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# PLANNING COMMISSION

## CITY OF INDUSTRY

REGULAR MEETING AGENDA  
FEBRUARY 11, 2020  
11:30 A.M.



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

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

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

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

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

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

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

- ▶ *In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Thursday 8:00 a.m. to 5:00 p.m., Friday 8:00 a.m. to 4:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.*

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1. Call to Order
  2. Flag Salute
  3. Roll Call
  4. Public Comments
- 
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5. Consideration of appointment of Chairperson and Vice-Chairperson

*RECOMMENDED ACTION:*                      *Consider nominations and make the appointments.*

6. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the Planning Commission, the public, or staff request specific items be removed from the Consent Calendar for separate action.

- 6.1 Consideration of the minutes of the November 12, 2019 regular meeting

*RECOMMENDED ACTION:*                      *Approve as submitted.*

7. **PUBLIC HEARING ITEMS**

- 7.1 Public Hearing regarding the construction and operation of a new fast food restaurant known as Panera Bread Restaurant, located at 17427 Colima Road

**Consideration of Resolution No. PC 2020-01 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ACCEPT THE SURRENDER OF CONDITIONAL USE PERMIT 98-4, APPROVE DEVELOPMENT PLAN NO. 19-10 FOR THE CONSTRUCTION OF A NEW 4,550 SQUARE FOOT COMMERCIAL BUILDING WITH A DRIVE-THRU AND AN OUTDOOR PATIO THAT IS APPROXIMATELY 1,000 SQUARE FEET, AND CONDITIONAL USE PERMIT 19-04, A REQUEST FOR A NEW FAST FOOD RESTAURANT, LOCATED AT 17427 COLIMA ROAD IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME**

*RECOMMENDED ACTION:*                      *Adopt Resolution No. PC 2020-01.*

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

9. **ORAL COMMENTS FROM STAFF**

10. Adjournment. Next regular meeting will be held on Tuesday, March 10, 2020 at 11:30 a.m.

*PLANNING COMMISSION*

ITEM NO. 6.1

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
NOVEMBER 12, 2019  
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 Welch at 11:30 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

**FLAG SALUTE**

The flag salute was led by Commissioner Welch.

**ROLL CALL**

PRESENT: Sandra Divers, Commissioner  
Hilda Rodriguez, Commissioner  
Becky Simon, Commissioner  
Andria Welch, Commissioner

ABSENT: Michael Greubel, Chairman

STAFF PRESENT: Troy Helling, City Manager; Bing Hyun, Assistant City Manager; Bianca Sparks, Assistant City Attorney; Julie Robles, Secretary; and Maria Hagerty, Planning Technician II.

**PUBLIC COMMENTS**

Assistant City Attorney, Bianca Sparks mentioned for the record that Commissioner Welch was asked to fill in as Acting Chair in the absence of Chairman Michael Greubel.

**ACTION ITEMS**

**5.1 CONSIDERATION OF THE MINUTES OF THE JULY 11, 2017 REGULAR MEETING, SEPTEMBER 12, 2017 REGULAR MEETING, JANUARY 9, 2018, REGULAR MEETING, FEBRUARY 6, 2018 REGULAR MEETING, FEBRUARY 13, 2018 SPECIAL MEETING, MARCH 6, 2018 REGULAR MEETING, JUNE 12, 2018 REGULAR MEETING, AND OCTOBER 8, 2019 REGULAR MEETING**

*RECOMMENDED ACTION:*

*Approve as submitted.*

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
NOVEMBER 12, 2019  
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MOTION BY COMMISSIONER SIMON, AND SECOND BY COMMISSIONER RODRIGUEZ TO APPROVE AS SUBMITTED. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

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

**PUBLIC HEARING ITEMS**

**6.1 CONSIDERATION OF RESOLUTION NO. PC 2019-08 APPROVING CONDITIONAL USE PERMIT NO. 19-03 TO ALLOW ALCOHOL SERVICE AT AN EXISTING FAST FOOD RESTAURANT, LOCATED AT 13350 CROSSROADS PARKWAY NORTH, AND NOTICE OF EXEMPTION REGARDING SAME**

**Consideration of Resolution No. PC 2019-08 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 19-03, TO ALLOW ALCOHOL SERVICE AT AN EXISTING FAST FOOD RESTAURANT, LOCATED AT 13350 CROSSROADS PARKWAY NORTH, CITY OF INDUSTRY, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF**

*RECOMMENDED ACTION:*                      *Adopt Resolution No. PC 2019-08.*

Assistant City Attorney, Bianca Sparks, recused herself from this item due to her company facility being within 500 feet from this location. She left the room at 11:33 a.m.

Acting Chair Welch opened the public hearing at 11:33 a.m.

Consultant Planning Technician, Eduardo Manriquez with Annealta Group, presented a staff report to the Planning Commission and was available to answer any questions.

Acting Chair Welch inquired if anyone wished to comment on this matter. There were none.

Acting Chair Welch closed the public hearing at 11:38 a.m.

Assistant City Attorney, Bianca Sparks returned at 11:38 a.m.

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
NOVEMBER 12, 2019  
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MOTION BY COMMISSIONER SIMON, AND SECOND BY COMMISSIONER DIVERS TO ADOPT RESOLUTION NO. PC 2019-08. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

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

**6.2 CONSIDERATION OF RESOLUTION NO. PC 2019-09 APPROVING CONDITIONAL USE PERMIT NO. 19-06 TO ALLOW FOR MHHY INC., LOCATED AT 15301, 15309, & 15311 GALE AVENUE, TO OPERATE A NEW INDOOR CHILDREN'S PLAY FACILITY, AND NOTICE OF EXEMPTION REGARDING SAME**

**CONSIDERATION OF RESOLUTION NO. PC 2019-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 19-06, TO ALLOW FOR THE OPERATION OF A NEW INDOOR CHILDREN'S SOFT PLAY FACILITY LOCATED AT 15301, 15309, & 15311 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF**

*RECOMMENDED ACTION: Adopt Resolution No. PC 2019-09.*

Acting Chair Welch opened the public hearing at 11:39 a.m.

Consultant Planning Technician, Eduardo Manriquez with Annealta Group, presented a staff report to the Planning Commission and was available to answer any questions.

Acting Chair Welch inquired if anyone wished to comment on this matter. There were none.

Acting Chair Welch closed the public hearing at 11:42 a.m.

MOTION BY COMMISSIONER SIMON, AND SECOND BY COMMISSIONER RODRIGUEZ TO ADOPT RESOLUTION NO. PC 2019-09. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
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AYES: COMMISSIONERS: DIVERS, RODRIGUEZ, SIMON, WELCH  
NOES: COMMISSIONERS: NONE  
ABSENT: COMMISSIONERS: C/GREUBEL  
ABSTAIN: COMMISSIONERS: NONE

**ORAL COMMENTS FROM THE PLANNING COMMISSION**

There were none.

