

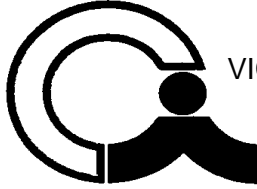
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# PLANNING COMMISSION

## CITY OF INDUSTRY

SPECIAL MEETING AGENDA  
SEPTEMBER 24, 2015 11:00 A.M.



CHAIRWOMAN ANDRIA WELCH  
VICE CHAIRMAN FRANK CONTRERAS  
COMMISSIONER ABRAHAM CRUZ  
COMMISSIONER JIM DIVERS  
COMMISSIONER BERT SPIVEY

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

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

- ▶ **Agenda Items:** *Members of the public may address the Planning Commission on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any item listed on the Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary prior to the individual being heard by the Planning Commission.*
- ▶ **Public Comments (Agenda Items Only):** *During public comments, if you wish to address the Planning Commission during this Special Meeting, under Government Code Section 54954.3(a), you may only address the Planning Commission concerning any item that has been described in the notice for the Special Meeting.*

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

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

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

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

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1. Call to Order
  2. Flag Salute
  3. Roll Call
  4. Public Comments
- 
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5. Consideration of the minutes of the July 9, 2015 regular meeting.

*RECOMMENDED ACTION: Approve as submitted.*

6. **PUBLIC HEARING**

- 6.1 Public Hearing regarding Conditional Use Permit No. 15-6, submitted by Yosemite Wine and Spirit International Trade Group, to establish alcohol beverage tasting in conjunction with their existing retail wine sales at 18558 Gale Avenue #178.

Consideration of Resolution No. PC 2015-17 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-6 TO ALLOW ALCOHOL BEVERAGE TASTING AT A RETAIL WINE STORE LOCATED AT 18558 GALE AVENUE #178, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME.

*RECOMMENDED ACTION: Adopt Resolution No. PC 2015-17.*

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

*PLANNING COMMISSION*

ITEM NO. 5

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
JULY 9, 2015  
PAGE 1

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**CALL TO ORDER**

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

**FLAG SALUTE**

The flag salute was led by Commissioner Andria Welch

**ROLL CALL**

PRESENT: Andria Welch  
Frank Contreras  
Bert Spivey

STAFF PRESENT: Paul J. Philips, City Manager; James M. Casso, City Attorney; Brian James, Planning Director; and Cecelia Dunlap, Secretary.

**PUBLIC COMMENTS**

There were no public comments.

**CONSIDERATION OF THE MINUTES OF THE MAY 14, 2015 REGULAR MEETING**

MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER SPIVEY TO APPROVE AS SUBMITTED. MOTION CARRIED 3-0.

**PUBLIC HEARING REGARDING CONDITIONAL USE PERMIT NO. 15-4, SUBMITTED BY MR. LAMB, TO ESTABLISH ALCOHOL SERVICE (TYPE 41 ABC LICENSE) AT AN EXISTING FAST-FOOD RESTAURANT LOCATED AT 17863 COLIMA ROAD**

MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER SPIVEY TO OPEN THE PUBLIC HEARING. MOTION CARRIED 3-0.

Senior Planner Helling presented a staff report to the Planning Commission.

Commissioner Welch inquired if anyone wished to be heard on the matter. There were no comments.

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
JULY 9, 2015  
PAGE 2

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MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER SPIVEY TO CLOSE THE PUBLIC HEARING. MOTION CARRIED 3-0.

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

MOTION BY COMMISSIONER SPIVEY, AND SECOND BY COMMISSIONER CONTRERAS TO APPROVE RESOLUTION NO. PC 2015-08. MOTION CARRIED 3-0.

**CONSIDERATION OF CHANGING THE DAY AND TIME OF THE REGULAR SCHEDULED PLANNING COMMISSION MEETINGS**

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

Discussion ensued among the Commissioners regarding their availability.

MOTION BY COMMISSIONER CONTRERAS, AND SECOND BY COMMISSIONER SPIVEY TO CHANGE THE TIME OF REGULAR SCHEDULED PLANNING COMMISSION MEETINGS, TO 11:00 A.M. ON THE SECOND THURSDAY OF THE MONTH. MOTION CARRIED 3-0.

**ADJOURNMENT**

There being no further business, the Planning Commission adjourned.

