
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
MARCH 10, 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
-
-

5. **PUBLIC HEARINGS**

- 5.1 Public Hearing to consider Conditional Use Permit (CUP) No. 15-10 submitted by Global EGD Development Inc., to establish an office located at 301 Brea Canyon Road in the City of Industry

Consideration of Resolution No. PC 2016-07 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-10 TO ALLOW AN OFFICE IN THE “MC” MANUFACTURING/COMMERCIAL OVERLAY ZONE LOCATED AT 301 BREA CANYON ROAD, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION: Adopt Resolution No. PC 2016-07.

- 5.2 Public Hearing to consider Conditional Use Permit (CUP) No. 16-2 submitted by California Fish and Grill to establish a fast-food restaurant with more than 50 seats and alcohol service located at 1552 Azusa Avenue, Unit E, in the City of Industry

Consideration of Resolution No. PC 2016-08 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-2, TO ALLOW A FAST-FOOD RESTAURANT WITH MORE THAN 50 SEATS AND ALCOHOL SERVICE AT 1552 AZUSA AVENUE, UNIT E, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION: Adopt Resolution No. PC 2016-08.

6. **ORAL COMMENTS FROM THE PLANNNG COMMISSION**

7. **ORAL COMMENTS FROM STAFF**

8. Adjournment. Next regular meeting: Thursday, April 14, 2016 at 11:00 a.m.

PLANNING COMMISSION

ITEM NO. 5.1



CITY OF INDUSTRY

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

MEMORANDUM

To: Planning Commission

March 10, 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 15-10 – Global EGD Development Inc., 301 Brea Canyon Road

Proposal

Section 17.20.030.b of the Municipal Code requires approval of a Conditional Use Permit (CUP) by the Planning Commission to establish a commercial business in the “MC” Manufacturing/Commercial overlay zone. This application is to establish an office use within an existing 14,000 square foot office space as shown on the site plan (Attachment 1) located at 301 Brea Canyon Road. Global EGD Development Inc. proposes to operate an administrative office that promotes and adopts crypto asset services, and would operate during the hours of 9:30 AM to 6:00 PM Monday through Friday. They employ 22 people.

Location and Surroundings

As shown on the location map (Attachment 2), the existing space is located at 301 Brea Canyon Road within an existing 44,843 square foot industrial building. The building is located at the northwest corner of Brea Canyon Road and Cheryl Lane.

The project is surrounded on the north, south, east and west by industrial uses.

Staff Analysis

The proposal to use existing office space within a warehouse building is consistent with the Zoning “MC” (Manufacturing/Commercial overlay zone) and General Plan (Employment) designations of the site, and complies with the standards in Sections 17.20, “MC” Manufacturing/Commercial overlay zone of the City’s Municipal Code.

Parking

Per Section 17.36.060 K1 b of the Municipal Code, an office is parked at the rate of one space per 250 square feet. Based on this formula, the proposed use requires 56 parking spaces. When considering all the uses in the complex and the proposed use, there are a total of 77 parking spaces required for the property and 83 parking spaces provided, which is more than sufficient to accommodate the parking required for 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) and (d)) of the CEQA Guidelines,

because the office 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. A CUP is required for the office use in the "MC" Manufacturing/Commercial overlay zone and there will be no modifications to the existing space that would intensify the existing use. The Notice of Exemption (Attachment 3) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

Public Hearing

The required Public Hearing Notice (Attachment 4) was posted on the site, Fire Station 118, City Hall, Council Chambers, distributed to surrounding property owners within 300 feet of the site, and published in the San Gabriel Tribune on February 26, 2016.

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 adopt Resolution No. PC 2016-07 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Attachment 5) and direct staff to file the Notice of Exemption.