**ORAL COMMENTS FROM STAFF**

City Manager Troy Helling, said currently there were no items on the schedule for December. Most likely a cancellation notice will be sent out for the December meeting.

**ADJOURNMENT**

There being no further business, the Planning Commission adjourned at 11:43 a.m.

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ANDREA WELCH  
ACTING CHAIR

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JULIE ROBLES  
SECRETARY

*PLANNING COMMISSION*

ITEM NO. 7.1





# CITY OF INDUSTRY

## MEMORANDUM

**To:** Planning Commission

**From:** Troy Helling, City Manager *AH*

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

**Date:** February 11, 2020

**Subject:** Development Plan 19-10 and CUP 19-04, Panera Bread Restaurant, 17427 Colima Road

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### **Proposal:**

Section 17.04.120 of the Municipal Code ("Code") requires that when separate applications for the same project involve final decisions by the Planning Commission and City Council, all applications must first be submitted to the Planning Commission for review and recommendation, and then to the City Council for a final decision. This project involves the following two applications submitted by Panera LLC, on behalf of Panera Bread:

Development Plan (DP) 19-10 is for the construction of a new 4,550 square foot commercial building with a drive-thru located at 17427 Colima Road.

Conditional Use Permit ("CUP") 19-04 is for a new fast food restaurant use, with 200 seats, known as "Panera Bread".

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

### **Location and Surroundings:**

As shown on the location map (Exhibit A), the project site is on an irregular shaped lot located on one of the southern outer parcels of Puente Hills Mall, north of Colima Road and west of Albatross Road. The parcel is identified by the Assessor's Parcel Number 8265-004-123, and is approximately 1.24 acres, and is surrounded by improved commercial developments and streets.

### **Project Description:**

#### *DP 19-10*

Panera Bread is requesting approval for the construction of a new 4,550 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,000 square feet, located at 17427 Colima Road (Exhibit B). The proposed restaurant will be located on a lot that was

previously developed, and operated under Conditional Use Permit 98-4, for a restaurant use and alcohol sales, the prior use has been inactive for more than six months. The development consisted of a 5,803 square foot commercial structure that will be demolished and replaced by a new building for Panera Bread. Given the inactivity, the property owner has provided the City with a notice of surrender of CUP 98-4. The applicant's request complies with the City's development guidelines set forth in the City's Code.

#### *CUP19-04*

Conditional Use Permit 19-04 is a request for a new fast food restaurant with more than 50 seats known as "Panera Bread". The restaurant will be located at 17427 Colima Road ("Property"). The proposed building will operate as a "Panera Bread" fast-food restaurant chain that specializes in serving clean food with no artificial preservatives, sweeteners, flavors or colors from artificial sources to create a curated and customized menu. The fast-food restaurant's business hours are from 6:00AM to 9:30PM Sunday through Thursday, and 6:00 AM to 10:00 PM Friday through Saturday, and will accommodate 200 patrons and employ 60 people.

#### **Staff Analysis:**

##### Development Plan 19-10

Staff has reviewed that the proposed development project and determined that it is consistent with the Zoning ("C" – Commercial) and General Plan (Commercial) designations of the Property and complies with the development and design standards found in Section 17.36, *Design Review*, of the City's Code as set forth above. Specifically, the project is in compliance with all applicable development standards including: parking, landscaping, lot coverage, building height and setbacks.

##### *Property*

Section 17.36.060 of the Code calls for well-designed and coordinated buildings, walls, lighting and landscaping. The proposed building brings a modern look to an existing lot that has an outdated, rundown building. The building's exterior materials consist of a wood siding and two different tones of stone and stucco. The building will have a variation of decorative elements such as metal canopies for the storefront and fabric canopies for the side elevations. The proposed building has a mixture of earth tones that consist of green accent color, and light and dark brown paint for the stucco walls and light tan colors for the decorative stone. The building includes a parapet wall that will conceal any rooftop mechanical equipment from street view.

##### *Access*

The Property is served by street access adequate in width and improved as necessary to carry the quantity of traffic the development may generate. The City's Code requires all driveway and drive-aisles to be a minimum of 26 feet in width. The Property has two main entrances that are shared access driveways with the mall and located west and east of the proposed building on Colima Road. Both entrances consist of a 26 foot driveway that lead into the main parking lot of the site. There is also various entrances throughout the mall that lead into the proposed restaurant. All existing and proposed drive aisles on this site are 26 feet or greater.

##### *Landscaping*

Section 17.36.060.Q. of the Code, requires that a minimum of 12 percent of the site be devoted to landscaping. The property will have a total of 8,940 square feet of landscaping, which represents 16.5% percent of the total site, and the landscaping will be concentrated along Colima Road and within the interior of the Mall. The site exceeds the City's minimum landscape requirements and much of the existing landscaping throughout the shopping center consists of mature shrubs and trees.

### *Parking*

Per Section 17.12.050.C. of the Municipal Code, parking for a restaurant is one space per every two and a half fixed seats, the project is required to provide 40 parking spaces. The lot has a total of 90 existing parking stalls, therefore exceeding the parking requirement.

### *CUP19-04*

The request for a new fast food restaurant with more than 50 seats in a new 4,550 square foot commercial building for a restaurant known as "Panera Bread" is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code.

### *Property*

The proposed restaurant will be located on a lot that was previously developed, and operated under Conditional Use Permit 98-4, for a restaurant use and alcohol sales, the prior use has been inactive for more than six months. The development consisted of a 5,803 square foot commercial structure that will be demolished and replaced by a new building for Panera Bread. Given the inactivity, the property owner has provided the City with a notice of surrender of CUP 98-4. The applicant's request complies with the City's development guidelines set forth in the City's Code. The Property meets all requirements of the Zoning Code, such as adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking and loading facilities, landscaping, required by Section 17.12.050 of the Municipal Code. There are adequate utilities to accommodate the proposed use, as the CUP request does not involve increased demands placed upon the existing water, gas, electricity and sewer utilities that adequately serve the site.

### *Access*

The Property is served by street access adequate in width and improved as necessary to carry the quantity of traffic the development may generate. The City's Code requires all driveway and drive-aisles to be a minimum of 26 feet in width. The Property has two main entrances that are shared access driveways with the mall and located west and east of the proposed building on Colima Road. Both entrances consist of a 26 foot driveway that will lead into the main parking lot of the site. There is also various entrances throughout the mall that lead into the proposed restaurant. All existing and proposed drive aisles on this site are 26 feet or greater.

### *Parking*

Per Section 17.12.050.C. of the Municipal Code, parking for a restaurant is one space per every two and a half fixed seats, therefore the project is required to provide 40 parking spaces. The lot has a total of 90 existing parking stalls, therefore exceeding the parking requirement.

