
PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
AUGUST 8, 2023
11:30 A.M.



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

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

Addressing the Commission:

- ▶ **Agenda Items:** Members of the public may address the Commission on any matter listed on the Agenda. Anyone wishing to speak to the 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 form should be submitted to the City Clerk prior to the Agenda item being called and prior to the individual being heard by the Commission.
- ▶ **Public Comments (Non-Agenda Items):** Anyone wishing to address the 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 Commission from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the 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 City Clerk prior to the Agenda item being called and prior to the individual being heard by the Commission.

At the time of publication, no Commissioners intend to take part in the meeting remotely under the provisions of AB 2449. Should that change between the time of publication and the start of the meeting, a live webcasting of the meeting will be accessible via the link, meeting ID, and meeting passcode listed below. Whenever possible, an announcement will be made at the start of the meeting via the live webcast to confirm whether or not a Commissioner will join remotely. If they will not be joining remotely, then the live webcast will terminate after the announcement.

www.microsoft.com/microsoft-teams/join-a-meeting

Meeting ID: 263 883 455 814

Meeting Passcode: jgyTFs

Or call in (audio only)

+1 657-204-3264, United States

Phone Conference ID: 661 403 897#

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.

1. Call to Order
2. Flag Salute
3. AB 2449 Vote on Emergency Circumstances (if necessary)
4. Roll Call
5. Public Comments
6. **PUBLIC HEARING ITEMS**

- 6.1 Consideration of Resolution No. PC 2023-06 surrendering Conditional Use Permit No. 04-02, and approving Conditional Use Permit No. 23-01, 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 property located at 15257 Gale Ave, City of Industry, California

Consideration of Resolution No. PC 2023-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE, CITY OF INDUSTRY, CALIFORNIA, ACCEPTING THE SURRENDER OF CONDITIONAL USE PERMIT 04-2, AND APPROVING CONDITIONAL USE PERMIT NO. 23-01, TO ALLOW FOR THE OPERATION OF A FULL-SERVICE RESTAURANT WITH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION, AT THE PROPERTY LOCATED AT 15257 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION:
06

Adopt Resolution No. PC 2023-

7. **CITY MANAGER REPORTS**
8. **AB 1234 REPORTS**
9. **COMMISSIONER COMMUNICATIONS**
10. Adjournment. Next regular meeting will be held on Tuesday, September 12, 2023, at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission

From: Joshua Nelson, City Manager

Staff: Eduardo Manriquez, Contract Associate Planner
Mike Poland, Contract Planning Manager

Date: August 8, 2023

Subject: Consideration of Resolution No. PC 2023-06, accepting the surrender of Conditional Use Permit 04-2, and approving Conditional Use Permit No. 23-01, to allow for the sale of beer, wine, and distilled spirits for on-site consumption at La Choza Mexican and Seafood Restaurant, located at 15257 Gale Ave City of Industry, California

Proposal:

Demitrius Zeigler and Alex Woo, on behalf of La Choza Mexican and Seafood Restaurant (“Applicant” or “La Choza”), are requesting approval of Conditional Use Permit (“CUP”) No. 23-01, to allow La Choza Mexican and Seafood Restaurant to upgrade their existing Type 41 ABC License for on-sale beer and wine to a Type 47 ABC License for on-sale beer, wine, and distilled spirits for on-site consumption (“Project”). La Choza Mexican and Seafood Restaurant is located at 15257 Gale Avenue, (“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 beer, wine, and distilled spirits alcohol service.

Project Background:

The Applicant occupies a 2,000 square foot suite that is located within an existing commercial shopping center, that has a combined lot area of 4.57 acres. The commercial center has a mixture of retail, office, restaurant, and fast food uses that have shared parking along with reciprocal access.

On February 2, 2004, the Planning Commission approved CUP 04-2 to allow Bistro Pasqual to operate a 2,000 square foot restaurant with beer and wine sales in a commercial suite located at 15257 Gale Avenue. In February 2017, La Choza obtained a business license to operate a Mexican restaurant with the sale of beer and wine out of the same commercial suite. On May 26, 2017, the ABC approved a transfer of the premise’s Type 41 ABC License for beer and wine sales to La Choza. La Choza has continuously operated as a Mexican restaurant serving and selling beer and wine since May 26, 2017.

At this time La Choza desires to surrender Conditional Use Permit 04-2 for their existing Type 41 ABC License for on-sale sale of beer and wine, and upgrade to a Type 47 ABC License to expand the sale of alcoholic beverages to include distilled spirits for on-site sales and consumption along with their current beer and wine sales.

La Choza offers authentic Mexican and seafood menu items focusing on using fresh and high-quality ingredients. The restaurant operates from 8:00 AM to 12:00 AM daily and employs five individuals.

