly uses the parking in Areas A to E in Figure 1. There is

a reciprocal parking agreement which allows parking from the area east of Area E in Figure 1 to use the parking in Areas A to E, and the reverse,

Because there is sufficient parking in Areas A to E of Figure 1 with the collectible mall added, the current use of parking by the fast food Hot Pot is accommodated satisfactorily.

However, it should be noted that the Hot Pot fast food restaurant is proposed to be a sit-down restaurant. Changing from fast food to sit-down reduces the parking demand. This is because of the following reasons:

1. a fast food restaurant has an order-taking / pay line which requires parking in itself even though patrons are not seated (standing in line results in more persons per 1000 square feet than seated patrons),
2. after ordering, those patrons who are taking the food to-go and who are standing waiting for the food also requires parking (standing and waiting results in more persons per 1000 square feet than seated patrons),
3. the seating in a fast food restaurant is closer together and there are more seats per 1000 square feet, thus requiring more parking per 1000 square feet, and
4. patrons in a fast food restaurant often are alone (1 patron in a group), whereas a sit-down restaurant usually has 2 or more patrons per group, thus requiring more parking per patron because there are fewer patrons per parked car.

The Institute of Transportation Engineers Parking Generation 4th Edition contains recommended parking rates for several hundred land uses. The Saturday peak parking for fast food restaurants is 29 percent greater than for sit down restaurants.

In the future when the Hot Pot becomes a sit-down type restaurant, its parking will be reduced. Thus the Hot Pot parking is not causing a problem today and will require even less parking in the future when it is a sit-down restaurant.

Additionally, it needs to be recognized that the collectible mall parking will be greatly reduced after 5 or 6 pm, while Hot Pot parking will be growing after 6 pm and continue growing through the evening hours.

Maximum Likely Parking Analysis

This parking study has factors of safety in the analysis. It produces maximum likely parking demand.

First, a typical vacancy rate of 6 percent exists for rental property. Zero percent vacancy is implicitly assumed in this parking study. The 6 percent vacancy

occurs when one tenant moves out and second tenant has not yet rented the same space, and because building tenant improvements takes time once the space is re-rented.

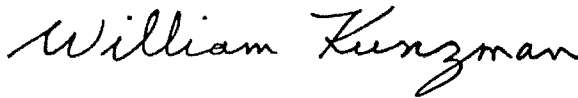
The collectible mall parking will probably peak before 6 pm, while restaurant use may peak after 6 pm.

The collectible mall may not be open 7 days per week which greatly reduces parking when it is not open.

It has been a pleasure preparing this information for the City of Industry. If there are questions, please do not hesitate to call.

Respectfully submitted,

KUNZMAN ASSOCIATES



William Kunzman, P.E.
Principal
Professional Registration
Expiration Date 3-31-2020



Figure 1
Saturday Parking Survey
17835 - 18001 E. Gale Ave. City Of Industry, CA 91745

