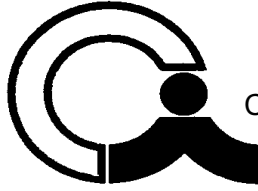

PLANNING COMMISSION

CITY OF INDUSTRY

ADJOURNED
REGULAR MEETING AGENDA
AUGUST 24, 2015 11:00 A.M.



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

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

Addressing the Planning Commission:

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

Americans with Disabilities Act:

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

Agendas and other writings:

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

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

5. **PUBLIC HEARING - CONTINUED**

- 5.1 Public Hearing regarding Conditional Use Permit No. 15-5, submitted by Jade House, to establish alcohol service (Type 41 ABC License) at an existing fast-food restaurant located at 18207 Gale Avenue.

Consideration of Resolution No. PC 2015-10 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-5 TO ALLOW THE ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT LOCATED AT 18207 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME.

RECOMMENDED ACTION: Adopt Resolution No. PC 2015-10.

6. **ACTION ITEMS**

- 6.1 Consideration of Resolution No. PC 2015-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY RESCINDING RESOLUTION NO. PC-394 AND AMENDING THE TIME OF REGULAR MEETINGS FOR THE PLANNING COMMISSION.

RECOMMENDED ACTION: Adopt Resolution No. PC 2015-09.

- 6.2 Consideration of Resolution No. PC 2015-11 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, MAKING CERTAIN FINDINGS CONCERNING THE SUMMARY VACATION OF CERTAIN EXCESS PORTIONS OF VIRGIL WATERS WAY WITH RESPECT TO THE CONSISTENCY OF THE PROPOSED VACATION WITH THE CITY OF INDUSTRY GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402.

RECOMMENDED ACTION: Adopt Resolution No. PC 2015-11.

7. Adjournment. Next regular meeting: Thursday, September 10, 2015 at 11:00 a.m.

PLANNING COMMISSION

ITEM NO. 5.1



CITY OF INDUSTRY

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

MEMORANDUM

To: Planning Commission

August 18, 2015

From: Paul J. Philips, City Manager

Staff: Troy Helling, Senior Planner

Subject: Conditional Use Permit 15-5 – Jade House Alcohol Service

Proposal

Section 17.12.025 of the Municipal Code requires approval of a Conditional Use Permit (CUP) by the Planning Commission to establish alcohol service at a fast-food restaurant. This application (Attachment 1), is to establish alcohol service at Jade House, an existing 3,580 square foot fast-food restaurant. Jade House proposes to sell beer and wine during their normal business hours (12:00 AM to 10:00 PM) seven days a week.

In 2010, the applicant received approval from the Planning Department for Use Permit 10-082 for a fast-food restaurant without alcohol service. The applicant is now applying for a Type 41 Alcohol Beverage Control (ABC) License, which allows for on-site consumption of beer and wine. ABC defines a Type 41 License as authorizing the sale of beer and wine for consumption on or off premises. Distilled spirits may not be on the premises except for brandy, rum, or liqueurs for cooking purposes. The business must operate and maintain the premises as a bona-fide eating establishment, maintain suitable kitchen facilities, and must make actual and substantial sales of meals for consumption on the premises.

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

Location and Surroundings

As shown on the attached location map (Attachment 3), the proposed restaurant is located at 18207 Gale Avenue, within the 444,564 square foot Plaza at Puente Hills Shopping Center, which is located north of the Pomona Freeway (SR-60) and Gale Avenue and west of Fullerton Road.

The project is surrounded on the east, west and south by commercial developments, on the north by railroad tracks with industrial development beyond.

Staff Analysis

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

Alcohol Service

The addition of alcohol service at the existing restaurant, which closes at 10:00 PM, does not over-saturate the center with alcohol-related uses, and is not a stand-alone bar that could result in additional calls for law enforcement services. There are four other restaurants that serve alcohol in the center and there has not been an increase in calls for law enforcement service in the center that can be attributed to alcohol service.

Jade House is a bona-fide restaurant that has complied with the conditions of approval for Use Permit 10-082, and there have not been any code violations or law enforcement issues since they have been operational.

Parking

The fast-food restaurant use is parked at the rate of one space per 250 square feet and requires 15 parking spaces. The addition of alcohol service does not result in the need for additional parking spaces.

Environmental Analysis

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

Public Hearing

The required Public Hearing Notice (Attachment 5) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the San Gabriel Tribune by July 31, 2015. Due to a lack of a quorum, the Planning Commission meeting was continued from August 13, 2015, to August 24, 2015.

Recommendation

Because the proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission approve Resolution No. PC 2015-09 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Attachment 6) and direct staff to file the Notice of Exemption.

Attachments

- Attachment 1: Application
- Attachment 2: Proposed Floor Plan
- Attachment 3: Location Map
- Attachment 4: Notice of Exception
- Attachment 5: Public Hearing Notice
- Attachment 6: Resolution No. PC 2015-10 approving Conditional Use Permit No. 15-5 with findings of approval and Standard Requirements and Conditions of Approval

Attachment 1

Application



CITY OF INDUSTRY

1525 East Stafford Street • Suite 101 • City of Industry • CA • 91744
Phone: (626) 333-2211 • Fax: (626) 961-6795
www.cityofindustry.org

LOP 15-5

CONDITIONAL USE PERMIT APPLICATION

15 APR 27 PM 4:35:47

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

PROPOSAL

Location Address: 18207 Gale Ave, Industry, CA 91748
Street City Zip + 4

Describe in detail the type of business to be conducted and the daily operations of the business.