Location and Surroundings:

As shown on the location map (Exhibit A), La Choza is located within an existing commercial center on the northeast corner of Gale Avenue and Turnbull Canyon Road. The recorded address is 15257 Gale Avenue (APN 8218-009-036). The commercial center is surrounded by industrial uses to the north, commercial uses to the east, Gale Avenue and single family detached residential uses to the south and west which are in the jurisdiction of Los Angeles County.

Staff Analysis:

The Applicant's current Type 41 ABC License restricts La Choza to only selling beer and wine. The Applicant's request is to upgrade the existing Type 41 license to a Type 47 license, which upon approval, will allow the sale of beer, wine, and distilled spirits within the confines of the building. A Type 47 ABC license is defined by the State Department of ABC as a public eating place authorized to sell beer, wine, or distilled spirits for consumption on the licensed premises and is required to meet the following requirements:

- Must operate and maintain the licensed premises as a bona fide eating place.
- Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on premises.
- Minors are allowed on the premises.

As a bona-fide public eating place, food must be available during the same hours of alcohol sales and consumption.

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 "C" (Commercial) Zoning Designation. The proposed use will be established consistent with the City's Municipal Code, and its objectives and purposes, and the development standards and guidelines of the Commercial Zoning District. With approval of the Conditional Use Permit, the Project meets the intent of the Development Code, which is to provide commercial uses to serve local and regional residential and business needs. There is no expansion of floor area or modification to the structure proposed for this Project. Further, La Choza currently serves beer and wine, and is just seeking the addition of distilled spirits.

The Project is consistent with the General Plan Goal LU2, which encourages a competitive business climate and blend of businesses that best serve the long-term economic future.

Furthermore, the Property's land use designation is Commercial, and pursuant to Sections 17.12.025.6 and 17.12.025.14 of the City's Municipal Code, a restaurant with alcohol service is permitted in the City's Commercial Zone, subject to the approval of a Conditional Use Permit. Further, the operating characteristics of amending the CUP to upgrade the existing ABC license from a Type 41 to a Type 47 to allow for the sale of beer, wine, and distilled spirits for on-site consumption at the restaurant is compatible with the existing land uses in the area which include other fast-food restaurants, retail, and commercial services. The tenant space provides adequate room for the operation of the existing 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.

Property

As illustrated on the attached site plan (Exhibit B), the Property the 4.57-acre lot is currently developed with a 49,500 square foot building across multiple parcels that have shared parking and reciprocal access. The restaurant is located within an existing tenant space that is approximately 2,000 square feet. The restaurant is currently operating under CUP 04-2, as a full-service restaurant with the sale of beer and wine (Bistro Pasqual). Now the owners would like to update the current restaurant by adding distilled spirits for onsite consumption. This requires the existing restaurant to obtain a new CUP that includes both a full-service restaurant with alcohol service for the sale of beer, wine, and distilled spirits for onsite consumption. The property owner has provided the City with a notice to surrender CUP 04-2 and agrees to the Conditions of Approval set forth in CUP 23-01. 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 six main driveway entrances that are shared with the entire commercial center. There are five driveways to the south from Gale Avenue and one driveway to the west from Turnbull Canyon Road. The existing driveway entrances are adequate in width and improved as necessary to carry the kind and quantity of traffic such a use would generate. The existing drive aisles and driveways meet the City's minimum requirement of 26 feet in width.

Compatibility

Conditional Use Permit review is required to ensure the compatibility of the proposed use with adjacent uses by identifying potential nuisance activities and establishing measures for mitigation accordingly. The project site is located within a commercial center that consists of fast food and retail uses. Staff believes that the recommended Conditions of Approval will sufficiently mitigate any potential impacts that may be associated with the proposed use. Additionally, businesses within and surrounding the commercial center will not be exposed to any impacts resulting from the alcoholic beverage sales and consumption beyond those that would normally be associated with any other restaurant use within the center and surrounding area. 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 Property. The full-service restaurant with the addition of alcohol sales will also contribute to the economic viability of the shopping center.

Parking

The commercial center currently provides 206 parking spaces. The City's Code requires a minimum of 198 parking spaces. No expansion of the building is being proposed and the approval of this request 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 restaurant is currently restricted to just selling beer and wine for on-site consumption. The Applicant's request is to upgrade their current ABC license to also allow the sale of distilled spirits with beer and wine for on-site consumption. The addition of the sale of distilled spirits for on-site consumption at the 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 July 28, 2023, pursuant to Government Code section 65091.

Fiscal Impact:

Approving Conditional Use Permit 23-01 to allow for the sale of distilled spirits, along with the Applicant's existing beer and wine on-site sales at a full-service restaurant will have a positive fiscal impact to the City.

