
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
JANUARY 14, 2016 11:00 A.M.



CHAIRWOMAN ANDRIA WELCH
VICE CHAIRMAN FRANK CONTRERAS
COMMISSIONER JIM DIVERS
COMMISSIONER MICHAEL GREUBEL
COMMISSIONER BERT SPIVEY

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

Addressing the Planning Commission:

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

Americans with Disabilities Act:

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

Agendas and other writings:

- ▶ *In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Friday 9:00 a.m. to 5:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.*
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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 October 8, 2015 regular meeting

RECOMMENDED ACTION: Approve as submitted.

6. **ACTION ITEMS**

- 6.1 Consideration of Development Plan No. 15-17 submitted by Carl's Jr. for the construction of a new 2,644 square foot drive-thru restaurant and establishment of a fast-food restaurant with more than 50 seats located at 19782 Walnut Drive North in the City of Industry

Consideration of Resolution No. PC 2016-02 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA RECOMMENDING APPROVAL OF DEVELOPMENT PLAN NO. 15-17 FOR THE CONSTRUCTION OF A 2,644 SQUARE FOOT FAST-FOOD RESTAURANT LOCATED AT 19782 WALNUT DRIVE SOUTH IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME

RECOMMENDED ACTION: Adopt Resolution No. PC 2016-02.

7. **PUBLIC HEARINGS**

- 7.1 Public Hearing to consider Conditional Use Permit (CUP) No. 15-14 submitted by Carl's Jr. for a fast-food restaurant with more than 50 seats located at 19782 Walnut Drive North in the City of Industry

Consideration of Resolution No. PC 2016-03 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 15-14, TO ALLOW A FAST-FOOD RESTAURANT WITH MORE THAN 50 SEATS AT 19782 WALNUT DRIVE NORTH, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION: Adopt Resolution No. PC 2016-03.

- 7.2 Public Hearing to consider amending Conditional Use Permit (CUP) No. 10-4 to allow El Tepeyac restaurant to expand its hours of operation and serve alcohol on its patio located at 13131 Crossroads Parkway South, Unit C and D in the City of Industry

Consideration of Resolution No. PC 2016-01 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 10-4 TO EXPAND THE HOURS OF OPERATION AND ALLOW ALCOHOL SERVICE WITHIN A PATIO AT AN EXISTING FULL-

SERVICE RESTAURANT AT 13131 CROSSROADS PARKWAY DRIVE SOUTH UNIT C AND D, CITY OF INDUSTRY, CALIFORNIA, WITHIN THE "C" COMMERCIAL ZONE, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION: Adopt Resolution No. PC 2016-01.

8. **ORAL COMMENTS FROM THE PLANNING COMMISSION**
9. **ORAL COMMENTS FROM STAFF**
10. Adjournment. Next regular meeting: Thursday, February 11, 2016 at 11:00 a.m.

PLANNING COMMISSION

ITEM NO. 5

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
OCTOBER 8, 2015
PAGE 1

CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by Chairwoman Andria Welch at 11:00 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 Chairwoman Andria Welch.

ROLL CALL

PRESENT: Andria Welch, Chairwoman
Frank Contreras, Vice Chairman
Jim Divers, Commissioner
Bert Spivey, Commissioner

STAFF PRESENT: Bianca Sparks, Assistant City Attorney; Brian James, Planning Director; and Cecelia Dunlap, Secretary.

PUBLIC COMMENTS

There were no public comments.

CONSIDERATION OF THE MINUTES OF THE AUGUST 24, 2015 REGULAR AND SPECIAL MEETINGS

MOTION BY COMMISSIONER SPIVEY, AND SECOND BY VICE CHAIRMAN CONTRERAS TO APPROVE AS SUBMITTED. MOTION CARRIED 4-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	SPIVEY, DIVERS, CONTRERAS, WELCH
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	NONE
ABSTAIN:	COMMISSIONERS:	NONE

PRESENTATION AND DISCUSSION REGARDING THE CLIMATE ACTION PLAN, A COMPREHENSIVE ROADMAP OUTLINING THE ACTIVITIES THE CITY WILL UNDERTAKE TO REDUCE GREENHOUSE GAS EMISSIONS

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
OCTOBER 8, 2015
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Planning Director James presented a staff report to the Planning Commission.

Ms. Joanna Jansen, Associate Principal with PlaceWorks presented a PowerPoint presentation to the Planning Commission, which a copy is on file with the Secretary.

Discussion ensued between the Commissioners and direction was provided to Staff to proceed with a draft Climate Action Plan, and will be brought back before the Planning Commission for its review.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 11:25 a.m.

ANDRIA WELCH
CHAIRWOMAN

CECELIA DUNLAP
SECRETARY

PLANNING COMMISSION

ITEMS NO. 6.1 & 7.1



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

January 7, 2016

From: Paul J. Philips, City Manager

A handwritten signature in black ink that reads "Paul J. Philips".

Staff: Troy Helling, Senior Planner

Subject: Conditional Use Permit 15-14 and Development Plan 15-17 – Carl's Jr. Restaurant

Overview

Section 17.04.120 of the Municipal Code requires that when separate applications for the same project involve final decisions by the Planning Commission and City Council, all applications first be submitted to the Planning Commission for review and recommendation and then to the City Council for a final decision. This project involves the following two applications submitted by Carl's Jr.:

- Section 17.12.025 of the Municipal Code requires approval of a Conditional Use Permit by the Planning Commission for the establishment and operation of a fast-food restaurant with more than 50 seats. Conditional Use Permit 15-14 is to establish a Carl's Jr. fast-food restaurant with more than 50 seats.
- Section 17.36.020 of the Municipal Code requires approval of a Development Plan by the City Council for new construction. Development Plan 15-17 is for the construction of a new 2,644 square foot, stand-alone, drive-thru restaurant.