BEER & WINE APPLICATION FOR (E) FAST FOOD.

Days of operation: SUN - SAT Business Hours: 12 - 10 PM Number of Employees: 4

APPLICANT INFORMATION

Applicant: ELLIE ZHANG Title: OWNER Phone: 626-316-3148 Email: _____
Address: 9124 Duffy street, Temple City, CA 91780
Street City Zip + 4

FTPEW@MAIL.COM

BUSINESS INFORMATION

Business Name (DBA): JADE HOUSE
Corporation Name: _____
Mailing Address (if different then location address): _____
Street City State Zip + 4
Phone: 626-316-3148 Fax: _____ E-mail Address: _____
Business Owner Contact (if different than applicant): ELLIE ZHANG Phone: 626-316-3148

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

Property Owner: JSL PLAZA PUENTE HILLS LLC Phone: 310-284-8733
Address: P.O. Box 16356, BEVERLY HILLS, CA 90209
Street City Zip + 4

BUSINESS OWNER DECLARATION

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

Name (print or type): ELLIE ZHANG Signature: _____ Date: 4/20/15

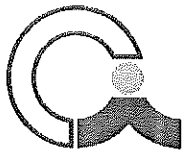
SUBMITTAL CHECKLIST - MAKE SURE THE BELOW ITEMS ARE COMPLETE BEFORE SUBMITTING APPLICATION FOR APPROVAL

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

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

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

To Be Completed By City Staff
Conditional Use Permit No. _____ Filing Date: _____ Accepted by: _____
Date Deemed Complete: _____ Date Approved: _____ Zoning/GP Designation: _____
Fees: Filing Fee _____ Environmental Fee Deposit _____ CA Dept Fish and Game Fee _____



CITY OF INDUSTRY

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

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

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

BUSINESS DESCRIPTION RESTAURANT

BUSINESS LOCATION 18207 GALE AVE CITY OF INDUSTRY, CA 91748

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

DATE:

I/We, ISL PLAZA PUENTE HILLS, the OWNER(s) of the Real Property involved in this application, do hereby consent to the filing of this application. I/We do hereby appoint the following person(s) as my agent(s) to act on my behalf on the foregoing application:

OWNER'S AGENT: DORA HERNANDEZ Phone No. ()
(e.g. Property Manager) (Printed Name of Agent)

Address of Owner's Agent: 1014 S. GLENORA AVE W. COVINA CA 91790
(Number) (Street) (City) (State) (Zip)

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

Address: _____ **Address:** _____
(Number) (Street) (Number) (Street)
(City) (State) (Zip) (City) (State) (Zip)

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

FOR NOTARY USE ONLY

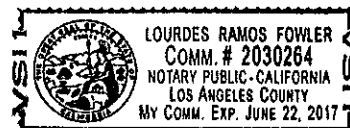
STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)

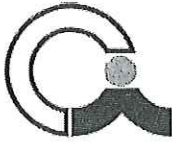
Subscribed and sworn to (or affirmed) before me this 23 day of APRIL 2015

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

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

Loures R. Fowler SEAL
NOTARY PUBLIC





**CITY OF INDUSTRY
USE PERMIT
SUPPLEMENT A**

Before any application for a can be accepted as complete, the applicant must obtain a Fire Department stamp of approval on this form. In order to obtain approval, the applicant must submit a **COMPLETED** application to the LOS ANGELES COUNTY FIRE PREVENTION DIVISION located at:

15660 E. STAFFORD STREET
CITY OF INDUSTRY, CA 91744
Phone: (626) 336-6950

The Fire Prevention Bureau has reviewed the application for Jade House
proposed at 18207 Gale Ave 91748 City of Industry.
street zip code

OFFICE USE ONLY

Recommendation is:

- APPROVAL - The proposed use and building meets Fire Prevention requirements.
- DENIAL - The proposed use and/or building failed the minimum Fire Prevention requirements.

Comments:

- Provide U.L. approved, fire extinguisher(s) - minimum rating: 2A10BC
within 75 feet travel distance.
- Sprinkler system shall be monitored by a fire alarm company (100 sprinkler heads or more).
- Provide a 5-year certification test on the sprinkler system.
- Contact the Fire Department within 2 weeks after occupancy for field inspection.
_____ occupancy only.

File for the following permits:

- Flammable Liquids Storage or Use
- High-pile Stock. Commodity classification
- Other place of assembly 142 capacity
- Do not occupy building until all Fire Department requirements are met.

Fire Department Stamp

COUNTY OF LOS ANGELES
FIRE DEPARTMENT
FIRE PREVENTION DIVISION
APPROVED

By: E Date: 4-20-15
 Subject to field inspection approval
 Subject to conditions on plans
 Subject to compliance with correction sheet requirements

The stamping of this plan and specification SHALL NOT be held to permit or to be an approval of the violation of any provisions of any County/City Ordinance or State Law.