Recommendation:

The Project 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 2023-06 (Exhibit F) approving Conditional Use Permit 23-01, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

Exhibits:

- A. Location Map - CUP 23-01
- B. Site Plan – CUP 23-01
- C. Floor Plan – CUP 23-01
- D. Notice of Exemption CUP 23-01
- E. Public Hearing Notice
- F. Resolution No. PC 2023-06 recommending Planning Commission approval of Conditional Use Permit No. 23-01 with findings of approval, Standard Requirements and Conditions of Approval.
- G. PowerPoint Presentation

EXHIBIT A

Location Map – CUP 23-01

[Attached]



EXHIBIT B

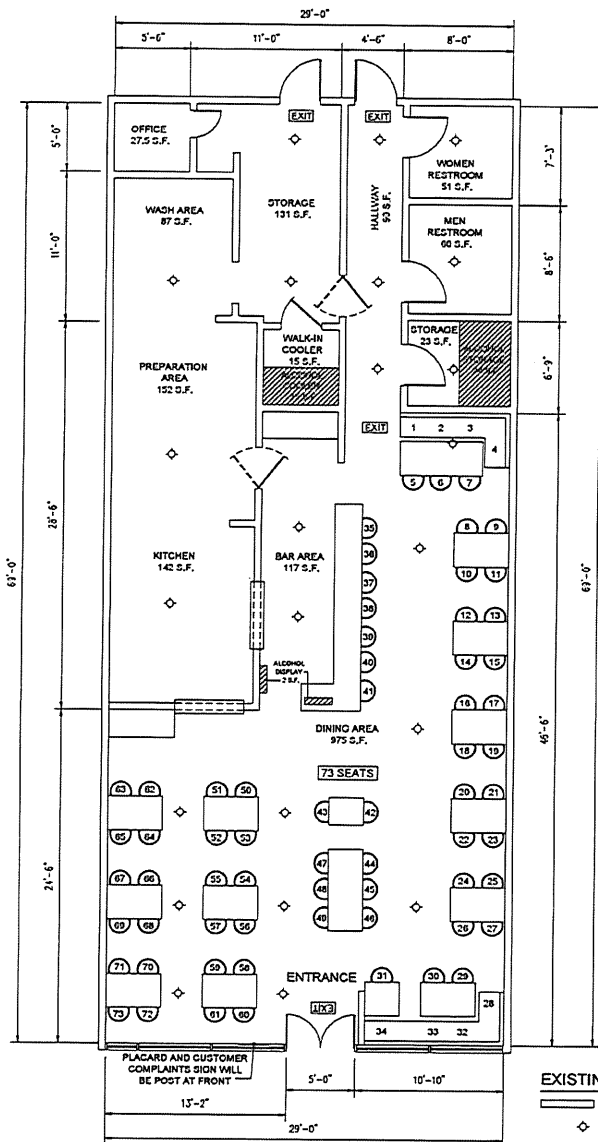
Site Plan – CUP 23-01

[Attached]

EXHIBIT C

Floor Plan – CUP 23-01

[Attached]

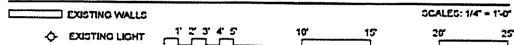


FLOOR AREA: (2,001 S.F.)	
DINING AREA:	975 S.F.
BAR AREA:	117 S.F.
PREPARATION AREA:	152 S.F.
KITCHEN:	142 S.F.
WASH AREA:	84 S.F.
WALK-IN COOLER:	15 S.F.
RESTROOM:	111 S.F.
HALLWAY:	90 S.F.
STORAGE:	154 S.F.
OFFICE:	27 S.F.
ALCOHOL DISPLAY:	2 S.F.
ALCOHOL STORAGE:	24 S.F.
ALCOHOL COOLER:	15 S.F.
OTHERS:	93 S.F.
TOTAL:	2,001 S.F.

SEATING:	
INDOOR:	73 SEATS
TOTAL OF	73 SEATS

PARKING PROVIDED:	206 PARKING SPACE
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EXISTING FLOOR PLAN (2,001 SQ.FT.)