The Alameda Corridor East Construction Authority (ACE) Fairway Drive grade separation project for the railroad tracks just north of Walnut Drive North is altering the intersection and the Carl's Jr. property and building. As part of the project, Carl's Jr. has decided to reconfigure their restaurant and parking lot so that it conforms to the ACE improvements.

Proposal

The restaurant would accommodate 56 seats. The dining room would operate between the hours of 6:00 A.M. and 12:00 A.M. and the drive-thru would operate 24 hours a day. Carl's Jr. would employ approximately eight persons per shift.

As shown in the site plan and floor plan (Attachments 1 and 2 respectively), the proposed Carl's Jr. restaurant consists of a 2,644 square-foot building with a drive-thru on the east side of the building. The restaurant includes approximately 658 square feet of dining area and approximately 1,986 square feet of kitchen, storage, office, and restroom space. The site would accommodate 24 parking spaces and 9,830 square feet of landscaping. Access to the restaurant would be from two driveways on Walnut Drive North. The drive-thru would be entered from the southwest side of the building and can accommodate approximately 11

vehicles. The drive-thru pick-up window would be on the north side and the menu/ordering board would be on the south side of the building.

As shown on the elevations (Attachment 3), the roof is flat but would include variations in height to add architectural interest. The building would be 23'- 11" tall. The main entry of the restaurant would be oriented to the west, facing the parking lot. The trash enclosure would be on the south side of the parking lot. The building itself is a contemporary design with an appropriate level of detail and finishing materials that would enhance the aesthetics of the building.

Location and Surroundings

As shown on the location map (Attachment 4), the proposed Carl's Jr. restaurant is located at 19782 Walnut Drive North on a 0.7-acre parcel at 19782 Walnut Drive North, which is located north of the Pomona Freeway (SR-60), west of Fairway Drive, and south of Walnut Drive North. The project is surrounded on the east by a commercial development, on the north by industrial developments, and on the south by the 60 freeway.

Staff Analysis

The proposed restaurant is consistent with the Zoning ("C" – Commercial) and General Plan (Commercial) designations of the site and complies with the development and design standards in Sections 17.12, Commercial Zone, and 17.36, Design Review, of the Industry Municipal Code. Specifically, the project:

- Meets design guidelines. Section 17.36.060 A-J of the Municipal Code call for well-designed and coordinated buildings, walls, lighting, and landscaping. The proposed project would replace the existing building, which is plain and outdated, with a modern structure with design, signage, and landscaping that would be coordinated.
- Meets access requirements. Section 17.36.060.K of the Municipal Code requires a minimum driveway and drive-aisle width of 26 feet. Two driveways of 26 feet and 35 feet on Walnut Drive North are proposed. Internal drive-aisle widths that will provide access within the new parking lot would be a minimum of 26 feet.
- Meets landscaping requirements. Section 17.36.060. Q of the Municipal Code requires that a minimum of 12 percent of the site be devoted to landscaping and 32 percent (9,830 square feet) is proposed.
- Exceeds vehicular parking requirements. Section 17.36.060. K of the Municipal Code requires one parking space per 250 square feet of building area. Based on this formula, the project is required to provide 11 parking spaces and 24 parking spaces are proposed.

Environmental Analysis

The proposed project is exempt from the California Environmental Quality Act (CEQA) and staff will file a Notice of Exemption (Attachment 5) upon approval per Section 15302 (a), which exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The proposed project will replace an existing 3,613 square foot Carl's Jr. restaurant with a drive-thru with a smaller 2,644 square foot Carl's Jr. restaurant with a drive-thru.

Public Hearing

The required Public Hearing Notice (Attachment 6) 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 December 30, 2015.

Recommendation

Because the project complies with City use, design, and development standards, and satisfies the findings noted in the Resolutions, staff recommends that the Planning Commission:

- 1) Adopt Resolution No. PC 2016-02 (Attachment 7) recommending that the City Council approve Development Plan No. 15-17 with the findings and Standard Requirements and Conditions of Approval and findings contained therein; and
- 2) Adopt Resolution No. PC 2015-03 (Attachment 8) recommending that the City Council approve Conditional Use Permit No. 15-14 with the Standard Requirements and Conditions of Approval and findings contained therein,

Attachments

- Attachment 1: Site Plan
- Attachment 2: Proposed Floor Plan
- Attachment 3: Proposed Elevations
- Attachment 4: Location Map
- Attachment 5: Notice of Exemption
- Attachment 6: Public Hearing Notice
- Attachment 7: Resolution No. PC 2016-02 recommending City Council approval of Development Plan No. 15-17 with findings of approval and Standard Requirements and Conditions of Approval
- Attachment 8: Resolution No. PC 2016-03 recommending City Council approval of Conditional Use Permit No. 15-14 with findings of approval and Standard Requirements and Conditions of Approval

