
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
MAY 9, 2017 11:30 A.M.



CHAIRMAN JIM DIVERS
VICE CHAIRMAN MICHAEL GREUBEL
COMMISSIONER 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.*

-
-
1. Call to Order
 2. Flag Salute
 3. Roll Call

4. Public Comments

5. **PUBLIC HEARING**

5.1 Public Hearing to consider amending Conditional Use Permit (CUP) No. 96-10, submitted by Q Pot Industry, Inc., to allow the sale of beer, wine, and distilled spirits (Type 47 ABC License) in an existing commercial space and structure with a previously approved CUP for a full service restaurant located at 17500 Castleton Street in the City of Industry.

- a. Consideration of Resolution No. PC 2017-03 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING AMENDED CONDITIONAL USE PERMIT NO. 96-10, TO ALLOW ALCOHOL SERVICE AT 17500 CASTLETON STREET, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF.

RECOMMENDED ACTION: Adopt Resolution No. PC 2017-03.

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

7. **ORAL COMMENTS FROM STAFF**

8. Adjournment. Next regular meeting will be on Tuesday, June 6, 2017 at 11:30 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

From: Paul J. Philips, City Manager

Staff: Troy Helling, Senior Planner *TH*
Nathalie Vazquez, Consultant Assistant Planner *NV*

Date: May 9, 2017

Subject: Consideration of an amendment to Conditional Use Permit 96-10 – Q Pot Industry, Inc., D.B.A. K Pot, to allow for the operation of a restaurant with alcohol service for the property located at 17500 Castleton Street

Proposal

Section 17.12.025(14) of the Industry Municipal Code ("Code") requires approval of a Conditional Use Permit ("CUP") by the Planning Commission for the operation of a full service restaurant with alcohol service. The proposed amendment to CUP 96-10 is a request for the continuation of a full service restaurant and proposing a new alcohol service (Type 47 ABC License) for beer, wine and distilled spirits, within an existing 11,566 square foot structure that is east of the Puente Hills Mall as shown on the site plan (Exhibit B) located at 17500 Castleton Street ("Property"). The site was formally occupied by Hometown Buffet through CUP 96-10 to allow for a full service restaurant with no alcohol sales. The business known as K Pot, will be the new tenant, serving a variety of dishes varying from hot pot soups to Korean Barbeque with proposed beer, wine and distilled spirits for on-site consumption. The establishment will operate during the hours of 10:00 AM to 12:00 AM, seven days a week and will employ up to fifty people. As shown on the floor plan (Exhibit C), the establishment will accommodate 304 seats inside.

Location and Surroundings

As shown on the location map (Exhibit A), the project site is located on the south side of the 60-Freeway just east of the Puente Hills Mall. The Property's current surroundings include improved developments and is bound by Castleton Street to the north, Hanover Road to east, Almahurst Street to south and Albatross Road is west of the Property.

Staff Analysis

The proposal to allow the sale of beer, wine and distilled spirits (Type 47 ABC License) in an existing commercial space and structure with a previously approved CUP for a full service restaurant is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) designations of the site and complies with the standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code.

Property

The Property is adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking and loading facilities, landscaping, and items which may be required by Sections 17.12.050 and 17.36.060 of the Municipal Code. There will be adequate utilities to accommodate the proposed use. The commercial use does not involve any physical changes to the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

Access

The Property is served by multiple 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 Castleton Street, Hanover Road, Almahurst Street and Albatross Road which is of adequate capacity to serve the commercial use.

Compatibility

A full service restaurant with alcohol service use is compatible with surrounding properties and uses because the surrounding area is composed of retail stores, restaurants, and a health club. 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 and will provide a dining service for visitors of the commercial center. The alcohol service will allow the full service restaurant to remain competitive with similar establishments and economically viable. There are no expansion of square footage being proposed and any alterations will be interior tenant improvements.

Parking

The existing site is currently developed with 1,539 existing parking stalls. The proposed use will not require any 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 1.00 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 12,500 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center and replacing a similar use; and (5) the site is adequately served by all required utilities and public services. The Notice of Exemption (Exhibit D) will be posted at the Los Angeles County Clerk's Office after approval by the Planning Commission.