REVISIONS	BY

GENESIS CONSULTING INC.
 3600 WILSHIRE BLVD. STE. 1510
 LOS ANGELES, CA 90010
 OFFICE 213-228-3288
 WWW.GCI.COM

OWNER/ARCHITECT
LA CHOZA INC
 15257 GALE AVE
 CITY OF INDUSTRY, CA 91745
 TEL: 626-333-4600

PROJECT/OWNER
LA CHOZA MEXICAN & SEAFOOD RESTAURANT
 15257 GALE AVE
 CITY OF INDUSTRY, CA 91745

DATE	08-28-2022
SCALE	3/8" = 1'-0"
DRAWN	
FOR	
SHEET	

A-2

Exhibit D

Notice of Exemption - CUP 23-01

[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: La Choza Mexican and Seafood
Restaurant, Conditional Use Permit 23-01

Project Location - Specific: 18558 Gale Avenue

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

Description of Project: Consideration of a resolution accepting the surrender of Conditional Use Permit 04-2, and approving Conditional Use Permit No. 23-01, to allow for the sale of beer, wine, and distilled spirits for on-site consumption at La Choza Mexican and Seafood Restaurant, located at 15257 Gale Ave City of Industry, California.

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

Name of Person or Agency Carrying Out Project: Demetrius
Zeigler and Alex Woo, on behalf of La Choza Mexican and
Seafood Restaurant

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: Eduardo Manriquez

Date: August 8, 2023

Title: Contract Associate Planner

Exhibit E

Public Hearing Notice – CUP 23-01

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 23-01

On July 28, 2023, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Demetrius Zeigler and Alex Woo, on behalf of La Choza Mexican and Seafood Restaurant for consideration of a Resolution of the Planning Commission of the City of Industry, California, accepting the surrender of Conditional Use Permit 04-02, and approving Conditional Use Permit No.23-01 ("CUP No. 23-01").

Project Location: The property located at 15257 Gale Avenue, further described as Assessor's Parcel Number 8218-009-036 ("Property"). The project site has a zoning designation of "C" Commercial.

Project Description: Consideration of a Resolution of the Planning Commission of the City of Industry, California, accepting the surrender of Conditional Use Permit 04-2 for their existing Type 41 ABC License for on-sale sale of beer and wine, and approving Conditional Use Permit No. 23-01, to upgrade to a Type 47 ABC License on-sale of distilled spirits and beer and wine for on-site consumption at La Choza Mexican and Seafood 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 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, Contract Associate Planner, 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: August8,2023
Place: City Council Chamber
15651 Mayor Dave Way
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 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 2023-06

[Attached]

RESOLUTION NO. PC 2023-06

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, ACCEPTING THE SURRENDER OF CONDITIONAL USE PERMIT 04-2, AND APPROVING CONDITIONAL USE PERMIT NO. 23-01, TO ALLOW FOR THE OPERATION OF A FULL-SERVICE RESTAURANT WITH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS FOR ON-SITE CONSUMPTION, AT THE PROPERTY LOCATED AT 15257 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Mr. Demitrius Zeigler and Alex Woo, on behalf of La Choza Mexican and Seafood Restaurant (“Applicant” or “La Choza”), filed a complete application for Conditional Use Permit (“CUP”) No. 23-01, requesting approval of the sale of beer, wine, and distilled spirits for on-site consumption, at La Choza (“Project”), located at 15257 Gale Ave, further described as Assessor’s Parcel Number 8218-009-036 (“Property”); and

WHEREAS, La Choza is located within an existing 49,500 square foot commercial center with retail and fast-food uses; and

WHEREAS, on February 2, 2004, the Planning Commission approved CUP 04-2 to allow Bistro Pasqual to operate a 2,000 square foot restaurant with a Type 41 ABC License for beer and wine sales in the commercial suite currently occupied by La Choza; and

WHEREAS, on February 2, 2004, the Planning Commission approved CUP 04-2 to allow Bistro Pasqual to operate a 2,000 square foot restaurant with beer and wine sales in a commercial suite located at 15257 Gale Avenue;

WHEREAS, in February 2017, La Choza obtained a business license to operate a Mexican restaurant with the sale of beer and wine out of the same commercial suite located at 15257 Gale Avenue; and

WHEREAS, on May 26, 2017, the ABC approved a transfer of the premise’s Type 41 ABC License for beer and wine sales to La Choza; and

WHEREAS, La Choza has continuously operated as a Mexican restaurant serving and selling beer and wine since May 26, 2017; and

WHEREAS, at this time La Choza desires to surrender Conditional Use Permit 04-2 for their existing Type 41 ABC License for on-sale sale of beer and wine, and

upgrade to a Type 47 ABC License to expand the sale of alcoholic beverages to include distilled spirits for on-site sales and consumption along with their current beer and wine sales.