Attachments

- Attachment 1: Site Plan
- Attachment 2: Location Map
- Attachment 3: Notice of Exception
- Attachment 4: Public Hearing Notice
- Attachment 5: Resolution No. PC 2016-07 approving Conditional Use Permit No. 15-10 with findings of approval and Standard Requirements and Conditions of Approval

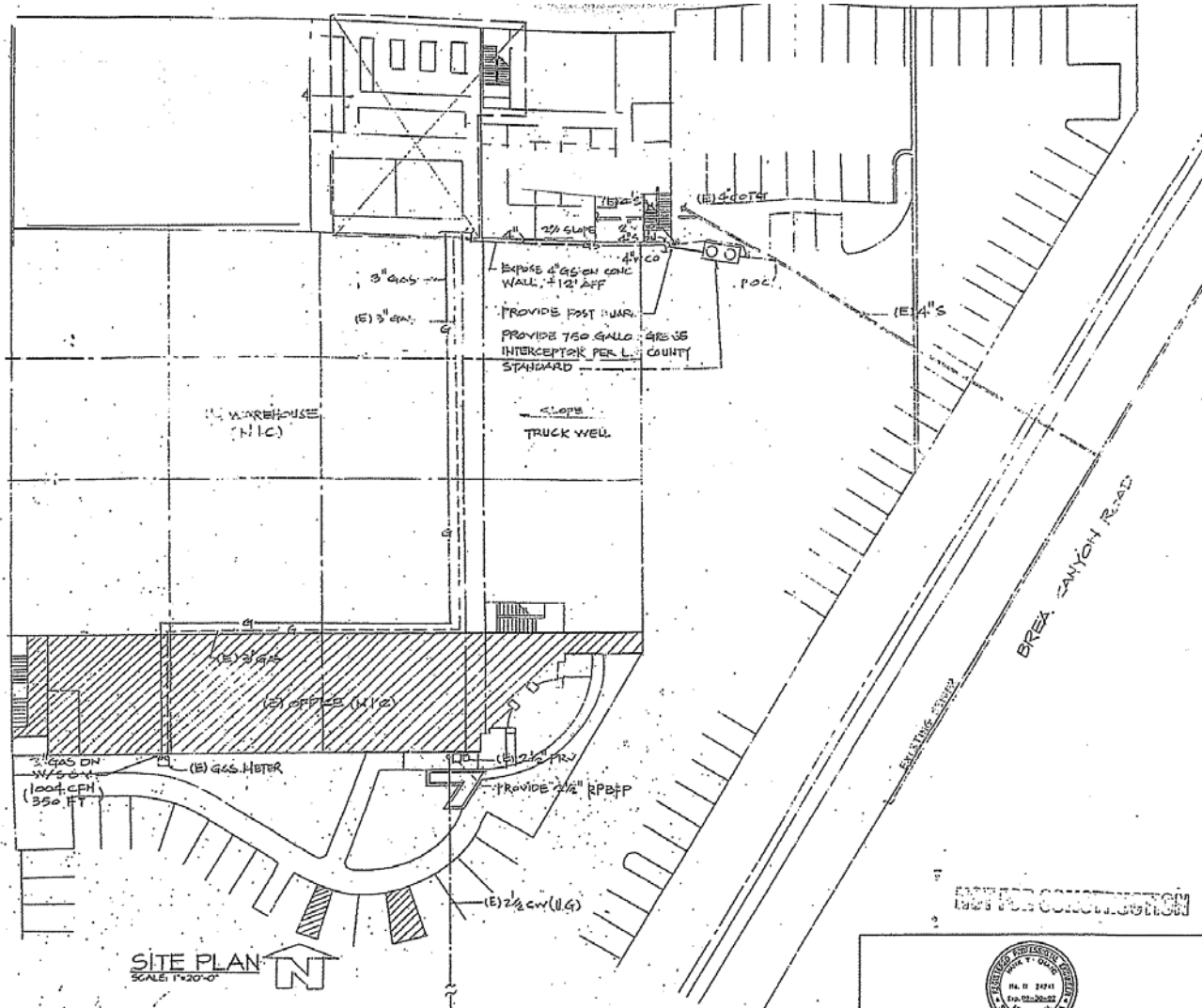
Attachment 1

Site Plan

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CUP 15-10

Site Plan



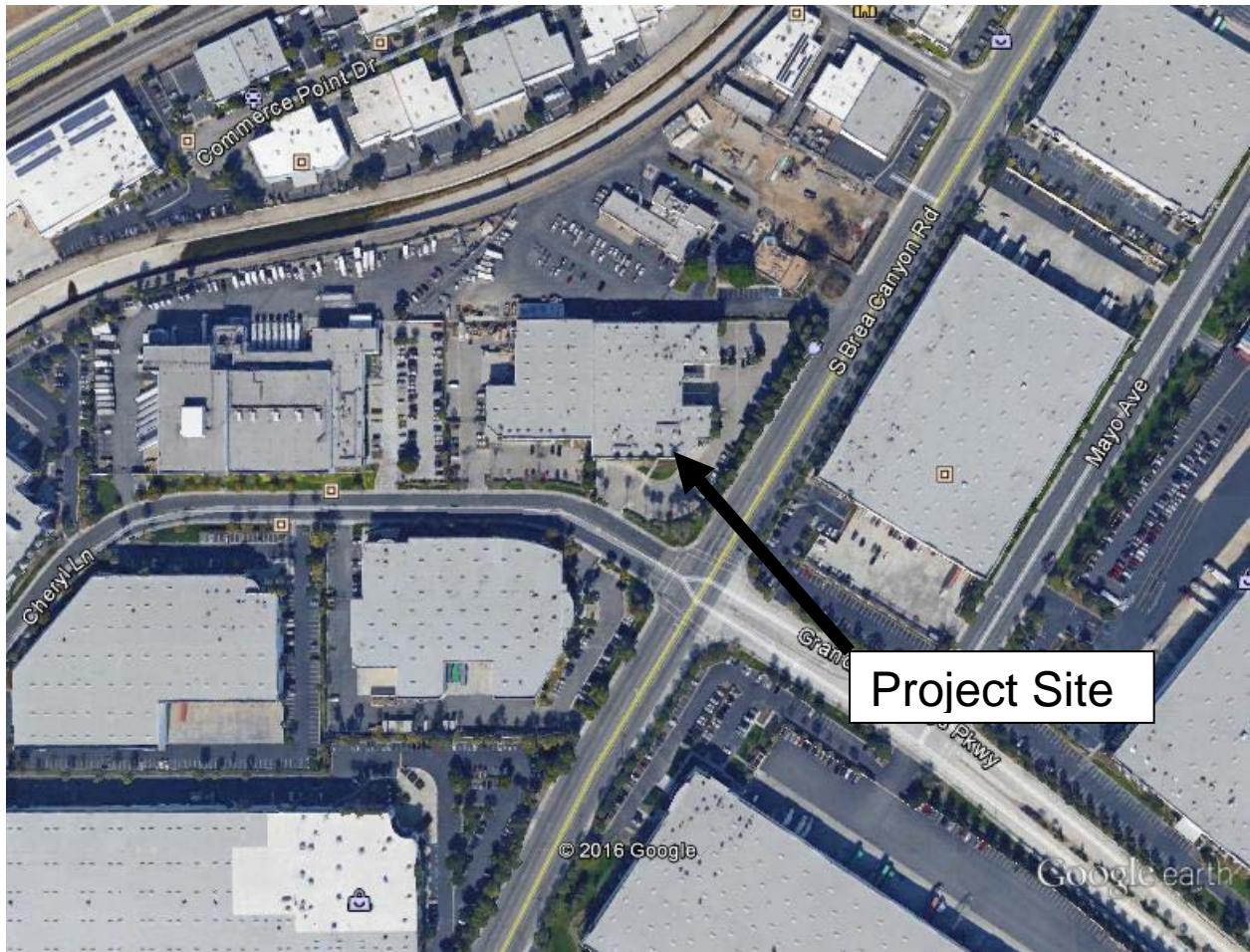
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Attachment 2 Location Map

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CUP 15-10

Location Map



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Attachment 3

Notice of Exemption

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NOTICE OF EXEMPTION

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

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

Project Title: CUP 15-10

Project Location - Specific: 301 Brea Canyon Road

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

Description of Project: Conditional Use Permit 15-10 is an application is to establish an office use within an existing 14,000 square foot office space in the (M-C) Manufacturing – Commercial overlay zone.

