

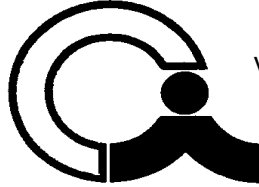
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# PLANNING COMMISSION

## CITY OF INDUSTRY

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



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

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

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

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

5. Consideration of appointment of Chairperson and Vice Chairperson

*RECOMMENDED ACTION: Consider nominations and make appointments.*

6. Consideration of the minutes of the February 11, 2016 regular meeting

*RECOMMENDED ACTION: Approve as submitted.*

7. **PUBLIC HEARINGS**

- 7.1 Public Hearing to consider Conditional Use Permit (CUP) No. 16-6, submitted by Happy Duck Restaurant to establish alcohol service at an existing fast-food restaurant located at 18210 Gale Avenue in the City of Industry

Consideration of Resolution No. PC 2016-20 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-6, TO ALLOW THE ESTABLISHMENT OF ALCOHOL SERVICE AT AN EXISTING FAST-FOOD RESTAURANT AT 18210 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

*RECOMMENDED ACTION: Adopt Resolution No. PC 2016-20.*

- 7.2 Public Hearing to consider Conditional Use Permit (CUP) No. 16-7, submitted by Top Play Global Commercial Group LLC., DBA Miss Tong's Private Kitchen for a fast-food restaurant with alcohol service located at 18558 Gale Avenue, Unit 270 and 272, in the City of Industry

Consideration of Resolution No. PC 2016-21 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-7, TO ALLOW A FAST-FOOD RESTAURANT WITH ALCOHOL SERVICE AT 18558 GALE AVENUE UNIT 270 AND 272, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

*RECOMMENDED ACTION: Adopt Resolution No. PC 2016-21.*

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

9. **ORAL COMMENTS FROM STAFF**

10. Adjournment. Next regular meeting: Thursday, August 11, 2016 at 11:00 a.m.

*PLANNING COMMISSION*

ITEM NO. 6

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
FEBRUARY 11, 2016  
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 Chairwoman Andria Welch at 11:01 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  
Michael Greubel, Commissioner  
Bert Spivey, Commissioner

STAFF PRESENT: Bianca Sparks, Assistant City Attorney; Troy Helling, Senior Planner; and Cecelia Dunlap, Secretary.

**PUBLIC COMMENTS**

There were no public comments.

**PUBLIC HEARING TO CONSIDER CONDITIONAL USE PERMIT (CUP) NO. 15-9  
SUBMITTED BY PRESENCE QUOTIENT TO ESTABLISH AN OFFICE AT 17181  
GALE AVENUE, UNIT C, IN THE CITY OF INDUSTRY**

Chairwoman Welch opened the public hearing.

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

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

Chairwoman Welch closed the public hearing.

**CONSIDERATION OF RESOLUTION NO. PC 2016-06 – A RESOLUTION OF THE  
PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING**

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PLANNING COMMISSION REGULAR MEETING MINUTES  
CITY OF INDUSTRY, CALIFORNIA  
FEBRUARY 11, 2016  
PAGE 2

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**CONDITIONAL USE PERMIT NO. 15-9 TO ALLOW AN OFFICE IN THE "MC" MANUFACTURING/COMMERCIAL OVERLAY ZONE LOCATED AT 17181 GALE AVENUE, UNIT C, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME AND MAKING FINDINGS IN SUPPORT THEREOF**

MOTION BY COMMISSIONER DIVERS, AND SECOND BY VICE CHAIRMAN CONTRERAS TO ADOPT RESOLUTION NO. PC 2016-06. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

**ORAL COMMENTS FROM THE PLANNNG COMMISSION**

There were none

**ORAL COMMENTS FROM STAFF**

Senior Planner Helling announced that a similar conditional use permit for office use in the M-C overlay zone is scheduled before Planning Commission at its March 10, 2016 meeting.

**ADJOURNMENT**

There being no further business, the Planning Commission adjourned at 11:09 a.m.

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ANDRIA WELCH  
CHAIRWOMAN

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CECELIA DUNLAP  
SECRETARY

*PLANNING COMMISSION*

ITEM NO. 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  
From: Paul J. Philips, City Manager *Paul J. Philips*  
Staff: Troy Helling, Senior Planner *TH*  
Date: July 14, 2016  
Subject: **Conditional Use Permit 16-6 – Happy Duck House, 18210 Gale Avenue**

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### Proposal

Section 17.12.025(7) of the Industry Municipal Code requires approval of a Conditional Use Permit (CUP) by the Planning Commission for the establishment of alcohol service at a fast-food restaurant. Conditional Use Permit 16-6 is to establish alcohol service (Type 41 ABC License) for beer and wine within an existing 1,637 square-foot fast-food restaurant, within an existing commercial building as shown on the site plan (Attachment 2) located at 18210 Gale Avenue. Happy Duck House will operate a restaurant during the hours of 11:00 AM to 10:00 PM, seven days a week and will employ 5 people. As shown on the floor plan (Attachment 3), the proposed fast-food restaurant will accommodate 46 seats.