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ANDRIA WELCH  
CHAIRWOMAN

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CECELIA DUNLAP  
SECRETARY

*PLANNING COMMISSION*

ITEM NO. 6.1



# CITY OF INDUSTRY

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

## MEMORANDUM

To: Planning Commission

September 17, 2015

From: Paul J. Philips, City Manager

Staff: Troy Helling, Senior Planner

**Subject: Conditional Use Permit 15-6 – Yosemite**

### Proposal

Section 17.12.025 of the Municipal Code requires approval of a Conditional Use Permit (“CUP”) by the Planning Commission to establish alcohol service. This application, submitted by Yosemite Wine and Spirit International Trade Group (“Yosemite”) is to establish alcohol beverage tasting in conjunction with their existing retail wine sales at an existing 1,800 square retail space located at 18558 Gale Avenue #178. Yosemite proposes to sell wine and offer wine tasting during their normal business hours (9:00 AM and 9:00 PM) seven days a week.

The applicant recently received approval from the Planning Department for Use Permit 15-147 that included a Type 20 Alcohol and Beverage Control (ABC) License, which allows retail sales of alcohol for off-site consumption. The Type 20 License is permitted with a Use Permit approved at staff level. The applicant is now applying for a Type 42 ABC License, which will be conditioned to only allow for tasting. The tasting will be limited by ABC to one two ounce serving of an alcoholic beverage, and the Type 42 License requires CUP approval from the Planning Commission.

As shown in the attached floor plans (Attachment 1), the facility includes a retail area, designated wine tasting area, storage and a restroom.

### Location and Surroundings

As shown on the attached location map (Attachment 2), the proposed 1,800 square foot retail store is located at 18558 Gale Avenue #178, within the 78,882 square foot Seasons Place shopping center, which is bounded by Gale Avenue to the north and east, Jellick Avenue to the west, and State Route 60 (SR-60, Pomona Freeway) to the south.

### Staff Analysis

The proposed use is consistent with the Zoning (“C” – Commercial) and General Plan (Commercial) designations of the site. Section 17.12.025 of the Municipal Code allows for retail of alcohol for off-site consumption but does not specifically address alcohol tastings inside a retail store. However, it is Staff’s opinion that the alcohol tasting, with the appropriate license from ABC and within a established retail store, is sufficiently controlled and monitored to ensure that they do not run the risk of turning into a bar or posing law enforcement issues. Accordingly, the proposed tasting activity is sufficiently similar to the intent and spirit of the Municipal Code.

In 2012, the Planning Commission approved a similar tasting activity inside BevMo! at 21660 Valley Boulevard. In May of this year, the Planning Commission approved wine tasting inside the Wal-Mart at 17150 Gale Avenue. There have been no code enforcement or law enforcement issues associated with the tasting activities at either location.

#### *Alcohol Tasting*

The addition of alcohol beverage tasting in conjunction with their existing retail wine sales at a retail space, which closes at 9:00 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 three 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.

#### *Parking*

The retail use is parked at the rate of one space per 250 square feet and requires eight parking spaces. The addition of alcohol tasting 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. A retail store that sells alcohol is considered a ministerial project in City of Industry and would have the same parking requirement as other retail uses. The CUP is required for the alcohol tasting and there will be no modifications to the existing retail space that would intensify the existing use. The addition of alcohol tasting involves only minor changes in operation of an existing facility and is a negligible expansion of the existing use. The Notice of Exemption (Attachment 3) 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 4) 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 September 11, 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 2015-17 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: Proposed Floor Plan
- Attachment 2: Location Map
- Attachment 3: Notice of Exception
- Attachment 4: Public Hearing Notice
- Attachment 5: Resolution No. PC 2015-17 approving Conditional Use Permit No. 15-6 with findings of approval and Standard Requirements and Conditions of Approval