Checklist (completed by applicant)

- Complete Statement of Intended Use
- Complete Fire Extinguisher Requirements
- Complete Occupant Emergency Information Form
- Provide Statement of Intended Use Letter signed by Business
- Owner or Authorized Agent
- Complete Hazardous Materials Declaration
- Complete High-Piled Combustible Storage Declaration
- Include Floor and Site Plan
- Obtain stamp on Use Permit Supplement A

Environmental Information Form

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

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

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

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

General Information

1. Name developer, agent, or project sponsor: Ellie Zhang Phone Number: 626-316-3148
 Address: 9124 Duffy Street Temple City 91780
Street City Zip
2. Project name: Jade House Assessor's Parcel Number: _____
 Address: 18207 Gale Ave, City of Industry, CA 91748
Street Zip

Environmental Setting (Attach additional sheets and photos as necessary)

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

Fast Food w/ BEER & WINE
Taking over existing 3,580 SF fast food restaurant inside
existing commercial shopping center

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

The existing shopping center has Home Depot, Sam's Club,
Benihana, Toys R US (closed), etc.

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

North - ~~Industrial~~

South - commercial shopping center

East - Home Depot

West - commercial shopping center

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

Project Description (attach additional sheets as necessary)

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

ABC

LA COUNTY DEPT

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

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

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

4/20/2015 - 5/1/2015

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

Commercial, fast food, 3,580 SF

12:00 p.m. - 10:00 p.m.

4 employees

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

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

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

CUP requires Beer and Wine application

Potential Environmental Impacts


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

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

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

Certification

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

Name of preparer: Ellie Zhang Preparer's signature: 

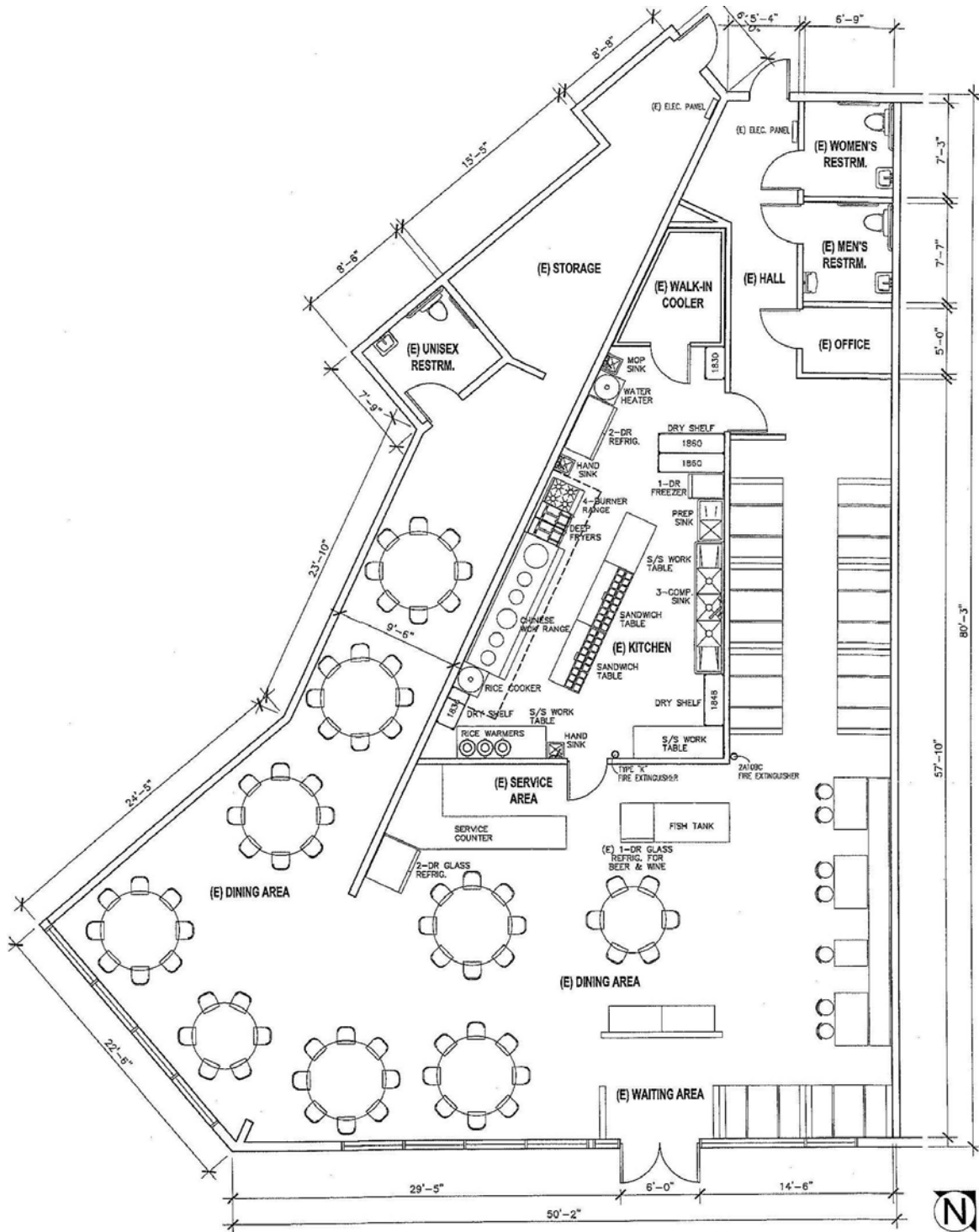
Date: 4/20/2015

Attachment 2

Floor Plan

CUP 15-5

Floor Plan



Attachment 3 Location Map

CUP 15-5

Location Map



Attachment 4

Notice of Exemption

NOTICE OF EXEMPTION

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

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

Project Title: CUP 15-5

Project Location - Specific: 18207 Gale Avenue

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

Description of Project: Conditional Use Permit 15-5 is an application to establish alcohol service (Type 41 ABC License, beer and wine for on-site consumption) at an existing 3,580 square foot-fast food restaurant (Jade House).

