
PLANNING COMMISSION

CITY OF INDUSTRY

SPECIAL MEETING AGENDA
FEBRUARY 06, 2024
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 (Agenda Items Only): *During public comments, if you wish to address the Planning Commission during this Special Meeting, under Government Code Section 54954.3(a), you may only address the legislative body concerning any item that has been described in the notice for the Special Meeting. 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*

At the time of publication, no Commissioners intend to take part in the special 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: 232 879 673 192

Meeting Passcode: Dybpcv

Or call in (audio only)

+1 657-204-3264, United States

Phone Conference ID: 666 916 682#

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. **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.

- 6.1 Consideration of Resolution No. PC 2024-03 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE VACATION OF KAPLAN AVENUE AND THE DISPOSITION OF THE REAL PROPERTY THEREIN CONFORM TO THE CITY OF INDUSTRY GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

RECOMMENDED ACTION:

Adopt Resolution No. PC 2024-03

7. **PUBLIC HEARING ITEMS**

- 7.1 Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment No. 22-02 to change the General Plan Land Use Designation from Commercial to Employment for Assessor's Parcel Numbers 8250-001-011, and 8250-001-012, Zone Change No. 22-02 to change the zoning classification from Commercial (C) to Industrial (M) for Assessor's Parcel Numbers 8250-001-011, and 8250-001-012, Tentative Parcel Map No. 22-01 (TPM 083978) to merge seven (7) existing parcels into a single 10.09-acre parcel, and Development Plan Application No. 22-07 for the proposed construction of a 205,460 square-foot tilt-up concrete industrial building and associated improvements.

This item has been removed from the agenda. The item will be re-noticed for a future meeting.

7.2 Consideration of a Resolution approving Conditional Use Permit No. 23-07, for a Class 41 ABC License to allow for the sale of beer and wine at an existing restaurant called Gourd Bro, located at 18007 Gale Ave, City of Industry, California, the adoption of a Notice of Exemption the regarding same, and making findings in support thereof

RECOMMENDED ACTION: Adopt Resolution No. PC 2024-04 approving Conditional Use Permit 23-07, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

8. **CITY MANAGER REPORTS**

9. **AB 1234 REPORTS**

10. **COMMISSIONER COMMUNICATIONS**

11. Adjournment. Next regular meeting will be held on Tuesday, March 12, 2024, at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

TO: Planning Commission
FROM: Joshua Nelson, City Manager
STAFF: Mathew Hudson, Engineering Manager; John Kao, Sr. Project Engineer, CNC Engineering
DATE: 02/06/2024
SUBJECT: Consideration of Resolution No. PC 2024-03 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE VACATION OF KAPLAN AVENUE AND THE DISPOSITION OF THE REAL PROPERTY THEREIN CONFORM TO THE CITY OF INDUSTRY GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402

Project Background:

Kaplan Avenue is a cul-de-sac street with an approximate length of 600 feet and is accessible by Echelon Avenue and Amar Road. Kaplan Avenue is designated as a local street in the City's Circulation Element and is designated as an easement granted to the City, recorded on February 5, 1979, for street and highway purposes.

On December 19, 2023, "Notice of Intent to Vacate Kaplan Avenue" utility letters were sent to all existing easement holders in and across Kaplan Avenue. The required thirty-day notice to respond has expired. Since the date of these letters, no notifications from these utility companies requesting to reserve their easements have been received. Furthermore, each utility company was contacted on January 23, 2024, to verify their responses and/or non-responses.

Discussion:

The vacation of Kaplan Avenue is part of a future development that is to come before the Commission. Kaplan Avenue would be in conflict with this proposed future development. Once the City Council approves the vacation of Kaplan Avenue, it will revert back to the current landowner.

Fiscal Impact:

The proposed street vacation of Kaplan Avenue has no fiscal impact to the City.