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Attachment 1

Site Plan

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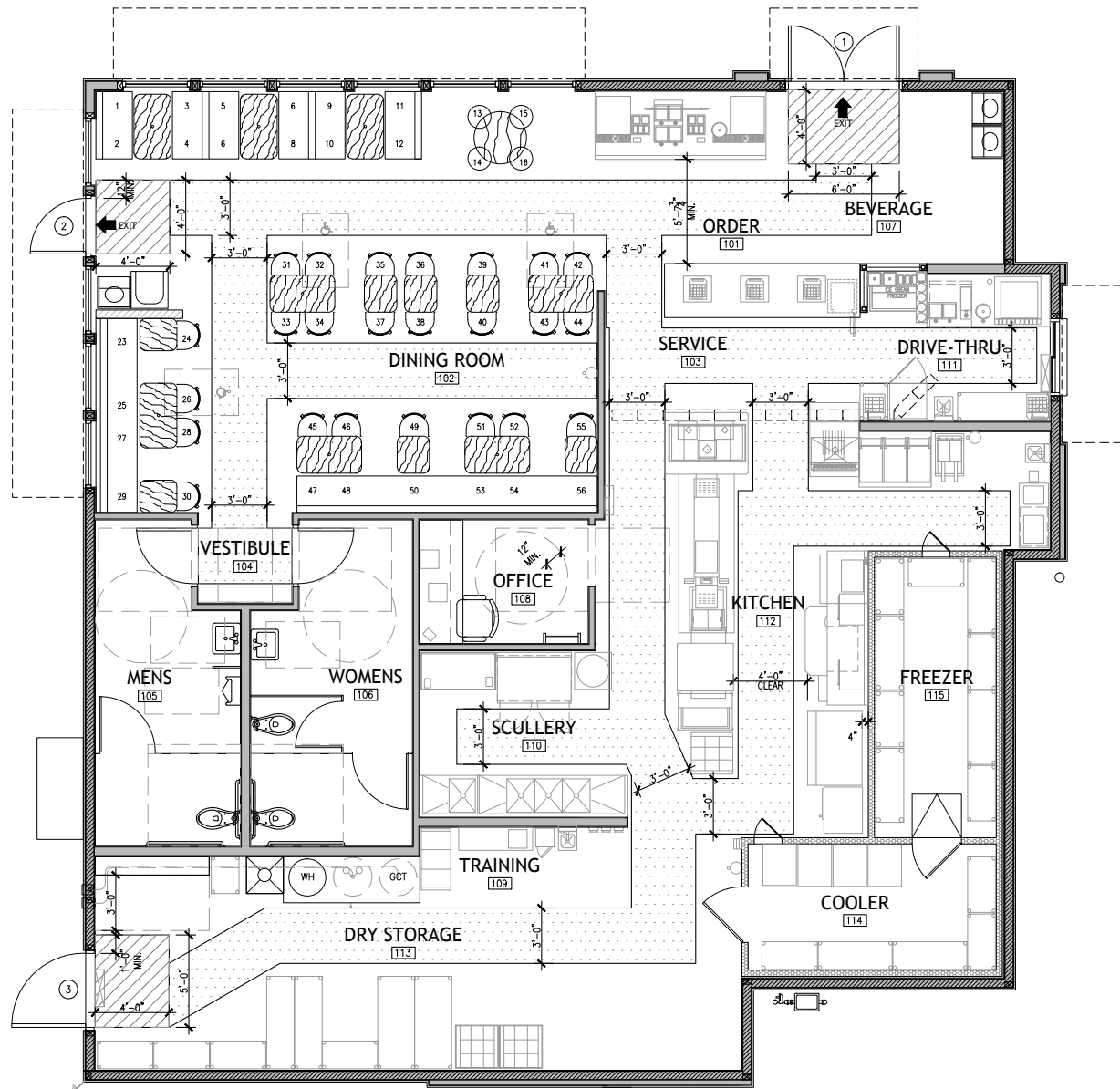
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Attachment 2

Floor Plan

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DP 15-17 and CUP 15-14 Proposed Floor Plan



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Attachment 3

Elevations

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DP 15-17 and CUP 15-14 Proposed Elevations



Right Elevation



Rear Elevation

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DP 15-17 and CUP 15-14 Proposed Elevations



Left Elevation



Front Elevation

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Attachment 4 Location Map

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CUP 15-14 and DP 15-17

Location Map



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Attachment 5

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 15-14 and DP 15-17

Project Location - Specific: 19782 Walnut Drive North

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

Description of Project: Conditional Use Permit 15-11 is an application to establish a Carl's Jr. fast-food restaurant with more than 50 seats. Development Plan 15-17 is for the construction of a new 2,644 square foot, stand-alone, drive-thru restaurant in the (C) Commercial zone.

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

Name of Person or Agency Carrying Out Project: Carl's Jr.

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:* 15302 (a)
- Statutory Exemptions. *State code number:*

Reasons why project is exempt: Section 15302 (a) Class 2, which exempts replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced. The proposed project will replace an existing 3,613 square foot Carl's Jr. restaurant with a drive-thru with a smaller 2,644 square foot Carl's Jr. restaurant with a drive-thru.

Lead Agency

Contact Person: Troy Helling

Telephone: (626)333-2211

Signature: _____

Date: _____

Title: Senior Planner

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Attachment 6

Public Hearing Notice

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NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 15-14 and Development Plan 15-17

On December 30, 2015, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider and make a recommendation to the City Council on the application from Carl's Jr. for Conditional Use Permit 15-14 and Development Plan 15-17 located at 19782 Walnut Drive North in the City of Industry.

- Conditional Use Permit 15-14 is to establish a fast-food restaurant with more than 50 seats.
- Development Plan 15-17 is an application to construct a new 2,644 square foot fast-food restaurant with a drive-thru.

A copy of all relevant material, including the Conditional Use Permit application, Development Plan 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 Troy Helling, Senior Planner, at the City of Industry at 626-333-2211 or by email at planning@cityofindustry.org if you have questions.

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

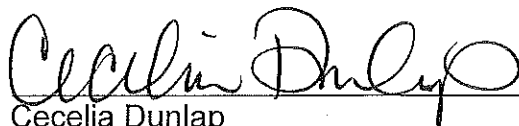
Time: 11:00 a.m.