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

Name of Person or Agency Carrying Out Project: Ellie Zhang

Exempt Status: *(check one)*

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

Reasons why project is exempt: Section 15301 Class 1, which exempts the operation, permitting, or minor alteration of existing facilities involving negligible or no expansion of the existing use. The CUP is required for the sale of alcohol service and there will be no modifications to the existing restaurant that would intensify the existing use. The addition of alcohol sales involves only a minor change in operations of an existing facility and is only a negligible expansion of the existing use.

Lead Agency

Contact Person: Troy Helling

Telephone: (626)333-2211

Signature: _____

Date: _____

Title: Senior Planner

Attachment 5
Public Hearing Notice

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 15-5

On July 31, 2015, notice has been given that the Planning Commission of the City of Industry shall hold a public hearing on the application for Conditional Use Permit No. 15-5 to establish alcohol service (Type 41 ABC License) for beer and wine at an existing 3,580 square foot-fast food restaurant at 18207 Gale Avenue in the City of Industry.

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

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

Time: 11:00 a.m.
Date: August 13, 2015
Place: City Council Chamber
15651 East Stafford Street
City of Industry, CA 91744

Any person wishing to be heard regarding this matter may appear at the above time, date and place. Written comments may be sent via U.S. Mail or by hand delivery to the City of Industry, at 15625 Stafford Street, Suite 100, City of Industry, CA 91744.

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



Cecelia Dunlap
Deputy City Clerk of the City of Industry

Attachment 6
Resolution No. PC 2015-10

RESOLUTION NO. PC 2015-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-5 TO ALLOW THE ON-SITE SALE OF BEER AND WINE AT AN EXISTING RESTAURANT LOCATED AT 18207 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME.

RECITALS

WHEREAS, on May 14, 2015, Ellie Zhang (“Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 15-5 described herein (“Application”); and

WHEREAS, the Application applies to an existing 3,580 square-foot restaurant located on a 1.66 acre property, at 18207 Gale Avenue, City of Industry, California, Assessor’s Parcel Number 8264-014-043 (“Property”); and

WHEREAS, the Applicant desires to sell beer and wine for on-premise consumption Alcohol Beverage Control Type 41 license, and in accordance with Section 17.12.025(7) of the City’s Municipal Code (“Code”), a CUP is required for this type of activity; and

WHEREAS, the Land Use Element of the General Plan designates the Property for general commercial uses. The proposed use is consistent with the General Plan as it would provide essential goods and services commonly available at other restaurants, and does not conflict with the established goals and objectives of the Land Use Element. Establishments that sell alcoholic beverages are permitted in the Commercial (C) zone, subject to the approval of an CUP pursuant to Section 17.12.025(7) of City’s Code; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. Based upon the information received and Staff’s review and assessment, the project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15301 (Class 1 Existing Facility) of the CEQA Guidelines, because the sale of beer and wine at an existing restaurant only involves a minor change in operations of an existing facility, and is only a negligible expansion of the existing use; and

WHEREAS, notice of the Planning Commission’s August 13, 2015 public hearing on CUP No. 15-5 was published in *The San Gabriel Valley Tribune* on July 31, 2015, in compliance with the City’s Code and Government Code Section 65091, and was posted at the Property and at three public places on July 31, 2015; and

WHEREAS, the notice of the Planning Commission's August 13, 2015, public hearing on CUP No. 15-5 was also mailed to property owners within 300 feet of the Property on July 31, 2015; and

WHEREAS, on August 24, 2015, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

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

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

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

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

3. Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for Conditional Use Permit Application No. 15-5, the Planning Commission hereby finds and determines that Conditional Use Permit No. 15-5 will not result in or have a significant impact on the environment, because the service of on-site alcoholic beverages only involves a minor change in operations of an existing facility, and involves only a negligible expansion of the existing use. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15301 (Class 1, Existing Facilities) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the Planning Commission adopts the Notice of Exemption and directs staff to file same as required by law.

4. Based upon substantial evidence presented to the Planning Commission during the August 24, 2015, public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the general plan. The general plan designates the site for commercial uses, including retail and services uses such as fast-food restaurants. The Zoning Ordinance, which implements the General Plan, allows alcohol service in bonafide restaurants with approval of a CUP. In addition, the attached conditions of approval set operational and management standards that ensure the business that will operate in a

manner consistent with general plan policies related to noise, safety, property maintenance, and maintaining a professional appearance.

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

(c) The nature, condition and proposed development of adjacent uses, buildings and structures has been considered, and the proposed use, the sale of beer and wine for on-site consumption in conjunction with a bona-fide eating establishment, will not adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare, in that the surrounding area is composed of other similar commercial uses, including an established retail shopping center where customers may purchase goods and services that are conveniently located near each other and which is regularly monitored by the Sheriff's Department. The addition of the sale of beer and wine will complement the adjacent uses by offering an additional service at the shopping center.

(d) The Property is served by highways adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. There is no expansion of the Property's footprint of the commercial center, and the Property is currently served by Gale Avenue, which is of adequate capacity to serve the commercial use. The addition of the sale of alcoholic beverages does not require additional parking, and the Property is currently adequately parked.