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

Name of Person or Agency Carrying Out Project: Global EGD Development Inc.

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

Reasons why project is exempt: Section 15332 Class 32, which exempts office uses that are 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. The CUP is required for the office use in the “MC” Manufacturing / Commercial zone and there will be no modifications to the office space that would intensify the existing use.

Lead Agency

Contact Person: Troy Helling

Telephone: (626)333-2211

Signature: _____

Date: _____

Title: Senior Planner

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Attachment 4
Public Hearing Notice

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NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 15-10

On February 26, 2016, notice has been given that the Planning Commission of the City of Industry will hold a public hearing on the application for Conditional Use Permit 15-10 to establish an administration office (Global EGO Development Inc.) in the (M-C) Manufacturing – Commercial overlay zone within an existing 14,000 square foot office at 301 Brea Canyon Road in the City of Industry.

A copy of all relevant material, including the Conditional Use Permit application, is on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Troy Helling, Senior Planner, at the City of Industry at 626-333-2211 or by email at 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: March 10, 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 5
Resolution No. PC 2016-07

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RESOLUTION NO. PC 2016-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 15-10 TO ALLOW AN OFFICE IN THE “MC” MANUFACTURING/COMMERCIAL OVERLAY ZONE LOCATED AT 301 BREA CANYON ROAD, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on July 6, 2015, Global EGD Development Inc. (“Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 15-10 described herein (“Application”); and

WHEREAS, the Application applies to an existing 14,000 square-foot office space located on a 2.59 acre property, at 301 Brea Canyon Road, City of Industry, California, Assessor’s Parcel Number 8760-025-030 (“Property”); and

WHEREAS, the Applicant desires to provide an office use in the “MC” Manufacturing/Commercial overlay zone, and in accordance with Section 17.20.030 (B) 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 employment. The proposed use is consistent with the General Plan as it would provide services commonly available at other professional office establishments, and does not conflict with the established goals and objectives of the Land Use Element. Office uses are permitted in the “MC” Manufacturing/Commercial overlay zone, subject to the approval of an CUP pursuant to Section 17.20.030(B) 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 office 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 March 10, 2016 public hearing on CUP No. 15-10 was published in *The San Gabriel Valley Tribune* on February 26, 2016, in compliance with the City’s Municipal Code and Government Code Section

65091, and was posted at the Property and at three public places on February 26, 2016; and

WHEREAS, the notice of the Planning Commission's March 10, 2016, public hearing on CUP No. 15-10 was also mailed to property owners within 300 feet of the Property on February 26, 2016; and

WHEREAS, on March 10, 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 Conditional Use Permit Application No. 15-10, the Planning Commission hereby finds and determines that Conditional Use Permit No. 15-10 will not result in or have a significant impact on the environment because the office 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 2.59 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 44,843 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 office only use in the "MC" Manufacturing/Commercial overlay 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 March 10, 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 Employment, including office and services uses. The Zoning Ordinance, which implements the General Plan, allows for office uses with approval of a CUP. In addition, the attached conditions of approval set operational and management standards that ensure 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 17.20.060 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 office 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 has adequate street access, traffic circulation and parking capacity to carry the kind and quantity of traffic such use would generate. There is no expansion of the Property's footprint of the industrial/commercial building, and the Property is currently served by Brea Canyon Road and Cheryl Lane, which are of adequate capacity to serve the office use. The proposed use requires 56 a parking spaces, and the Property requires 77 spaces and 83 spaces are provided.