Date: January 14, 2016

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 or Development Plan 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

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Attachment 7
Resolution No. PC 2016-02

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RESOLUTION NO. PC 2016-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA RECOMMENDING APPROVAL OF DEVELOPMENT PLAN NO. 15-17 FOR THE CONSTRUCTION OF A 2,644 SQUARE FOOT FAST-FOOD RESTAURANT LOCATED AT 19782 WALNUT DRIVE SOUTH IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME

RECITALS

WHEREAS, on November 18, 2015, Stantec Consulting Services Inc. on behalf of Carl's Jr., ("Applicant") filed a complete application requesting the approval of Development Plan ("DP") No. 15-17 described herein ("Application"); and

WHEREAS, the Application applies to a 0.7 acre property at 19782 Walnut Drive North, City of Industry, California, Assessor's Parcel Numbers 8760-008-009 and 8760-008-010 ("Property"); and

WHEREAS, the Applicant desires to replace and construct a fast-food restaurant (2,644 square feet) within the "C"-Commercial Zone (the "Project"), at the site of an existing Carl's Jr. restaurant, and in accordance with Section 17.36.020 of the City's Municipal Code ("Code"), a Development Plan is required for this type of activity; and

WHEREAS, the Land Use Element of the General Plan designates the Property as Commercial. The Project is consistent with the General Plan as the construction of a fast-food restaurant building is similar to other commercial buildings in the same land use designation, and does not conflict with the established goals and objectives of the Land Use Element; and

WHEREAS, the development is consistent with the provisions of the City's General Plan because the Property is designated as Commercial, which allows the development of buildings for commercial uses; and

WHEREAS, pursuant to Section 17.04.120 of the City's Code, when there are multiple applications for land use entitlements that require final decisions by both the Planning Commission and City Council, the application must first be considered by the Planning Commission, and then submitted to the City Council for final approval. Because the Applicant has submitted entitlement applications for both a Development Plan and CUP for the same property, the Planning Commission is required to make a recommendation on the Development Plan to the City Council; 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 15302 (Class 2 Replacement or Reconstruction) of the CEQA Guidelines. The project is to replace an "existing restaurant with new or the same size, purpose and capacity" and is not located in an area that is environmentally sensitive; and

WHEREAS, on January 14, 2016, the Planning Commission of the City of Industry conducted a duly noticed public meeting on the Application, and considered all testimony written and oral; 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 meetings and opportunities for public testimony and comment have been conducted in compliance with State law and the City's Code.

SECTION 3: Based Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for DP No. 15-17, the Planning Commission hereby finds and determines that Development Plan No. 15-17 will not result in or have a significant impact on the environment, because the existing fast-food restaurant is being replaced with a new fast-food restaurant smaller in size that does not increase capacity or expand the 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 15302 (Class 2, Replacement or Reconstruction) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the Planning Commission recommends that the City Council adopt the Notice of Exemption and directs staff to file same as required by law.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the January 14, 2016 public meeting, including public testimony and written and oral staff reports, the City Council finds as follows:

A. The Property is suitable for development in accordance with the Development Plan because the Property has already been developed in accordance with requirements of the City's Code, there are no known natural or reported man-made hazards, and the Property is designated as Commercial in the General Plan and zoned "C" Commercial, which are consistent with and allow for the proposed development; and

B. The total development is arranged so as to avoid traffic congestion, ensure the public health, safety and general welfare or prevent adverse effects upon neighboring properties, because the replacement of the existing building would not significantly impact road capacity and is not an expansion of an existing use and will not increase traffic congestion, and proposed driveways which meet minimum width standards on Walnut Drive South will serve the project; and

C. The development is in general accord with all elements of the Industry Zoning Ordinance because, with the approval of the Development Plan, the project complies with development standards in regards to building setbacks, height, parking, access, screening, and design; and

D. The development is consistent with the provisions of the City's General Plan because is the Property is designated as Commercial, which allows for the construction of commercial buildings; and

E. Based on the foregoing, the Planning Commission recommends that the City Council approve Development Plan No. 15-17, subject to the Conditions of Approval, attached hereto as Exhibit A, and incorporated herein by reference.

SECTION 5: 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 6: That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on January 14, 2016 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Andria Welch
Chairwoman

ATTEST:

Cecelia Dunlap, Deputy City Clerk



CITY OF INDUSTRY

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

EXHIBIT A

Standard Requirements and Conditions of Approval

Application: Development Plan 15-17
Applicant: Carl's Jr. Restaurant
Location: 19782 Walnut Drive North

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 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. Roof-top address numbers that would only be visible from the air shall be installed to assist air borne patrols. The numbering should be a minimum of 3 feet and of a color that contrasts with the roof. If applicable, addresses will include designators for individual tenant addresses, such as Unit A.
2. Because there are two existing parcels (8760-008-009 and 8760-008-010) on the site and the drainage cannot cross parcel lines, prior to final approval of the building permit, the applicant shall record a covenant and agreement to hold the two existing parcels as one in the form approved by the City Engineer. This will bind the two parcels under a single ownership and ensure that the lots cannot be sold separately.

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. The 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.
2. 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 Director prior to the issuance of a building permit. Such plans shall be in substantial conformity with the

approved development plan.

3. The Applicant shall construct adequate fire protection facilities to the satisfaction of the Los Angeles County Fire Department.
4. All exterior surfaces of buildings and appurtenant structures shall be painted in accordance with the approved development plan.
5. The owner shall dedicate necessary landscape and utility easements along street frontage as depicted on the approved plans for DP 15-17.
6. Depending upon the nature of the proposed use, the Applicant shall obtain an Industrial Waste Permit or receive Domestic Wastewater Clearance from the City Engineer.
7. The Applicant shall provide off-street parking as shown on the approved development plan.
8. The Applicant shall construct curb, gutter, pave-out, necessary drainage facilities, and sidewalk along street frontage in accordance with City standards and specifications as depicted on the approved plans for DP 15-17. (e.g. approved development plan).
9. The owner shall dedicate necessary easements for street or highway purposes as depicted on the approved plans for DP 15-17. (e.g. approved development plan).
10. 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 of utilities. One sewer connection per parcel is permitted and, in the case of multiple units or buildings, all sewer lines must join together at the connection point.
11. 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.
12. 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).
13. 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.