(e) The sale of alcoholic beverages is compatible with surrounding properties and uses because the surrounding area is composed of other similar commercial uses, including an established retail shopping center. The uses of the surrounding properties may change, but the character will remain commercial in nature consistent with the general plan and zoning designations of the site. The service of alcoholic beverages at a fast-food restaurant complements existing and potential retail uses.

Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 15-5, subject to the conditions contained in Exhibit A.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at an adjourned regular meeting held on August 24, 2015 by the following vote:

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

Andria Welch
Planning Commissioner

ATTEST:

Cecelia Dunlap
Secretary



CITY OF INDUSTRY

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

EXHIBIT A

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 15-5

Applicant: Jade House

Location: 18207 Gale Avenue

Conditions of Approval

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. The conditions are related to the use, and assist in furthering the purpose and intent of the City's Zoning Code and protect the public health, safety and general welfare. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements and such requirements shall be a condition of approval.
2. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the Property by the ABC shall be grounds for revocation of the CUP.
3. Prior to City approval of the ABC license, the manager shall provide proof of the License Education on Alcohol and Drugs (LEAD) training by the California Department of Alcoholic Beverage Control for its managers. All employees selling or serving alcohol shall be required to participate in the LEAD training prior to selling/serving alcohol.
4. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.
5. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.

6. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day.
7. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity. In addition, all employees involved in the sale of alcoholic beverages must be at least 21 years of age.
8. If there are multiple police actions and/or complaints, the Planning Director shall give notice to the applicant that an on-site, security officer, licensed by the State of California, shall be hired by the business to police the facility during evening and night time operating hours.
9. Prior to City approval of the ABC license, security cameras, connected to the PSO system, will be installed to provide complete coverage inside the facility.
10. No live entertainment of karaoke shall be permitted.
11. The Applicant shall post onsite, prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
12. The sale of alcoholic beverages (beer and wine) shall be limited to the hours of operation of the existing restaurant as noted on the application.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

Code Requirements and Standards

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

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances, including all requirements of ABC.
2. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification. The Los Angeles County Sheriff's Department and the City reserve the right to review the business owner's compliance with the terms and conditions of this permit at any time. If any security and/or public safety concerns develop, the Applicant shall work cooperatively with the Sheriff's Department and the City to resolve these issues in a mutually acceptable manner.
3. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).

4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
11. The hours of operation shall be restricted to those as stated on the application or as subsequently approved by the Planning Director and/or Planning Commission.
12. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
13. No X-rated or adult films shall be maintained or shown anywhere on the premises.
14. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
15. No dancing or live entertainment by employees or customers will be permitted at any time.
16. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
17. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
18. No non-prescription drugs or drug paraphernalia shall be on the premises at any time.
19. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
20. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
21. No changes to the approved floor plan shall be permitted without written permission from both

the Los Angeles County Sheriff's Department and the City of Industry.

22. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
- (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
23. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
24. No outside cooking, food preparation, or sales of product or merchandise, unless approved in advance by the Planning Director.

Interpretation and Enforcement

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

Indemnification and Hold Harmless Condition

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

any claim, action or proceeding and should cooperate fully in the defense thereof. The City reserves the right to take any and all action the City deems to be in the best interest of the City and its citizens in regard to such defense.

Consent and Acknowledgment

1. The Applicant shall within thirty (30) days after approval of this CUP by the Planning Commission, submit to the Planning Department his/her written consent to all of the conditions referenced herein. The Applicant understands that approval of this CUP will be of no force or effect unless such written consent is submitted to the City within the stated 30 day period.

PLANNING COMMISSION

ITEM NO. 6.1

RESOLUTION NO. PC 2015-09

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF INDUSTRY RESCINDING RESOLUTION NO.
PC-394 AND AMENDING THE TIME OF REGULAR
MEETINGS OF THE PLANNING COMMISSION**

WHEREAS, Section 17.64.100 of the City's Municipal Code permits the Planning Commission to adopt rules designating the time and place for the regular meetings of the Commission; and

WHEREAS, on June 11, 2009, the Planning Commission adopted Resolution No. PC-394, setting the time of its regular meetings to be 8:00 a.m. on the second Thursday of each month; and

WHEREAS, the Planning Commission desires to change the time of its meetings to 11:00 a.m. on the second Thursday of each month.

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

SECTION 1. The Planning Commission finds that the facts, findings and conclusions set forth above are true and correct and are adopted herein by reference.

SECTION 2. The Planning Commission hereby rescinds Resolution No. PC-394 in its entirety.

SECTION 3. Effective July 10, 2015, the regular meetings of the Planning Commission shall be held at the place and time specified as follows:

City of Industry Council Chambers
City Hall Annex
15651 East Stafford Street
City of Industry, CA 91744
Second Thursday of Each Month
11:00 a.m.

SECTION 4. 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 5. That the Planning Commission Secretary shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at an adjourned regular meeting held on August 24, 2015 by the following vote:

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

Andria Welch
Planning Commissioner

ATTEST:

Cecelia Dunlap
Secretary

PLANNING COMMISSION

ITEM NO. 6.2

MEMORANDUM

To: Members of the Planning Commission

From: Paul Philips, City Manager

Staff: Clement N. Calvillo, CNC Engineering
Joshua Nelson, CNC Engineering

Date: August 18, 2015

SUBJECT: Resolution No. PC 2015-11 Pertaining to the Summary Vacation of a Portion of Virgil Waters Way (MP 99-58 #2)

The City desires to vacate a portion of Virgil Waters Way that became excess right-of-way due to the realignment of the intersection of Virgil Waters Way and Azusa Avenue (See graphic attached to the accompanying Resolution). On July 23, 2015, the City Council adopted Resolution No. CC 2015-20, expressing the intent to order the vacation of a portion of Virgil Waters Way. The Council will hold a public hearing on September 10, 2015 for the purpose of obtaining all evidence and/or testimony relating to said proposed vacation.