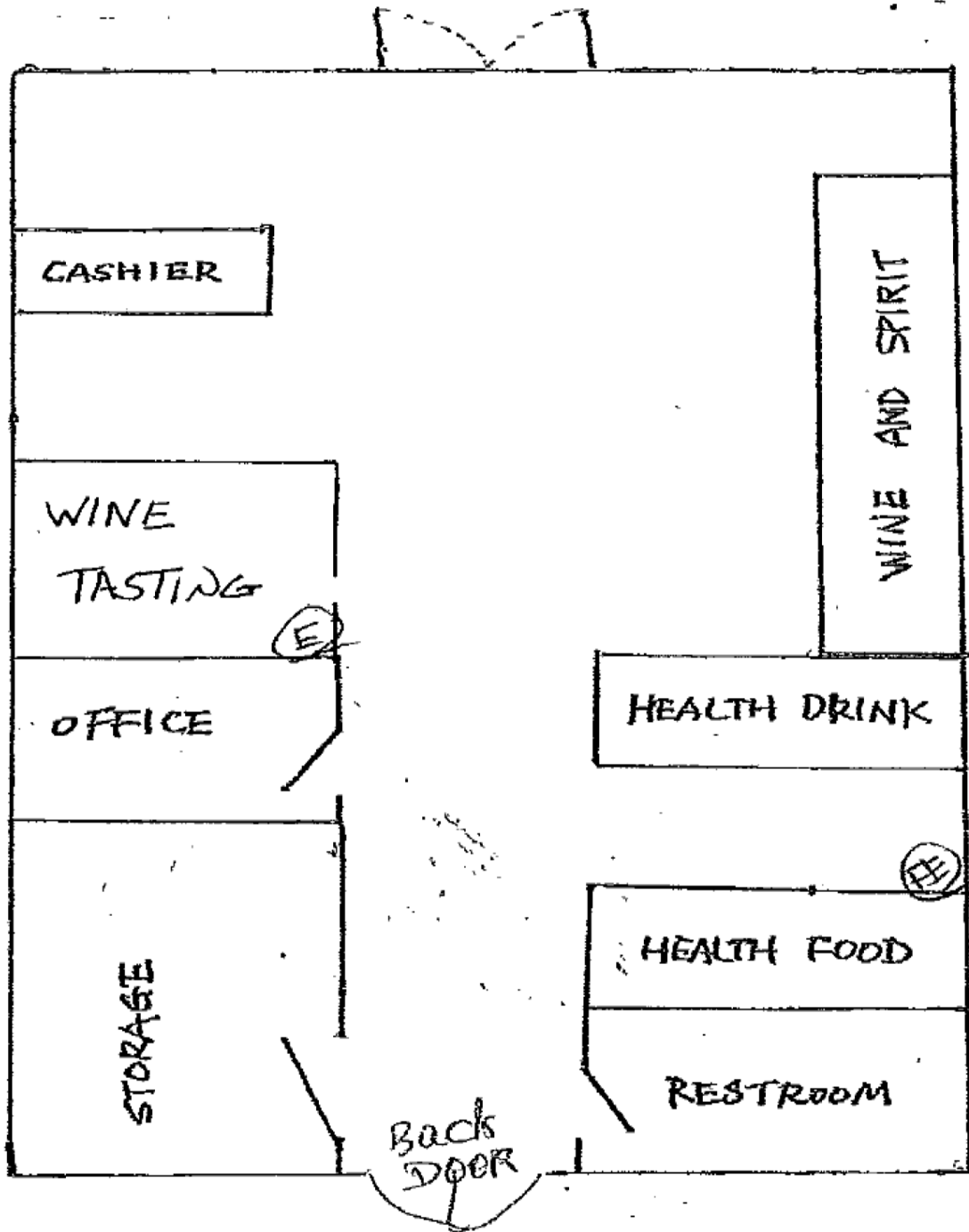
# **Attachment 1**

## **Floor Plan**

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# CUP 15-6

## Floor Plan



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# **Attachment 2**

## **Location Map**

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# CUP 15-6

## Location Map



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# **Attachment 3**

## **Notice of Exemption**

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## NOTICE OF EXEMPTION

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

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

**Project Title:** CUP 15-6

**Project Location - Specific:** 18558 Gale Avenue #178

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

**Description of Project:** Conditional Use Permit 15-6 is an application to on-site alcohol beverage tasting (Type 42 ABC License), at an existing 1,800 square retail wine store (Yosemite Wine and Spirit International Trade Group).

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

**Name of Person or Agency Carrying Out Project:** Bichen Cui

**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 alcohol tasting sale and there will be no modifications to the existing retail store that would intensify the existing use. The addition of alcohol beverage tasting involves only a minor change in operations of an existing facility and is only a negligible expansion of the existing use.

**Lead Agency**

**Contact Person:** Troy Helling

Telephone: (626)333-2211

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

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

Title: Senior Planner

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**Attachment 4**  
**Public Hearing Notice**

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## NOTICE OF PUBLIC HEARING

### Conditional Use Permit No. 15-6

On September 11, 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. 15-6 to establish alcoholic beverage tasting (Type 42 ABC License) at an existing 1,800 square foot retail store (Yosemite) at 18558 Gale Avenue #178 in the City of Industry.