## **Environmental Analysis:**

The proposed project is exempt from the California Environmental Quality Act ("CEQA") per Section 15332. This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is located in the City, is 1.26 acres which is under the five acre threshold required in the infill exemption and is surrounded by developed commercial buildings and uses. All roads and utilities are existing and maintained to serve commercial uses and are suitable for the new commercial structure. The site does not contain any endangered

habitat because it is a developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place to address them at that time. The new 4,550 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well-designed site plan. Noise and air will not be impacted since the restaurant will be 1,253 square feet smaller than the existing restaurant and will have a less than significant impact. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is treated on site before going to City sewer. Furthermore no hazardous waste is produced at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them.

**Fiscal Impact:**

Development Plan 19-10 and Conditional Use Permit 19-04 will have a positive fiscal impact to the City.

**Recommendation:**

The proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2020-01 (Exhibit G) recommending City Council approval of Development Plan 19-10, the acceptance of the surrender of Conditional Use Permit No. 98-04, and Conditional Use Permit 19-04, with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution.

**Exhibits:**

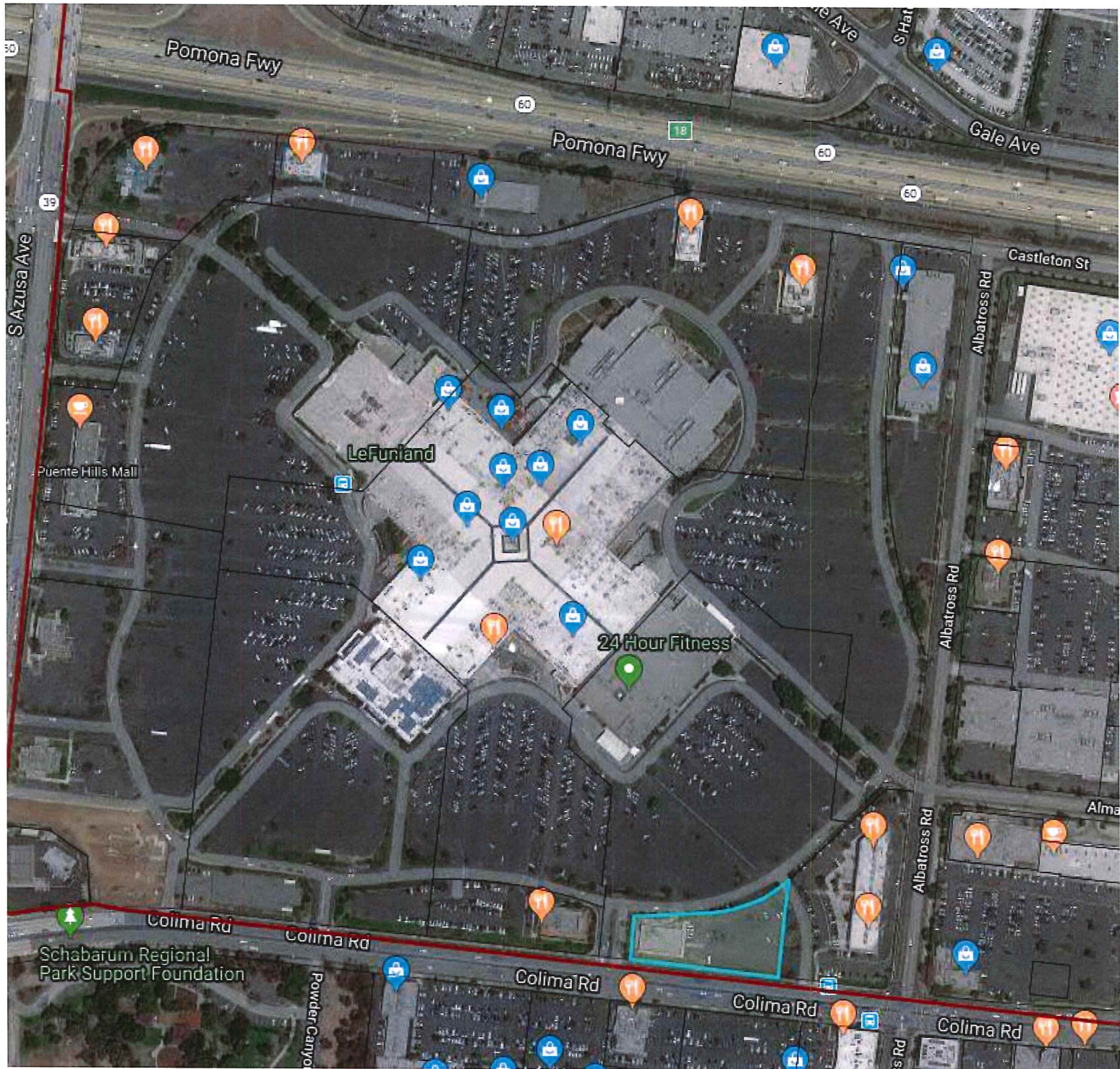
- Exhibit A: Location Map
- Exhibit B: Site Plan
- Exhibit C: Floor Plan
- Exhibit D: Elevation
- Exhibit E: Notice of Exemption
- Exhibit F: Public Hearing Notice
- Exhibit G: Resolution No. PC 2020-01 recommending City Council approval of Development Plan 19-10 and Conditional Use Permit 19-04 with findings of approval, Standard Requirements and Conditions of Approval.

**EXHIBIT A**

Location Map – Development Plan 19-10 and Conditional Use Permit 19-04

**[Attached]**

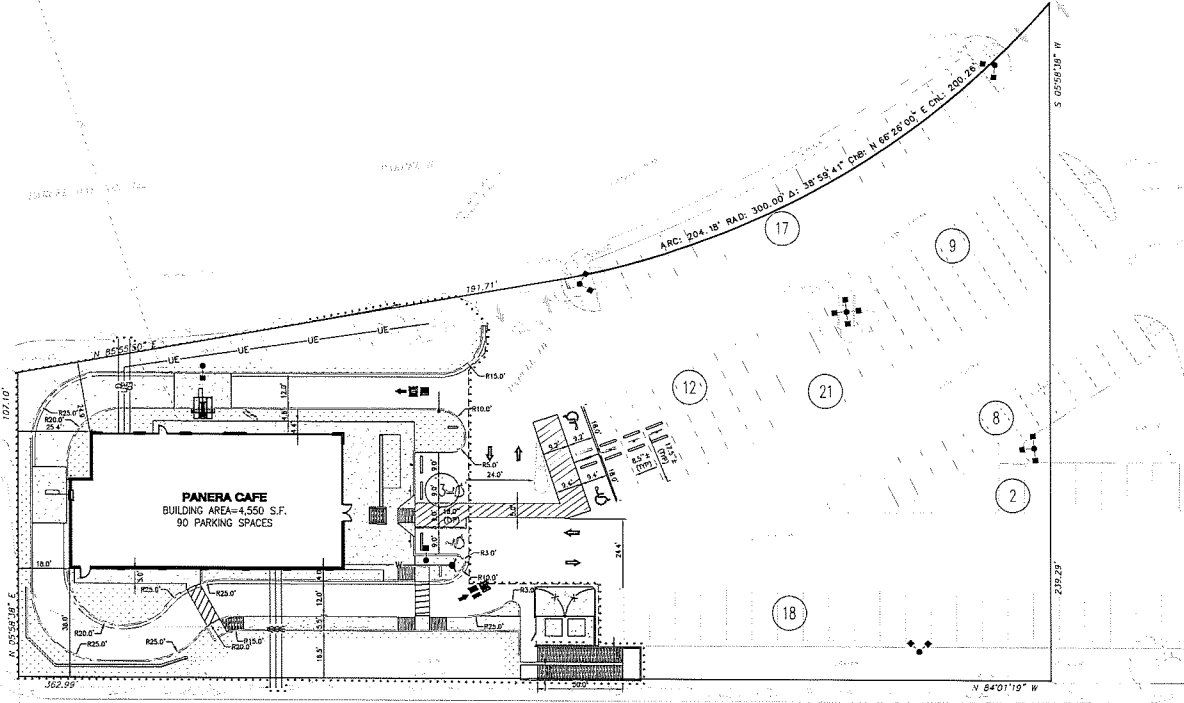
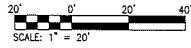