### Location and Surroundings

As shown on the location map (Attachment 1), the restaurant is located at 18210 Gale Avenue, within the 66,250 square foot Plaza at Puente Hills Shopping Center, which is located on the south side of Gale Avenue and west of Fullerton Road. The site is surrounded by commercial uses except for the 60 Freeway, which is located immediately to the south. Other businesses in the shopping center include Smart & Final, Subway, Starbucks, Baskin Robbins and Jersey Mike's.

### Staff Analysis

The proposal to use an existing commercial space within a retail building for a fast-food restaurant with alcohol is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code.

### *Property*

The Property is adequate in size, 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. There will be adequate utilities to accommodate the proposed use. The commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

### *Access*

The Property is served by 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 Gale Avenue, which is of adequate capacity to serve the commercial use.

### *Compatibility*

The fast-food 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. The proposed use will complement the adjacent uses.

### *Parking*

Per Section 17.36.060(K)(1)(b) of the Municipal Code, a fast-food restaurant is parked at the rate of one space per 250 square feet. Based on this formula, the proposed use requires seven parking spaces. The addition of alcohol service does not result in the need for additional parking spaces.

## **Environmental Analysis**

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 4.01 acre site for the development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 66,250 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center and just adding alcohol service to an existing fast-food restaurant; and (5) the site is adequately served by all required utilities and public services. A CUP is required for the fast-food restaurant with alcohol service in the "C" Commercial zone and there will be no modifications to the existing space that would intensify 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 Valley Tribune* by July 1, 2016, pursuant to Government Code Section 65091.

## **Fiscal Impact**

Conditional Use Permit 16-6 has no fiscal impact on the City of Industry.

## **Recommendation**

The proposed use complies with the use standards of the Industry Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2016-20 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Attachment 6) and direct staff to file the Notice of Exemption.



## **Attachments**

- Attachment 1: Location Map
- Attachment 2: Site plan
- Attachment 3: Floor Plan
- Attachment 4: Notice of Exemption
- Attachment 5: Public Hearing Notice
- Attachment 6: Resolution No. PC 2016-20 approving Conditional Use Permit No. 16-6 with findings of approval, Standard Requirements and Conditions of Approval