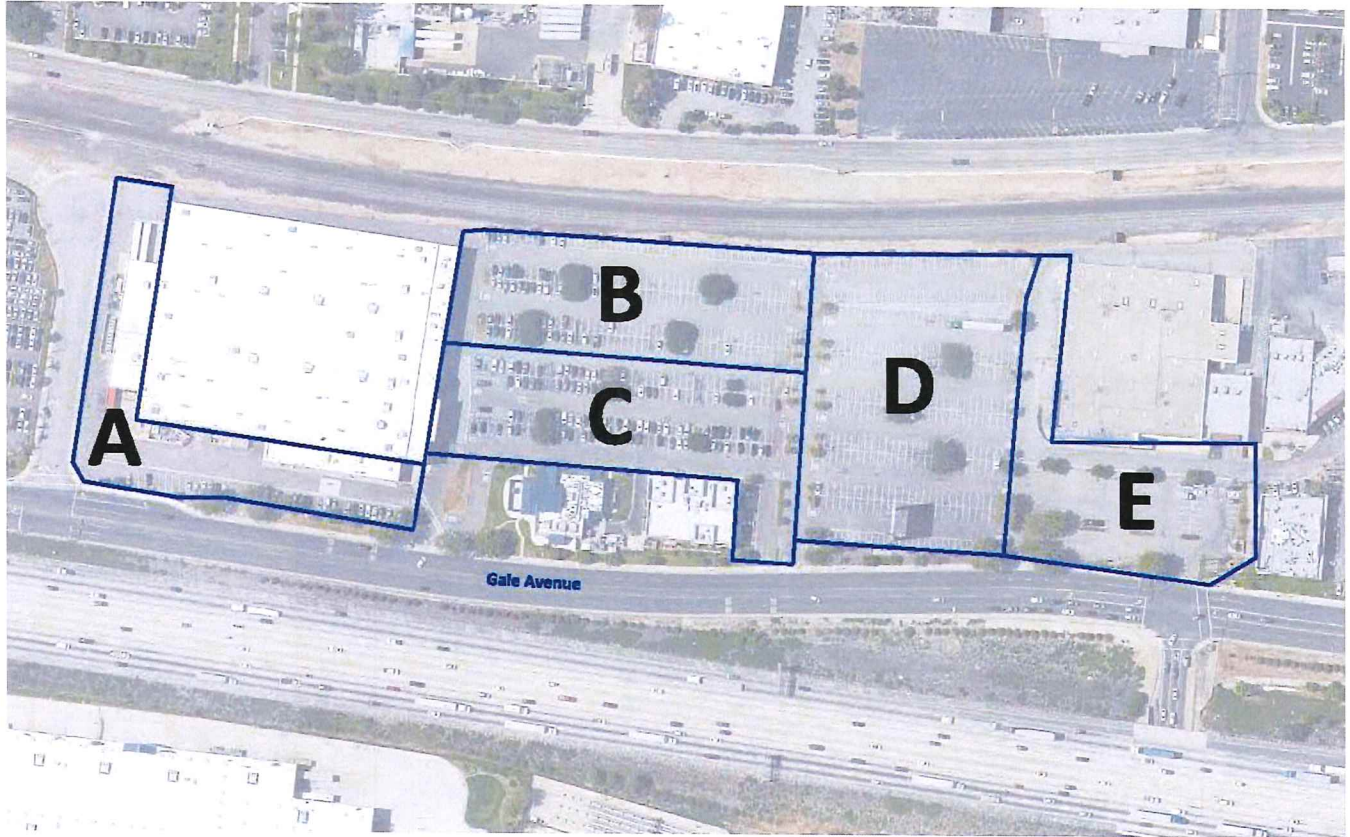
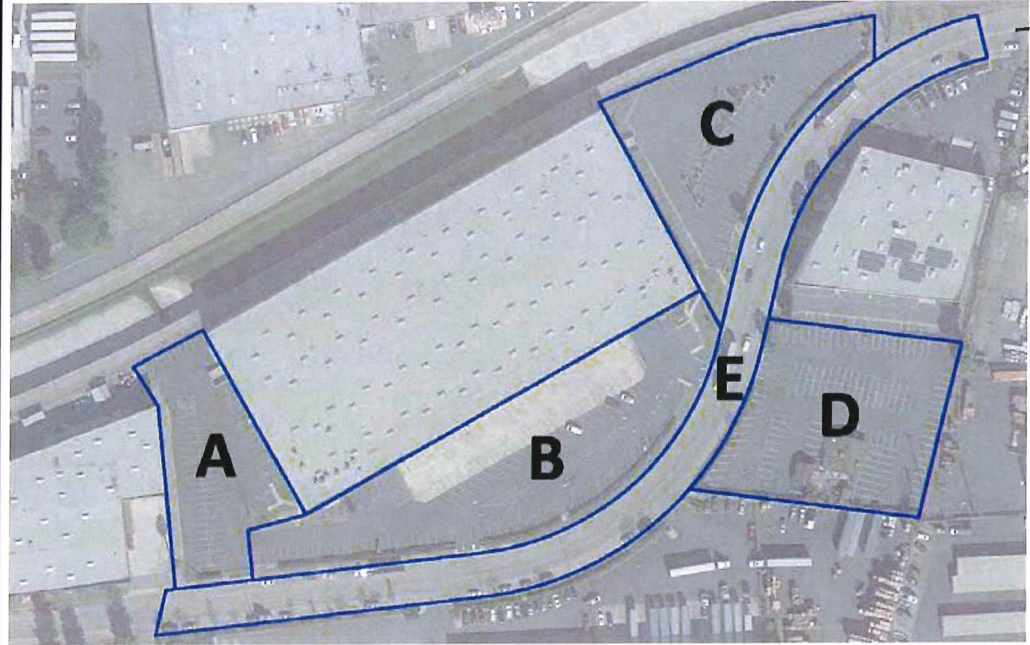


Figure 2
Saturday Parking Survey
19545 - 19649 San Jose Avenue, Unincorporated County of Los Angeles 91748