(d) The office use is compatible with surrounding properties and uses because the surrounding area is composed of other similar office uses. The uses of the surrounding properties may change, but the character will remain industrial and commercial in nature consistent with the general plan and zoning designations of the site. The office complements existing and potential future uses.

(e) The nature, condition and proposed development of adjacent uses, buildings and structures has been considered, and the proposed use, an office, 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 office uses, including an established office building, and which is regularly monitored by the Sheriff's Department. The addition of the office use will complement the adjacent uses by offering an additional service.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 15-10, 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 March 10, 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 15-10
Applicant: Global EGD Development Inc.
Location: 301 Brea Canyon Road
Use: Office

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.

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 Property 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, 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 9:30 A.M. and 5:30 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 non-prescription drugs or drug paraphernalia shall be on the premises at any time.
18. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
19. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
20. 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.
21. 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.
22. 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.
23. 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. 5.2



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

March 10, 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 16-2 – California Fish Grill Restaurant, 1552 Azusa Avenue, Unit E.

Overview

The City Council recently approved Development Plan Application 15-18, which was proposed by Sears to change the existing 20,582 square foot Sears Auto Center into an in-line retail center with five tenant units at 1552 Azusa.

Proposal

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 and alcohol service. Conditional Use Permit 16-2 is to establish a California Fish Grill fast-food restaurant with more than 50 seats and to establish alcohol service (Type 41 ABC License) for beer and wine within an existing 3,007 square foot unit within an existing commercial building as shown on the site plan (Attachment 1) located at 1552 Azusa Avenue Unit E. California Fish Grill will operate during the hours of 11:00 AM to 10:00 PM, seven days a week and will employ 40 people. As shown on the floor plan (Attachment 2), the proposed fast-food restaurant will accommodate 73 seats inside which consist of 3,007 square feet and 44 seats outside within the proposed 511 square foot patio area.

Location and Surroundings

As shown on the location map (Attachment 3), the project site is located on the west side of Azusa Avenue at 1552 Azusa Avenue within the Puente Hills Mall. The project site is located south of Krispy Kreme and United Pacific Bank. The project site is bound by Azusa Avenue, the entry at Pepper Brook Way, an unnamed mall driveway entry to the north, and the mall ring road. Residential uses in Los Angeles County are located to the west across Azusa Avenue.

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.

Parking

Per Section 17.36.060 K1 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 15 parking spaces. When considering the future uses in the complex and the proposed use, there are a total of 85 parking spaces required for the property and 110 parking spaces provided, which is more than sufficient to accommodate the parking required for 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, 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. 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 more than 50 seats and 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 Tribune by February 26, 2016.

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 adopt Resolution No. PC 2016-08 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: Site Plan
- Attachment 2: Proposed Floor Plan
- Attachment 3: Location Map
- Attachment 4: Notice of Exemption
- Attachment 5: Public Hearing Notice
- Attachment 6: Resolution No. PC 2016-08 approving Conditional Use Permit No. 16-2 with findings of approval and Standard Requirements and Conditions of Approval