**EXHIBIT B**

Site Plan – Development Plan 19-10 and Conditional Use Permit 19-04

**[Attached]**



100.0' PUBLIC R.O.W.  
COLIMA ROAD  
VARIABLE WIDTH ASPHALT PARKING

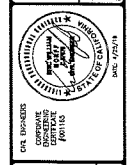
N 84°01'19\"/>

LUDWIG ARCHITECTURE INC. C4.1  
 401 N. 1ST STREET, SUITE 200  
 ST. LOUIS, MO 63101  
 TEL: 314.241.3333 FAX: 314.241.3334 WWW.LUDWIGARCHITECTURE.COM

NO.	REVISION	DATE	DESCRIPTION

DEVELOPER/PANEEE: PANERA, LLC  
 3630 SOUTH CENTER ROAD, SUITE 100  
 ST. LOUIS, MO 63107  
 (314) 994-1000  
  

 THE PROFESSIONAL SEAL, SIGNATURE AND ADDRESS, TITLE, EXPIRATION DATE AND  
 EXPIRE DATE OF THE LICENSE ARE THE RESPONSIBILITY OF THE SEAL HOLDER AND  
 SHALL BE THE BASIS OF ANY INVESTIGATION BY THE BOARD OF ARCHITECTURE.



CIVIL ENGINEER  
 COMPANY:  
 PROJECT:  
  
 PANERA BAKERY CAFE #1343  
 1327 COLIMA ROAD  
 CITY OF ST. LOUIS, MO 63118  
 HORIZONTAL CONTROL PLAN

**COLE**  

 + ST. LOUIS  
 401 S. 10TH STREET  
 ST. LOUIS, MO 63103  
 WWW.COLEARCHITECTURE.COM
   
 CIVIL ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE

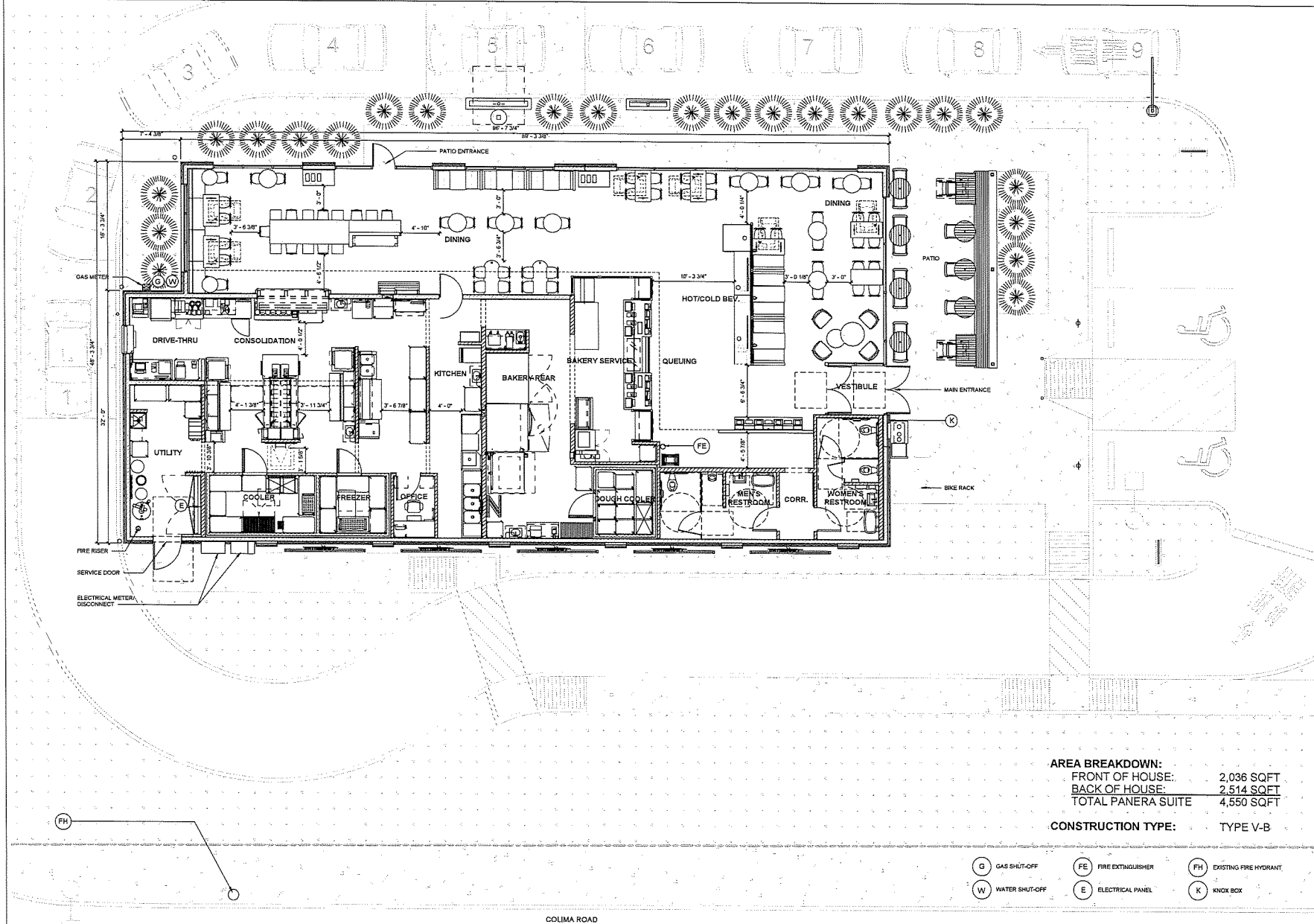
DESIGN/CHECK BY:	LLW
DRAWN BY:	MAB
CHECKED BY:	CAW
DRAWING SCALE:	AS SHOWN
DATE:	04/01/13
JOB NUMBER:	18-0017
SHEET NUMBER:	C4.1