14. 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.
15. The Applicant shall provide building plans to be approved prior to the issuance of a building permit. Such plans shall be in substantial conformity with the development plans. 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.
16. Street lights shall be designed and installed along the street frontage of a development to the satisfaction of the City Engineer and as depicted on the approved plans for DP 15-17 (e.g. approved development plan).
17. Demolition and construction operations shall be limited to the hours prescribed by the Los Angeles County Noise Ordinance (Los Angeles County Municipal Code, Section 12.08.390).
18. No outdoor storage of any personal property, building materials, or other property not permanently affixed to the Property is allowed.
19. Should archeological resources be uncovered during site preparation, grading, or excavation, work shall be stopped for a period not to exceed 14 days. The find shall be immediately evaluated for significance by a county-certified archaeologist. If the archaeological resources are found to be significant, the archaeologist shall perform data recovery, professional identification, radiocarbon dates as applicable, and other special studies; submit resources to the California State University Fullerton; and provide a comprehensive final report including appropriate records for the California Department of Parks and Recreation (Building, Structure, and Object Record; Archaeological Site Record; or District Record, as applicable).
20. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the Applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Applicant shall comply with all applicable code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
2. The Planning 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 Applicant and each of its heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning Commission concerning this project. The City shall promptly notify the Applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

Attachment 8
Resolution No. PC 2016-03

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RESOLUTION NO. PC 2016-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 15-14, TO ALLOW A FAST-FOOD RESTAURANT WITH MORE THAN 50 SEATS AT 19782 WALNUT DRIVE NORTH, CITY OF INDUSTRY, CALIFORNIA,, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on November 18, 2015, Stantec Consulting Services Inc. on behalf of Carl's Jr., ("Applicant") filed a complete application requesting the approval of Conditional Use Permit ("CUP") No. 15-14 described herein ("Application"); and

WHEREAS, the Application applies to a new 2,644 square-foot fast-food restaurant located on a 0.7 acre property, at 19782 Walnut Drive North, City of Industry, California, Assessor's Parcel Numbers 8760-008-009 and 8760-008-010 ("Property"); and

WHEREAS, the Applicant desires to construct and operate a fast-food restaurant with more than 50 seats in the "C" Commercial zone and, in accordance with Section 17.12.025(7) of the City's Municipal Code ("Code"), a CUP is required for this type of activity; and

WHEREAS, the Land Use Element of the General Plan designates the Property as Commercial. The proposed use is consistent with the General Plan as it would provide essential goods and services commonly available at other restaurants, and does not conflict with the established goals and objectives of the Land Use Element. Fast-food restaurants with more that 50 seats are permitted in the "C" Commercial zone, subject to the approval of an CUP pursuant to Section 17.12.025 (7) of City's Code; and

WHEREAS, pursuant to Section 17.04.120 of the City's Code, when there are multiple applications for land use entitlements that require final decisions by both the Planning Commission and City Council, the application must first be considered by the Planning Commission, and then submitted to the City Council for final approval. Because the Applicant has submitted entitlement applications for both a Development Plan and CUP for the same property, the Planning Commission is required to make a recommendation on the CUP to the City Council; 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 15302 (Class 2 Replacement or Reconstruction) of the CEQA Guidelines. The project is to replace an “existing restaurant with new or the same size, purpose and capacity” and is not located in an area that is environmentally sensitive. The new 2,644 square-foot restaurant will be replacing the old 3,613 square-foot restaurant; and

WHEREAS, notice of the Planning Commission’s January 14, 2016 public hearing on CUP No. 15-14 was published in *The San Gabriel Valley Tribune* on December 30, 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 December 30, 2015; and

WHEREAS, the notice of the Planning Commission’s January 14, 2016, public hearing on CUP No. 15-14 was also mailed to property owners within 300 feet of the Property on December 30, 2015; and

WHEREAS, on January 14, 2016, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

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

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

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

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

SECTION 3: Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for CUP No. 15-14, the Planning Commission hereby finds and determines that Conditional Use Permit No. 15-14 will not result in or have a significant impact on the environment, because the existing fast-food restaurant is being replaced with a new fast-food restaurant, smaller in size that does not increase capacity or expand the 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 15302 (Class 2, Replacement or Reconstruction) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the Planning Commission recommends adoption of the Notice of Exemption and directs staff to file same as required by law.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the January 14, 2016, public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Commercial, which allows a fast-food restaurant with more than 50 seats. The Zoning Ordinance, which implements the General Plan, allows for a fast-food restaurant with 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.

(b) The Property is adequate in size and shape, topography and location, to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there will be adequate utilities to accommodate the proposed use. The Property complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code. The project will replace the existing fast-food restaurant with a smaller fast-food restaurant with same capacity and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

(c) The Property is served by street access 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 footprint of the building, and the Property is currently served by Walnut Drive North, which is of adequate capacity to serve the commercial use. The new building is smaller in size and will generate fewer trips. The replacement of the fast-food restaurant requires 11 parking spaces, and 24 are provided, therefore the Property has sufficient parking capacity.

(d) The fast-food restaurant use is compatible with surrounding properties and uses because the surrounding area is composed of other similar commercial uses. 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.

(e) The nature, condition and proposed development of adjacent uses, buildings and structures has been considered, and the proposed use, the fast-food restaurant with more than 50 seats, 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 and industrial uses. The replacement of the fast-food restaurant will complement the adjacent uses.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby recommends that the City Council approve CUP No. 15-14, subject to the conditions contained in Exhibit A.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on January 14, 2016 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Andria Welch
Chairwoman

ATTEST:

Cecelia Dunlap
Secretary



CITY OF INDUSTRY

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

EXHIBIT A

Standard Requirements and Conditions of Approval

Application:	Conditional Use Permit 15-14
Applicant:	Carl's Jr. Restaurant
Location:	19782 Walnut Drive North
Use:	Fast-Food Restaurant with more than 50 Seats

Conditions of Approval

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

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. 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.
3. 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 entire premise is subject to inspection by the Los Angeles County Sheriff's Department

and/or City representative at any reasonable time without prior notification.