WHEREAS, to ensure compliance with the proposed CUP (No. 23-01), the Applicant desires to surrender the current CUP (No. 04-2) for the Property. Upon approval of the new CUP (No. 23-01), CUP No. 04-2 will no longer be valid, and the Applicant will be required to comply with the conditions of the new CUP (23-01); and

WHEREAS, in accordance with Section 17.12.025.14 of the City's Municipal Code ("Code"), a CUP is required to operate a full-service restaurant with the sale of alcoholic beverages (the sale of beer, wine, and distilled spirits for on-site consumption); and

WHEREAS, the existing CUP allows for the sale of beer and wine and the proposed Project is to allow the addition of the sale of distilled spirits for on-site consumption; and

WHEREAS, the Project 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 the approval of a CUP. Furthermore, 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 the shopping center where La Choza is located is a commercial center with a mix of retail 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(a) (Class 1 Existing Facilities) of the CEQA Guidelines because the addition of the sale of distilled spirits for on-site consumption at an existing full-service restaurant that already offers beer and wine, is only a negligible expansion of the existing 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 August 8, 2023, public hearing on CUP No. 23-01 was published in the *San Gabriel Valley Tribune* on July 28, 2023, 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 July 28, 2023; and

WHEREAS, on July 28, 2023, notice of the Planning Commission's August 8, 2023 public hearing on CUP No. 23-01 was also mailed to each property owner within 300 feet of the Project site; and

WHEREAS, on August 8, 2023, 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. 04-2. As of the effective date of this resolution, CUP No. 04-2 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(a) (Class 1 Existing Facilities) 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 distilled spirits for on-site consumption at an existing restaurant that currently serves beer and wine is only a negligible expansion of the existing 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 August 8, 2023, public hearing, including public testimony and written and oral staff reports, the Planning 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's land use designation is Commercial, and pursuant to Section 17.12.025.14 of the City's Municipal Code, a restaurant with alcohol service is permitted in the City's Commercial Zone, subject to the approval of a Conditional Use Permit. Further, the operating characteristics of amending the CUP to upgrade the existing ABC license from a Type 41 to a Type 47 to allow for the sale of beer, wine, and distilled spirits for on-site consumption at the restaurant is compatible with the existing land uses in the area which include other fast-

food restaurants, retail, and commercial services. The tenant space provides adequate room for the operation of the existing 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.

Also, the Project is consistent with the General Plan Goal LU2, which encourages a competitive business climate and blend of businesses that best serve the long-term economic future.

(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, and La Choza already operates at the Property. 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 Property provides adequate circulation and parking for the Project, 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 six 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 49,500 square foot shopping center requires 198 parking spaces but has a total of 206 parking spaces. No expansion of the building is being proposed, and the approval of CUP 23-01 will not require additional parking spaces.

(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 fast-food and retail uses. The Project will complement the adjacent uses and will provide a dining service for visitors of the shopping center and commuters traveling along Gale Avenue. 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

February 2017 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. 23-01 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 August 8, 2023, 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 23-01

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 23-01

Applicant: Demitrius Zeigler and Alex Woo, on behalf of La Choza Mexican and Seafood Restaurant

Location: 15257 Gale Avenue

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. 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 23-01, as approved by the Planning Commission on August 8, 2023.
4. 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.
5. 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.

6. The Property Owner shall surrender CUP No. 04-2, as of the effective date of Resolution No. PC 2023-06. As of the effective date of the Resolution approving CUP No. 23-01, CUP No. 04-2 shall become null and void, and all rights and privileges granted under the CUP shall be of no further force or effect.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. Pursuant to Section 17.04.100 of the City's Code, if the use for which this CUP is 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.

14. 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.
15. 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.
16. Current and future property owners, business managers, operators, etc. shall be responsible for ensuring and complying with all conditions of approval contained herein.
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. 23-01, 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.

32. 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.
33. 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).
34. 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.
35. All trash containers shall be kept inside a building or in a designated trash enclosure.
36. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
37. 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.

38. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
39. 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.
40. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
41. The hours of operation shall be between the hours of 08:00 A.M. to 12:00AM. Monday through Sunday.
42. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
43. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the Property.
44. No illegal drugs or drug paraphernalia shall be on the Property at any time.
45. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
46. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
47. 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.

48. 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.
49. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
50. All perimeter walls, fencing, and common areas shall be maintained by the Property Owner.