Recommendation:

Pursuant to Government Code Section 65402, it is necessary for the Planning Commission to find that the vacation is consistent with the City's General Plan. The vacation of Kaplan Avenue is specifically consistent with the following aspects of the General Plan:

Vision: Provide prudent public ownership, improvement, and strategic partnerships to achieve the City's economic development and revitalization goals.

The proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and

stimulate the master planned development of an approximately 0.66 acre site.

LU2-2 Attract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share growing sectors of the regional and global economy. Encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business.

LU2-3 Encourage the consolidation of smaller lots and large industrial lots to be occupied by a single tenant as opposed to multiple tenants.

At this time staff recommends that the Planning Commission find that this vacation is consistent with the City's General Plan pursuant to California Government Code Section 65402.

It is hereby recommended that the Planning Commission approve and adopt Resolution No, PC 2024-03 pertaining to the summary vacation of Kaplan Avenue.

Attachments

- A. Resolution No. PC 2024-03
- B. Exhibit A Legal Description of Road Vacation
- C. Exhibit B Map of Kaplan Avenue Street Vacation

RESOLUTION NO. PC 2024-03**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FINDING THAT THE VACATION OF KAPLAN AVENUE AND THE DISPOSITION OF THE REAL PROPERTY THEREIN CONFORM TO THE CITY OF INDUSTRY'S GENERAL PLAN PURSUANT TO CALIFORNIA GOVERNMENT CODE SECTION 65402**

WHEREAS, in 1979, a Certificate of Acceptance was recorded for the Easement Grant Deed granting Kaplan Avenue as an easement to the City of Industry for street and highway purposes; and

WHEREAS, the vacation of Kaplan Avenue ("Property") is part of a future development project that will be considered by the Planning Commission at a later date. The Property is legally defined in Exhibit "A" and shown on Exhibit "B", both of which are attached hereto, and incorporated herein by reference; and

WHEREAS, Streets and Highways Code Section 8312 authorize the City Council to summarily vacate a street for street or highway or public purposes; and

WHEREAS, Government Code § 65402 requires the Planning Commission to determine whether the location, purpose, and extent of said vacation of the Property conforms to the City's General Plan; and

WHEREAS, the City's General Plan classifies the location of the Property as Industrial, and the City's Zoning Code designates the Property as Industrial; and

WHEREAS, the Planning Commission has reviewed the proposed vacation of the Property and finds that it conforms to the following aspects of the City's General Plan because the proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of an approximately 0.66 acre site, thereby fulfilling the guiding vision set forth in the City's General Plan, which provides that the City will "[p]rovide prudent public ownership, improvement, and strategic partnerships to achieve the City's economic development and revitalization goals. Further, the proposed vacation of the Property also allows the City to "

attract the establishment and continuation of businesses that bring new jobs and improve sales tax revenue, particularly those that increase the City's share growing sectors of the regional and global economy. Encourage businesses that contribute to a professional environment and enhance the overall value of the City of Industry as a place to conduct business. Which is accordance with Policy LU2-2 of the City's General Plan. Moreover, the vacation encourages the consolidation of smaller lots and large industrial lots to be occupied by a single tenant as opposed to multiple tenants, consistent with Policy LU2-3 of the General Plan.

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, findings and conclusions set forth above are true and correct.

SECTION 2: In accordance with, and pursuant to the requirements of California Government code 65402(a), the Planning Commission hereby finds that the proposed vacation of the Property conforms to the City's General Plan because the proposed vacation allows the City to dispose of unneeded, remnant street right-of-way and stimulate the master planned development of approximately 0.66 acre site (Vision, LU2-2, and LU2-3) and the vacation of remnant right-of-way will not alter existing street patterns, alter roadway capacity, require amendment of the Roadway Classification Plan of the Circulation Element, or alter or reduce level of service performance (LOS) and emergency access in any manner.

SECTION 3: 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 4: The Planning Commission hereby directs the Secretary of the Planning Commission to transmit a full, true and correct copy to the City Clerk.