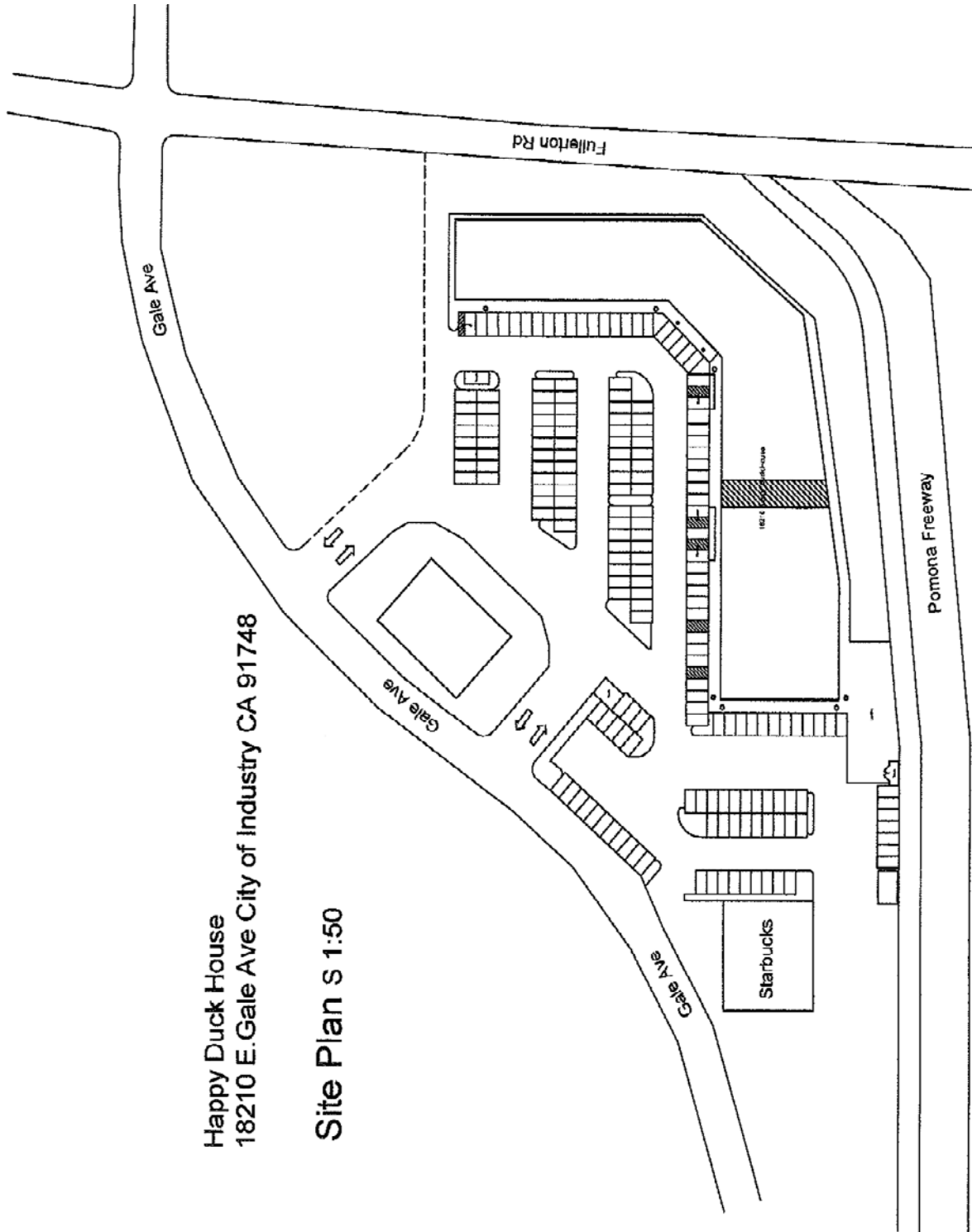
# Attachment 1 Location Map CUP 16-6



# Attachment 2

## Site Plan

### CUP 16-6



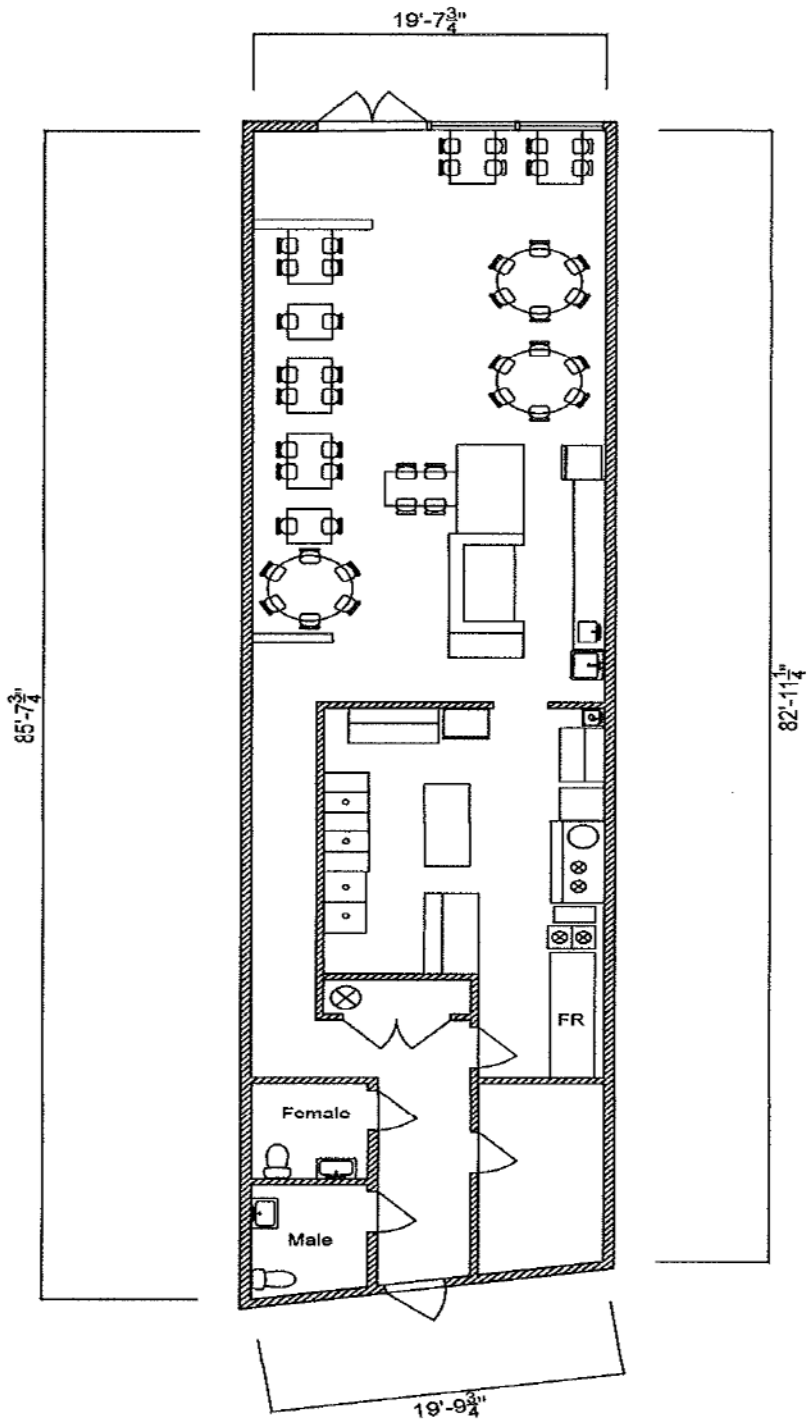
Happy Duck House  
18210 E. Gale Ave City of Industry CA 91748