Public Hearing

The required Public Hearing Notice (Exhibit E) 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 April 28, 2017, pursuant to Government Code section 65091.

Fiscal Impact

Amending Conditional Use Permit 96-10 has no fiscal impact to the City.

Recommendation

The proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2017-03 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution (Exhibit F) and direct staff to file the Notice of Exemption.

Attachments

- Exhibit A: Location Map
- Exhibit B: Site Plan
- Exhibit C: Floor Plan
- Exhibit D: Notice of Exemption
- Exhibit E: Public Hearing Notice
- Exhibit F: Resolution No. PC 2017-03 Amending Conditional Use Permit No. 96-10 with findings of approval, Standard Requirements and Conditions of Approval

Exhibit A Location Map CUP 96-10



Exhibit B Site Plan CUP 96-10

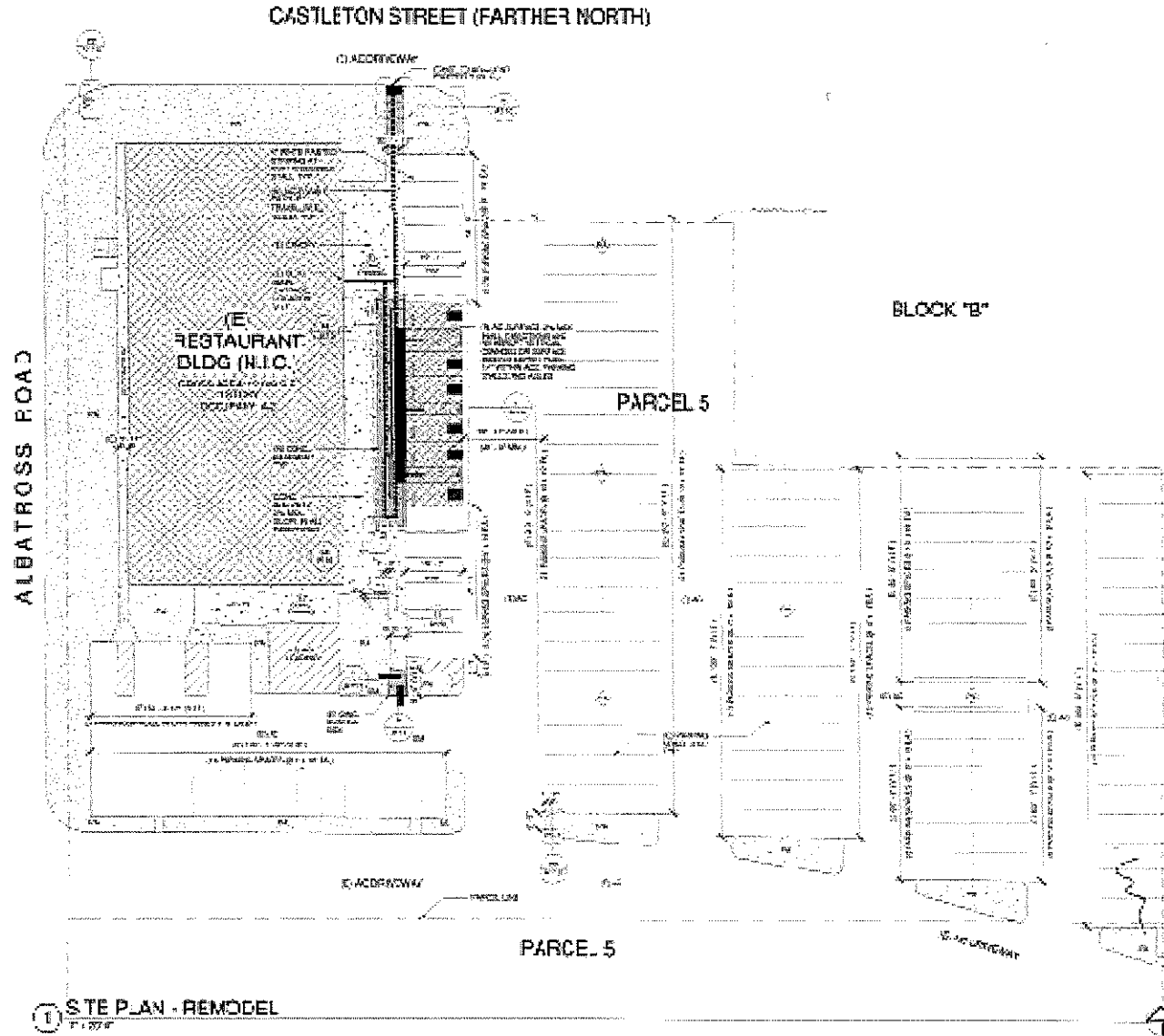


Exhibit C

Floor Plan

CUP 96-10

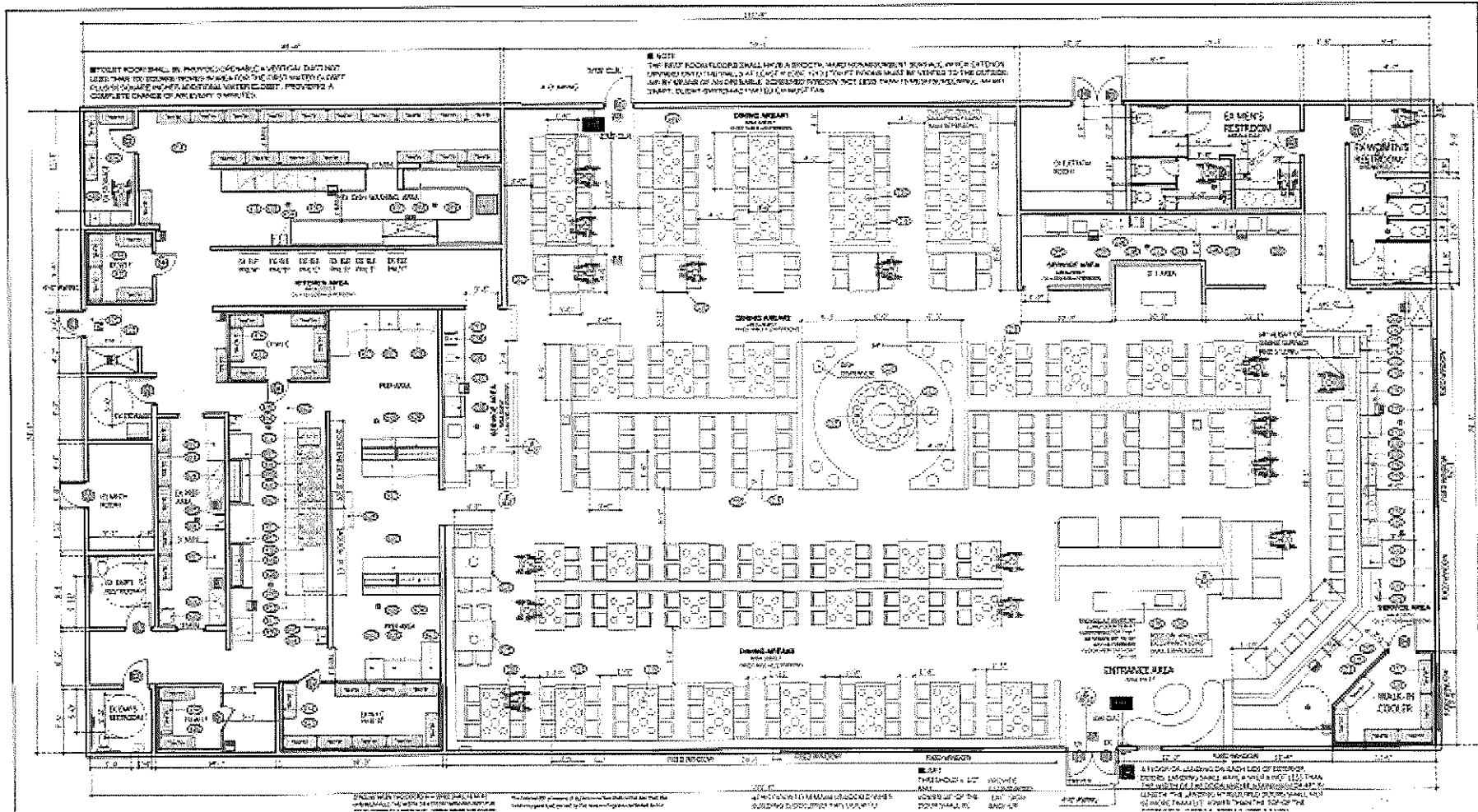


Exhibit D
Notice of Exemption
CUP 96-10
NOTICE OF EXEMPTION

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: Amendment of CUP 96-10

Project Location - Specific: 17500 Castleton Street

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

Description of Project: Applicant is proposing to amend Conditional Use Permit 96-10 to include the sale of beer, wine and distilled spirits (Type 47 ABC License) for on premise consumption within an existing 11,566 square foot full service restaurant in the (C) Commercial zone.

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

Name of Person or Agency Carrying Out Project: K Pot