When the Azusa Avenue Bridge was constructed over the San Jose Creek, UPRR tracks and Valley Boulevard, a dirt embankment had to be constructed that ramps Azusa Avenue up to the south side of the bridge. Due to the construction of the embankment Chestnut Street had to be realigned. Chestnut Street was shifted northerly and a short road, Virgil Waters Way, was constructed from the easterly side of Azusa Avenue northerly to connect to Chestnut Street.

A few years ago the Industry Urban-Development Agency also widened the east side of Azusa Avenue and also realigned Virgil Waters Way making it easier for the trucks that travel that route. The old alignment of Virgil Waters Way had some tight curves in it and the new alignment has straightened some of that out making it easier for the newer and bigger trucks and trailers.

As a result of the new alignment, there is a small portion of Virgil Waters Way that is no longer needed for street purposes. The area was previously part of the easterly parkway (the portion of the street right-of-way behind the curb) and was never utilized for utilities.

Pursuant to Government Code Section 65402, it is necessary for the Planning Commission to find that the vacation is consistent with the City's General Plan. The vacation of Virgil Waters is specifically consistent with the following aspects of the General Plan:

Vision. Provide prudent public ownership, improvement, and strategic partnerships to achieve the City's economic development and revitalization goals.

The proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of an approximately 29 acre site.

LU2-2 Attract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share of growing sectors of the regional and global economy. Encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business.

LU2-3 Encourage the consolidation of smaller lots and large industrial lots to be occupied by a single tenant as opposed to multiple tenants.

Vacation of the remnant right-of-way will allow the consolidation of multiple lots into a coordinated development of five buildings ranging in size from 155,600 square feet to 47,383 square feet.

C1-2 Maintain a peak-hour LOS D at intersections identified on the Roadway Classification Plan.

C1-4 Ensure that the location, intensity, and timing of development are consistent with the provision of adequate transportation infrastructure.

Virgil Waters is designated as a Local Street in the Circulation Element, which is defined as providing "direct access to adjoining properties and connections to Collector Streets. They distribute traffic within a localized area and are not intended for use as a through-street or a link between higher capacity roadways." The vacation of remnant right-of-way of a local street will not alter existing street patterns, require amendment of the Roadway Classification Plan of the Circulation Element, alter roadway capacity, or alter or reduce level of service performance (LOS) and emergency access in any manner.

At this time staff recommends that the Planning Commission find that this vacation is consistent with the City's General Plan pursuant to California Government Code Section 65402.

It is hereby recommended that the Planning Commission approve and adopt Resolution No PC 2015-11 pertaining to the summary vacation of a portion of Virgil Waters Way.

JN: cl

RESOLUTION NO. PC 2015-11

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, MAKING CERTAIN FINDINGS CONCERNING THE SUMMARY VACATION OF CERTAIN EXCESS PORTIONS OF VIRGIL WATERS WAY WITH RESPECT TO THE CONSISTENCY OF THE PROPOSED VACATION WITH THE CITY OF INDUSTRY GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

WHEREAS, the City desires to vacate a portion of surplus right-of-way dedicated for road purposes located along the south side of Virgil Waters Way, west of the intersection with Azusa Avenue in the City of Industry (the "Property"); and

WHEREAS, the Property is excess right-of-way that was acquired for Virgil Waters Way and is not required for present or future street or highway purposes; and

WHEREAS, the Property is legally described in Exhibit "A" and depicted on the map in Exhibit "B", both of which are attached hereto and incorporated herein by this reference; and,

WHEREAS, prior to vacating the Property, Government Codes § 65402(a) requires that the Planning Commission find that the vacation conforms to the City's General Plan; and

WHEREAS, the Planning Commission has reviewed the proposed vacation of the Property and finds that it conforms to the following aspects of the City's General Plan because:

Vision. Provide prudent public ownership, improvement, and strategic partnerships to achieve the City's economic development and revitalization goals.

The proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of an approximately 29 acre site.

LU2-2 Attract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share of growing sectors of the regional and global economy. Encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business.

LU2-3 Encourage the consolidation of smaller lots and large industrial lots to be occupied by a single tenant as opposed to multiple tenants.

Vacation of the remnant right-of-way will allow the consolidation of multiple lots into a coordinated development of five buildings ranging in size from 155,600 square feet to 47,383 square feet.

C1-2 Maintain a peak-hour LOS D at intersections identified on the Roadway Classification Plan.

C1-4 Ensure that the location, intensity, and timing of development are consistent with the provision of adequate transportation infrastructure.

Virgil Waters is designated as a Local Street in the Circulation Element, which is defined as providing “direct access to adjoining properties and connections to Collector Streets. They distribute traffic within a localized area and are not intended for use as a through-street or a link between higher capacity roadways.” The vacation of remnant right-of-way of a local street will not alter existing street patterns, require amendment of the Roadway Classification Plan of the Circulation Element, alter roadway capacity, or alter or reduce level of service performance (LOS) and emergency access in any manner.