KUNZMAN ASSOCIATES
Over 40 Years of Excellent Service



Table 1

Existing Land Use at
17835 to 18001 E. Gale Avenue, City of Industry

Business	Vacant or Occupied	Businsa Hours	Use	Address / Suit	Sq. Ft. of Floor
Former Sam's Club (Frank & Son Proposing to Occupy)	Vacant		Proposed Retail with Individual Vendors	17835 Gale	116,000
Benihana	Occupied	Mon - Thur 10 am - 10 pm Fri 11 am - 11 pm Sat 11:30 am - 11 pm Sun 11:30 am - 10:30 pm	Full Service Restaurant	17877 Gale	7,914
Gold Fenhuang Inc.		Everyday 11 am - 12 Midnight	Full Service Restaurant	17919 Unit 101	3,500
Vacant	Vacant	Mon - Fri 8 am - 7 pm Sat 10 am - 5 pm	Office	17919 Unit 102	2,500
George Realty and Coldwell Banker	Occupied	Mon - Fri 8 am - 7 pm Sat 10 am - 5 pm	Office	17919 Unit 201	505
George Realty and Coldwell Banker	Occupied	Mon - Fri 8 am - 7 pm Sat 10 am - 5 pm	Office	17919 Unit 202	4,300
New Sun Limo LLC	Occupied		Office	17919 Unit 203	920
Farmer's Insurance	Occupied	Mon - Fri 8:30 am - 5:30 pm	Office	17919 Unit 205	850
Proposed Food Court (Former Toy's R Us)	Vacant		Retail	17961 Gale	45,034
Crystal Lighting	Occupied	Mon - Sat 11 am - 7 pm Sun 12 Noon - 6 pm	Retail	18001 Gale	4,800
TOTAL					186,323
Source: City of Industry staff					

Table 2

Expected Saturday Parking Generation by Vacant Space at
17835 to 18001 E. Gale Avenue, City of Industry

Use	Address (See Table 1)	Square Feet of Floor Space	Parking Rate per 1,000 Sq. Ft.	Parking Spaces Required
Former Sams Club and Future Proposed Use	17835 Gale	116,000	4.0	464.00
Vacant Office Space	17919 Unit 102	2,500	4.0	10.00
Former Toy's R Us / Proposed Food Court	17961 Gale	45,034	4.0	180.14
Total (Call - Rounded Up)		163,534		654.14 655
Parking Codes are contained in Industry Municipal Code, Title 17 Zoning, Chapter 17.12 Commercial Code part C.				

Table 3

Saturday Parking Survey at
17835 E. Gale Avenue, City of Industry

Time Period	Area (See Figure 1)					Total
	A	B	C	D	E	
9:00 - 9:30 am	14	2	5	5	0	26
9:30 - 10:00 am	14	2	5	4	0	25
10:00 - 10:30 am	15	4	5	4	0	28
10:30 - 11:00 am	14	4	19	5	1	43
11:00 - 11:30 am	15	4	25	1	2	47
11:30 - 12:00 am	17	5	33	1	2	58
12:00 - 12:30 pm	16	3	47	1	2	69
12:30 - 1:00 pm	22	2	66	5	2	97
1:00 - 1:30 pm	21	5	70	2	3	101
1:30 - 2:00 pm	21	6	80	2	3	112
2:00 - 2:30 pm	24	8	81	1	4	118
2:30 - 3:00 pm	21	10	63	4	2	100
3:00 - 3:30 pm	21	12	61	5	4	103
3:30 - 4:00 pm	23	17	58	3	3	104
4:00 - 4:30 pm	21	12	66	1	5	105
4:30 - 5:00 pm	19	6	62	3	6	96
5:00 - 5:30 pm	15	9	58	4	5	91
5:30 - 6:00 pm	14	13	68	4	6	105
Total Parking Spaces Provided	35	225	172	325	96	853
Maximum Spaces Occupied	24	17	81	5	6	118
Maximum Occupancy (%)	69%	8%	47%	2%	6%	14%