Site Plan S 1:50

# Attachment 3

## Floor Plan

### CUP 16-6



Floor Plan s 1:5

# Attachment 4

## Notice of Exemption

### CUP 16-6

#### 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 16-6

**Project Location - Specific:** 18210 Gale Avenue

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

**Description of Project:** Conditional Use Permit 16-6 is to establish alcohol service (Type 41 ABC License) for beer and wine within an existing 1,637 sf fast-food 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:** Jia Hui Zhang, Happy Duck House

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

**Reasons why project is exempt:** Section 15332 Class 32, which exempts projects where the commercial use is consistent with the general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed 2.6 acre site for the development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is fully developed with a 20,582 square foot building and parking lot has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site is adequately served by all required utilities and public services. A CUP is required for the fast-food restaurant with alcohol service in the "C" Commercial zone and there will be no modifications to the existing space that would intensify the existing use.

**Lead Agency**

**Contact Person:** Troy Helling

Telephone: (626)333-2211

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

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

Title: Senior Planner

# Attachment 5

## Public Hearing Notice

### CUP 16-6



## CITY OF INDUSTRY

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

### NOTICE OF PUBLIC HEARING

#### Conditional Use Permit No. 16-6

On July 1, 2016, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Happy Duck House for Conditional Use Permit 16-6 located at 18210 Gale Avenue in the City of Industry. Conditional Use Permit 16-6 is to establish alcohol service (Type 41 ABC License) for beer and wine within an existing 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 Troy Helling, Senior Planner, at the City of Industry at 626-333-2211 or by email at [thelling@cityofindustry.org](mailto:thelling@cityofindustry.org) if you have questions.

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

**Time:** 11:00 a.m.  
**Date:** July 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

**Attachment 6**  
**Resolution No. PC 2016-20**

## RESOLUTION NO. PC 2016-20

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-6, TO ALLOW THE ESTABLISHMENT OF ALCOHOL SERVICE AT AN EXISTING FAST-FOOD RESTAURANT AT 18210 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

#### RECITALS

**WHEREAS**, on May 13, 2016, Happy Duck House (“Applicant”), filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 16-6 described herein (“Application”); and

**WHEREAS**, the Application applies to an existing 1,637 square-foot fast-food restaurant located on a 4.01 acre property at 18210 Gale Avenue, City of Industry, California, Assessor’s Parcel Number 8264-014-061 (“Property”); and

**WHEREAS**, the Applicant desires to operate a fast-food restaurant with alcohol service (Type 41 ABC License) for beer and wine 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 shopping centers, and does not conflict with the established goals and objectives of the Land Use Element. Fast-food restaurants with alcohol service are permitted in the “C” Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025(7) of City’s Code; and

**WHEREAS**, an Environmental Assessment form was submitted by the Applicant pursuant to the City’s requirements. Based upon the information received and Staff’s review and assessment, the project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act (“CEQA”), pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines because the commercial use is consistent with the general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations, and would not result in any significant effects relating to traffic, noise, air quality, or water quality; and



**WHEREAS**, notice of the Planning Commission's July 14, 2016 public hearing on CUP No. 16-6 was published in the *San Gabriel Valley Tribune* on July 1, 2016, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on July 1, 2016; and

**WHEREAS**, the notice of the Planning Commission's July 14, 2016 public hearing on CUP No. 16-6 was also mailed to property owners within 300 feet of the Property on July 1, 2016; and

**WHEREAS**, on July 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. 16-6, the Planning Commission hereby finds and determines that Conditional Use Permit No. 16-6 will not result in or have a significant impact on the environment for the following reasons: (1) the commercial use is consistent with the general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 4.01 acre site for the development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 66,250 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the applicant is currently operating a fast food restaurant on the site, and the addition of alcohol service will not create any additional impacts; and (5) the site is adequately served by all required utilities and public services. A CUP is required for the fast-food restaurant with alcohol service in the "C" Commercial zone and there will be no modifications to the existing space that would intensify the existing use. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based

on these findings, the Planning Commission adopts the Notice of Exemption and directs staff to file same as required by law.