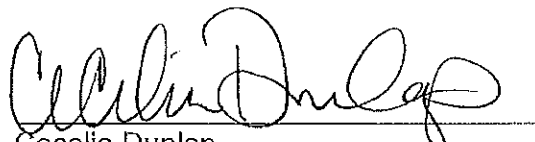
A copy of all relevant material, including the Conditional Use Permit Application, is on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744.

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

Time: 11:00 a.m.  
Date: September 24, 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

JN 9200

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**Attachment 5**  
**Resolution No. PC 2015-17**

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## RESOLUTION NO. PC 2015-17

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-6 TO ALLOW ALCOHOL BEVERAGE TASTING AT A RETAIL WINE STORE LOCATED AT 18558 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME

#### RECITALS

**WHEREAS**, on June 19, 2015, Bichen Cui (“Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 15-6 described herein (“Application”); and

**WHEREAS**, the Application applies to an existing 1,800 square-foot retail store located on a 4.93 acre property, at 18558 Gale Avenue, City of Industry, California, Assessor’s Parcel Number 8264-022-015 (“Property”); and

**WHEREAS**, the Applicant desires to provide on-site alcohol beverage tasting Alcohol Beverage Control (ABC) Type 42 license, and in accordance with Section 17.12.025 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 retail stores, 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 a CUP pursuant to Section 17.12.025 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 offering alcoholic beverage tastings at an existing retail store which sells beer and wine, 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 September 24, 2015 public hearing on CUP No. 15-6 was published in *The San Gabriel Valley Tribune* on September 11, 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 September 11, 2015; and

**WHEREAS**, the notice of the Planning Commission's September 24, 2015, public hearing on CUP No. 15-6 was also mailed to property owners within 300 feet of the Property on September 11, 2015; and

**WHEREAS**, on September 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. 15-6, the Planning Commission hereby finds and determines that Conditional Use Permit No. 15-6 will not result in or have a significant impact on the environment, because the service of on-site alcoholic beverages tasting 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 September 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 a retail wine store. The Zoning Ordinance, which implements the General Plan, allows alcohol beverage tasting within a retail store with approval of a CUP. In addition, the attached conditions of approval set

operational and management standards that ensure the business that will operate in a manner consistent with general plan policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there will be adequate utilities to accommodate the proposed use. The Property, complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code. The on-site alcoholic beverages tasting 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 on-site alcoholic beverages tasting is association with a retail wine store, 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 on-site alcoholic beverages tasting 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 and Jellick Avenues, which are of adequate capacity to serve the commercial use. The addition of the on-site alcoholic beverages tasting does not require additional parking, and the Property is currently adequately parked.

(e) The sale of alcoholic beverages and on-site alcoholic beverages tasting 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 on-site alcoholic beverages tasting complements existing and potential retail uses.

Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 15-6, subject to the conditions contained in Exhibit A.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Industry at a special meeting held on September 24, 2015 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

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Frank Contreras  
Vice Chairman

**ATTEST:**

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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

<b>Application:</b>	<b>Conditional Use Permit 15-6</b>
<b>Applicant:</b>	<b>Yosemite</b>
<b>Location:</b>	<b>18558 Gale Avenue #178</b>
<b>Use:</b>	<b>Retail Store with Wine Tasting</b>

#### 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 42 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 42 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 on-site alcoholic beverages tasting associated with a retail wine store, only. Individual servings of alcoholic beverages shall not exceed two ounces per glass or container. This condition shall not be construed so as to prohibit a patron from sampling more than one glass and/or container of an alcoholic beverage for the purpose of comparative tasting.
5. 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.
6. Signs shall be posted at the entry and/or exit of the wine tasting area, as depicted on Form ABC-257 stating "No open containers of alcoholic beverages beyond this point". Signs shall also be posted as depicted on Form ABC – 257 stating "No person under 21 allowed". Said signs shall be no less that 7" x 11" in size and contain lettering no less that 1" in height.
7. Fixed railings, stanchions, or similar type devices shall be maintained which will physically separate the wine tasting area from the remainder of the premises. Entryways into the wine tasting area shall be no wider that 48".

8. No live entertainment of karaoke shall be permitted.
9. 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 capable of color recording and storing a minimum of 30 days of continuous video. 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.

### **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.