
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
APRIL 12, 2022
11:30 A.M.



CHAIR JACOB CORTEZ
VICE CHAIR ANDRIA WELCH
COMMISSIONER RHONDA CONTRERAS
COMMISSIONER SANDRA DIVERS
COMMISSIONER ROY HABER

Location: City Council Chamber, 15651 Mayor Dave Way, City of Industry, California

Addressing the Commission:

NOTICE OF TELEPHONIC MEETING:

- **Pursuant to AB 361 (Government Code Section 54953(e)), this meeting will be held in person and telephonically. Members of the public can attend the hybrid meeting and offer public comments either in person or telephonically, by calling the following conference call number: 657-204-3264, then entering the following Conference ID: 401 274 244#. Pursuant to the Governor's Executive Order, and in compliance with the Americans with Disabilities Act, if you need special assistance to participate in the Planning Commission meeting (including assisted listening devices), please contact the City Clerk's Office at (626) 333-2211 by 3:00 p.m. on Monday, April 11, 2022, to ensure that reasonable arrangements can be made to provide accessibility to the meeting.**
- **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 matter listed on the Agenda.
- **Public Comments (Non-Agenda Items Only):** 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.

Agendas and other writings:

In compliance with Government Code Section 54957.5(b), staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 Mayor Dave Way, City of Industry, California, at the office of the City Clerk of the City Council during regular business hours, Monday through Thursday, 8:00 a.m. to 5:00 p.m., Fridays 8:00 a.m. to 4:00 pm. City Hall doors are closed between 12:00 p.m. to 1:00 p.m. each day. 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. **CONSENT CALENDAR**

All matters listed under the Consent Calendar are considered to be routine and will be enacted by one vote. There will be no separate discussion of these items unless members of the Planning Commission request specific items be removed from the Consent Calendar for separate action.

- 5.1 Consideration of the minutes of the February 8, 2022 regular meeting

RECOMMENDED ACTION: *Approve as submitted.*

- 5.2 Consideration of Resolution No. PC 2022-08 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO AB 361

RECOMMENDED ACTION: *Adopt Resolution No. PC 2022-08.*

6. **PUBLIC HEARING ITEMS**

- 6.1 Consideration of a resolution accepting the surrender of Conditional Use Permit No. 11-4, and approving Conditional Use Permit No. 22-04, to allow for the sale of beer, wine, and distilled spirits for on-site consumption at The X-Pot restaurant, located at 18558 Gale Ave, Suite 122-128, City of Industry, California

- a. **Consideration of Resolution No. PC 2022-09 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, ACCEPTING THE SURRENDER OF CONDITIONAL USE PERMIT 11-4, APPROVING CONDITIONAL USE PERMIT NO. 22-04, TO ALLOW FOR THE OPERATION OF A FULL SERVICE RESTAURANT WITH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION LOCATED AT 18558 GALE AVENUE, SUITE 122-128, CITY OF INDUSTRY, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF**

RECOMMENDED ACTION:
09.

Adopt Resolution No. PC 2022-

7. **CITY MANAGER REPORTS**
8. **AB 1234 REPORTS**
9. **COMMISSIONER COMMUNICATIONS**
10. Adjournment. Next regular meeting will be held on Tuesday, May 10, 2022, at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 5.1

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
FEBRUARY 8, 2022
PAGE 1

CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by Chair Cortez at 11:30 a.m., in the City of Industry Council Chamber, 15651 Mayor Dave Way, California and telephonically using Conference Call Number, 657-204-3264, Conference ID: 679 233 554#.

FLAG SALUTE

The flag salute was led by Chair Cortez.

ROLL CALL

PRESENT: Jacob Cortez, Chair
Andria Welch, Vice Chair
Rhonda Contreras, Commissioner
Sandra Divers, Commissioner
Roy Haber, Commissioner

STAFF PRESENT: Josh Nelson, City Manager; Bing Hyun, Assistant City Manager; Bianca Sparks, Assistant City Attorney; and Julie Robles, Secretary.

PUBLIC COMMENTS

There were none.

CONSENT CALENDAR

5.1 CONSIDERATION OF RESOLUTION NO. PC 2022-07 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, CONTINUING THE AUTHORIZATION OF REMOTE TELECONFERENCE MEETINGS PURSUANT TO AB 361

RECOMMENDED ACTION: *Adopt Resolution No. PC 2022-07, authorizing the continuance of remote teleconferencing meetings pursuant to AB 36.*

MOTION BY COMMISSIONER HABER AND SECOND BY VICE CHAIR WELCH TO APPROVE THE CONSENT CALENDAR AS SUBMITTED. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
FEBRUARY 8, 2022
PAGE 2

AYES: COMMISSIONER: CONTRERAS, DIVERS, HABER, VC/WELCH,
C/CORTEZ
NOES: COMMISSIONER: NONE
ABSENT: COMMISSIONER: NONE
ABSTAIN: COMMISSIONER: NONE

PUBLIC HEARING ITEMS

6.1 CONSIDERATION OF A RESOLUTION APPROVING TENTATIVE PARCEL MAP NO. 354, TO SUBDIVIDE AN EXISTING 147,952 SQUARE-FOOT PARCEL INTO TWO PARCELS, FOR THE PROPERTY LOCATED AT 17638 CASTLETON STREET, CITY OF INDUSTRY, CALIFORNIA, AND ADOPT A NOTICE OF EXEMPTION REGARDING SAME

a. CONSIDERATION OF RESOLUTION NO. PC 2022-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING TENTATIVE PARCEL MAP NO. 354, TO SUBDIVIDE AN EXISTING 147,952 SQUARE-FOOT PARCEL INTO TWO PARCELS, FOR THE PROPERTY LOCATED AT 17638 CASTLETON STREET, CITY OF INDUSTRY, CALIFORNIA, AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME

RECOMMENDED ACTION:
06.

Adopt Resolution No. PC 2022-

Contract Associate Planner, Dina Lomeli provided a staff report and was available to answer any questions.

Chair Cortez opened the public hearing at 11:35 a.m.

Chair Cortez inquired if anyone wanted to be heard on the matter. Hearing none, Chair Cortez closed the public hearing at 11:35 a.m.

MOTION BY COMMISSIONER HABER, AND SECOND BY COMMISSIONER DIVERS TO ADOPT RESOLUTION NO. PC 2022-06. MOTION CARRIED 5-0, BY THE FOLLOWING VOTE:

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
FEBRUARY 8, 2022
PAGE 3

AYES: COMMISSIONER: CONTRERAS, DIVERS, HABER, VC/WELCH,
C/CORTEZ
NOES: COMMISSIONER: NONE
ABSENT: COMMISSIONER: NONE
ABSTAIN: COMMISSIONER: NONE

CITY MANAGER REPORTS

City Manager Josh Nelson thanked everyone for being here and welcomed Rhonda Contreras, as our new Planning Commissioner.

AB 1234 REPORTS

There were none.

COMMISSIONER COMMUNICATIONS

There were none.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 11:37 a.m.