2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaped plan and in a healthy and well-kept condition and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning 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. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 6:00 A.M. and 12:00 A.M for the dining room and 24 hours a day for the drive-thru, or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of

and for the customers.

18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No non-prescription drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise, unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of

approval.

2. The Planning 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.

PLANNING COMMISSION

ITEM NO. 7.2



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

January 7, 2015

From: Paul J. Philips, City Manager

A handwritten signature in black ink that reads "Paul J. Philips".

Staff: Troy Helling, Senior Planner

Subject: Revise Conditional Use Permit 10-4 – El Tepeyac Restaurant

Proposal

Section 17.12.025 of the Municipal Code requires approval of a Conditional Use Permit (CUP) by the Planning Commission for the establishment and operation of a full-service restaurant with alcohol. The applicant applied for and obtained approval for CUP No. 10-4 in 2010 to operate a restaurant seven days a week between the hours of 9:00 AM and 9:00 PM with alcohol. The applicant has submitted an application to revise CUP No. 10-4 to: (1) expand the hours of operation by six hours to 6:00 AM and 12:00 AM, and (2) to allow alcohol service on the newly built and approved patio area.

As shown on the site plan (Attachment 1), the restaurant is located in an existing 7,500 square foot, one story retail building, which also includes a Subway and Waba Grill. The 4.78-acre commercial center also includes a 3,516 square-foot, stand-alone Carl's Jr. and 30,000 square foot vacant retail pad. The El Tepeyac restaurant is 4,650-square-feet (Attachment 2). For parking purposes, the additional seating devoted exclusively to the business on the existing patio is assumed but the area of the patio is not counted as additional building square footage. The enclosed patio is 1,016 square feet and requires 21 parking spaces. Based on the existing uses and the patio, there are 263 parking spaces required for the center and there are 320 parking spaces provided.

Location and Surroundings

As shown on the location map (Attachment 3), the project site is located at 13131 Crossroads Parkway South, Suite C and D, which is south of State Route 60, north of Crossroads Parkway South, and west of the intersection of the SR-60 eastbound off-ramp and Crossroads Parkway South. Access to the site is provided via Crossroads Parkway South.

Staff Analysis

Hours of operation

The expanded hours of operation are consistent with normal business hours for this type of restaurant and other businesses in the center, will not negatively affect the surrounding businesses, and should not cause an increase in calls for service from the Sheriff's Department. The other uses in the center include Waba Grill, which is open from 9:00 AM to 9:00 PM, Subway which is open from 7:00 AM to 11:00 PM, and Carl's Jr., which is open 24 hours.

Alcohol service within the patio area

In October of this year, the applicant obtained approval to expand the patio area (Attachment 4). The Applicant and staff worked with the Sheriff's department on the design and placement of the patio to address concerns about alcohol pass-through and access. The patio is surrounded by a five foot tall tempered glass wall with pilasters and access to the patio is from the restaurant itself except for an alarmed emergency exit. This design will discourage people from passing alcohol over into the parking lot by making the action obvious. El Tepeyac has a Type 47 and a Type 58 Alcohol Beverage Control (ABC) License. The Type 47 allows for on-site consumption of beer, wine and spirits. The Type 58 allows for alcohol sales at catered events. ABC is requiring the applicant to revise its CUP to allow Type 47 alcohol service on the patio area.

El Tepeyac has stated that they would eventually like to provide live entertainment. However, an application has not been submitted at this time. Municipal Code Section 17.12.030 (A) requires a minimum of 5,000 square feet of continuous building area to conduct live entertainment and/or dancing. Staff does not interpret a patio area as building area and thus not eligible to count toward the 5,000 square foot threshold. El Tepeyac has less than the required 5,000 square feet and has conducted non-permitted live entertainment events and karaoke in the past, but since have complied with code enforcement correction notices and been in compliance. El Tepeyac has also had an issue with a local gang meeting in the parking lot. However, the applicant contacted the Sheriff's department and was helpful in keeping the group under control. There have been no calls for service that have been related to alcohol at this restaurant.

The addition of alcohol service to the patio area of the existing restaurant will 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 no other restaurants that serve alcohol in the center and there has not been an increase in calls for law enforcement service in the center that can be attributed to alcohol service.

Sheriff's Department Review

The Applicant has worked closely with the Sheriff's Department on a security plan to address the expanded hours of operation and alcohol service on the patio, as noted above. Conditions have been added that state that the applicant shall obtain approval from the Sheriff's Department of a security plan and camera placement prior to serving alcohol within the patio.

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 modification to the CUP is required for the change in hours of operation and the addition of alcohol sales within the newly added patio area. This involves only minor changes in operation to the existing facility and is a negligible expansion of the existing use. The Notice of Exemption (Attachment 4) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

Public Hearing

The required Public Hearing Notice (Attachment 5) was posted on the site, fire station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the San Gabriel Tribune by December 30, 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 2016-01 (Attachment 6) with the findings for approval and Standard Requirements and Conditions of Approval contained in the

Resolution.