**SECTION 4:** Based upon substantial evidence presented to the Planning Commission during the July 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 alcohol service. The Zoning Ordinance, which implements the General Plan, allows for a fast-food 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 and the commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

(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 Gale Avenue, which is of adequate capacity to serve the commercial use.

(d) The fast-food 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 have been considered, and the proposed use, the fast-food restaurant with alcohol service, 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 fast-food restaurant with alcohol service will complement the adjacent uses.

**SECTION 5:** Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 16-6, subject to the conditions contained in Exhibit A.

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

**SECTION 7:** The Planning Commission Secretary shall certify to the adoption of this Resolution and 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 July 14, 2016 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
Chairperson

**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 16-6

**Applicant:** Happy Duck House Restaurant

**Location:** 18210 Gale Avenue

**Use:** Fast-Food Restaurant with a Type 41 ABC License for Beer and Wine

### 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, capable of color recording and storing a minimum of 30 days of continuous video, shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
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. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions 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 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. 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.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. 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. 16-6.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. 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."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
14. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
15. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.
16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date

of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

### **Code Requirements and Standards**

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

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 a.m. and 10:00 p.m. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers, or fashion shows permitted on the premises at any time.

14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises, wherein partners are provided for dancing or social purposes.
16. No dancing 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 illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 15 minutes in any hour;
  - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.  
60 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 5 minutes in any hour;
  - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.  
65 dBA between 10:00 p.m. - 7:00 a.m.  
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.

25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

### **Interpretation and Enforcement**

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning 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  
From: Paul J. Philips, City Manager *Paul J. Philips*  
Staff: Troy Helling, Senior Planner *TH*  
Date: July 14, 2016  
Subject: **Conditional Use Permit 16-7 – Top Play Global Commercial Group LLC, D.B.A. Miss Tong’s Private Kitchen, 18558 E. Gale Avenue Unit 270 and 272**

### Proposal

Section 17.12.025(7) of the Industry Municipal Code requires approval of a Conditional Use Permit (CUP) by the Planning Commission for the establishment and operation of a fast-food restaurant with alcohol service. CUP 16-7 is a request to establish a fast-food restaurant with alcohol service (Type 41 ABC License) for beer and wine within an existing 1,874 square foot tenant space within an existing commercial center as shown on the site plan (Attachment 2) located at 18558 Gale Avenue Unit 270 and 272. Miss Tong’s Private Kitchen will operate during the hours of 11:00 AM to 11:00 PM, seven days a week and will employ six people. As shown on the floor plan (Attachment 3), the proposed fast-food restaurant will accommodate 40 seats inside.

### Location and Surroundings

As shown on the location map (Attachment 1), the project site is located on the south side of Gale Avenue at 18558 E. Gale Avenue within the Seasons Place retail center. The project site is bound by Jellick Avenue to the west, Gale Avenue to the north and east and the 60 freeway to the south.

### Staff Analysis

The proposal to use existing commercial space within a retail building for a fast-food restaurant is consistent with the Zoning “C” (Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, “C” Commercial zone, of the City’s Municipal Code.

### *Property*

The Property is adequate in size, 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. There will be adequate utilities to accommodate the proposed use. The commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

### *Access*

The Property is served by 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 Gale Avenue, which is of adequate capacity to serve the commercial use.

### *Compatibility*

The fast-food 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. The proposed use will complement the adjacent uses.

### *Parking*

Per Section 17.36.060 (K)(1)(b) of the Municipal Code, a fast-food restaurant is parked at the rate of one space per 250 square feet. Based on this formula, the proposed use requires 8 parking spaces. The retail center has 547 parking spaces which is sufficient parking for the center and the proposed use.

## **Environmental Analysis**

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines for the following reasons: (1) the commercial use is consistent with the General Plan designation and all applicable General Plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 4.93 acre site for the development occurs within city limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 84,890 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center and replacing a similar use; and (5) the site is adequately served by all required utilities and public services. 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 Valley Tribune* by July 1, 2016, pursuant to Government Code section 65091.

## **Fiscal Impact**

Conditional Use Permit 16-7 has no fiscal impact to the City of Industry.

## **Recommendation**

The proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2016-21 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Attachment 6) and direct staff to file the Notice of Exemption.