JACOB CORTEZ
CHAIR

JULIE ROBLES
SECRETARY

PLANNING COMMISSION

ITEM NO. 5.2

RESOLUTION NO. PC 2022-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, AUTHORIZING REMOTE TELECONFERENCE MEETINGS PURSUANT TO AB 361

RECITALS

WHEREAS, the Planning Commission is committed to preserving and encouraging public access and participation in meetings of its legislative bodies; and

WHEREAS, all meetings of the Planning Commission are open and public, as required by the Ralph M. Brown Act (Gov. Code §§54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and observe the legislative bodies conduct their business; and

WHEREAS, in March 2020 as a response to the ongoing COVID-19 pandemic, Governor Newsom issued Executive Orders N-25-20 and N-29-20. These orders suspended certain elements of the Brown Act and specifically allowed for legislative bodies as defined by the Brown Act to hold their meetings entirely electronically with no physical meeting place. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which provided that the provisions in Executive Order N-29-20 suspending certain elements of the Brown Act would continue to apply through September 30, 2021; and

WHEREAS, on September 16, 2021 Governor Newsom signed AB 361, which added subsection (e) to Government Code §54953 of the Brown Act, and makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code §54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, one of the conditions required is that a state of emergency has been declared by the Governor pursuant to Government Code §8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code §8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, in March 2020, in response to the spread of COVID-19 in the State of California, the Governor proclaimed a State of Emergency pursuant to Government Code §8625, and issued a number of executive orders aimed at containing the COVID-19 virus, and the County of Los Angeles through various Orders of the Los Angeles County Health Officer, continues to impose or recommend measures to promote social distancing; and

WHEREAS, Los Angeles County officials have recommended measures to promote social distancing and strongly recommend masks for all regardless of vaccination status in an effort to slow the transmission of COVID-19 throughout the State and Los Angeles County; and

WHEREAS, the Planning Commission is concerned about the health and safety of all individuals of the public who attend public meetings; and

WHEREAS, as a consequence of the continued state of emergency, the Planning Commission adopted Resolution No. PC 2022-01 on January 11, 2022, and Resolution No. PC 2022-07 on February 10, 2022, finding and determining that the Planning Commission would continue to conduct its meetings without compliance with Government Code §54953(b)(3), as authorized by Government Code §54953(e), and that the Planning Commission would continue to comply with the requirements to provide the public with access to all public meetings as prescribed in §54953(e)(2); and

WHEREAS, pursuant to the provisions of AB 361, the Planning Commission hereby finds and determines that the findings set forth in Resolution No. PC 2022-07 remain, and that it is thereby necessary to continue to conduct its meetings without compliance with Government Code §54953(b)(3), as authorized by Government Code §54953(e).

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA DOES HEREBY FIND, DETERMINE AND RESOLVE 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: The Planning Commission hereby considers the existing conditions of the state of emergency, local officials in Los Angeles County have recommended or imposed measures to promote social distancing in connection with COVID-19. Based on these facts, findings, and determinations, the Planning Commission authorizes staff to conduct remote teleconference meetings of the Planning Commission, under the provisions of Government Code §54953(e).

SECTION 3: The City Manager is hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution and AB 361, including continuing to conduct open and public meetings in accordance with the Brown Act.

SECTION 4: This Resolution shall take effect April 12, 2022, and shall be effective until the earlier of May 12, 2022, or such time as the Planning Commission adopts a subsequent resolution in accordance with Government Code §54953(e)(3) to extend the time during which the Planning Commission may continue to meet by teleconference.

PASSED, APPROVED AND ADOPTED by the Planning Commission at a regular meeting held on April 12, 2022, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Jacob Cortez, Chairperson

ATTEST:

Julie Gutierrez-Robles, Secretary

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission

From: Joshua Nelson, City Manager *JN*

Staff: Eduardo Manriquez, Consultant Planning Technician *EM*
Mike Poland, Contract Planning Manager

Date: April 12, 2022

Subject: Consideration of a resolution accepting the surrender of Conditional Use Permit 11-4, and approving Conditional Use Permit No. 22-04, to allow for the sale of beer, wine, and distilled spirits for on-site consumption at The X-Pot restaurant, located at 18558 Gale Ave, Suite 122-128, City of Industry, California

Proposal:

Steven Chen, on behalf of The X Pot ("Applicant"), is requesting approval of Conditional Use Permit ("CUP") No. 22-04, to allow The X-Pot to sell beer, wine, and distilled spirits for on-site consumption. The X-Pot is located at 18558 Gale Ave, Suite 122-128 ("Property"). Pursuant to Section 17.12.025.14 of the City's Municipal Code ("Code"), a CUP is required to operate a full service restaurant with alcohol service.

Project Background:

The X-Pot is located within an existing shopping center, known as "Seasons Place", that is approximately 4.93 acres. Seasons Place is a three-story, approximately 79,073 square foot, multiple-use, commercial center with a mixture of retail, office, restaurant, and fast food.

On February 9 of 2011, the Planning Commission approved CUP 11-4 to allow Four Seasons Seafood Restaurant to operate an 11,350 square foot Chinese, Asian, and fusion seafood full-service restaurant on the Property. The Planning Commission also approved CUP 11-5 to establish a shared parking program and valet parking service at Season's Place.

On October 15, 2020, the City approved Minor Exception ("ME") 2020-02 for a reduction in parking, that was less than 10 percent required under the City's Code.

In November 2021, Four Seasons Seafood Restaurant was converted to the X-Pot. The X-Pot is an innovative dining concept created and established by Chubby Cattle. The X-Pot offers a unique dining experience bridging Asian and American cultures and offers a dining experience with the most high-quality ingredients including imported seafood and purebred A5 Wagyu beef flown in daily from Japan. The restaurant operates from 11:30AM to 3:00PM and 5:00 PM to 10:30 PM Sunday through Saturday and employs approximately 80 individuals. The restaurant is now seeking approval to allow for the sale of beer, wine, and distilled spirits for on-site consumption.

Location and Surroundings:

As shown on the location map (Exhibit A), the X-Pot is located within an existing commercial shopping center known as Seasons Place on the southwest corner of Gale Avenue and Jellick Avenue. The recorded address is 18558 Gale Ave, Suite 122-128 (APN 8264-027-010). The site is north of State Route 60 and west of Fullerton Road. The Property is surrounded by industrial uses to the west, commercial uses to the north and east, industrial-commercial overlay to the northeast, and across State Route 60 to the south is Unincorporated Los Angeles County residential.

Staff Analysis:

The request for a full-service restaurant with the sale of beer, wine, and distilled spirits for on-site consumption at the Property is consistent with the Zoning "C" (Commercial) and General Plan (Commercial) land use designation. There is no expansion of floor area or modification to the structure proposed for this project; and the proposal complies with the standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code.

Property

As illustrated on the attached site plan (Exhibit B), the Property is approximately a 4.93 acre lot that is currently developed with a three-story, approximately 79,073 square foot building. The project is a full-service restaurant with the sale of beer, wine, and distilled spirits for on-site consumption. The restaurant previously operated under CUP 11-4, as a full service restaurant only. Now the owners would like to update the restaurant by adding the sale of beer, wine, and distilled spirits for onsite consumption, and get a new CUP that includes both a full service restaurant with alcohol service. By doing so, they are surrendering CUP 11-4. The property owner has provided the City with a notice of surrender of CUP 11-4. The restaurant is located in an existing tenant space that is approximately 11,350 square feet. The 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 four main driveway entrances that are shared with the entire shopping center and are adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The existing drive aisles and driveways meet the City's minimum requirement of 26 feet in width. The Property has two driveways to the west off of Jellick Avenue, one driveway to the north and one to the southeast off of Gale Avenue.

Compatibility

A full service restaurant with the sale of beer, wine, and distilled spirits for on-site consumption is a compatible use with the surrounding properties and uses because the area is composed of other full service restaurants, fast food restaurants, retail, and office spaces. The proposed use will complement the adjacent uses and will provide a dining service for visitors of the shopping center and commuters traveling along the 60 Freeway. The uses of the surrounding properties may change, but the character will remain commercial in nature which is consistent with the General Plan and Zoning designations of the site. The full service restaurant with the addition of alcohol sales will also contribute to the economic viability of the shopping center.

Parking

The overall shopping center shares parking and was developed with 547 parking spaces.

