
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
NOVEMBER 10, 2016 11:00 A.M.



CHAIRMAN JIM DIVERS
VICE CHAIRMAN MICHAEL GREUBEL
COMMISSIONER FRANK CONTRERAS
COMMISSIONER DELEGATE BECKY SIMON
COMMISSIONER ANDRIA WELCH

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. **ACTION ITEMS**

- 5.1 Consideration of the minutes of the July 14, 2016 regular meeting.

RECOMMENDED ACTION: Approve as submitted.

- 5.2 Consideration of Resolution No. PC 2016-30 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY RESCINDING RESOLUTION NO. PC 2015-09 AND AMENDING THE DAY AND TIME OF REGULAR MEETINGS FOR THE PLANNING COMMISSION.

RECOMMENDED ACTION: Adopt Resolution No. PC 2016-30.

6. **PUBLIC HEARING**

- 6.1 Public Hearing for the consideration of Conditional Use Permit (CUP) No. 16-9 submitted by Eun Hee Sohn dba Slurpin' Ramen Bar to allow alcohol service at an existing fast food restaurant located at 18508 Gale Avenue, #A, in the City of Industry.

- a. Consideration of Resolution No. PC 2016-31 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 16-9, TO ALLOW ALCOHOL SERVICE AT AN EXISTING FAST FOOD RESTAURANT AT 18508 GALE AVENUE, #A, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME AND MAKING FINDINGS IN SUPPORT THEREOF.

RECOMMENDED ACTION: Adopt Resolution No. PC 2016-31.

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

8. **ORAL COMMENTS FROM STAFF**

9. Adjournment. If Item No. 5.1 is adopted, the next regular meeting will be on Tuesday, December 6, 2016 at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 5.1

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
JULY 14, 2016
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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 11:00 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, City of Industry, California.

FLAG SALUTE

The flag salute was led by Chairwoman Andria Welch.

ROLL CALL

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

CONSIDERATION OF APPOINTMENT OF CHAIRPERSON AND VICE CHAIRPERSON

Assistant City Attorney Sparks explained the process for the reorganization of the Planning Commission, and stated that the Chairwoman would open the floor to nominations, and that each Commissioner may nominate an individual to serve as Chairperson. If one nomination is received, the Commission will proceed with a roll call vote. If more than one member is nominated the Commission would then conduct a ballot vote. The Commissioner with the majority vote would then become Chairperson.

Chairwoman Welch opened the floor for nominations for Chairperson.

Vice Chairman Contreras nominated Commissioner Spivey.

Commissioner Greubel nominated Commissioner Divers.

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CITY OF INDUSTRY, CALIFORNIA
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Chairwoman Welch closed the nominations.

Secretary Dunlap distributed a paper ballot and instructed each Commissioner to vote.

Secretary Dunlap collected the ballots and read each vote out loud.

Commissioner Greubel voted for Commissioner Divers.

Commissioner Spivey voted for Commissioner Divers.

Chairwoman Welch voted for Commissioner Divers.

Vice Chairman Contreras voted for Commissioner Spivey.

Commissioner Divers voted for Commissioner Divers.

Secretary Dunlap announced that Commissioner Divers was the newly elected Chairperson.

Chairman Divers then opened the nominations for Vice Chairperson.

Chairman Divers nominated Commissioner Greubel.

With no other nominations, the nominations were closed and a roll call vote was taken.

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

CONSIDERATION OF THE MINUTES OF THE FEBRUARY 11, 2016 REGULAR MEETING

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER CONTRERAS TO APPROVE AS SUBMITTED. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
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AYES: COMMISSIONERS: CONTRERAS, SPIVEY, WELCH, GREUBEL,
DIVERS
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE

**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**

Chairman Divers opened the public hearing.

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

Commissioner Contreras inquired on how long the establishment has been operating at the location.

Senior Planner Helling stated that he had to research the number of years, and would provide the information to the Commissioners.

Vice Chairman Greubel inquired if structural changes would be made to the building.

Senior Planner Helling responded that no changes would be made to the building or the parking lot.

Chairman Divers inquired if anyone wished to be heard on the matter. There were no comments.

Chairman Divers closed the public hearing.

**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**

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
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MOTION BY VICE CHAIRMAN GREUBEL, AND SECOND BY COMMISSIONER SPIVEY TO ADOPT PC 2016-20. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

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

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

Chairman Divers opened the public hearing.

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

Commissioner Welch asked for clarification with respect to the restaurant being open to the public.

Senior Planner Helling responded that the restaurant is open to the public.

Chairman Divers inquired if anyone wished to be heard on the matter. There were no comments.

Chairman Divers closed the public hearing.