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: 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 1.00 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 12,500 square-foot building and parking lot and has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center and replacing a similar use; and (5) the site is adequately served by all required utilities and public services.

Lead Agency

Contact Person: Nathalie Vazquez

Telephone: (626) 333-2211

Signature: _____

Date: May 09, 2017

Title: Consultant Assistant Planner

Exhibit E

Public Hearing Notice

CUP 96-10



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. 17-2

On April 28, 2017, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from K Hot Pot for Conditional Use Permit 17-2 located at 17500 Castleton Street in the City of Industry. Conditional Use Permit 17-2 is to establish alcohol service (Type 47 ABC License) for beer, wine and distilled spirits at a full service 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 Nathalie Vazquez, Consultant Assistant Planner, at the City of Industry at 626-333-2211 extension 107 or by email at nvazquez@cityofindustry.org if you have questions.

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

Time: 11:30 a.m.
Date: May 9, 2017
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

Exhibit F
Resolution No. PC 2017-03

RESOLUTION NO. PC 2017-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, AMENDING CONDITIONAL USE PERMIT NO. 96-10, TO ALLOW ALCOHOL SERVICE AT 17500 CASTLETON STREET, CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on March 24, 2017 Q Pot Industry, Inc. DBA K Pot, ("Applicant") filed a complete application requesting the amendment of Conditional Use Permit ("CUP") No. 96-10 described herein ("Application"); and