## **Attachments**

- Attachment 1: Location Map
- Attachment 2: Site Plan
- Attachment 3: Floor Plan
- Attachment 4: Notice of Exemption
- Attachment 5: Public Hearing Notice
- Attachment 6: Resolution No. PC 2016-21 approving Conditional Use Permit No. 16-7 with findings of approval, Standard Requirements and Conditions of Approval

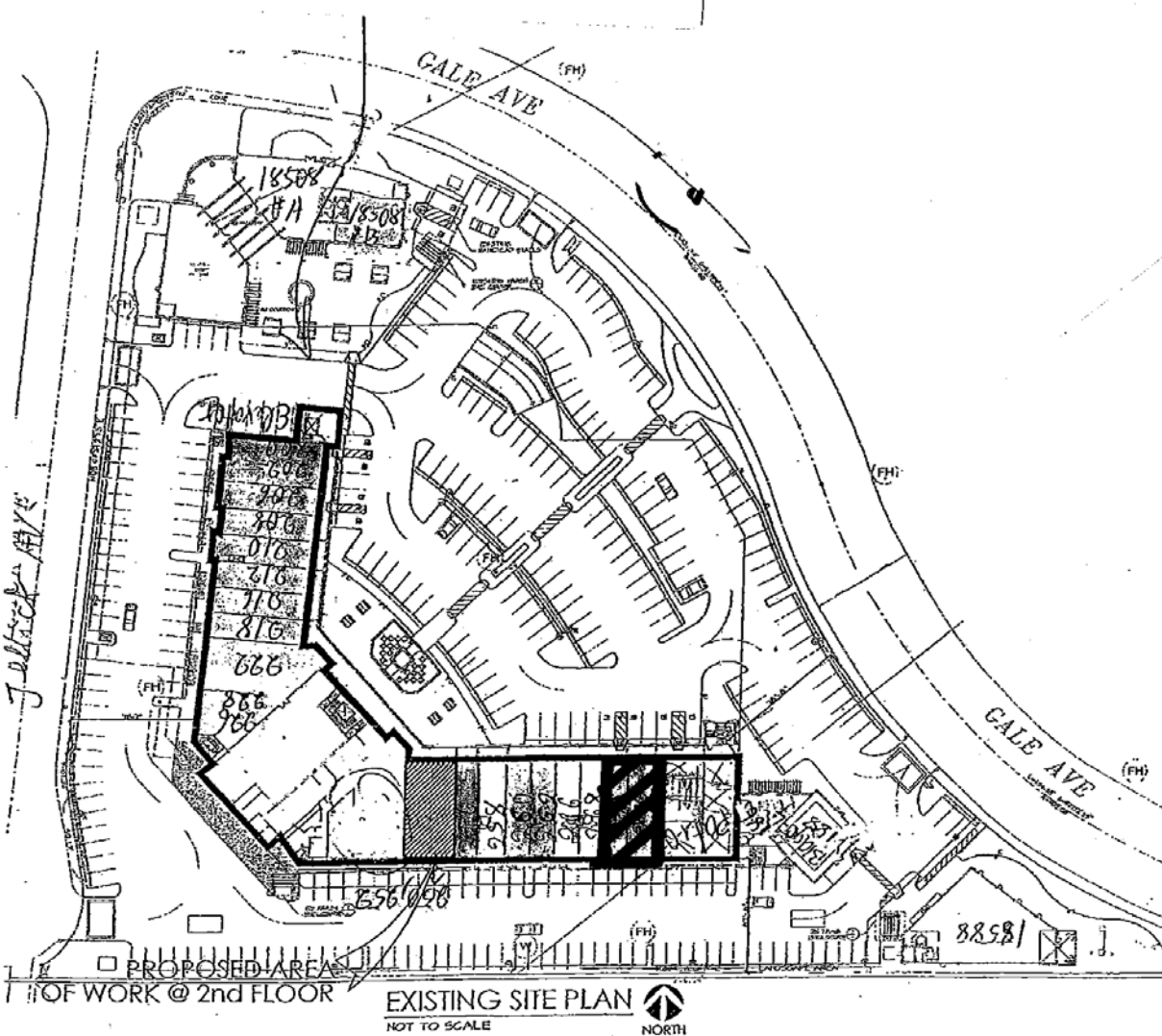
# Attachment 1 Location Map CUP 16-7



# Attachment 2

## Site Plan

### CUP 16-7

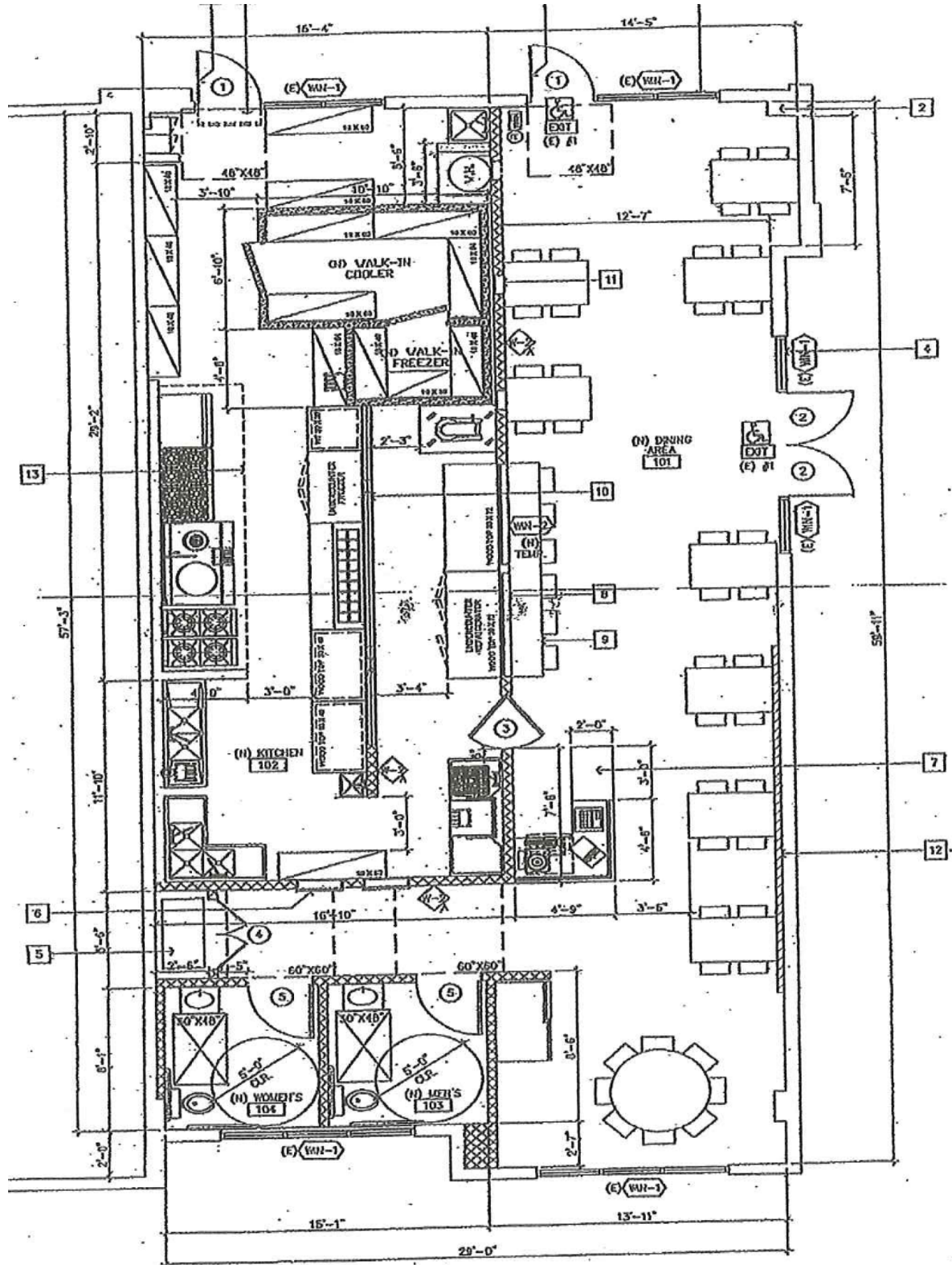


PROPOSED AREA  
OF WORK @ 2nd FLOOR

EXISTING SITE PLAN  
NOT TO SCALE



# Attachment 3 Floor Plan CUP 16-7



# Attachment 4

## Notice of Exemption

### CUP 16-7

#### 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 16-7

**Project Location - Specific:** 18558 Gale Avenue, Unit 270 and 272

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

**Description of Project:** Conditional Use Permit 16-7 is to establish a 1,874 sf fast-food restaurant with alcohol service (Type 41 ABC License) for beer and wine in the (C) Commercial zone.

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

**Name of Person or Agency Carrying Out Project:** Meng Ham, Miss Tong's Private Kitchen

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

**Reasons why project is exempt:** Section 15332 Class 32, which exempts projects where the commercial use is consistent with the general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. The proposed 2.6 acre site for the development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The project site is fully developed with a 20,582 square foot building and parking lot has no value as habitat for endangered, rare or threatened species. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The site is adequately served by all required utilities and public services. A CUP is required for the fast-food restaurant with alcohol service in the "C" Commercial zone and there will be no modifications to the existing space that would intensify the existing use.

**Lead Agency**

**Contact Person:** Troy Helling

Telephone: (626)333-2211

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

Date:

Title: Senior Planner



# Attachment 5 Public Hearing Notice CUP 16-7



## CITY OF INDUSTRY

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

### NOTICE OF PUBLIC HEARING

#### Conditional Use Permit No. 16-7

On July 1, 2016, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Miss Tong's Private Kitchen for Conditional Use Permit 16-7 located at 18558 Gale Avenue, Unit 270 and 272 in the City of Industry. Conditional Use Permit 16-7 is to establish a fast-food restaurant with more than 50 seats and to establish alcohol service (Type 41 ABC License) for beer and wine.