Table 4

Saturday Parking Survey at
19545 - 19649 San Jose Avenue, Puente Hills Plaza

Time Period	Area (See Figure 2)					Total
	A	B	C	D	E	
9:00 - 9:30 am	73	156	115	119	68	531
9:30 - 10:00 am	72	156	115	129	68	540
10:00 - 10:30 am	73	155	115	129	69	541
10:30 - 11:00 am	73	156	115	129	69	542
11:00 - 11:30 am	72	156	114	129	69	540
11:30 - 12:00 am	72	155	115	128	58	528
12:00 - 12:30 pm	73	156	115	129	69	542
12:30 - 1:00 pm	72	156	115	128	69	540
1:00 - 1:30 pm	72	156	115	129	68	540
1:30 - 2:00 pm	73	156	115	129	69	542
2:00 - 2:30 pm	73	155	115	129	69	541
2:30 - 3:00 pm	72	156	115	128	69	540
3:00 - 3:30 pm	72	154	114	129	69	538
3:30 - 4:00 pm	70	155	115	125	68	533
4:00 - 4:30 pm	60	138	85	103	58	444
4:30 - 5:00 pm	13	117	56	99	49	334
5:00 - 5:30 pm	3	18	5	14	5	45
5:30 - 6:00 pm	0	3	1	2	0	6
Total Parking Spaces Provided	73	156	115	129	69	542
Maximum Spaces Occupied	73	156	115	129	69	542
Maximum Occupancy (%)	100%	100%	100%	100%	100%	100%

Exhibit E

Notice of Exemption - CUP 18-4

[Attached]

NOTICE OF EXEMPTION

To: County Clerk
County of Los Angeles
Environmental Filings
12400 East Imperial Highway #2001
Norwalk, CA 90650

From: City of Industry
15625 E. Stafford Street, Suite 100
City of Industry, CA 91744

Project Title: Conditional Use Permit 18-4

Project Location - Specific: 18009 Gale Avenue

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

Description of Project: Conditional Use Permit 18-4 to allow for the operation of a full-service restaurant with the sales of beer, wine and distilled spirits

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

Name of Person or Agency Carrying Out Project: Chen Dai with Freezing Point Investment LLC

Exempt Status: *(check one)*

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

Reasons why project is exempt: The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines for the following reasons: (1) The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. The Plaza at Puente Hills Shopping center is currently occupied by several restaurant, retail and other commercial uses. The proposed restaurant use is consistent with what is presently operating at the shopping center, and the conversion to a full service restaurant with alcohol sales will have negligible impacts to the site because the applicant is not proposing any expansion or modifications to the existing tenant spaces. (2) No expansion of square-footage or modifications to the existing restaurant are proposed as part of this Project. (3) Finally, all existing plumbing and electrical services are sufficient since no modifications and changes are proposed as part of this Project.

Lead Agency

Contact Person: Nathalie Vazquez

Telephone: (626)333-2211

Signature: _____

Date: 09-13-2018

Title: Consultant Assistant Planner II

Exhibit F

Public Hearing Notice – CUP 18-4

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING Conditional Use Permit No. 18-4

On August 30, 2019, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Blossom Season Hot Pot for Conditional Use Permit No. 18-4 ("CUP No. 18-4").

Project Location: The property located at 18009 Gale Avenue in the City of Industry ("Property"); and the project site is zoned "C" Commercial.

Project Description: CUP No. 18-4 will establish a new full-service restaurant with the sale of beer, wine, and distilled spirits.


A copy of all relevant material for CUP No. 18-4, are on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Nathalie Vazquez, Consultant Assistant Planner II, at the City of Industry at 626-333-2211 extension 107 or by email at nvazquez@cityofindustry.org if you have questions.

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

Time: 11:30 a.m.
Date: September 10, 2019
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 CUP No. 18-4 in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the Planning Commission of the City of Industry at, or prior to, the public hearing.



Julie Gutierrez-Robles, City Clerk

9327

Exhibit G

Resolution No. PC 2019-06

[Attached]

RESOLUTION NO. PC 2019-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-4, TO ALLOW FOR THE OPERATION OF A FULL-SERVICE RESTAURANT WITH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS LOCATED AT 18009 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on August 2, 2019, Chen Dai owner of Blossom Season (“Applicant”) filed a complete application requesting approval of CUP No. 18-4 described herein (“Application”); and

WHEREAS, the Application applies to an existing 5,963 square-foot tenant space within the Plaza of Puente Hills shopping center located at 18009 Gale Avenue, City of Industry, California Assessor Parcel Number 8264-014-053 (“Property”); and

WHEREAS, in accordance with Section 17.12.025(14) of the City’s Municipal Code (“Code”), a CUP is required for the operation of a full service restaurant with or without alcohol sales; 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. Full service restaurants with no 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, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. Based upon the information received and Staff’s review and assessment, the proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines for the following reasons: (1) The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. The Property is located at the Plaza of Puente Hills shopping center which is currently occupied by several restaurants, retail, and various commercial uses. The proposed conversion of a fast food restaurant to a restaurant that provides the sale of alcohol, will have a negligible impact on the overall shopping center because a full-service restaurant is consistent with what is presently operating at the shopping center. (2) In addition, the Applicant is not proposing any expansion or modifications to the existing tenant space as the existing floor plan has been

previously approved by the City's Los Angeles County Building and Safety Department. (3) Finally, all existing plumbing and electrical services are sufficient since no modifications and changes are proposed as part of this Project.