WHEREAS, the Application applies to an existing 11,566 square-foot full service restaurant located on an existing 1.00 acre property at 17500 Castleton Street east of the Puente Hills Mall, City of Industry, California, Assessor's Parcel Number 8264-068-007 ("Property"); and

WHEREAS, the Applicant desires to operate a full service restaurant with alcohol service (Type 47 ABC License) for beer, wine and distilled spirits in the "C" Commercial zone and, in accordance with Section 17.12.025(14) of the City's Municipal Code ("Code"), a CUP is required for this type of activity; and

WHEREAS, on September 26, 1996, the City approved CUP No. 96-10 to allow for the operation of a restaurant at the Property. Given the Applicant's desire to operate a restaurant with alcohol service, it is necessary to amend the CUP to permit the sale of alcoholic beverages; 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. Full service restaurants with alcohol service are permitted in the "C" Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025(14) of City's Code; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the project was determined not to have a significant impact on the environment and is categorically exempt from the California Environmental Quality Act ("CEQA"), pursuant to Section 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 May 9, 2017 public hearing on CUP No. 96-02 was published in the *San Gabriel Valley Tribune* on April 28, 2017, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property and at three public places on April 28, 2017; and

WHEREAS, the notice of the Planning Commission's May 9, 2017 public hearing on CUP No. 96-02 was also mailed to property owners within 300 feet of the Property on April 28, 2017; and