According to City records, with the approval of ME 2020-02, 6 parking spaces were removed leaving the site with 541 parking spaces. According to the shared parking agreement approved with CUP 11-5, during peak hours on a weekday the peak demand would be 476 spaces, plus a 10 percent contingency would result in an adjusted peak demand of 524 parking spaces. On the weekend during peak hours the peak demand would be 483 parking spaces, plus a 10 percent contingency would result in an adjusted peak demand of 531 parking spaces. In both instances, there is a surplus of parking including the 10 percent parking contingency added to the total peak demand to address potential circulation issues associated with fully occupied parking facilities. This results in an excess of 17 parking spaces on the weekdays and 10 parking spaces on the weekends according to the study prepared for CUP 11-5. No expansion of the building is being proposed and the approval of this request for CUP 22-04 will not require additional parking spaces.

Environmental Analysis:

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines for the following reasons: (1) Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The addition of the sale of beer, wine, and distilled spirits for on-site consumption at an existing full-service restaurant is only a negligible expansion of the existing use because the alcoholic beverage service is only ancillary to the primary restaurant use; and 2) no expansion of square-footage or modifications to the existing restaurant are proposed as part of this project. 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 Property, the City's webpage, and published in the *San Gabriel Valley Tribune* on April 1, 2022, pursuant to Government Code section 65091.

Fiscal Impact:

Approving Conditional Use Permit 22-04 to allow for a full service restaurant with an Alcohol Beverage Control License for the sale of beer, wine, and distilled spirits for on-site consumption will have a positive fiscal impact to the City.

Recommendation:

The proposed use complies with the use standards of the City's Code and satisfies the findings noted in the Resolution; therefore, Staff recommends that the Planning Commission adopt Resolution No. PC 2022-09 (Exhibit F) approving Conditional Use Permit 22-04, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

Exhibits:

- A. Location Map - CUP 22-04
- B. Site Plan – CUP 22-04
- C. Floor Plan – CUP 22-04
- D. Notice of Exemption CUP 22-04
- E. Public Hearing Notice
- F. Resolution No. PC 2022-09 recommending Planning Commission approval of Conditional Use Permit No. 22-04 with findings of approval, Standard Requirements and Conditions of Approval.
- G. PowerPoint Presentation

EXHIBIT A

Location Map – CUP 22-04

[Attached]



18558 Gale Ave,
Suite 122-128

Fullerton Rd

Gale Ave

Pomona Fwy

Pomona Fwy

Pomona Fwy

Pomona Fwy

Diamond Pl

Greenbay Dr

Bold St

Greenbay Dr

EXHIBIT B

Site Plan – CUP 22-04

[Attached]

THE X POT ROWLAND HEIGHTS

18558 GALE AVE, SUITE 122-128, CITY OF INDUSTRY, CA 91748



TOP-ARC GROUP
 ARCHITECTURAL DESIGN FIRM
 PHONE: (951) 228-3939
 EMAIL: YAO.LONGZHI@YAHOO.COM

PROJECT TITLE / ADDRESS
THE X POT
 18558 GALE AVE, SUITE 122-128,
 CITY OF INDUSTRY, CA 91748

DRAWING TITLE

SITE PLAN & DATA

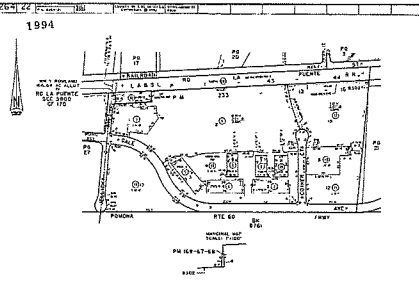
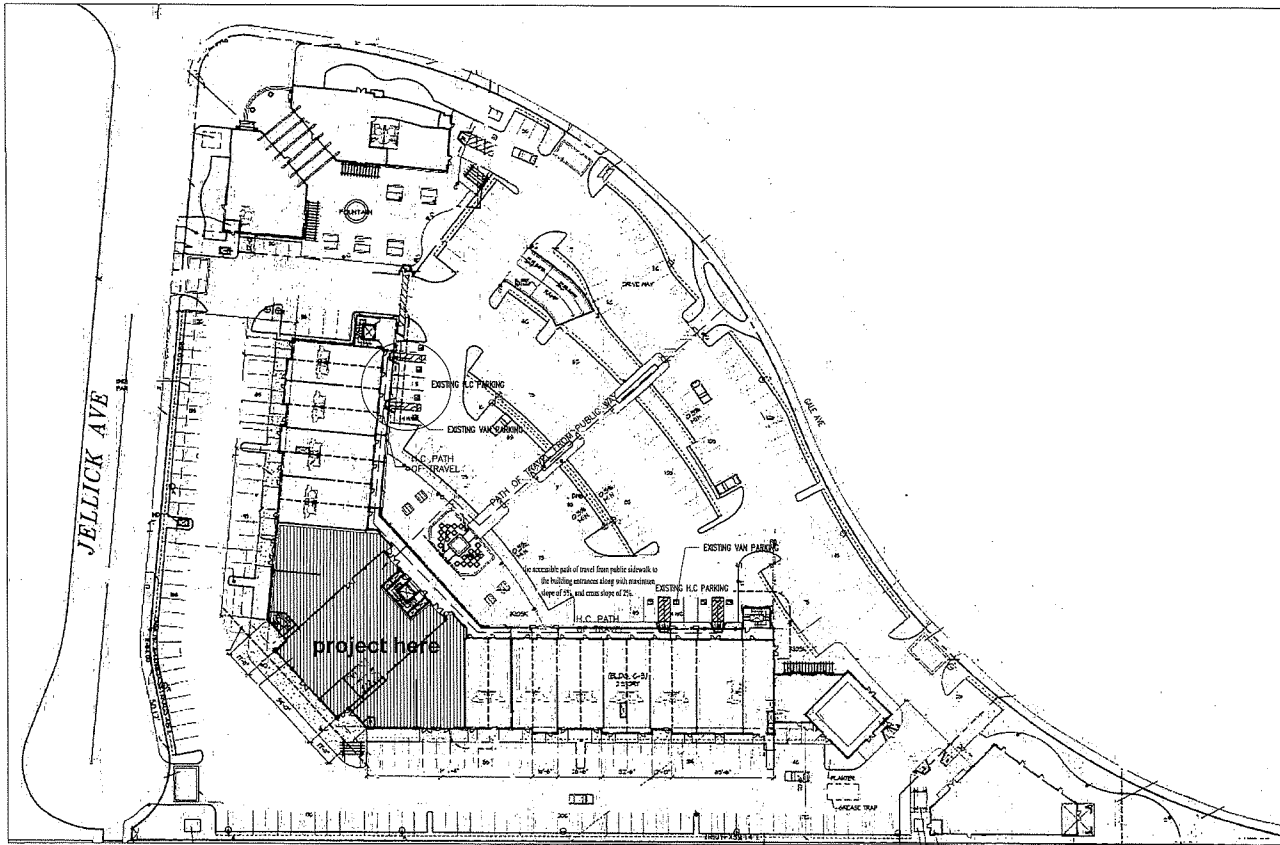
REVISIONS

DATE	NO.
	▲

DATE: _____
 DRAWN BY: S.C.
 SCALE: AS NOTED
 SHEET NO.