**EXHIBIT C**

Floor Plan – Development Plan 19-10 and Conditional Use Permit 19-04

**[Attached]**



Bakery-Cafe:

#1343

SYSTEM: 04  
Project Team:

**NORR**  
322 N. Lodge St., Suite 200 | Orange, CA 92665  
714.944.1000 | 1700-04-000-1@norrcorp.com



Professional Seal:

*James A. Murphy*  
04.25.18

Project Title:

**Bakery Cafe #1343**  
17427 COLIMA RD  
CITY OF INDUSTRY, CA  
91748



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**AREA BREAKDOWN:**

FRONT OF HOUSE:	2,036 SQFT
BACK OF HOUSE:	2,514 SQFT
<b>TOTAL PANERA SUITE</b>	<b>4,550 SQFT</b>

**CONSTRUCTION TYPE:** TYPE V-B

- (G) GAS SHUT-OFF
- (FE) FIRE EXTINGUISHER
- (FH) EXISTING FIRE HYDRANT
- (W) WATER SHUT-OFF
- (E) ELECTRICAL PANEL
- (K) KNEX BOX

No.	Description	Date
	ENTITLEMENT REVIEW	04/25/18

**FLOOR PLAN**

Project Number: \_\_\_\_\_ Sheet Number: \_\_\_\_\_  
 Drawn by: NICHIA.0027  
 Design: JSCING  
 Issue Date: 04.25.18  
 DTM: DML CPA:  
 JSC ID: \_\_\_\_\_

**A103**

1 | FLOOR PLAN  
3/16" = 1'-0"

COLIMA ROAD

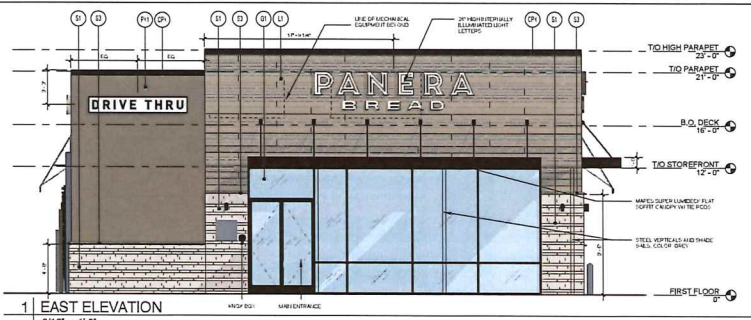
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04/25/18

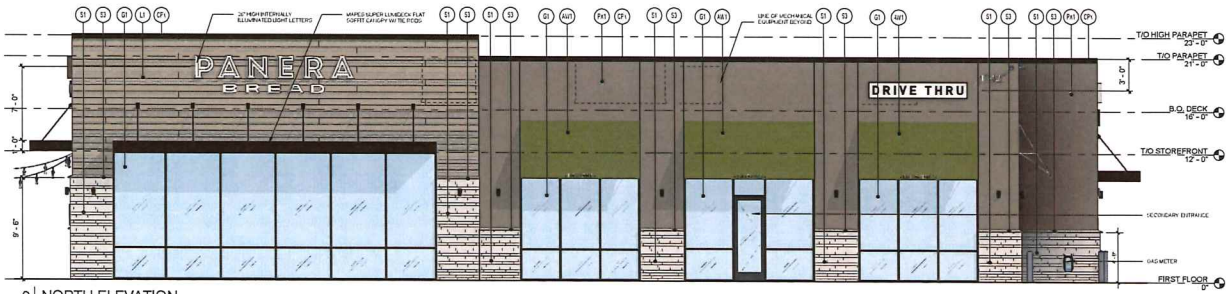
**EXHIBIT D**

Elevation – Development Plan 19-10 and Conditional Use Permit 19-04  
**[Attached]**

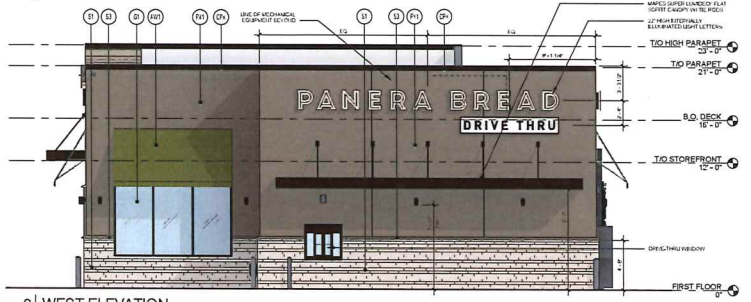
4/20/19 9:56:17 PM



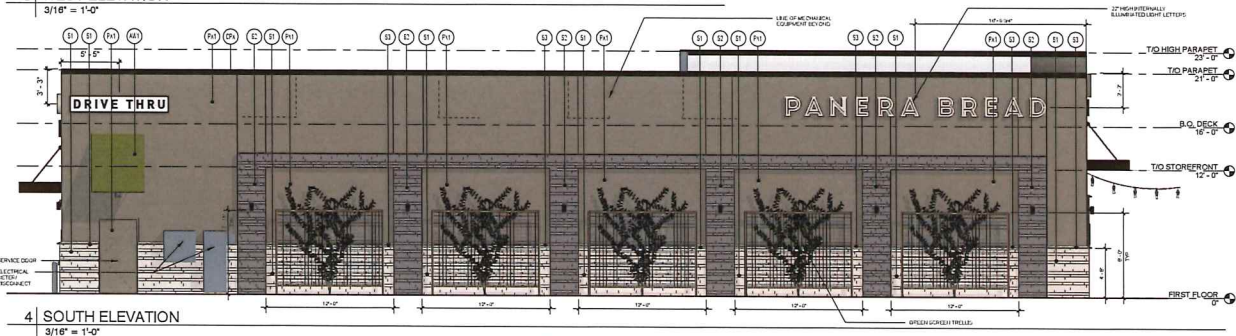
1 EAST ELEVATION  
3/16" = 1'-0"



2 NORTH ELEVATION  
3/16" = 1'-0"



3 WEST ELEVATION  
3/16" = 1'-0"



4 SOUTH ELEVATION  
3/16" = 1'-0"

**EXTERIOR MATERIALS:**

- (PX) STUCCO 'LYMESTONE' TEXTURE, PAINTED, COLOR: SHERWIN-WILLIAMS #SW7032 'WARM STONE'
- (S1) LEDGESTONE - ELDORADO STONE, LEDGECUT33 - 'BIRCH'
- (S2) LEDGESTONE - ELDORADO STONE, LEDGECUT33 - 'SAGE'
- (S3) STONE SILL - ELDORADO STONE, CHISELED EDGE WAINSCOT SILL - 'BUCKSKIN'
- (L1) WOOD DECOR SIDING - TRESPA PURA, 'SIBERIAN LARCH PL23'
- (G1) ALUM. STOREFRONT, COLOR: ANODIZED DARK BRONZE
- (AW1) FABRIC AWNING, COLOR: 'UNITY LEAF'
- (CPX) COPING, PRE-FINISHED, COLOR: EXTRA DARK BRONZE