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

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER CONTRERAS TO ADOPT RESOLUTION NO. PC 2016-21. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
JULY 14, 2016
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AYES: COMMISSIONERS: CONTRERAS, SPIVEY, WELCH, GREUBEL,
DIVERS
NOES: COMMISSIONERS: NONE
ABSENT: COMMISSIONERS: NONE
ABSTAIN: COMMISSIONERS: NONE

ORAL COMMENTS FROM THE PLANNING COMMISSION

There were none

ORAL COMMENTS FROM STAFF

Senior Planner Helling informed the Commission of two (2) items tentatively scheduled for the August meeting. A new cell site proposed on Railroad Street, and an amendment to the Los Angeles County Sanitation Districts' Conditional Use Permit.

Senior Planner Helling introduced Aaron Lobliner, Planner Associate II, of Michael Baker International. Senior Planner Helling stated that Mr. Lobliner is assisting the City's Planning Department.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 11:15 a.m.

JIM DIVERS
CHAIRMAN

DIANE M. SCHLICHTING
SECRETARY

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
From: Paul J. Philips, City Manager *Paul J. Philips*
Staff: Troy Helling, Senior Planner *TH*
Date: November 10, 2016
Subject: **Reschedule Planning Commission Meetings**

Proposal

During the Planning Commissions October 13th meeting the Commission considered changing the day and the time of the regularly scheduled meetings. The Planning Commission came to a decision to change the meetings to the second Tuesday of each month.

Recommendation

Staff recommends that the Planning Commission approve Resolution No. 2016-30 amending the time of the regular meetings of the Planning Commission to 11:30 a.m. on the Tuesday preceding the second Thursday of each month.

RESOLUTION NO. PC 2016-30

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF INDUSTRY RESCINDING RESOLUTION
NO. PC 2015-05 AND AMENDING THE DAY AND TIME
OF REGULAR MEETINGS OF THE PLANNING
COMMISSION**

WHEREAS, Section 17.64.100 of the City's Municipal Code permits the Planning Commission to adopt rules designating the time and place for the regular meetings of the Commission; and

WHEREAS, on August 13, 2015, the Planning Commission adopted Resolution No. PC 2015-09, setting the time of its regular meetings to be 11:00 a.m. on the second Thursday of each month; and

WHEREAS, the Planning Commission desires to change the time of its meetings to 11:30 a.m. on the Tuesday preceding the second Thursday of each month.

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

SECTION 1. The Planning Commission finds that the facts, findings and conclusions set forth above are true and correct and are adopted herein by reference.

SECTION 2. The Planning Commission hereby rescinds Resolution No. PC 2015-09 in its entirety.

SECTION 3. The regular meetings of the Planning Commission shall be held at the place and time specified as follows:

City of Industry Council Chambers
City Hall Annex
15651 East Stafford Street
City of Industry, CA 91744
Tuesday preceding the second Thursday of each month.
11:30 a.m.

SECTION 4. 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 5. That 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 November 10, 2016 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Jim Divers
Chairman

ATTEST:

Diane M. Schlichting
Secretary

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

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MEMORANDUM

To: Planning Commission

From: Paul J. Philips, City Manager *Paul J. Philips*

Staff: Troy Helling, Senior Planner *TH*
Aaron Lobliner, Contract Associate Planner *A.L.*

Date: November 10, 2016

Subject: **Conditional Use Permit 16-9 – Slurpin' Ramen Bar, 18508 Gale Avenue #A**

Proposal

Section 17.12.025.7 of the Industry Municipal Code ("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 16-9 is to establish alcohol service (Type 41 ABC License) for beer and wine within an existing 2,630 square-foot fast-food restaurant, within an existing commercial building, located at 18508 Gale Avenue #A ("Property"). The site plan for the building is set forth in Attachment 2. Slurpin' Noodle will operate a restaurant during the hours of 11:30 AM to 11:00 PM, seven days a week. As shown on the floor plan (Attachment 3), the existing fast-food restaurant accommodates 47 seats.

Location and Surroundings

As shown on the location map (Attachment 1), the restaurant is located at 18508 Gale Avenue #A, within an existing 3,700 square foot commercial building, on a site of 4.93 acres. The site is located on the southeast corner of Gale and Jellick Avenues, and is surrounded by commercial uses to the east, north, and south, and industrial uses to the west.

Staff Analysis

Alcohol service at an existing fast-food restaurant in the "C" Commercial Zone is consistent with the General Plan (Commercial) designation of the site, and complies with the standards in Sections 17.12, "C" Commercial Zone, of the City's Code.

Property

The addition of alcohol service at an existing fast-food restaurant 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. As developed, the Property is adequate in size, shape, topography, and location to accommodate the proposed use. There will be adequate utilities to accommodate the proposed use, as utilities currently serve the Property.