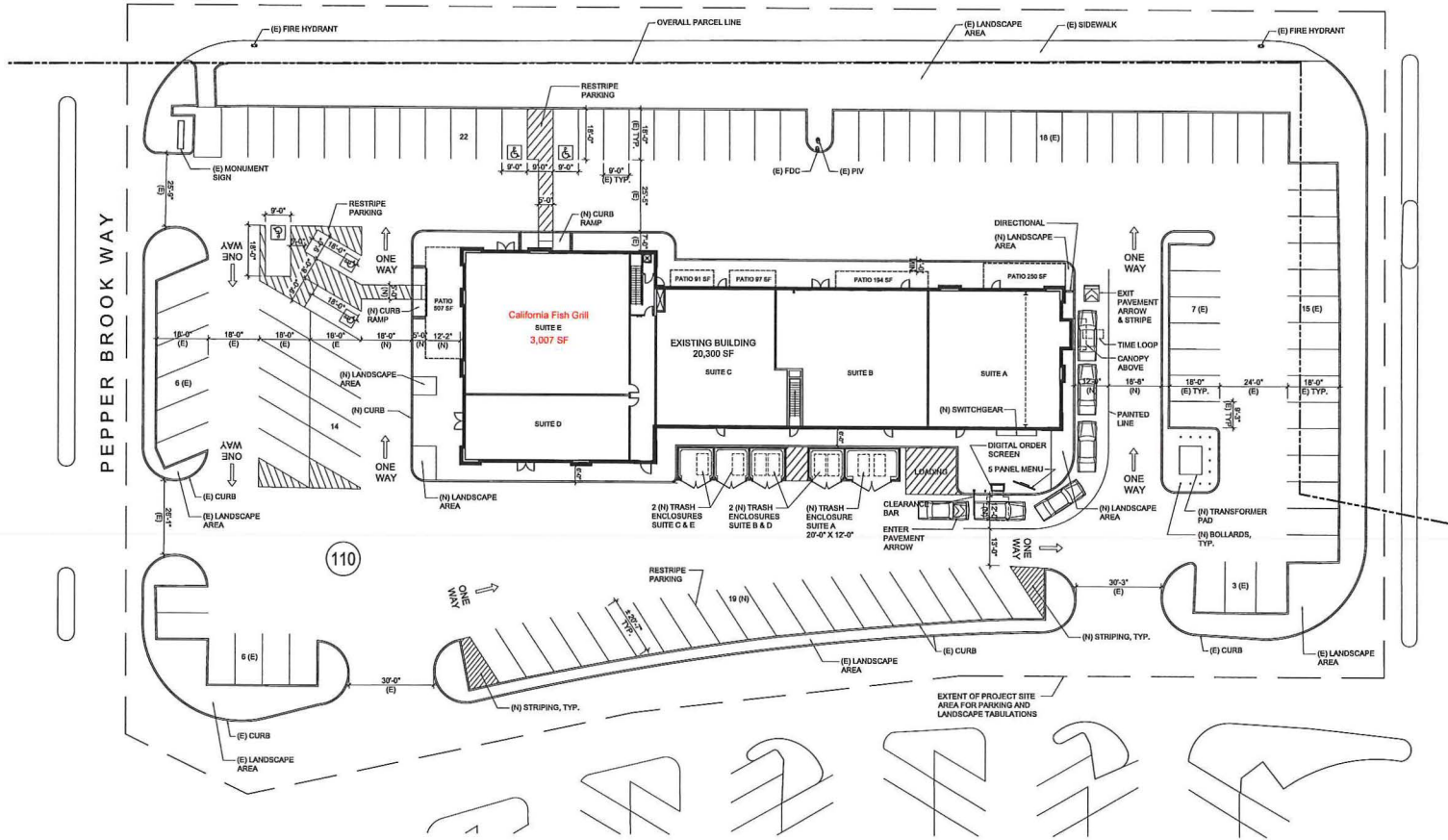
Attachment 1

Site Plan

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CUP 16-2 Site Plan

S. AZUSA AVENUE



SITE PLAN DATA

| | |
|-------------------------|-------------|
| PROJECT SITE AREA: | ±111,330 SF |
| EXISTING BUILDING AREA: | 20,582 SF |
| PROPOSED BUILDING AREA: | 20,621 SF* |
| LANDSCAPE AREA: | 14,320 SF |
| LOT COVERAGE: | 18.5% |

| | |
|-------------------------|--------------|
| PARKING REQUIRED: | 81 STALLS |
| (E) PARKING PROVIDED: | 116 STALLS |
| PROP. PARKING PROVIDED: | 110 STALLS |
| PARKING RATIO: | 5.33 / 1,000 |

* TOTAL BUILDING AREA INCLUDES VERTICAL CIRCULATION & BASEMENT

** PARKING REQUIRED BASED ON CITY STANDARD:
1/250 SF FOR USES WITH PUBLIC VISITATION

NOTE:
AMPLIFIED SOUNDS ARE NOT PERMITTED ON NORTHERN, SOUTHERN
AND WESTERN SIDE OF BUILDING.