NOW THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDUSTRY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1: The Planning Commission finds that all of the facts, findings and conclusions set forth above are true and correct.

SECTION 2: In accordance with, and pursuant to the requirements of California Government Code §65402(a), the Planning Commission hereby finds that the proposed vacation of the Property conforms to the City’s General because the proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of an approximately 29 acre site (Vision, LU2-2, and LU2-3) and the vacation of remnant right-of-way will not alter existing street patterns, alter roadway capacity, require amendment of the Roadway Classification Plan of the Circulation Element, or alter or reduce level of service performance (LOS) and emergency access in any manner (C1-2 and C1-4).

SECTION 3: 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 4: The Planning Commission hereby directs the Secretary of the Planning Commission to transmit a full, true and correct copy to the City Clerk.

SECTION 5: That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at an adjourned regular meeting held on August 24, 2015 by the following vote:

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

Andria Welch
Planning Commissioner

ATTEST:

Cecelia Dunlap
Secretary

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

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

I, Cecelia Dunlap, Secretary of the City of Industry Planning Commission, do HEREBY CERTIFY that the foregoing Resolution No. PC 2015-11 was duly passed and adopted at an adjourned regular meeting of the Planning Commission of the City of Industry held on the 24th day of August 2015, by the following vote, to wit:

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

Cecelia Dunlap, Secretary
Planning Commission
City of Industry, California

(SEAL)

LEGAL DESCRIPTION

**PORTION OF AZUSA AVENUE (VIRGIL WATERS WAY)
TO BE VACATED**

THAT PORTION OF LOT 4, ROWLAND ADDITION No.1, AS SHOWN ON MAP RECORDED IN BOOK 3, PAGE 92 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS DESCRIBED IN DEED TO THE COUNTY OF LOS ANGELES, RECORDED JANUARY 25, 1966, AS INSTRUMENT No.3116 IN BOOK D-3186, PAGE 733, OFFICIAL RECORDS OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF AZUSA AVENUE, VARIABLE WIDTH, AND ANAHEIM PUENTE ROAD, 55.00 FEET WIDE, AS SHOWN ON PARCEL MAP No.113 IN THE CITY OF INDUSTRY, SAID COUNTY AND STATE, AS PER MAP RECORDED IN BOOK 91, PAGE 51 IN SAID COUNTY RECORDER'S OFFICE, SAID POINT OF INTERSECTION BEING DISTANT SOUTH 5° 45' 00" WEST, 1288.23 FEET, ALONG SAID CENTERLINE OF ANAHEIM PUENTE ROAD, FROM THE INTERSECTION OF LAST SAID CENTERLINE WITH THE CENTERLINE OF CHESTNUT STREET AS SHOWN ON SAID PARCEL MAP No.113, SAID POINT BEING ALSO THE BEGINNING OF A CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1500.00 FEET AND TANGENT TO SAID CENTERLINE OF ANAHEIM PUENTE ROAD, SAID CURVE BEING ALSO THE CENTERLINE OF SAID AZUSA AVENUE; THENCE NORTHEASTERLY, ALONG SAID CENTERLINE OF AZUSA AVENUE AND THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 44° 01' 09", AN ARC DISTANCE OF 1152.42 FEET; THENCE LEAVING

SAID CENTERLINE OF AZUSA AVENUE AND RADIAL TO SAID CURVE SOUTH $40^{\circ} 13' 51''$ EAST, 60.00 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY LINE OF SAID AZUSA AVENUE, BEING ALSO THE NORTHERLY LINE OF PARCEL 2 OF SAID PARCEL MAP No.113, SAID POINT BEING ALSO THE BEGINNING OF A CURVE CONCAVE SOUTHERLY AND HAVING A RADIUS OF 120.00 FEET, A RADIAL BEARING TO SAID CURVE BEARS NORTH $40^{\circ} 13' 51''$ WEST; THENCE EASTERLY ALONG SAID NORTHERLY LINE AND THE ARC OF LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF $59^{\circ} 27' 31''$, AN ARC DISTANCE OF 124.53 FEET; THENCE TANGENT TO THE LAST MENTIONED CURVE SOUTH $70^{\circ} 46' 20''$ EAST, 31.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 130.00 FEET; THENCE EASTERLY ALONG LAST SAID CURVE, THROUGH A CENTRAL ANGLE OF $04^{\circ} 43' 52''$, AN ARC DISTANCE OF 10.73 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ALSO ON THE SOUTHERLY LINE OF SAID LAND, DESCRIBED IN SAID DEED TO THE COUNTY OF LOS ANGELES; THENCE LEAVING SAID SOUTHERLY LINE, NON TANGENT TO THE LAST MENTIONED CURVE, NORTH $86^{\circ} 00' 56''$ EAST, 31.41 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 160.00 FEET; THENCE NORTHEASTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $52^{\circ} 47' 16''$, AN ARC DISTANCE OF 147.41 FEET TO A POINT OF CUSP AT ITS INTERSECTION WITH SAID SOUTHERLY LINE, BEING ALSO THE NORTHEASTERLY LINE OF PARCEL 3 OF SAID PARCEL MAP No.113; THENCE ALONG SAID SOUTHERLY LINE SOUTH $33^{\circ} 13' 40''$ WEST, 23.31 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHERLY AND HAVING A RADIUS OF 130.00 FEET; THENCE SOUTHWESTERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF $71^{\circ} 16' 08''$, AN ARC DISTANCE OF 161.70 FEET TO THE TRUE POINT OF BEGINNING.