A1

PROJECT DATA
PROJECT ADDRESS: 18558 GALE AVE, SUITE 122-128, CITY OF INDUSTRY, CA 91748 OCCUPANCY ZONING: C (COMMERCIAL) A.P.N. #: 8264-022-015 TRACT #: PU 225-13-18 LOT 13 TYPE OF CONSTRUCTION: V-8 BUILDING STORY: 2 BUILDING UNIT AREA: 11,845 S.F. OCCUPANCY GROUP: A-2 OCCUPANCY LOAD: 254 EXIT REQUIRED: 2 EXIT PROVIDED: 3 FIRE SPRINKLERS: YES
SCOPE OF WORK
ALCOHOL LICENSE CUP APPLICATION FOR EXISTING RESTAURANT
BUSINESS OPERATION
BUSINESS TYPE: FULL SERVICE RESTAURANT BUSINESS HOUR: 11:30AM-9PM, 5PM-10:30PM NUMBER OF EMPLOYEES: 80 NUMBER OF EMPLOYEES PER SHIFT: 20
APPLICABLE CODES
2019 CALIFORNIA BUILDING CODE (CBC) 2019 CALIFORNIA RESIDENTIAL BUILDING CODE (CBCR) 2019 CALIFORNIA MECHANICAL CODE (CMC) 2019 CALIFORNIA PLUMBING CODE (CPC) 2019 CALIFORNIA ELECTRICAL CODE (CEC) 2019 CALIFORNIA FIRE CODE (CFC) 2019 CALIFORNIA ENERGY CODE 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE
PAGE INDEX
A1 - SITE PLAN A2 - FLOOR PLAN
CONTACT INFO
PROPERTY OWNER: COOPER INVESTORS PROPERTIES CONTACT: DARREN DIAU ADDRESS: 18558 GALE AVE, SUITE 258, CITY OF INDUSTRY, CA 91748 P: 626-464-4241 E: DARREN@GOLDENWESTPM.COM BUSINESS: THE X POT ROWLAND HEIGHTS LLC CONTACT: MENJIE LI ADDRESS: 18558 GALE AVE, SUITE 122-128, CITY OF INDUSTRY, CA 91748 P: 714-939-8666 E: JYCE@THEXPOT.COM DESIGN COMPANY: TOP-ARC GROUP CONTACT: STEVEN CHEN ADDRESS: 1140 CENTRE DR, SUITE E, WALNUT, CA 91786 P: 909-225-3039 E: YAO.LONGZHI@YAHOO.COM
CONTACT INFO

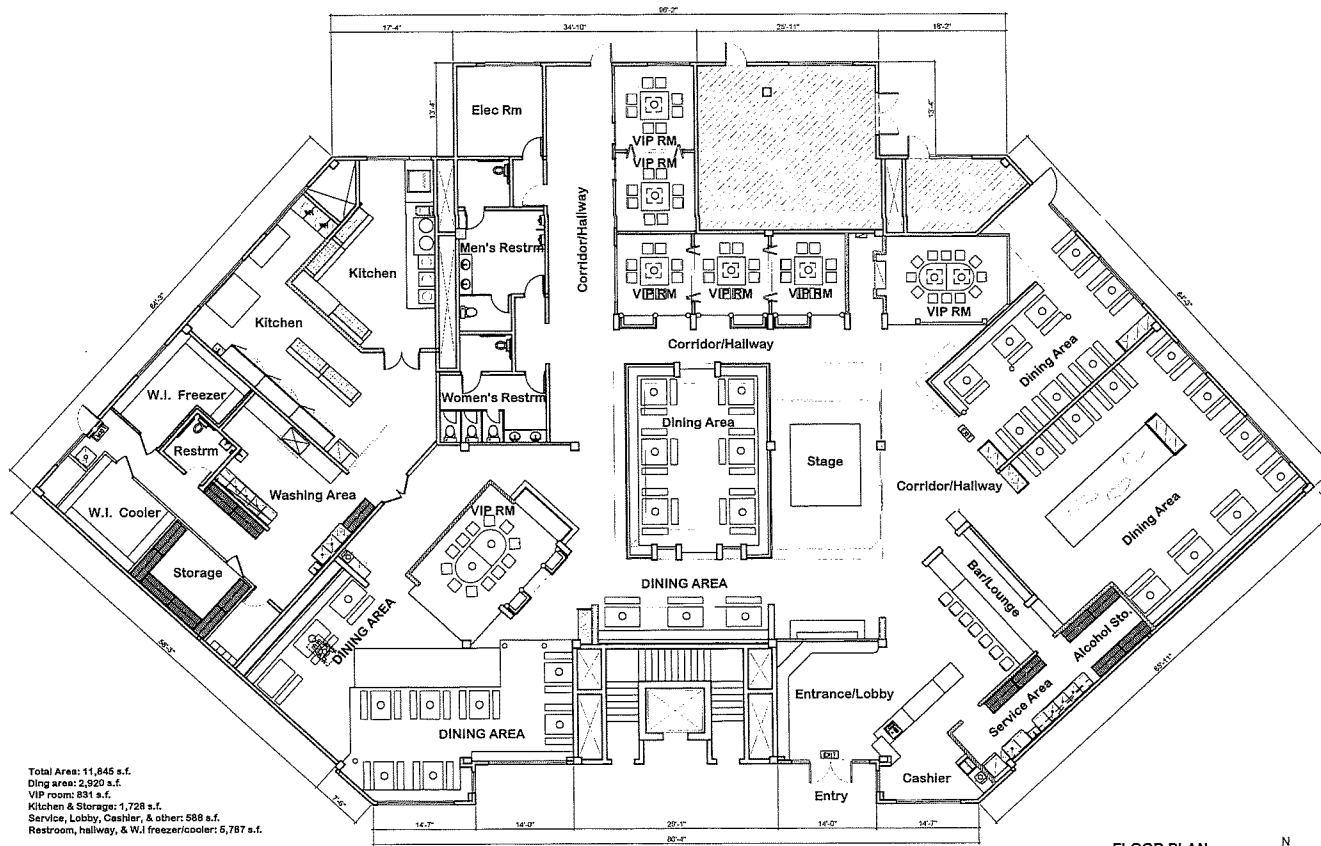


SITE PLAN
 Scale: N.T.S. N

EXHIBIT C

Floor Plan – CUP 22-04

[Attached]



Total Area: 11,845 s.f.
 Ding area: 2,920 s.f.
 VIP room: 531 s.f.
 Kitchen & Storage: 1,728 s.f.
 Service, Lobby, Cashier, & other: 588 s.f.
 Restroom, hallway, & W.I freezer/cooler: 5,787 s.f.

FLOOR PLAN
 Scale: N.T.S.



TOP-ARC GROUP
 ARCHITECTURAL DESIGN FIRM
 PHONE: (650) 226-3939
 EMAIL: YACLONG@TAG.COM

PROJECT TITLE / ADDRESS
THE X POT
 18558 GALE AVE, SUITE 122-128,
 CITY OF INDUSTRY, CA 91748

DRAWING TITLE

FLOOR PLAN

REVISIONS

DATE	NO.
	1

DATE:
 DRAWN BY: S.C.
 SCALE: AS NOTED
 SHEET NO.

A2

Exhibit D

Notice of Exemption - CUP 22-04

[Attached]

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 Mayor Dave Way, Suite 100
City of Industry, CA 91744

Project Title: X Pot, Conditional Use Permit 22-04

Project Location - Specific: 18558 Gale Avenue, Suite 122-128

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

Description of Project: Consideration of a resolution to the Planning Commission of the City of Industry, California, accepting the surrender of Conditional Use Permit 11-4, and approving Conditional Use Permit No.22-04, to allow for a full service restaurant with an Alcohol Beverage Control License for the sale of beer, wine, and distilled spirits for on-site consumption at the restaurant known as The X-Pot, located at 18558 Gale Ave, Suite 122-128 City of Industry, California.

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

Name of Person or Agency Carrying Out Project: Steven
Chen, on behalf of The X 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:* 15301(a)
- Statutory Exemptions. *State code number:*

Reasons why project is exempt: The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines for the following reasons: (1) Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The addition of the sale of beer, wine, and distilled spirits for on-site consumption at an existing full-service restaurant is only a negligible expansion of the existing use because the alcoholic beverage service is only ancillary to the primary restaurant use; and 2) no expansion of square-footage or modifications to the existing restaurant are proposed as part of this project. Therefore, the proposal is exempt from environmental review.