NOTE:
TENANT DEMISING AND SPACE ARE CONCEPTUAL, SUBJECT TO CHANGE
BASED ON THE FINAL LEASE NEGOTIATION.



PROJECT SITE

ENLARGED SITE PLAN

SEARS HOLDINGS CORPORATION

SEARS AUTO CENTER

CITY OF INDUSTRY, CA
KTC #150123
DATE 10.14.15

0' 10' 20' 40'



KTGY Group, Inc.
Architecture+Planning
17911 Von Karman Ave.
Irvine, CA 92614
949.851.2133
ktgy.com



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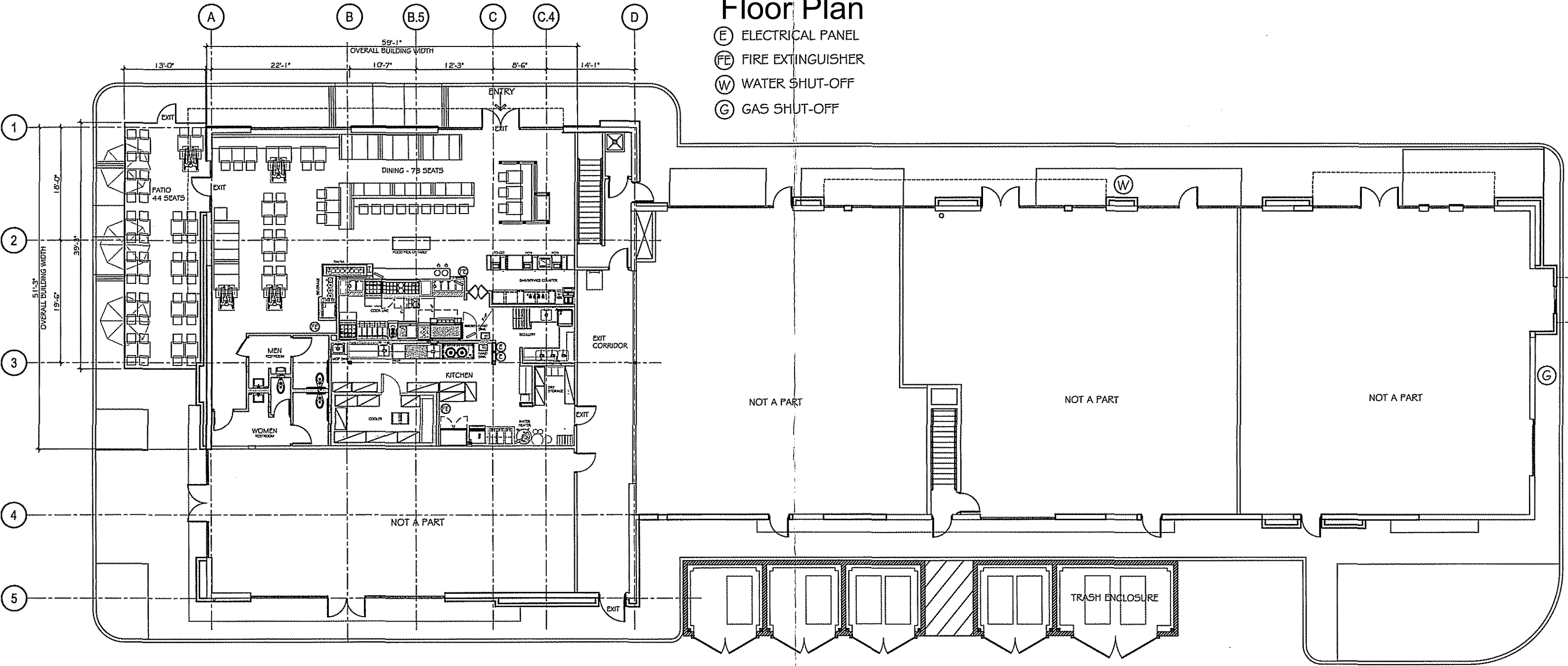
Attachment 2