**MATERIAL SAMPLE BOARD:**

- (PX) STUCCO 'LYMESTONE' TEXTURE, PAINTED, COLOR: SHERWIN-WILLIAMS #SW7032 'WARM STONE'
- (S1) LEDGESTONE - ELDORADO STONE, LEDGECUT33 - 'BIRCH'
- (S2) LEDGESTONE - ELDORADO STONE, LEDGECUT33 - 'SAGE'
- (L1) WOOD DECOR SIDING - TRESPA PURA, 'SIBERIAN LARCH PL23'
- (G1) ALUM. STOREFRONT, COLOR: ANODIZED DARK BRONZE
- (AW1) FABRIC AWNING, COLOR: 'UNITY LEAF'

Bakery-Cafe:

**#1343**

SYSTEM: G4  
Project Team:

**NORR**

225 N. LaSalle St. | Suite 200 | Chicago, IL 60610  
312.424.2100 | 312.424.2101 | www.norr.com



Professional Seal:

Project Title:  
Date: 04.05.19

**Bakery Cafe #1343**  
**17427 COLIMA RD**  
**CITY OF INDUSTRY, CA**  
**91748**



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No.	Description	Date
1	ENTITLEMENT REVIEW	04/04/19

**EXTERIOR COLOR ELEVATIONS**

Project Number: NCH14-0377  
 Drawn by: TSJONG  
 Issue Date: 04.05.19  
 Date: 04.05.19  
 Scale: AS SHOWN

Sheet Number: **A203**

DATE	BY	CHK

**EXHIBIT E**

Notice of Exemption – Development Plan 19-10 and Conditional Use Permit 19-04

**[Attached]**

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

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

**Project Title:** DP 19-10 & CUP 19-04

**Project Location - Specific:** 17427 Colima Road

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

**Description of Project:** Development Plan 19-10 and Conditional Use Permit 19-04 to allow for a new Fast Food Restaurant use known as “Panera Bread”. Also for the construction of a new 4,550 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,000 square feet within an existing shopping center at the address of 17427 Colima Road in the (C) Commercial zone.

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

**Name of Person or Agency Carrying Out Project:** Raising Canes

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

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

**Reasons why project is exempt:** The proposed project is exempt from the California Environmental Quality Act (“CEQA”) per Section 15332. This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is 1.26 acres which is under the five acre threshold required in the infill exemption and is surrounded by developed commercial buildings and uses. All roads and utilities are existing and maintained to serve commercial uses and are suitable for the new commercial structure. The site does not contain any endangered habitat because it is a developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place to address them at that time. The new 4,550 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well design site plan. Noise and air will not be impacted since the site is located adjacent to commercial uses and a major intersection that generates more traffic and noise than a new restaurant. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is treated on site before going to City sewer. Furthermore no hazardous waste is produced at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them.

**Lead Agency**

**Contact Person:** Dina Lomeli

Telephone: (626) 333-2211

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

Date: 2/11/2020

Title: Consultant Associate Planner

**EXHIBIT F**

PUBLIC HEARING NOTICE

**[Attached]**



# CITY OF INDUSTRY

## NOTICE OF PUBLIC HEARING

### Conditional Use Permit No. 19-04

On January 30, 2020 notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Panera LLC for Conditional Use Permit 19-04 located at 17424 Colima Road in the City of Industry. Conditional Use Permit 19-04 is to establish a new fast food restaurant.

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

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

**Time:** 11:30 a.m.  
**Date:** February 11, 2020  
**Place:** City Council Chamber  
15651 East Stafford Street  
City of Industry, CA 91744

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

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

---

Julie Gutierrez-Robles  
City Clerk

JN 9343

**EXHIBIT G**

RESOLUTION No.PC2020-01

**[Attached]**



## RESOLUTION NO. PC 2020-01

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ACCEPT THE SURRENDER OF CONDITIONAL USE PERMIT 98-4, APPROVE DEVELOPMENT PLAN NO. 19-10 FOR THE CONSTRUCTION OF A NEW 4,550 SQUARE FOOT COMMERCIAL BUILDING WITH A DRIVE-THRU AND AN OUTDOOR PATIO THAT IS APPROXIMATELY 1,000 SQUARE FEET, AND CONDITIONAL USE PERMIT 19-04, A REQUEST FOR A NEW FAST FOOD RESTAURANT, LOCATED AT 17427 COLIMA ROAD IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME**

### RECITALS

**WHEREAS**, on December 3, 2019, Panera LLC (“Applicant”), Inc. filed a complete application requesting the approval of Development Plan (“DP”) No. 19-10 and Conditional Use Permit (“CUP”) No. 19-04 described herein (“Application”); and

**WHEREAS**, the Application applies to an irregular shaped lot of approximately 1.24 acres, located on one of the outer parcels of the Puente Hills Mall, north of Colima Road and west of Albatross Road. The parcel is identified by the Assessor’s Parcel Number 8265-004-123, located at 17424 Colima Road, City of Industry, California, (“Property”); and

**WHEREAS**, the Applicant’s request is for a new fast food restaurant, with 200 seats, known as “Panera Bread” in the “C” Commercial Zone, and in accordance with section 17.12.025(14) of the City’s Municipal Code (“Code”), a CUP is required for fast food restaurants with more than 50 seats; and

**WHEREAS**, the Application includes a request for approval of a Development Plan for the construction of new 4,550 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,000 square feet located at 17427 Colima Road (Exhibit B). The proposed restaurant is located on a lot that was previously developed and operated under Conditional Use Permit 98-4, for a restaurant use with alcohol sales. The development consisted of a 5,803 square foot commercial structure that will be demolished and replaced by a new building for Panera Bread. In accordance with Section 17.36.020 of the City’s Municipal Code (“Code”), a DP is required for the construction of the new restaurant; and

**WHEREAS**, in an effort to ensure compliance with the proposed CUP, the Applicant desires to surrender the current CUP No. 98-4 for the Property. Upon approval of the new CUP, CUP No. 98-4 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP; and

**WHEREAS**, Section 17.04.120 of the Municipal Code (“Code”) requires that when separate applications for the same project involve final decisions by the Planning Commission and City Council, all applications first be submitted to the Planning Commission for review and recommendation and then to the City Council for a final decision. Here, development plans are decided by the City Council, and CUPs are decided by the Planning Commission, because we have two applications, the Planning Commission will serve as the recommending body to the City Council; and

**WHEREAS**, the Land Use Element of the General Plan designates the Property as Commercial. The proposed restaurant use is consistent with the General Plan as it provides essential goods and services commonly available at other shopping centers, and does not conflict with the established goals and objectives of the Land Use Element. Fast food restaurants with more than 50 seats are permitted in the “C” Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025(14) of City’s Code; and