Lead Agency

Contact Person: Eduardo E Manriquez

Telephone: (626)333-2211

Signature: 

Date: April 12, 2022

Title: Contract Planning Technician

Exhibit E

Public Hearing Notice – CUP 22-04

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 22-04

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Industry will hold a public hearing on Tuesday, April 12, 2022, at 11:30 a.m., or as soon thereafter as the matter may be heard, in the Council Chambers, located at 15651 East Mayor Dave Way, City of Industry, California, to consider the following matter:

Project Description: Consideration of a resolution of the Planning Commission of the City of Industry, California, accepting the surrender of Conditional Use Permit 11-4, and approving Conditional Use Permit No.22-04, allowing the sale of beer, wine, and distilled spirits for on-site consumption, at the restaurant known as The X-Pot, located at 18558 Gale Ave, Suite 122-128 City of Industry, California.

Project Location: The property is located at 18558 Gale Ave, Suite 122-128, in the City of Industry. ("Property"); and the project site is zoned "C" Commercial.

A copy of all relevant material, including the Conditional Use Permit application, and Notice of Exemption are on file in the City's Administrative Offices, 15625 Mayor Dave Way, Suite 100, City of Industry, California 91744 or via the City of Industry's website at www.cityofindustry.org. Please contact Eduardo Manriquez, Consultant Planning Technician, at the City of Industry at 626-333-2211 extension 144, or by email at emanriquez@cityofindustry.org if you have questions.

The time, date and place of such hearing shall be as follows:

Time: 11:30 a.m.
Date: April 12, 2022
Place: City Council Chamber
15651 Mayor Dave Way
City of Industry, CA 91744

Pursuant to AB 361 (Government Code Section 54953(e)), this meeting will be held in person and telephonically. Members of the public will be able to attend the meeting telephonically and offer public comment during the public hearing by calling the conference call number and entering a Conference ID, which will be listed on the April 12, 2022, Planning Commission agenda, posted on the "Agenda" section of the City of Industry's website no less than 72 hours prior to the public meeting. Planning Commission agendas can be found on the City's website at www.cityofindustry.org.

Any person wishing to be heard regarding this matter may appear at the above time, date, and place. Written comments may be sent via U.S. Mail or by hand delivery to the City of Industry, at 15625 Mayor Dave Way, Suite 100, City of Industry, CA 91744 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 project 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.


Julie Gutierrez-Robles, City Clerk

Exhibit F

Resolution No. PC 2022-09

[Attached]

RESOLUTION NO. PC 2022-09

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, ACCEPTING THE SURRENDER OF CONDITIONAL USE PERMIT 11-4, APPROVING CONDITIONAL USE PERMIT NO. 22-04, TO ALLOW FOR THE OPERATION OF A FULL SERVICE RESTAURANT WITH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION LOCATED AT 18558 GALE AVENUE, SUITE 122-128, CITY OF INDUSTRY, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Mr. Steven Chen, representing The X-Pot (“Applicant”), filed a complete application for Conditional Use Permit (“CUP”) No. 22-04, requesting approval of the sale of beer, wine and distilled spirits for on-site consumption, at X-Pot restaurant, located at 18558 Gale Ave, Suite 122-128, further described as Assessor’s Parcel Number 8264-022-015 (“Property”); and

WHEREAS, The X-Pot is located within the existing Seasons Place shopping center, which is a three-story, 79,000 square foot commercial center with retail, office, restaurant and fast food uses; and

WHEREAS, the Application applies to two existing commercial units that are currently being utilized as a full-service restaurant; and

WHEREAS, in an effort to ensure compliance with the proposed CUP, the Applicant desires to surrender the current CUP No. 11-4 for the Property. Upon approval of the new CUP, CUP No. 11-4 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP; and

WHEREAS, in accordance with Section 17.12.025 of the City’s Municipal Code (“Code”), a CUP is required to operate a full-service restaurant with the sale of alcoholic beverages; and

WHEREAS, the proposed full service restaurant with the sale of alcoholic beverages for onsite consumption is consistent with the goals and objectives of the City’s General Plan because the Property is zoned Commercial, and under the City’s Code, restaurants that serve alcoholic beverages are permitted in the Commercial Zone with a CUP. Further, the Property is adequate in size, shape topography and location for the proposed use and there will be adequate utilities to accommodate a restaurant with alcoholic beverage service because the Property was developed for commercial uses, has adequate circulation to service the restaurant, and is currently served by all required

utilities. A restaurant with alcoholic beverage service is compatible with surrounding properties because Seasons Place, shopping center where X-Pot is located is a commercial center with a mix of retail, office, restaurant, and fast food uses. The restaurant will not be detrimental to the public health, safety, or general welfare because the sale of alcoholic beverages is ancillary to the restaurant use, and the conditions of approval regulate the sale of alcohol; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant, and based on Staff's review and assessment, the proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines because the addition of the sale of beer, wine, and distilled spirits for on-site consumption at an existing full-service restaurant is only a negligible expansion of the existing use, as alcoholic beverage service is only ancillary to the primary restaurant use; and no expansion of square-footage or modifications to the existing restaurant are proposed as part of this project; and

WHEREAS, notice of the Planning Commission's April 12, 2022, public hearing on CUP No. 22-04 was published in the *San Gabriel Valley Tribune* on April 1, 2022, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property, City Hall, City's Council Chambers, Fire Station 118, and on the City's website on April 1, 2022; and

WHEREAS, on April 1, 2022, notice of the Planning Commission's April 12, 2022 public hearing on CUP No. 22-04 was also mailed to each property owner within 300 feet of the project site; and

WHEREAS, on April 12, 2022, 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, the Planning Commission of the City of Industry hereby finds, determines, and resolves as follows:

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

SECTION 2: The Property owner surrenders, and the Planning Commission hereby accepts the surrender of CUP No. 11-4. As of the effective date of this resolution, CUP No. 11-4 shall become null and void, and all rights and privileges granted under the CUP shall be of no further force or effect.

SECTION 3: 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 proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities (a)) of the CEQA Guidelines for the following reasons: (1) Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The addition of the sale of beer, wine, and distilled spirits for on-site consumption at an existing full-service restaurant is only a negligible expansion of the existing use because the alcoholic beverage service is only ancillary to the primary restaurant use; and 2) no expansion of square-footage or modifications to the existing restaurant are proposed as part of this project.

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the April 12, 2022, 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, and any applicable redevelopment plan in that the Property has a Commercial General Plan Land Use designation. Pursuant to Section 17.12.025.14, full-service restaurants that sell alcoholic beverages are permitted in the City's Commercial Zone, subject to the approval of a CUP. Further, the operating characteristics of a restaurant with ancillary alcoholic beverage sales is compatible with the existing land uses in the area which include other full-service restaurants, fast food restaurants, retail, and office spaces, and also with future land uses in the vicinity of the Property. X-Pot is located within an existing commercial building surrounded by other commercial uses. The tenant space provides adequate room for the operation of a restaurant with alcoholic beverage sales, and the use, as conditioned, 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 proposed use, and there will be adequate utilities to accommodate the proposed use in that the Property is physically suitable for a restaurant with ancillary on-site alcoholic beverage sales. The Property was developed for a commercial use and a restaurant is a conditionally permitted use in the Commercial Zone. The introduction of alcohol sales will be incidental to the restaurant use. No adverse impacts will be created to the surrounding neighborhood as the operation will be consistent with the recommended conditions of approval and the requirements of the State of California Department of Alcoholic Beverage Control. The site provides adequate circulation and parking for the proposed use and access for emergency and public service vehicles. All required utilities currently service the Property.