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 [thelling@cityofindustry.org](mailto:thelling@cityofindustry.org) if you have questions.

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

**Time:** 11:00 a.m.  
**Date:** July 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.

A handwritten signature in blue ink, appearing to read 'Cecelia Dunlap', written over a horizontal line.

Cecelia Dunlap  
Deputy City Clerk of the City of Industry

**Attachment 6**  
**Resolution No. PC 2016-21**

## RESOLUTION NO. PC 2016-21

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-7, TO ALLOW A FAST-FOOD RESTAURANT WITH ALCOHOL SERVICE AT 18558 E. GALE AVENUE UNIT 270 AND 272, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

#### RECITALS

**WHEREAS**, on May 16, 2016, Top Play Global Commercial Group LLC.. DBA Miss Tong's Private Kitchen, ("Applicant") filed a complete application requesting the approval of Conditional Use Permit ("CUP") No. 16-7 described herein ("Application"); and

**WHEREAS**, the Application applies to a new 1,874 square-foot fast-food restaurant located on an existing 4.93 acre property at 18558 E. Gale Avenue, City of Industry, California, Assessor's Parcel Number 8264-022-015 ("Property"); and

**WHEREAS**, the Applicant desires to operate a fast-food restaurant with alcohol service (Type 41 ABC License) for beer and wine 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 shopping centers, and does not conflict with the established goals and objectives of the Land Use Element. Fast-food restaurants with alcohol service are permitted in the "C" Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025(7) of City's Code; and

**WHEREAS**, an Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)) of the CEQA Guidelines because the commercial use is consistent with the General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations, and would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

**WHEREAS**, notice of the Planning Commission's July 14, 2016 public hearing on CUP No. 16-7 was published in the *San Gabriel Valley Tribune* on July 1, 2016, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on July 1, 2016; and

**WHEREAS**, the notice of the Planning Commission's July 14, 2016 public hearing on CUP No. 16-7 was also mailed to property owners within 300 feet of the Property on July 1, 2016; and

**WHEREAS**, on July 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. 16-7, the Planning Commission hereby finds and determines that CUP No. 16-7 will not result in or have a significant impact on the environment for the following reasons: (1) the commercial use is consistent with the general plan designation and all applicable general plan policies, as well as with applicable zoning designation and regulations; (2) the proposed 4.93 acre site for the development occurs within the City limits on a project site of no more than five acres, substantially surrounded by urban uses; (3) the project site is fully developed with a 84,890 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center and replacing a similar use; and (5) the site is adequately served by all required utilities and public services. A CUP is required for the fast-food restaurant with alcohol service in the "C" Commercial zone and there will be no modifications to the existing space that would intensify the existing use. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 *et seq.*), pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the

Planning Commission adopts the Notice of Exemption and directs staff to file same as required by law.

**SECTION 4:** Based upon substantial evidence presented to the Planning Commission during the July 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 alcohol service. The Zoning Ordinance, which implements the General Plan, allows for a fast-food 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 and the commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

(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 Gale Avenue, which is of adequate capacity to serve the commercial use.

(d) The fast-food 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 have been considered, and the proposed use, the fast-food restaurant with alcohol service, 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 fast-food restaurant with alcohol service will complement the adjacent uses.

**SECTION 5:** Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 16-7, subject to the conditions contained in Exhibit A.

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

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

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

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

\_\_\_\_\_  
Chairperson

**ATTEST:**

\_\_\_\_\_  
Cecelia Dunlap  
Secretary



# CITY OF INDUSTRY

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## EXHIBIT A

### Standard Requirements and Conditions of Approval

<b>Application:</b>	<b>Conditional Use Permit 16-7</b>
<b>Applicant:</b>	<b>Top Play Global Commercial Group LLC, D.B.A. Miss Tong's Private Kitchen</b>
<b>Location:</b>	<b>18558 E. Gale Avenue, Unit 270 and 272</b>
<b>Use:</b>	<b>Fast-Food Restaurant with a Type 41 ABC License for Beer and Wine</b>

### Conditions of Approval

*Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. 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. 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. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions 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 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. 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.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. 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. 16-7.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. 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."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
14. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
15. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.



16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

### **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 a City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.

11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 A.M. and 11:00 P.M. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing 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 illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
  - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.  
50 dBA between 10:00 p.m. - 7:00 a.m.  
for a cumulative period of more than 30 minutes in any hour;
  - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.  
55 dBA between 10:00 p.m. - 7:00 a.m.

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

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

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

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

### **Interpretation and Enforcement**

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