Attachments

- Attachment 1: Site Plan
- Attachment 2: Floor Plan
- Attachment 3: Location Map
- Attachment 4: Notice of Exemption
- Attachment 5: Public Hearing Notice
- Attachment 6: Resolution No. PC 2016-01 amending Conditional Use Permit No. 10-4 with findings of approval and Standard Requirements and Conditions of Approval

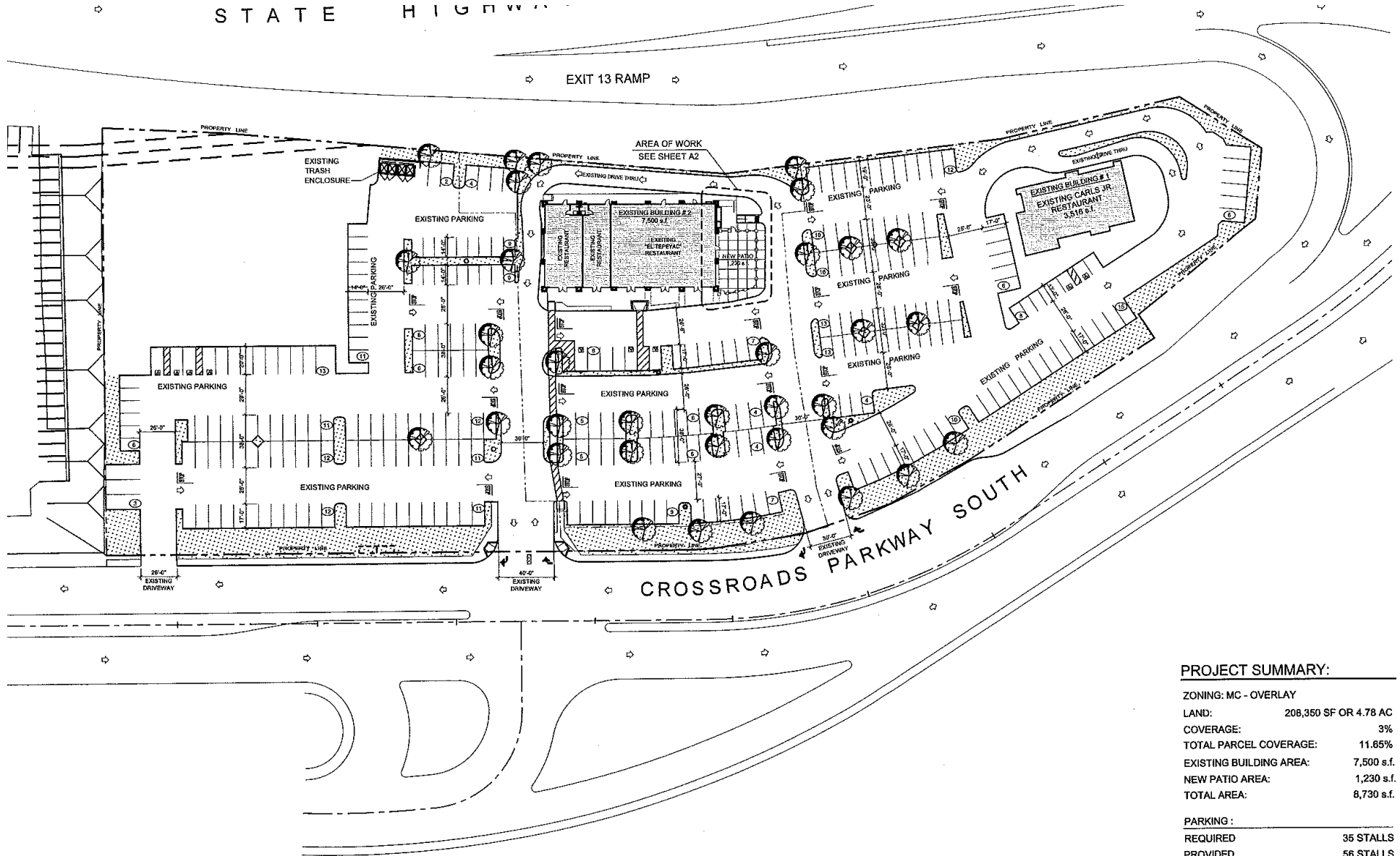
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Attachment 1

Site Plan

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CUP 14-10 (Amended) Site Plan



PROJECT SUMMARY:

ZONING:	MC - OVERLAY
LAND:	208,350 SF OR 4.78 AC
COVERAGE:	3%
TOTAL PARCEL COVERAGE:	11.65%
EXISTING BUILDING AREA:	7,500 s.f.
NEW PATIO AREA:	1,230 s.f.
TOTAL AREA:	8,730 s.f.

PARKING:	
REQUIRED	35 STALLS
PROVIDED	56 STALLS
HC STALLS PROVIDED	3 STALLS
TOTAL STALLS PROVIDED:	59 STALLS

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Attachment 2

Floor Plan

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Attachment 3 Location Map

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Amended CUP 10-4 Location Map



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Attachment 4

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: Amended CUP 10-4

Project Location - Specific: 13131 Walnut Drive South, Unit C and D

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

Description of Project: Conditional Use Permit 15-11 is an application to establish a Carl's Jr. fast-food restaurant with more than 50 seats. Development Plan 15-17 is for the construction of a new 2,644 square foot, stand-alone, drive-thru restaurant in the (C) Commercial zone.

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

Name of Person or Agency Carrying Out Project: El Tepeyac Restaurant

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 of existing uses when there is little or no expansion of the use. A modification to the CUP is required for the change in hours of operation and the addition of alcohol sales within the newly added patio area. This involves only minor changes in operation to the existing facility and is 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 5
Public Hearing Notice

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NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 15-18

On December 30, 2015, notice has been given that the Planning Commission of the City of Industry will hold a public hearing on the application from El Tepeyac Restaurant for Conditional Use Permit 15-18, to expand the hours of operation and adding alcohol service to the patio area located at 13131 Crossroads Parkway South, Unit C and D in the City of Industry.


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 Troy Helling, Senior Planner at the City of Industry at 626-333-2211 or by email at planning@cityofindustry.org if you have questions.

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

Time: 11:00 a.m.
Date: January 14, 2016
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.