(c) There will be adequate street access, traffic circulation and parking capacity for the proposed use. The Property is served by four main driveway entrances which are each over 26 feet wide, and adequate in width and improved as necessary to carry the kind and quantity of traffic a restaurant with alcoholic beverage sales would generate. The existing drive aisles meet the City's minimum requirement of

26 feet in width. The existing 79,073 square foot, 3 story building, requires 813 parking spaces, but has a total of 541 parking spaces. A shared parking agreement was established under CUP 11-5, and a parking study demonstrated that 541 parking stalls would suffice for the types of uses permitted on the Property. Pursuant to the shared parking agreement, during peak hours on a weekday the peak demand would be 476 spaces, plus a 10 percent contingency would result in an adjusted peak demand of 524 parking spaces. On the weekend during peak hours the peak demand would be 483 parking spaces, plus a 10 percent contingency would result in an adjusted peak demand of 531 parking spaces. In both instances, there would be a surplus of parking including the 10 percent parking contingency added to the total peak demand to address potential circulation issues associated with fully occupied parking facilities. This results in an excess of 17 parking spaces on the weekdays and 10 parking spaces on the weekends according to the study prepared for CUP 11-5.

(d) A full-service restaurant with the sale of beer, wine, and distilled spirits for on-site consumption is a compatible use with the surrounding properties and uses because the area is composed of other full-service restaurants, fast food restaurants, retail, and office spaces. The proposed use will complement the adjacent uses and will provide a dining service for visitors of the shopping center and commuters traveling along the 60 Freeway. The uses of the surrounding properties may change, but the character will remain commercial in nature which is consistent with the General Plan and Zoning designations of the site. The full-service restaurant with the addition of alcohol sales will also contribute to the economic viability of the shopping center.

(e) The proposed full service restaurant with the sale of beer, wine, and distilled spirits for on-site consumption will not be detrimental to the public health, safety, or general welfare because the sale of alcoholic beverages is an ancillary use to the primary use as a restaurant. Furthermore, the restaurant has operated successfully since November 2021 without negative incident. Furthermore, Conditions of Approval provide the City the authority to revoke the subject CUP if it is discovered that the operators of the proposed use are violating state regulations or any condition(s) of this approval. Moreover, the proposed use is subject to the operating conditions imposed by the California Department of Alcoholic Beverage Control (ABC), which regulates and monitors the manner in which alcoholic beverages are sold.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby approves the Notice of Exemption, and directs Staff to file same as required by law and approves CUP No. 22-04 to allow the Property to be used as a full-service restaurant with the sale of beer, wine, and distilled spirits for on-site consumption, subject to the conditions contained in Attachment 1, 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: 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 April 12, 2022, by the following vote:

AYES: COMMISSIONERS:

NOES: COMMISSIONERS:

ABSTAIN: COMMISSIONERS:

ABSENT: COMMISSIONERS:

Jacob Cortez, Chairman

ATTEST:

Julie Gutierrez-Robles, Secretary

Attachment 1

Conditions of Approval – CUP 22-04

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 22-04

Applicant: Steven Chen, on behalf of The X-Pot

Location: 18558 Gale Avenue, Suite 122-128

Use: A full-service restaurant with an Alcohol Beverage Control License for the sale of beer, wine, and distilled spirits for on-site consumption

Conditions of Approval

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the City 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. 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.
3. Prior to 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.
4. The Property Owner shall surrender CUP No. 11-4, as of the effective date of Resolution No. PC 2022-09. As of the effective date of the Resolution approving CUP No. 22-04, CUP No. 11-4 shall become null and void, and all rights and privileges granted under the CUP shall be of no further force or effect.
5. This approval is for the on-sale service of beer, wine, and distilled spirits for on-site consumption in conjunction with a bona-fide eating establishment (restaurant) and incidental

outdoor dining, as described in the staff report and depicted on the floor plan on file with the Planning Division.

6. This approval shall be of no force or effect unless and until a Type 47 License has been obtained from the California Department of Alcoholic Beverage Control (“ABC”). Applicant and all successors and assigns shall comply with the licensing requirements and provide evidence of said license to the Planning Division prior to the commencement of service of any alcoholic beverages. In the event that there is a conflict between the conditions imposed by the City as part of this CUP approval and those imposed by ABC, the more restrictive provisions shall apply.
7. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the ABC license issued for the Property shall be grounds for revocation of this CUP.
8. The Applicant, and subsequent successors, shall continue to offer full meal/menu service for the bona fide public eating establishment at all times during which beer, wine, and distilled spirits are being served.
9. No signs advertising the sale of beer, wine, distilled spirits, or other products shall be installed on the exterior of the Property, or within the interior of the Property directed and intended to be visible toward the exterior of the Property in accordance with the provisions of the City’s Code.
10. The Applicant and successors shall operate the Property in a safe and sanitary manner at all times, including compliance with curfew and daytime loitering regulations pursuant to the provisions of Title 17 of the City’s Code. Continued or repeated violations of any municipal or health code, or other violation, as determined by the City, Los Angeles County Sheriff’s Department, Los Angeles County Health Services Department, ABC, or Los Angeles County Fire Department, may be grounds for initiation of proceedings for the revocation of this CUP.
11. Pursuant to Section 17.04.100 of the City’s Code, if the use for which this CUP was granted (service of beer, wine, and distilled spirits for on-site consumption) is discontinued for a period of 180 days or more, such use shall not be re-established, and the matter may be referred to the Planning Commission to initiate the proceedings for the revocation of this CUP.
12. Noncompliance with any Condition of Approval shall constitute a violation of the City’s Municipal Code. Violations may be enforced in accordance with the provisions of Title 17 of the City’s Code.
13. Failure to comply with any of the conditions set forth herein, or as subsequently amended in writing by the City, may result in failure to obtain a building final and/or a Certificate of Occupancy until full compliance is reached. The City’s requirement for full compliance may require minor corrections and/or complete demolition of a noncompliant improvement, regardless of costs incurred, where the project does not comply with design requirements and approvals that the applicant agreed to when permits were pulled to construct the project.

14. Current and future property owners, business managers, operators, etc. shall be responsible for ensuring and complying with all conditions of approval contained herein.
15. The Applicant shall operate in accordance with approved plans and specifications on file with the City of Industry Planning Division and shall be in compliance with all conditions of approval of Conditional Use Permit No. CUP-22-04, as approved by the Planning Commission on April 12, 2022.
16. Prior to the start of operations (i.e., alcohol sales), there shall be implementation of the applicable conditions of approval as required by the City, to the satisfaction of the Planning Director, Building Official, Los Angeles County Sheriff's Department and the Los Angeles County Fire Department. No final inspection or clearances shall be given until all conditions are met. Each condition of approval is separately enforced, and if one of the conditions of approval is found to be invalid by a court of law, all the other conditions shall remain valid and enforceable.
17. The Applicant and Property owner shall comply with all provisions for licensing and certification from the Los Angeles County Health Department prior to the start of operations.
18. All current and future business owners shall have a valid business license to operate the restaurant.
19. The business shall comply with all of the conditions of approval that authorizes its operation.
20. Expansion of use beyond the scope and nature described in this Conditional Use Permit No. 22-04, which would increase the projected scale of operations, shall not be permitted except upon application for and approval of modification to this Conditional Use Permit.
21. All uses allowed by the conditional use permit shall be conducted indoors within the approved tenant space. No storage shall take place outdoors.
22. Adequate litter receptacles shall be provided both in and outside the building. All litter shall be removed from the exterior areas around the building as required and no less frequently than once each day this business is open.
23. Employees engaged in the sale or service of alcoholic beverages for on-site consumption shall be at least 21 years old.
24. During the hours of operation, there shall be not less than one employee at least 21 years of age present in a managerial capacity.
25. Applicant 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."
26. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the selling or serving of alcohol.