Floor Plan

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CUP 16-2 Floor Plan

- (E) ELECTRICAL PANEL
- (FE) FIRE EXTINGUISHER
- (W) WATER SHUT-OFF
- (G) GAS SHUT-OFF

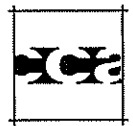


PRELIMINARY SPACE PLAN - 3,007 SQ. FT.

February 02, 2016

scheme 6 - 02-02-2016

Puente Hills Mall, City of Industry, CA



Carlile Coatsworth Architects, Inc
2495 Campus Dr. - Second Floor - Irvine, CA 92612 - Phone: 949.833.1930 - Fax 949.833.1140



California
FISH GRILL
fresh seafood eatery

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Attachment 3

Location Map

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CUP 16-2

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: CUP 16-2

Project Location - Specific: 1552 Azusa Avenue Unit E

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

Description of Project: Conditional Use Permit 16-2 is an application is to establish a fast-food restaurant with alcohol service at an existing 3,007 sf retail unit in the (C) Commercial zone.

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

Name of Person or Agency Carrying Out Project: California Fish Grill

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 more than 50 seats and 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

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Attachment 5

Public Hearing Notice

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NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 16-2

On February 26, 2016, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from California Fish Grill for Conditional Use Permit 16-2 located at 1552 Azusa Avenue, Unit E in the City of Industry. Conditional Use Permit 16-2 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, 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 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: March 10, 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 City Council 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 2016-08

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RESOLUTION NO. PC 2016-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-2, TO ALLOW A FAST-FOOD RESTAURANT WITH MORE THAN 50 SEATS AND ALCOHOL SERVICE AT 1552 AZUSA AVENUE UNIT E, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on February 8, 2016, California Fish Grill, (“Applicant”) filed a complete application requesting the approval of Conditional Use Permit (“CUP”) No. 16-2 described herein (“Application”); and

WHEREAS, the Application applies to a new 3,007 square-foot fast-food restaurant located on a 2.6 acre property at 1552 Azusa Avenue, City of Industry, California, Assessor’s Parcel Number 8265-004-045 (“Property”); and

WHEREAS, the Applicant desires to operate a fast-food restaurant with more than 50 seats and to establish 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 more than 50 seats and with alcohol service 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, 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 March 10, 2016 public hearing on CUP No. 16-2 was published in *The San Gabriel Valley Tribune* on February 26, 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 February 26, 2016; and

WHEREAS, the notice of the Planning Commission's March 10, 2016 public hearing on CUP No. 16-2 was also mailed to property owners within 300 feet of the Property on February 26, 2016; and

WHEREAS, on March 10, 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. 16-2, the Planning Commission hereby finds and determines that Conditional Use Permit No. 16-2 will not result in or have a significant impact on the environment, 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. 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 more than 50 seats and 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 March 10, 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 and alcohol service. The Zoning Ordinance, which implements the General Plan, allows for a fast-food restaurant with more than 50 seats and 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 Azusa 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 has been considered, and the proposed use, the fast-food restaurant with more than 50 seats and 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. 16-2, 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 March 10, 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 16-2 |
| Applicant: | California Fish Grill |
| Location: | 1552 Azusa Avenue, Unit E |
| Use: | Fast-Food Restaurant with more than 50 Seats and 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 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 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 41 Beer, Wine and spirits 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. 10-4.
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 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, 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 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 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 is allowed, 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.