Interpretation and Enforcement

51. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
52. 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.
53. 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

54. 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 environmental review/approvals concerning this project. The City shall promptly notify the Applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
55. 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

CITY OF
INDUSTRY

August 8, 2023

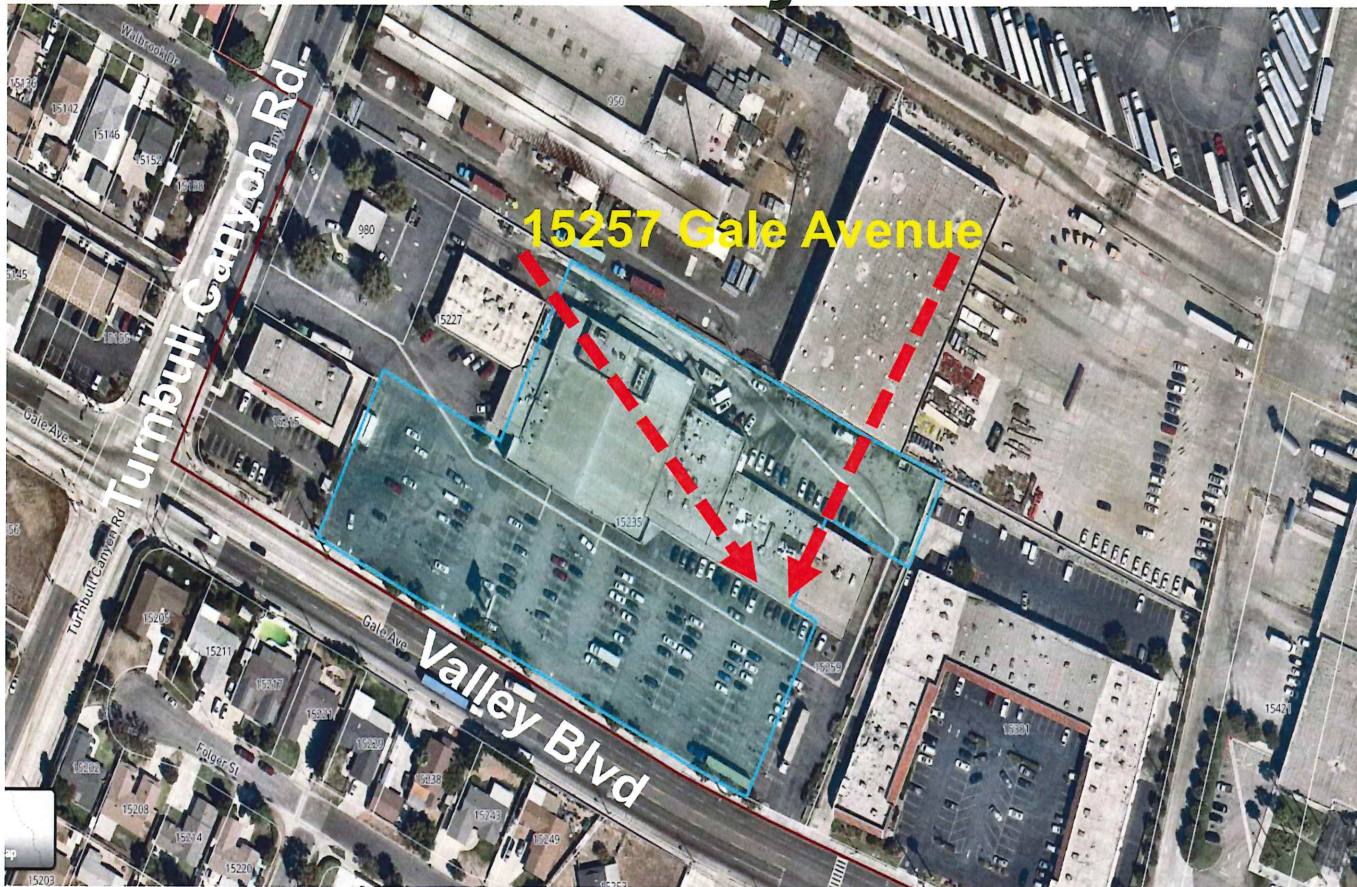


Conditional Use Permit 23-01

Demitrius Zeigler and Alex Woo, on behalf of La Choza Mexican and Seafood Restaurant are requesting approval of Conditional Use Permit No. 23-01, to allow La Choza Mexican and Seafood Restaurant to upgrade their existing Type 41 ABC License for on-sale beer and wine to a Type 47 ABC License for on-sale beer, wine, and distilled spirits for on-site consumption at 15257 Gale Avenue



Project Location



- 4.57 acres
- Bound by Valley Blvd to the south and Turnbull Canyon Rd to the west.
- La Choza Mexican and Seafood Restaurant is located on the east side of the property

Conditional Use Permit 23-01

- Restaurants with alcohol service requires a Conditional Use Permit in accordance with Municipal Code Section 17.12.025.14.
- The request is for an upgrade to the existing ABC license from a type 41 to a type 47 to allow for the sale of beer, wine, and distilled spirits for on-site consumption

General Plan and Zoning Designations

- The project site has a Commercial General Plan Land Use Designation. Allowable uses in the Commercial Land Use Designation include a mixture of commercial (retail, service, and tourist-serving), medical, professional office, entertainment, fitness, and dining uses. Also, any of the uses permitted in the Employment land use designation when zoned appropriately.
- The Zoning Designation of the project is Commercial.