WHEREAS, on May 9, 2017, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

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

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

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

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

SECTION 3: Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for the amendment of CUP No. 96-10, the Planning Commission hereby finds and determines that CUP No. 96-10 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 restaurants with alcohol service are permitting in the City's Commercial Zone, with approval of a CUP; (2) the proposed 1.00 acre site for the development occurs within the City limits on a project site of no more than five acres, substantially surrounded by urban uses, as it is located within an existing shopping center; (3) the project site is fully developed with a 11,566 square-foot building and parking lot and therefore has no value as habitat for endangered, rare, or threatened species; (4) approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality because the proposed project is occupying an existing retail unit space within an existing shopping center and replacing a similar use; and (5) the site is already adequately served by all required utilities and public services. A CUP is required for the fast-food restaurant with alcohol service in the "C"

Commercial Zone and there will be no modifications to the existing space that would intensify the existing use. Therefore, the proposed project is categorically exempt from the California Environmental Quality Act ("CEQA") (Public Resources Code Section 21000 et seq.), pursuant to Section 15332 (Class 32 In-Fill Development Projects (a) through (e)), of the CEQA Guidelines (Title 14, Chapter 3 of the California Code of Regulations). Based on these findings, the Planning Commission adopts the Notice of Exemption and directs staff to file same as required by law.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the May 9, 2017 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 for a full service restaurant with alcohol service. The Zoning Ordinance, which implements the General Plan, allows for a full service restaurant with alcohol service with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size, 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 existing street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The commercial space is currently developed with 1,539 existing parking stalls and there is no expansion of the footprint of the building being proposed. The Property is currently served by Castleton Street, Hanover Road, Almahurst Street and Albatross Road. The proposed use will not require any additional parking spaces therefore is of adequate capacity to serve the commercial space.

(d) The full service restaurant with alcohol service is compatible with surrounding properties and uses because the surrounding area is composed of retail stores, restaurants, and a health club. 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 and will provide a dining service for visitors of the shopping center. The alcohol service will allow the full service restaurant to remain

competitive with similar establishments and economically viable. There is no expansion being proposed and any alterations will be interior tenant improvements.

(e) The nature, condition and proposed development of adjacent uses, buildings and structures have been considered, and the proposed use, the full service restaurant with alcohol service, will not adversely affect or be materially detrimental to such adjacent uses, buildings or structures or to the public health, safety or general welfare, in that the surrounding area is composed of other similar commercial uses. The proposed sale of alcoholic beverages for on premise consumption will allow the restaurant to compete with other nearby restaurants that offer a full selection of alcoholic beverages for sale to their customers. The establishment also has to remain in compliance with all conditions adopted by the Planning Commission per Section 17.48.060 throughout the life of the CUP. Examples of these provisions include complying with the State Department of Alcoholic Beverage Control and the Los Angeles County Sheriff's Department which will help mitigate potential impacts created by the use and ensure that the use will not negatively affect the surrounding commercial establishments.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby amends CUP No. 96-10 to allow the Property to be used as a restaurant with alcohol service, subject to the conditions contained in Attachment 1, attached hereto and incorporated herein by reference. Said conditions shall replace any prior conditions for CUP No. 96-10.

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

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

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on May 9, 2017 by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Jim Divers
Chairman

ATTEST:

Diane M. Schlichting
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

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Amending Conditional Use Permit 96-10

Applicant: Zeng Ming Fang, Q Pot Industry, Inc, D.B.A. K Pot

Location: 17500 Castleton Street

Use: Full Service Restaurant with a Type 47 ABC License for Beer and Wine and distilled spirits

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 10:00 a.m. to 12:00 a.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 recommended by the City and Sheriff. 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 47 Beer, Wine and distilled spirits license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 47 license shall be maintained in compliance with all ABC requirements.
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 to CUP No. 96-10.
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, wine and distilled spirits. 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 10:00 A.M. and 12:00 A.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, live entertainment, DJ or karaoke 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 the amending CUP 96-10 within 10 days of approval.