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

**WHEREAS**, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. In accordance with California Environmental Quality Act (Public Resources Code Section 21000 *et seq.*) (“CEQA”), the proposed project is exempt per Section 15332 (Class 32 Infill Development Projects) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations), based on the following: This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is located in the City limits, and is 1.26 acres which is under the five acre threshold required in the infill exemption, and is surrounded by developed commercial buildings and uses. All roads and utilities are existing and maintained to serve commercial uses and are suitable for the new commercial structure. The site does not contain any endangered habitat because it is a developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place to address them at that time. The new 4,550 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well-designed site plan. Noise and air will not be impacted since the restaurant will be 1,253 square feet smaller than the existing restaurant and will have a less than significant impact. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is treated on site before going to City sewer. Furthermore no hazardous waste is produced

at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them; and

**WHEREAS**, notice of the Planning Commission's February 11, 2020 public hearing on the Application was published in The San Gabriel Valley Tribune on February 1, 2020, in compliance with the City's Code and Government Code Section 65091, was posted at the Property and at three public places on January 30, 2020, and was also mailed to property owners within 300 feet of the Property on January 30, 2020; and

**WHEREAS**, on February 11, 2020, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral, including the information contained in the Notice of Exemption; and

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

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

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

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

**SECTION 3:** The Property owner surrenders, and the Planning Commission recommends that the City Council accept the surrender of CUP No. 98-4 upon the approval of CUP 19-04 by the City Council.

**SECTION 4:** An Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. In accordance with the California Environmental Quality Act ("CEQA") the proposed project is exempt per Section 15332 of the CEQA Guidelines. This Class 32 exemption applies to in-fill development where the project is consistent with the general plan designation and all applicable general plan policies, as well as the zoning designation and regulations; the project occurs in the city limits, the site is no more than five acres, and is substantially surrounded by urban uses; the project site has no value as a habitat for endangered, rare, or threatened species; approval of the project would not result in any significant effects related to traffic, noise, air or water quality; and the site can be adequately served by all required public utilities and all public services. The site is located in the City limits and is 1.26 acres which is under the five acre threshold required in the infill exemption, and is surrounded by developed commercial buildings and uses. All roads and utilities are existing and maintained to serve commercial uses and are suitable for the new commercial structure. The site does not contain any endangered habitat because it is a developed lot that was disturbed when the original building was built and all environmental concerns such as endangered, rare or threatened species if any were addressed and mitigation measures were put in place

to address them at that time. The new 4,550 square foot structure would not result in significant effects related to traffic, noise, and air because the design of the building took into consideration the traffic impact and designed the drive thru to avoid traffic and congestion by providing a well-designed site plan. . Noise and air will not be impacted since the restaurant will be 1,253 square feet smaller than the existing restaurant and will have a less than significant impact. Also, the new restaurant will not affect water quality because the project is required to have a Water Quality Management Plan (WQMP) in place where all water is treated on site before going to City sewer. Furthermore no hazardous waste is produced at this site. The site is currently served by all public utilities, fire, and police and will continue to be served by them. Based on the foregoing, the Planning Commission recommends that the City Council adopt the Notice of Exemption, and direct Staff to file same as required by law.

**SECTION 5:** Based upon substantial evidence presented to the Planning Commission during the February 11, 2020 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Code, the Planning Commission finds as follows:

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

B. The total development is arranged to avoid traffic congestion, ensure the public health, safety and general welfare and prevent adverse effects upon neighboring properties because it has been designed to minimize any potential impacts by complying with the City's Code. The Applicant, business owner, and property owner are also responsible for complying with the current Building and Fire Codes. The City's Code requires all driveway and drive-aisles to be a minimum of 26 feet in width. The Property has two main entrances, which are shared access driveways with the mall and located west and east of the proposed building, on Colima Road. Both entrances consist of a 26 foot driveway that will lead into the main parking lot of the site. There are also various entrances throughout the mall that lead into the proposed restaurant. All existing and proposed drive aisles on this site are 26 feet or greater. The Drive thru is arrange to go around the building and will be able to hold up to 9 cars without impacting any of the drive aisles and parking spaces; and

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

D. The development is consistent with the provisions of the general plan or any applicable redevelopment plan. The request for a new 4,550 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,000 square feet for

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

**SECTION 6** Based upon substantial evidence presented to the Planning Commission during the February 11, 2020 public hearing, including public testimony and written and oral staff reports, and which includes without limitation, CEQA, the CEQA Guidelines, and the City's Code, the Planning Commission finds as follows:

A. The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Commercial, which allows for a fast food restaurant. The Zoning Ordinance, which implements the General Plan, allows for a fast food restaurant that seats more than 50 seats with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance; and

B. The Property meets all requirements of the Code, as it is adequate in size and shape, topography and location to accommodate the yards, walls, fences, parking and loading facilities, and landscaping required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there are adequate utilities to accommodate the proposed use because the new restaurant will be located within an existing shopping center and will replace a larger building area with a smaller building. The project complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code and the new commercial use will not require increased demands on the existing water, gas, electricity, and sewer utilities that adequately serve the site because the proposed project is replacing an existing restaurant that is approximately 5,803 square feet of building area with a smaller building that is approximately 4,550 square feet of building area within an existing shopping center; and

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

D. The fast food restaurant use is compatible with surrounding properties and uses because the surrounding area is composed of retail stores, a health club, and various restaurants. The request for a new a restaurant provides an additional dining option for mall patrons and restaurant goers in that area. The uses of the surrounding properties may change, but the character will remain commercial in nature, consistent with the General Plan and Zoning designations of the site; and

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

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

**SECTION 7:** The provisions of this Resolution are severable and if any provision, clause, sentence, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts thereof of the Resolution or their applicability to other persons or circumstances.

**SECTION 8:** The Secretary of the Planning Commission shall certify to the adoption of this Resolution, and that the same shall be in full force and effect. The Planning Commission hereby directs the Secretary to transmit a copy of this Resolution to the City Clerk of the City of Industry.

**PASSED, APPROVED AND ADOPTED** by the Planning Commission of the City of Industry at a regular meeting held on February 11, 2020, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
Acting Chairman

**ATTEST:**

\_\_\_\_\_  
Julian Gutierrez-Robles, Secretary



# CITY OF INDUSTRY

## ATTACHMENT 1

### Standard Requirements and Conditions of Approval

- Application:** Development Plan 19-10 and Conditional Use Permit 19-04
- Applicant:** Panera LLC on behalf of Panera Bakery
- Location:** 17420 Colima Road
- Use:** Development Plan 19-10 and Conditional Use Permit 19-04 to allow for a new Fast Food Restaurant use known as “Panera Bakery” which includes the construction of a new 4,550 square foot commercial building with a drive-thru and an outdoor patio that is approximately 1,000 square feet within an existing shopping center, and new fast food restaurant that seats 50 or more.