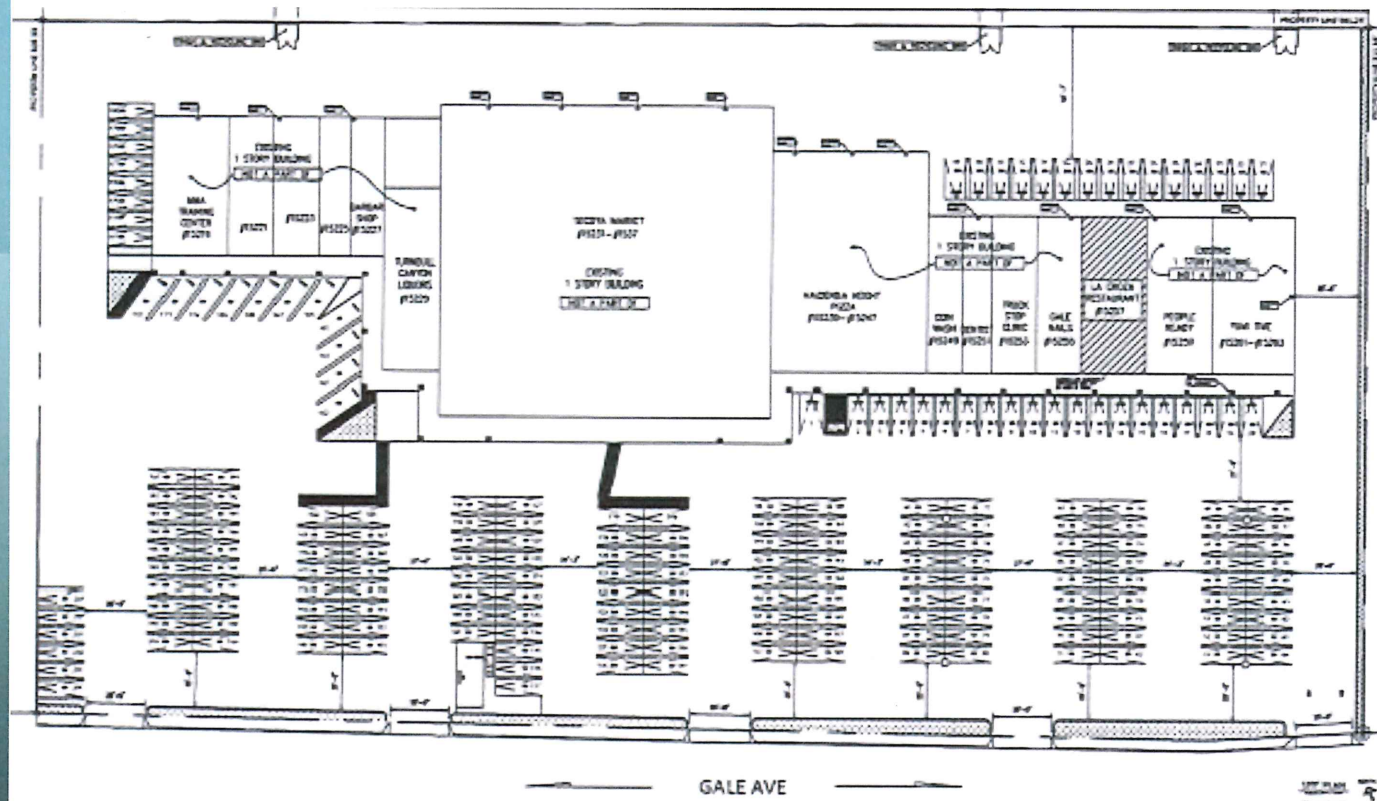
Background

- On February 2, 2004, the Planning Commission approved CUP 04-2 to allow Bistro Pasqual to operate a 2,000 square foot restaurant with beer and wine sales in a commercial suite located at 15257 Gale Avenue.
- In February 2017, La Choza obtained a business license to operate a Mexican restaurant with the sale of beer and wine out of the same commercial suite.
- At this time La Choza desires to surrender Conditional Use Permit 04-2 for their existing Type 41 ABC License for on-sale sale of beer and wine, and upgrade to a Type 47 ABC License to expand the sale of alcoholic beverages to include distilled spirits for on-site sales and consumption along with their current beer and wine sales.