27. The Applicant and all successors and assigns shall operate the Property as a bona-fide eating place, as defined by 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 the Property, and must comply with all the regulations of the Los Angeles County Health Department.
28. 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.
29. 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.
30. No sale or distribution of alcoholic beverages shall be made from a walk-up window.
31. No display, sale, or distribution of beer or wine, wine coolers or similar alcoholic beverages shall be made from an ice tub, barrel, or similar container.

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 changes, 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 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. 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.
7. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
8. 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.
9. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
10. The hours of operation shall be between the hours of 11:30 A.M. to 3:00 P.M and 5:00PM to 10:30 PM Sunday through Saturday.
11. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
12. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the Property.
13. No illegal drugs or drug paraphernalia shall be on the Property at any time.
14. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
15. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
16. 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.

17. 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.
18. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
19. All perimeter walls, fencing, and common areas shall be maintained by the Property Owner.

Interpretation and Enforcement

1. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
2. The Planning 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.
3. 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.

Indemnification and Hold Harmless Condition for both Development Plan and CUP

1. The Applicant and each of its heirs, successors, and assigns, shall defend, indemnify, and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers, or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the Planning Commission concerning this project. The City shall promptly notify the Applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The Applicant and Property Owner shall file an executed and acknowledged Acceptance of Terms and Conditions of the Conditional Use Permit within 10 days after the approval of said entitlement. The Applicant and Property Owner understand and agree that approval of the Resolution and Conditional Use Permit will be of no force or effect unless such written consent is submitted to the City within the stated 10-day period.

Exhibit G

PowerPoint Presentation

[Attached]