CONTAINING 945 SQUARE FEET (0.0217 ACRES) OF LAND AREA.


VLADISLAV SKREJEV - PLS-8363

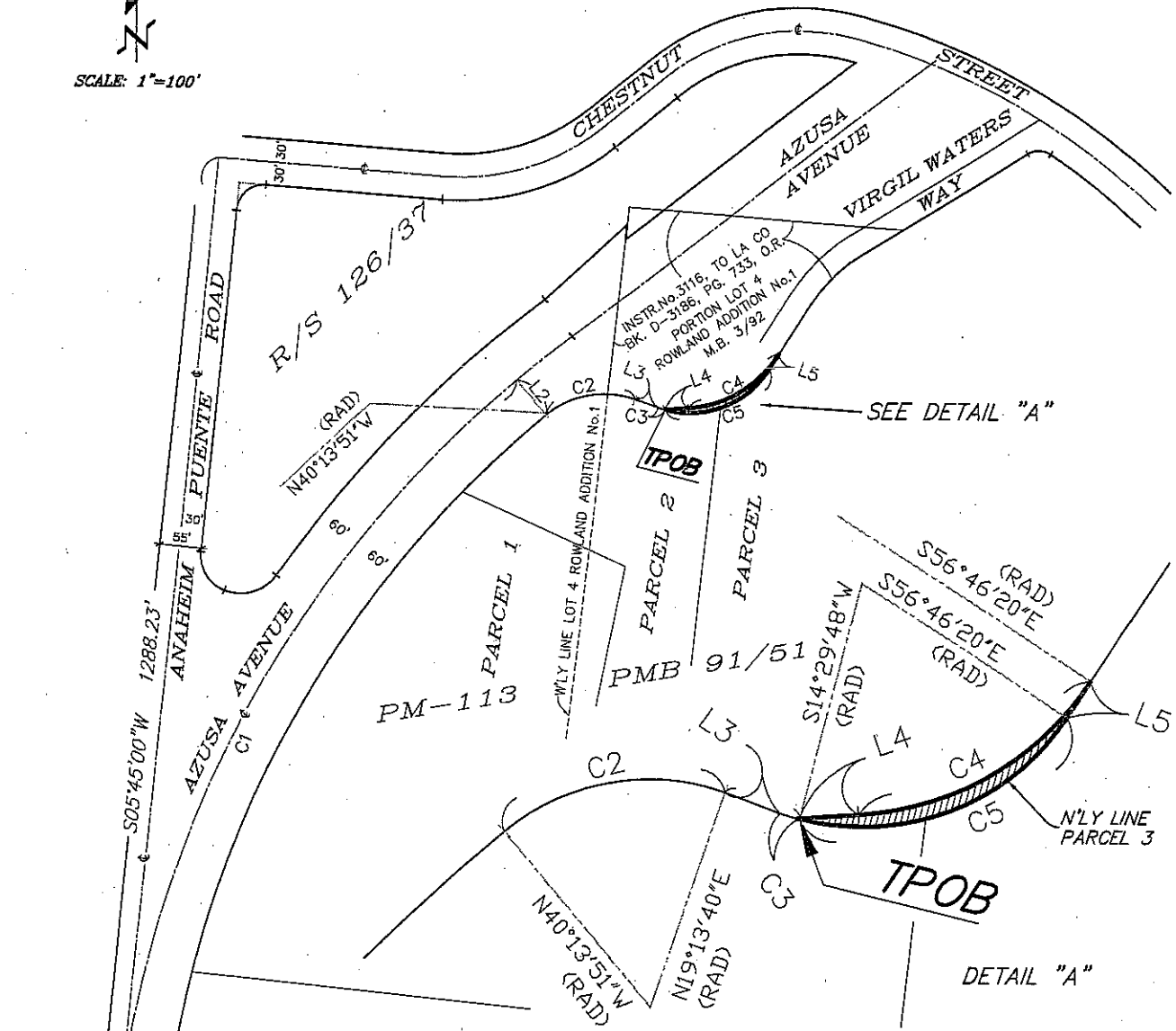
CNC ENGINEERING

Job No. MP 99-58 Legal No. 701-R
chck'd by: SS July 24, 2015



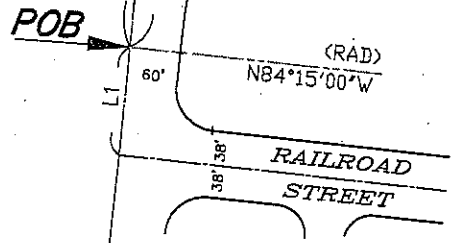
EXHIBIT "B"

PORTION OF STREET TO BE VACATED



LINE DATA TABLE		
	BEARING	LENGTH
L1	N05°45'00"E	125.73'
L2	S40°13'51"E	60.00'
L3	S70°46'20"E	31.94'
L4	N86°00'56"E	31.41'
L5	S33°13'40"W	23.31'

CURVE DATA TABLE			
	RADIUS	DELTA	LENGTH
C1	1500.00'	44°01'09"	1152.42'
C2	120.00'	59°27'31"	124.53'
C3	130.00'	04°43'52"	10.73'
C4	160.00'	52°47'16"	147.41'
C5	130.00'	71°16'08"	161.70'



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