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 service of alcohol at a fast-food restaurant 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 Property currently has adequate parking and 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 4.93 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 3,700 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. 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 October 28, 2016, pursuant to Government Code Section 65091.

Fiscal Impact

Conditional Use Permit 16-9 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 2016-31 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 2016-31 approving Conditional Use Permit No. 16-9 with findings of approval, Standard Requirements and Conditions of Approval

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Attachment 1 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 16-9

Project Location - Specific: 18508 Gale Avenue #A

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

Description of Project: Conditional Use Permit 16-9 is an application is to establish alcohol service at an existing 2,630 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: Eun Hee Sohn, D.B.A. Slurpin' Ramen Bar

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 3,700 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 a 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: Aaron Lobliner

Telephone: (626)333-2211

Signature: _____

Date: 11/10/16

Title: Contract Associate Planner

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Attachment 5

Public Hearing Notice



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. 16-9

On October 28, 2016, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Eun Hun Sohn for Conditional Use Permit 16-9 located at 18508 Gale Avenue, #A in the City of Industry. Conditional Use Permit 16-9 is to establish alcohol service inside of an existing restaurant.

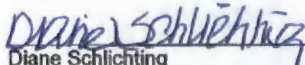
A copy of all relevant material, including the Conditional Use Permit application, and Notice of Exemption are on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Aaron Lobliner, Contract Associate Planner, at the City of Industry at 626-333-2211 or by email at aaron.lobliner@mbakerintl.com if you have questions.

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

Time: 11:00 a.m.
Date: November 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.


Diane Schlichting
Chief Deputy City Clerk of the City of Industry

JN 9281

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Attachment 6
Resolution No. PC 2016-31

RESOLUTION NO. PC 2016-31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 16-9, TO ALLOW A ALCOHOL SERVICE AT AN EXISTING FAST FOOD RESTAURANT LOCATED AT 18508 GALE AVENUE #A, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on September 26, 2016, Eun Hee Sohn DBA Slurpin' Ramen Bar, ("Applicant") filed a complete application requesting the approval of Conditional Use Permit ("CUP") No. 16-9 described herein ("Application"); and

WHEREAS, the Application applies to an existing 2,630 square-foot fast-food restaurant located on a 4.93 acre property at 18508 Gale Avenue #A, City of Industry, California, Assessor's Parcel Number 8264-022-015 ("Property"); and

WHEREAS, the Applicant desires 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 seeking to establish 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, is located in the City limits, on a project site no more than five acres, the project site 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, and the Property is currently served by all required utilities and public services; and

WHEREAS, notice of the Planning Commission's November 10, 2016 public hearing on CUP No. 16-9 was published in the *San Gabriel Valley Tribune* on October 28, 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 October 28, 2016; and

WHEREAS, the notice of the Planning Commission's November 10, 2016 public hearing on CUP No. 16-9 was also mailed to property owners within 300 feet of the Property on October 27, 2016; and

WHEREAS, on November 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. 16-9, the Planning Commission hereby finds and determines that Conditional Use Permit No. 16-9 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, as the City's Zoning Code permits the service of alcoholic beverages at existing fast-food restaurants upon approval of a CUP; (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 3,700 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 simply adding an additional amenity to an existing use; and (5) the site is adequately served by all required utilities and public services, and the addition of the proposed use does not modify the existing footprint of the building, therefore the existing utilities and public services are adequate. 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, 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 November 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 alcohol service. The Zoning Ordinance, which implements the General Plan, allows for a fast-food restaurant with alcohol service with approval of a CUP. Further, 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 proposed use, 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 proposed addition of alcohol service at an existing fast-food restaurant 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. The Property currently has adequate parking and the addition of alcohol service does not result in the need for additional parking spaces. There is no expansion of the footprint of the building, and the Property is currently served by Gale and Jellick Avenues, which are 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, a fast-food restaurant 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. Further, conditions of approval are included which will require the business to operate in a manner that protects the public's health, safety and general welfare.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 16-9, subject to the conditions contained in Exhibit A, attached hereto, and incorporated herein by reference.

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: That 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 November 10, 2016 by the following vote:

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

Jim Divers
Chairman

ATTEST:

Diane M. Schlichting
Secretary

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CITY OF INDUSTRY

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EXHIBIT A

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 16-9

Applicant: Eun Hee Sohn, D.B.A. Slurpin' Ramen Bar

Location: 18508 Gale Avenue #A

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. Alcohol sales shall be limited to the hours of 11:30 a.m. to 11:00 p.m.
3. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. 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.
4. 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.
5. 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.
6. 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.

7. 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.
8. 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.
9. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
10. 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. 16-9.
11. 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.
12. 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."
13. 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.
14. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
15. 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.
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.

17. 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.

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 11:30 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 Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

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.
2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions of CUP 16-9 within 10 days of approval