### Conditions of Approval- CUP 19-04

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

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. Upon the one (1) year anniversary of approval of the CUP, staff shall bring back the CUP for review and evaluation by the Planning Commission of the Applicant/Owner’s operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.
3. Prior to building final or operation of the use/business approved by the CUP, the Applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
4. The Property Owner shall surrender CUP No. 98-4, as of the effective date of Resolution No. PC 2020-01. As of the effective date of the Resolution approving CUP No. 19-04, CUP No. 98-4 shall become null and void, and all rights and privileges granted under the UUP shall be of no further force or effect.



## **Code Requirements and Standards**

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

1. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
2. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
3. All trash containers shall be kept inside a building or in a designated trash enclosure.
4. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
5. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
6. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
7. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
8. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
9. The hours of operation shall be between the hours of 6:00 A.M. and 9:30 P.M Sunday through Thursday, and 6:00AM to 10:00 PM Friday through Saturday.
10. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
11. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
12. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
13. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:



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

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

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

16. All perimeter walls, fencing, and common areas, shall be maintained by the Property Owner.

**Conditions of Approval- DP19-10**

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the City Council per Section 17.36.080 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

- 1. All perimeter walls, fencing, and common areas, shall be maintained by the Property Owner.
- 2. All roof top mechanical equipment shall be screened by a parapet wall four inches taller than the proposed mechanical equipment.
- 3. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.

**Code Requirements and Standards**

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the Applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any “conditions of approval” adopted by the City Council and noted

above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. All development shall comply with the approved Development Plan.
2. The Development Plan approval expires twelve (12) months after the date of approval by the City Council if a building permit for each building and structure thereby approved has not been obtained within such period. However, if the applicant submits a request for an extension of up to five years prior to the expiration of this approval along with any required processing fee, the planning director shall approve one such extension request if the planning director finds that the applicant has not violated any conditions of approval and circumstances have not changed such that each of the required findings could be made at the time, of the extension request.
3. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
4. In conformance with Chapter 13.18 of the Municipal Code, the Applicant shall provide landscaping and automatic irrigation plans to be approved by the Planning Department prior to the issuance of a building permit. Such plans shall be in substantial conformity with the approved Development Plan.
5. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
6. The Applicant shall construct adequate fire protection facilities to the satisfaction of the Los Angeles County Fire Department.
7. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
8. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
9. All exterior surfaces of buildings and appurtenant structures shall be painted in accordance with the approved Development Plan.
10. Building plans shall be submitted to and approved by the Los Angeles County Engineer's Office - Building and Safety Division prior to the issuance of a building permit. All development shall be completed in substantial compliance with the approved Development Plan.
11. Demolition and construction operations shall be limited to the hours (7:00 am to 7:00 pm) prescribed by the Los Angeles County Noise Ordinance (Los Angeles County Municipal Code, Section 12.08.390).
12. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full.

If requested by City Staff, the Applicant shall provide proof of payment.

13. Prior to building final or operation of the use/business approved by the DP, the Applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
14. All trash containers shall be kept inside a building or in a designated trash enclosure.
15. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
16. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
17. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
18. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.

### **Engineering Conditions**

1. The applicant shall provide drainage and grading plans to be approved by the City Engineer prior to the issuance of a building permit. Such plans shall be in substantial conformity with the development plans.
2. The applicant shall supply sanitary sewer facilities to serve all buildings to the satisfaction of the City Engineer prior to the final approval of the development and hook-up utilities.
3. The owner of the property must comply with the Subdivision Ordinance of the City of Industry.
4. Depending upon the nature of the propose used, the applicant shall obtain an Industrial Waste Permit or receive Domestic Wastewater Clearance from the City Engineer depending on the building use.
5. The applicant shall construct curb, gutter, pave-out, necessary drainage facilities, and sidewalk along street frontage in accordance with City standards and specifications.
6. The applicant shall construct storm drains and water quality devices to the satisfaction of the City Engineer prior to the final approval of the development and the hook-up of utilities.
7. Prior to the issuance of building permits for any interior improvements that serve to create separate units within the building, the applicant shall consult with the City Engineer and demonstrate that each separate unit is equipped with its own sewer line and that the sewer

lines join together before the connection to the main sewer line. This will allow for the addition of a clarifier or grease interceptor if required to serve future tenants/uses in the building.

8. In conformance with Chapter 13.16 of the Municipal Code and prior to the start of grading and construction, the Applicant will provide a Storm water Pollution Prevention Plan (SWPPP), developed by a Qualified SWPPP Developer (QSD) and consistent with the current National Pollutant Discharge Elimination System (NPDES) construction general permit, along with proof that a Waste Discharger Identification (WDID) Number has been obtained, to the City Engineer for review and approval.
9. In conformance with Chapter 13.16 of the Municipal Code and prior to the start of grading and construction, the applicant will implement an effective combination of erosion and sediment control BMPs consistent with the NPDES construction general permit to prevent erosion and sediment loss and the discharge of construction wastes, to the satisfaction of the City Engineer, which shall be in the form of a storm water soil loss prevention plan (also called an erosion control plan or a water pollution control plan).
10. In conformance with Chapter 13.16 of the Municipal Code, the Applicant shall provide: 1) a Low Impact Development (LID) plan; and 2) an operations, maintenance, and monitoring plan to the City Engineer for review and approval. Upon approval, the Applicant shall construct storm drains and water quality devices according to the approved plans and the satisfaction of the City Engineer. Prior to building final and/or issuance of the certificate of occupancy, the Applicant shall provide the City Engineer with a signed and recorded covenant and agreement stating that the Property and all structural or treatment control Best Management Practices (BMPs) will be maintained in compliance with the municipal NPDES permit (also sometimes called the MS4 permit) and other applicable regulatory requirements.
11. In conformance with Chapter 13.16 of the Municipal Code, all future owners or successors of a property subject to a requirement for maintenance of structural and treatment control BMPs must either: 1) assume responsibility for maintenance of any existing structural or treatment control BMPs at least once a year and retain proof of maintenance/inspection for review by the City Engineer upon request; or 2) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then current standards of the City and the municipal NPDES permit. Prior to building final and/or issuance of the certificate of occupancy, this requirement will be included in a recorded restrictive covenant on Property and included in any sale or lease agreement or deed of the Property.
12. Prior to obtaining a Certificate of Occupancy Applicant/Property Owner shall submit digital copies of as-built plans to the City Engineer.
13. Prior to the close out of the grading permit the Applicant/Property Owner shall video via CCTV or any other applicable method all sewer and storm drains on-site and submit to the City Engineer for approval.

### **Interpretation and Enforcement for both Development Plan and CUP**

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

### **Indemnification and Hold Harmless Condition for both Development Plan and CUP**

1. The Applicant and each of its heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and/or Planning Commission concerning this project. The City shall promptly notify the Applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The Applicant and Property Owner shall file an executed and acknowledged Acceptance of Terms and Conditions of the Conditional Use Permit and Development Plan within 10 days after the approval of said entitlements. The Applicant and Property Owner understand and agree that approval of the Development Plan and Conditional Use Permit will be of no force or effect unless such written consent is submitted to the City within the stated 10-day period.