Planning Commission

April 12, 2022



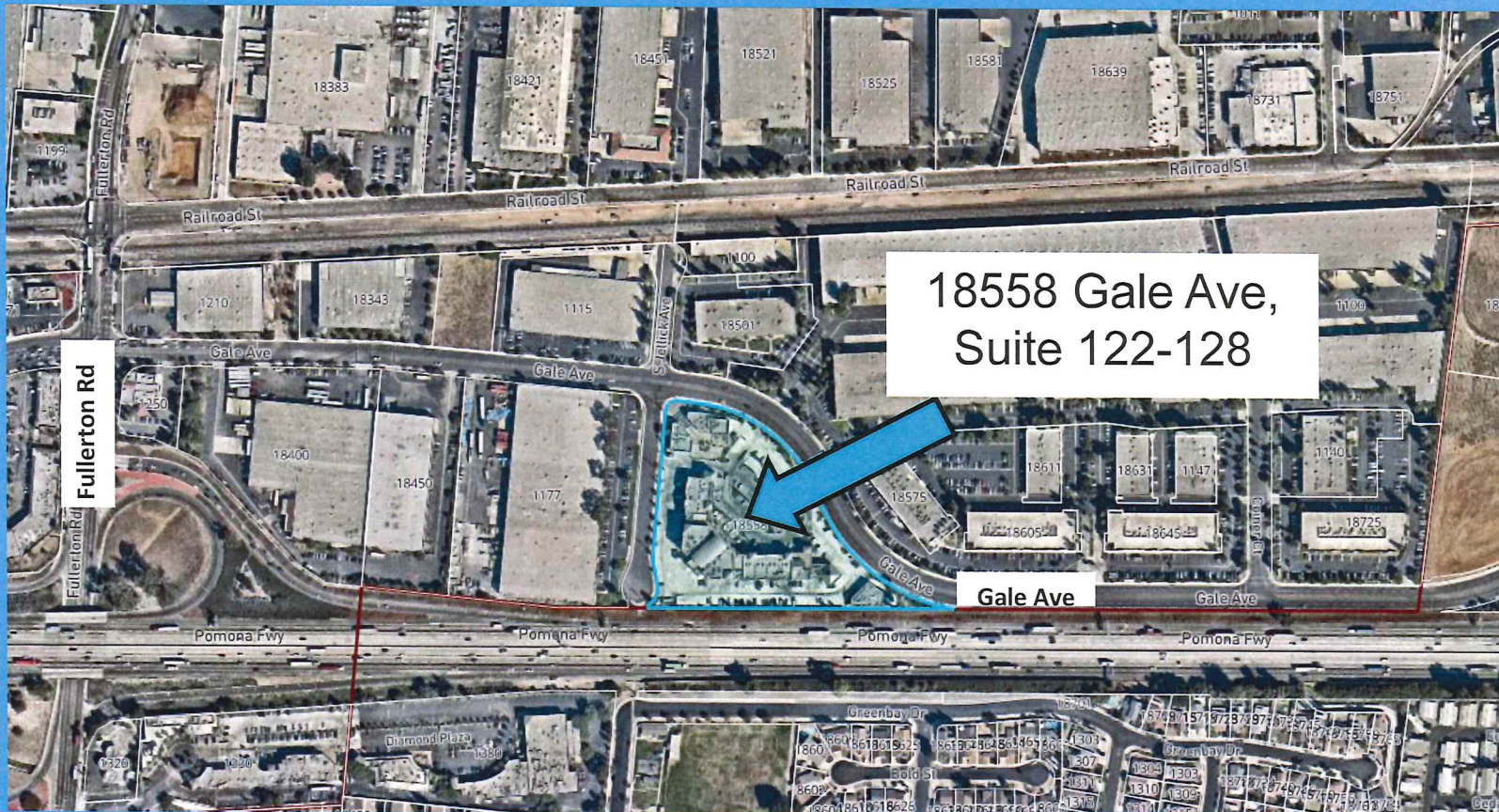


Conditional Use Permit 22-04

Steven Chen, on behalf of The X Pot

18558 Gale Ave, Suite 122-128

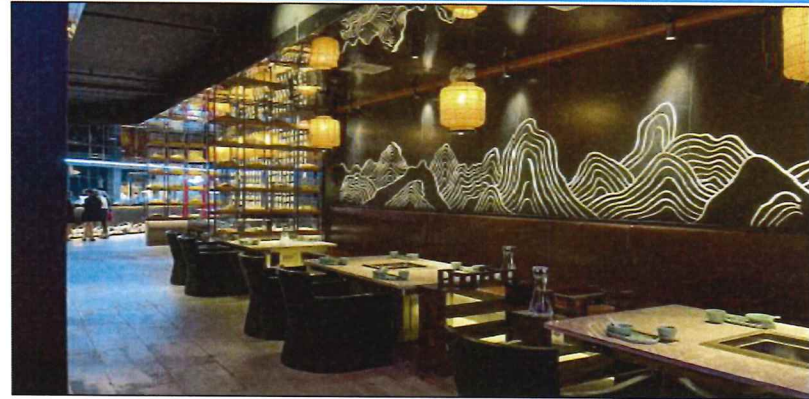
Location Map



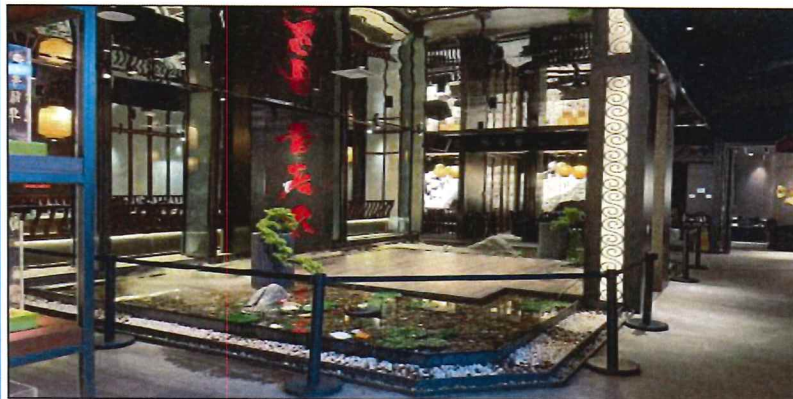
Current Site



Entrance



Interior 2

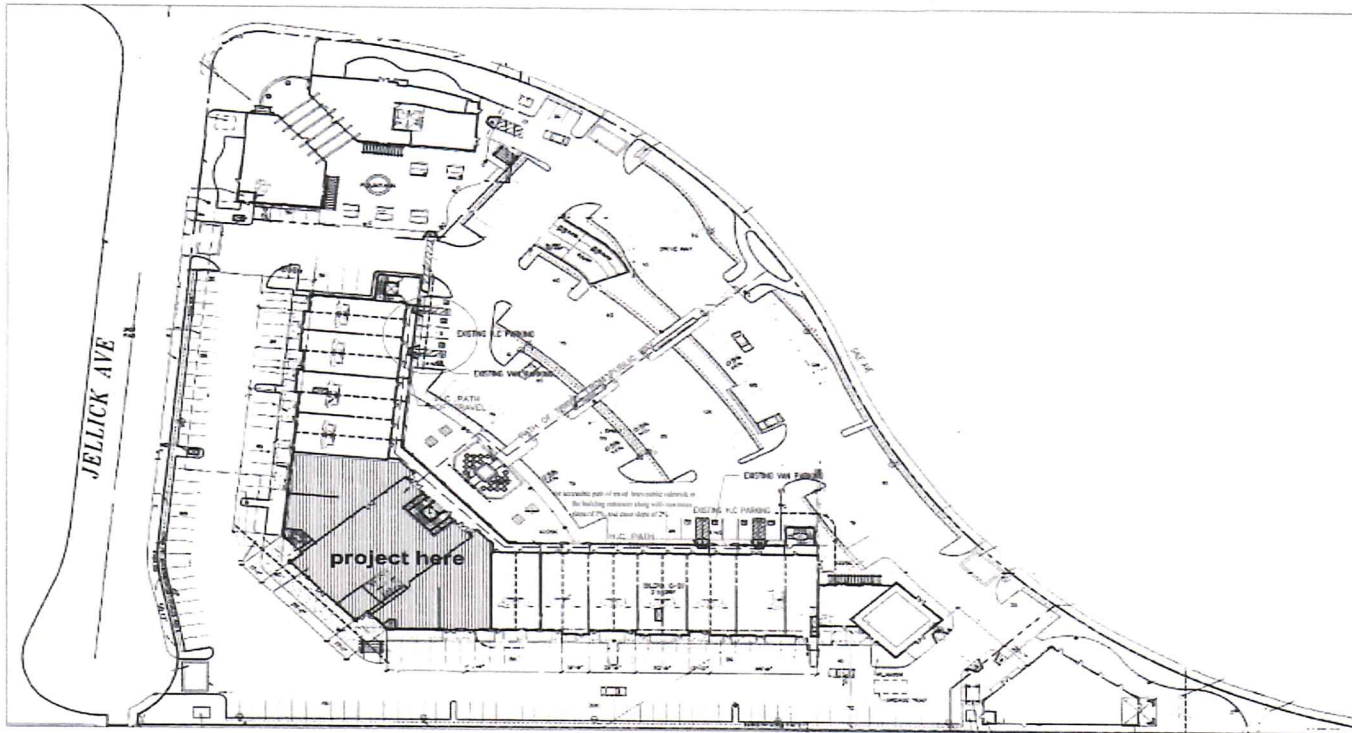


Interior 1



Kitchen

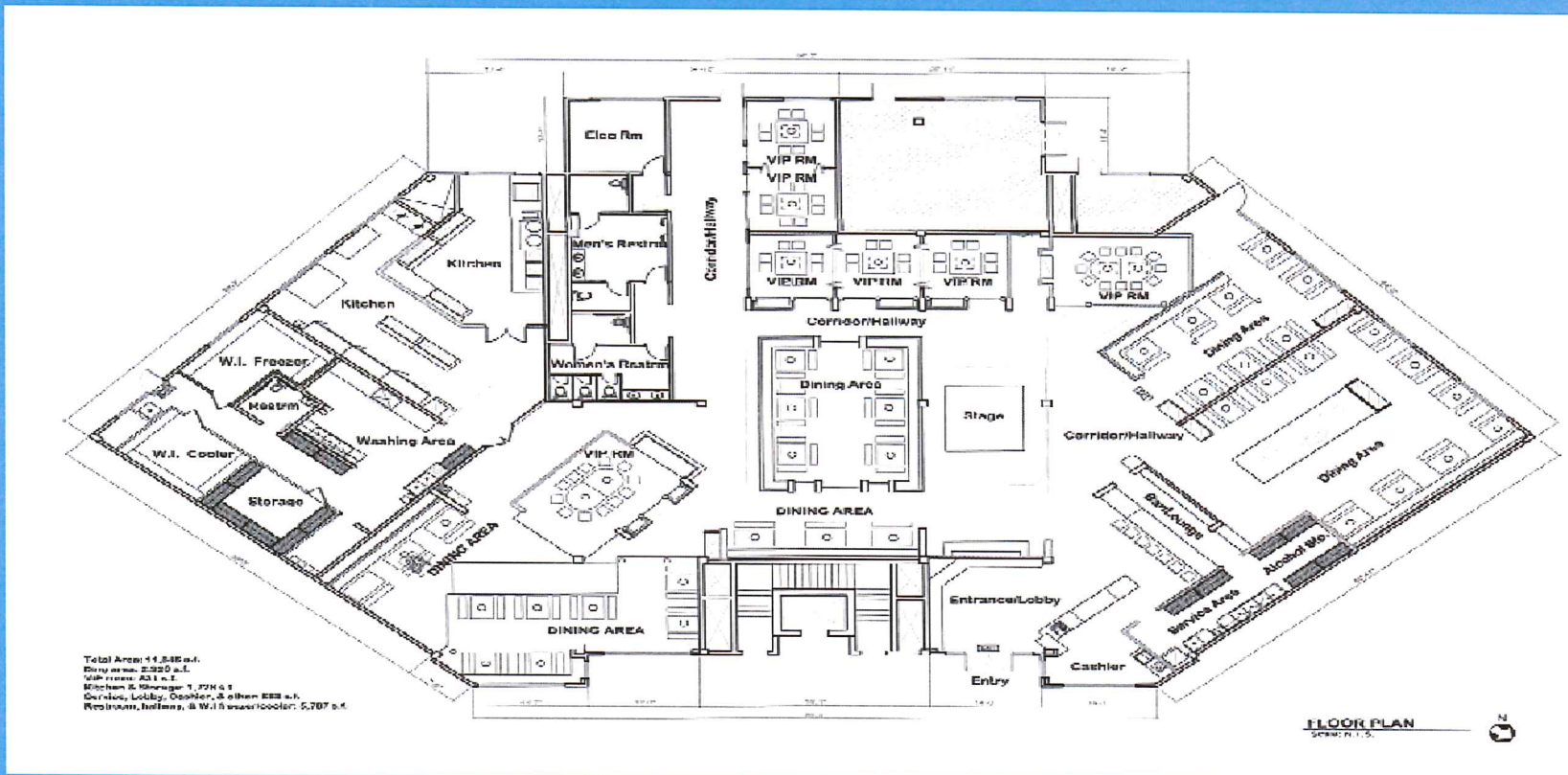
Site Plan



SITE PLAN
Scale: N.T.S.



Floor Plan



Final Staff Analysis:

Staff reviewed this project for potential environmental impacts under the CEQA and determined that the project is exempt from further environmental review. A notice of exemption has been prepared and is attached. Staff recommends that the Planning Commission

- 1) Adopt Resolution No. PC 2022-09 accepting the surrender of Conditional Use Permit 11-4 and approving Conditional Use Permit 22-04 with the Standard Requirements and Conditions of Approval contained in the Resolution.