WHEREAS, notice of the Planning Commission's September 10, 2019 public hearing on the approval of CUP No. 18-4 was published in the *San Gabriel Valley Tribune* on August 31, 2018, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on August 30, 2018; and

WHEREAS, on September 10, 2019 the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

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

NOW THEREFORE, it is hereby found, determined and resolved by the Planning Commission of the City of Industry as follows:

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

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

SECTION 3: Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for the approval of CUP No. 18-2, the Planning Commission hereby finds and determines that approving the application will not result in or have a significant impact on the environment for the following reasons: The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. The Project does not include any tenant improvements or modifications to the existing structure. The Property is currently located within the Plaza of Puente Hills shopping center which is already occupied by several restaurant and other commercial uses making the proposed restaurant use with alcohol sales, consistent with what is presently operating at the shopping center. As mentioned, the use will have negligible impacts to the site because the applicant is not proposing any expansion to the existing tenant space, and the service of alcohol is only ancillary to the restaurant use. Based on the foregoing, the Planning Commission hereby adopts the Notice of Exemption, and directs Staff to file same as required by law.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the September 10, 2019 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Commercial, which allows for dining uses. The Zoning Ordinance, which implements the General Plan, allows for a full-service restaurant with alcohol sales, with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking, and locating facilities, and items which may be required by Sections 17.12.050 and 17.36 of the Municipal Code. The proposed full service restaurant with alcohol sales, is located on the first floor of an existing commercial structure which is part of a fully developed commercial shopping center with multiple tenants and buildings. In addition, a parking study was prepared and determined that there will be no parking impacts and there is sufficient parking on site to for the proposed Project. The proposed restaurant does not involve any physical changes to the internal and external footprint of the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

(c) The Property is served by adequate street access and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property has direct access from Gale Avenue. In addition, Plaza of Puente Hills, is currently served by the 60 Freeway from Fullerton Road and has multiple entrances off Gale Avenue and a single entrance from Stoner Creek Road.

(d) A full-service restaurant with the sales of beer, wine, and distilled spirits is a compatible use with the surrounding properties and uses because the area is comprised of retail stores and restaurants. The proposed use will complement the adjacent uses and will provide a dining service for visitors of the Plaza of Puente Hills shopping center. The uses of the surrounding properties may change, but the character will remain commercial in nature which is consistent with the General Plan and Zoning designations of the site. The proposed full service restaurant with alcohol sales will also contribute to the economic viability of the mall. There is no expansion of square-footage or alterations to the interior proposed as part of this Project.

(e) The nature, condition and proposed development of adjacent uses, buildings and structures have been considered, and the proposed use, the full service restaurant with alcohol sales, 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.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 18-4, subject to the conditions contained in Attachment 1, attached hereto and incorporated herein by reference.

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

SECTION 7: The Planning Commission Secretary shall certify to the adoption of this Resolution and the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on September 10, 2019, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Michael Greubel
Chairman

ATTEST:

Julie Gutierrez-Robles
Deputy Secretary

Attachment 1

Conditions of Approval – CUP 18-4

[Attached]



CITY OF INDUSTRY

Standard Requirements and Conditions of Approval

APPLICATION: Conditional Use Permit No. 18-4
APPLICANT: Chen Dai, D.B.A. Blossom Season
LOCATION: 18009 Gale Avenue
USE: Full service restaurant with beer, wine, and distilled spirits

Conditions of Approval:

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

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. No changes to the floor plan are permitted without prior written permission from the City of Industry. This includes any minor partition walls.
3. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions recommended by the City and Sheriff. That may include hiring a security guard and limiting hours of alcohol service.
4. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
5. This approval shall be of no force and effect unless and until a Type 47 Beer, Wine and distilled spirits license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 47 license shall be maintained in compliance with all ABC requirements.

6. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
7. 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. 18-4.
8. 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.
9. 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.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Applicant shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
14. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
15. 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.

16. 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 10:00 A.M. and 2:00 A.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 on the premises.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:

- (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
- (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
- (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
- (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.

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

25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.

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

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the 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.

2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions of CUP 18-4 within 10 days of approval. The Applicant and Property Owner understand and agree that approval of CUP 18-4 will be of no force or effect unless such written consent is submitted to the City within the stated 10-day period.