Surrounding Uses

- Adjacent uses include Hacienda Heights Pizza Co, Secoya Market, Coin Laundry, and Yumi Time to name a few within and around the shopping center

Site Plan

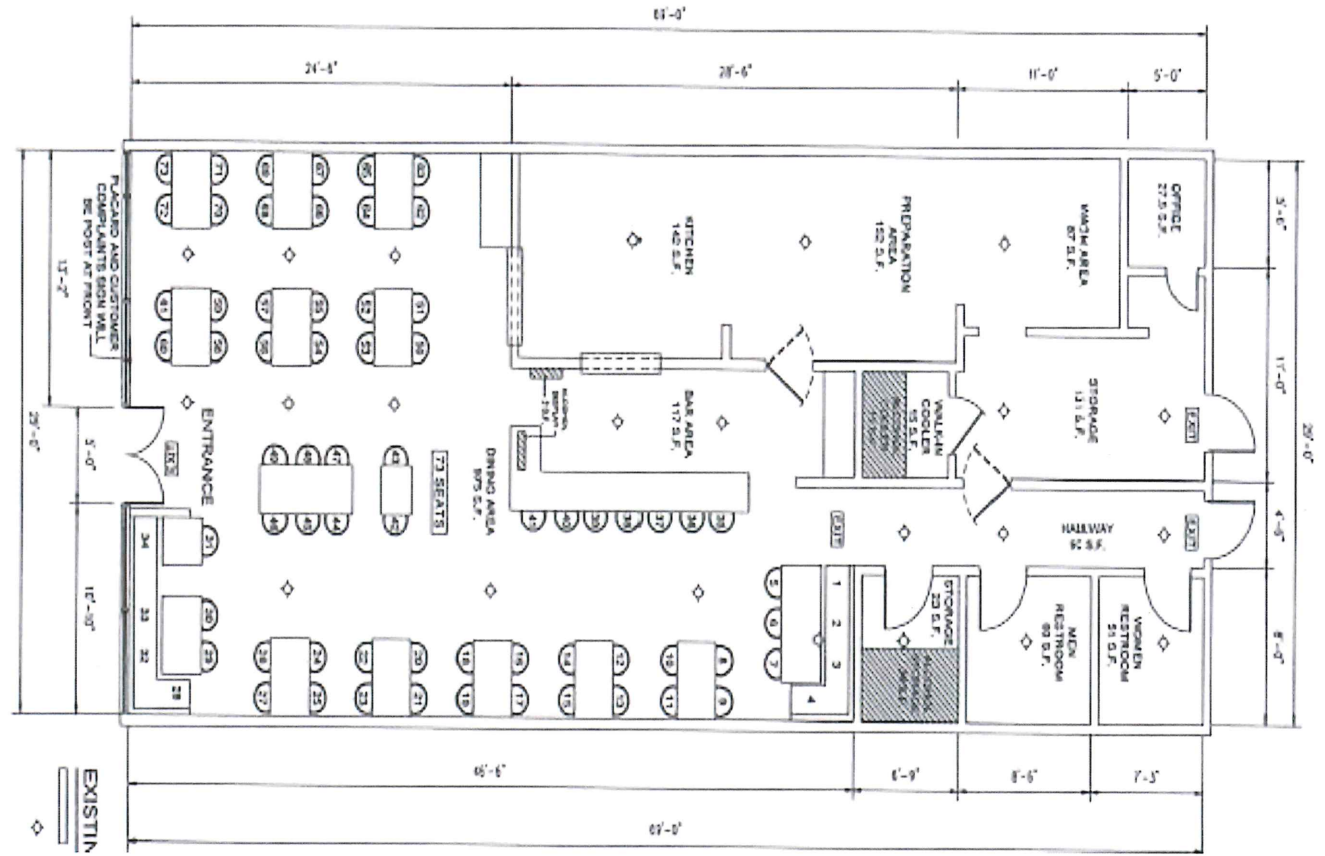


La Choza

- La Choza offers authentic Mexican and seafood menu items focusing on using fresh and high-quality ingredients. The restaurant operates from 8:00 AM to 12:00 AM daily and employs five individuals.



Floor Plan





Development Standards

- The Project complies with the development standards (parking, access, setbacks and landscaping) of the City's Code, it does not pose a significant impact on the environment, and satisfies the required findings outlined in Resolution No. PC 2023-06.

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Environmental Review

- 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 restaurant is currently restricted to just selling beer and wine for on-site consumption. The Applicant's request is to upgrade their current ABC license to also allow the sale of distilled spirits with beer and wine for on-site consumption. The addition of the sale of distilled spirits for on-site consumption at the 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.

Recommendation

- Find that the Proposed Project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (Class 1 Existing Facilities) of the CEQA Guidelines; and
- Adopt Resolution No. PC 2023-06 (Exhibit F) approving Conditional Use Permit No. 23-001, with the Standard Requirements and Conditions of Approval, and Notice of Exemption regarding same.