Cecelia Dunlap
Deputy City Clerk of the City of Industry

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Attachment 6
Resolution No. PC 2016-01

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RESOLUTION NO. PC 2016-01

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING AN AMENDMENT TO CONDITIONAL USE PERMIT NO. 10-4 TO EXPAND THE HOURS OF OPERATION AND ALLOW ALCOHOL SERVICE WITHIN A PATIO AT AN EXISTING FULL-SERVICE RESTAURANT AT 13131 CROSSROADS PARKWAY DRIVE SOUTH UNIT C AND D, CITY OF INDUSTRY, CALIFORNIA, WITHIN THE “C” COMMERCIAL ZONE, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on October 22, 2015, El Tepeyac, (“Applicant”) filed a complete application requesting an amendment to Conditional Use Permit (“CUP”) No. 10-4, described herein (“Application”); and

WHEREAS, the Application applies to expanding the hours of operation and adding alcohol service to the patio area at an existing 4,650 square-foot full-service restaurant with alcohol service located on a 4.78 acre property, at 13131 Crossroads Parkway South Unit C and D, City of Industry, California, Assessor’s Parcel Numbers 8125-059-025 (“Property”); and

WHEREAS, in 2010, the Applicant obtained approval for CUP No. 10-4, for a full service restaurant with alcohol service. In accordance with Section 17.12.025 (14) of the City’s Municipal Code (“Code”), a CUP is required for this type of activity; and

WHEREAS, the City recently approved a patio area for the Property, and the California Department of Alcoholic Beverage Control requested that the Applicant obtain approval from the City to serve alcoholic beverages on the patio; and

WHEREAS, pursuant to the provisions of CUP No. 10-4, the operation of the restaurant and service of alcoholic beverages is limited to the hours of 9:00 a.m.-9:00 p.m. seven days per week, the Applicant now wishes to expand the hours of the restaurant and alcoholic beverage service to 6:00 a.m.-12:00 a.m. seven days per week.

WHEREAS, the Land Use Element of the General Plan designates the Property as Commercial. The proposed use is consistent with the General Plan as it would provide essential goods and services commonly available at other restaurants, and does not conflict with the established goals and objectives of the Land Use Element. Full-service restaurants with alcohol are permitted in the “C” Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025 (14) of City’s Code; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the 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 minor alteration) of the CEQA Guidelines. The project is to expand the hours of operation and add alcohol service to the patio area which does not increase capacity or expand the use, and is not located in an area that is environmentally sensitive; and

WHEREAS, notice of the Planning Commission's January 14, 2016 public hearing was published in *The San Gabriel Valley Tribune* on December 30, 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 December 30, 2015; and

WHEREAS, the notice of the Planning Commission's January 14, 2016, public hearing was also mailed to property owners within 300 feet of the Property on December 30, 2015; and

WHEREAS, on January 14, 2016, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

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

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

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

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

SECTION 3: Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for the amendment to CUP No. 10-4, the Planning Commission hereby finds and determines that the amendment to Conditional Use Permit No. 10-4 will not result in or have a significant impact on the environment, because expanding the hours of operation at an existing full-service restaurant with alcohol service, and expanding alcohol service to the patio area does not increase capacity or expand the 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, minor alteration) of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of

Regulations). Based on these findings, the Planning Commission recommends adoption of the Notice of Exemption and directs staff to file same as required by law.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the January 14, 2016 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

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

(b) The Property is adequate in size and shape, topography and location, to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Sections 17.12.050 and 17.36.060 of the Municipal Code, and there will be adequate utilities to accommodate the proposed use. The Property complies with the development standards outlined in Chapter 17.36, Zoning Code of the Industry Municipal Code. The project will expand the hours of operation and allow alcohol service onto the patio area with the same capacity and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the Property.

(c) There will be adequate street access, traffic circulation and parking capacity for the proposed use, as 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 footprint of the building, and the Property is currently served by Crossroads Parkway South, which is of adequate capacity to serve the commercial use. The existing building will not generate more trips. The property requires 263 parking spaces, and 320 are provided.

(d) The full-service restaurant with alcohol service use is compatible with surrounding properties and uses because the surrounding area is composed of other similar commercial uses. 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.

(e) The nature, condition and proposed development of adjacent uses, buildings and structures has been considered, and the proposed use, the expansion of the hours of a full-service restaurant with alcohol service, and the addition of the service of alcohol on the restaurant's patio, 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. The expanded hours of operation and the addition of alcohol service to the patio area will complement the adjacent uses.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby amends Exhibit A of CUP No. 10-4 to read in its entirety as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 6: In the event any of the terms and provisions of this Resolution conflict with the provisions of CUP No. 10-4, and any exhibits thereto, the provisions of this Resolution shall prevail.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on January 14, 2016 by the following vote:

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

Andria Welch
Chairwoman

ATTEST:

Cecelia Dunlap
Secretary



CITY OF INDUSTRY

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

EXHIBIT A

Standard Requirements and Conditions of Approval

Application: Amendment to Conditional Use Permit 10-4
Applicant: El Tepeyac Restaurant
Location: 13131 Crossroads Parkway South, Units C and D
Use: Full-Service Restaurant with Alcohol Service

Conditions of Approval

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

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. 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.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service within the patio area. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 47 Beer, Wine and spirits license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 47 license shall be maintained in compliance with all ABC requirements.
7. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
8. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the site by the ABC shall be grounds for revocation of CUP No. 10-4.
9. Permittee shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
10. The approval is for a bona fide restaurant with on-site sale alcoholic beverages, as set forth in the Type 47 license. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.
11. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Permittee shall, upon request by the City, provide the City with its records of all food and beverage sales for the prior six month period.
12. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
13. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
14. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
15. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should

be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaped plan and in a healthy and well-kept condition and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning 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. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be from 6:00 am to 12:00 pm seven days a week, or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.

17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No non-prescription drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan, including the patio area, shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. There shall be no outside cooking or food preparation unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning 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.