SECTION 5: That the City Clerk shall certify to the adoption of this Resolution and that the same shall be in full force and effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on February 6, 2024 by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Jacob Cortez, Chairman

ATTEST:

Julie Gutierrez-Robles, Secretary

EXHIBIT "A"

ROADWAY VACATION

REAL PROPERTY SITUATED IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

THAT PORTION OF KAPLAN AVENUE AS SHOWN PER PARCEL MAP NO. 129, IN THE CITY OF INDUSTRY, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 107 PAGES 45 AND 46 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING WESTERLY OF THE WEST LINE OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT RECORDED OCTOBER 11, 1955, AS INSTRUMENT NO. 3987, IN BOOK 49201, PAGE 389 OFFICIAL RECORDS, AS SHOWN ON SAID MAP BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS.

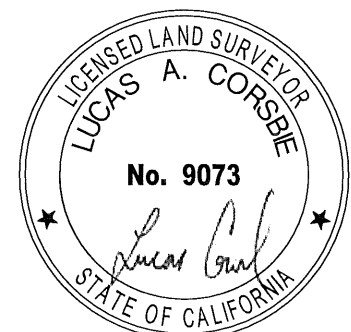
COMMENCING ALONG THE CENTERLINE OF KAPLAN AVENUE WITH ITS INTERSECT OF THE CITY/COUNTY BOUNDARY LINE, AS SHOWN PER SAID PARCEL MAP PARCEL MAP NO. 129; THENCE WEST ALONG SAID CENTERLINE NORTH 85°39'38" WEST 30.00 FEET TO A POINT OF INTERSECTION WITH THE WEST LINE OF THE LOS ANGELES COUNTY FLOOD CONTROL DISTRICT EASEMENT RECORDED OCTOBER 11, 1955 AS INSTRUMENT NO. 3987 IN BOOK 49201, PAGE 389 OF OFFICIAL RECORDS, SAID INTERSECTION BEING PARALLEL WITH AND DISTANT 30.00 FEET WESTERLY AS MEASURED AT RIGHT ANGLES FROM THE CITY/COUNTY BOUNDARY LINE AND THE **TRUE POINT OF BEGINNING** FOR THIS DESCRIPTION;

THENCE NORTH 04°11'12" EAST, 25.22 FEET TO A POINT OF CUSP WITH A NON-TANGENT CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 29.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 26°57'39" EAST; THENCE SOUTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 31°18'01", AN ARC DISTANCE OF 15.84 FEET TO A TANGENT LINE; THENCE ALONG SAID TANGENT LINE NORTH 85°39'38" WEST, 526.68 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY HAVING A RADIUS OF 60.00 FEET; THENCE WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 35°54'14", AN ARC DISTANCE OF 37.60 FEET TO THE BEGINNING OF REVERSE CURVE CONCAVE EASTERLY HAVING A RADIUS OF 40.00 FEET, A RADIAL LINE TO SAID POINT BEARS SOUTH 40°14'36" WEST; THENCE NORTHWESTERLY SOUTHERLY AND NORTHEASTERLY ALONG SAID REVERSE CURVE THROUGH A CENTRAL ANGLE OF 251°48'28", AN ARC DISTANCE OF 175.79 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF 60.00 FEET A RADIAL TO SAID POINT BEARS NORTH 31°33'52" WEST; THENCE NORTHEASTERLY ALONG SAID LAST MENTIONED REVERSE CURVE THROUGH A CENTRAL ANGLE OF 35°54'14", AN ARC DISTANCE OF 37.60 FEET TO A TANGENT LINE; THENCE ALONG SAID TANGENT LINE SOUTH 85°39'38" EAST, 526.94 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHERLY HAVING A RADIUS OF 29.00 FEET; THENCE EASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 30°59'41", AN ARC DISTANCE OF 15.69 FEET ; THENCE NORTH 04°11'12" EAST 25.14 FEET TO THE **TRUE POINT OF BEGINNING**.

SAID ROADWAY VACATION HAVING AN AREA OF 28,806 SQUARE FEET, OR 0.6613 ACRES MORE OR LESS.

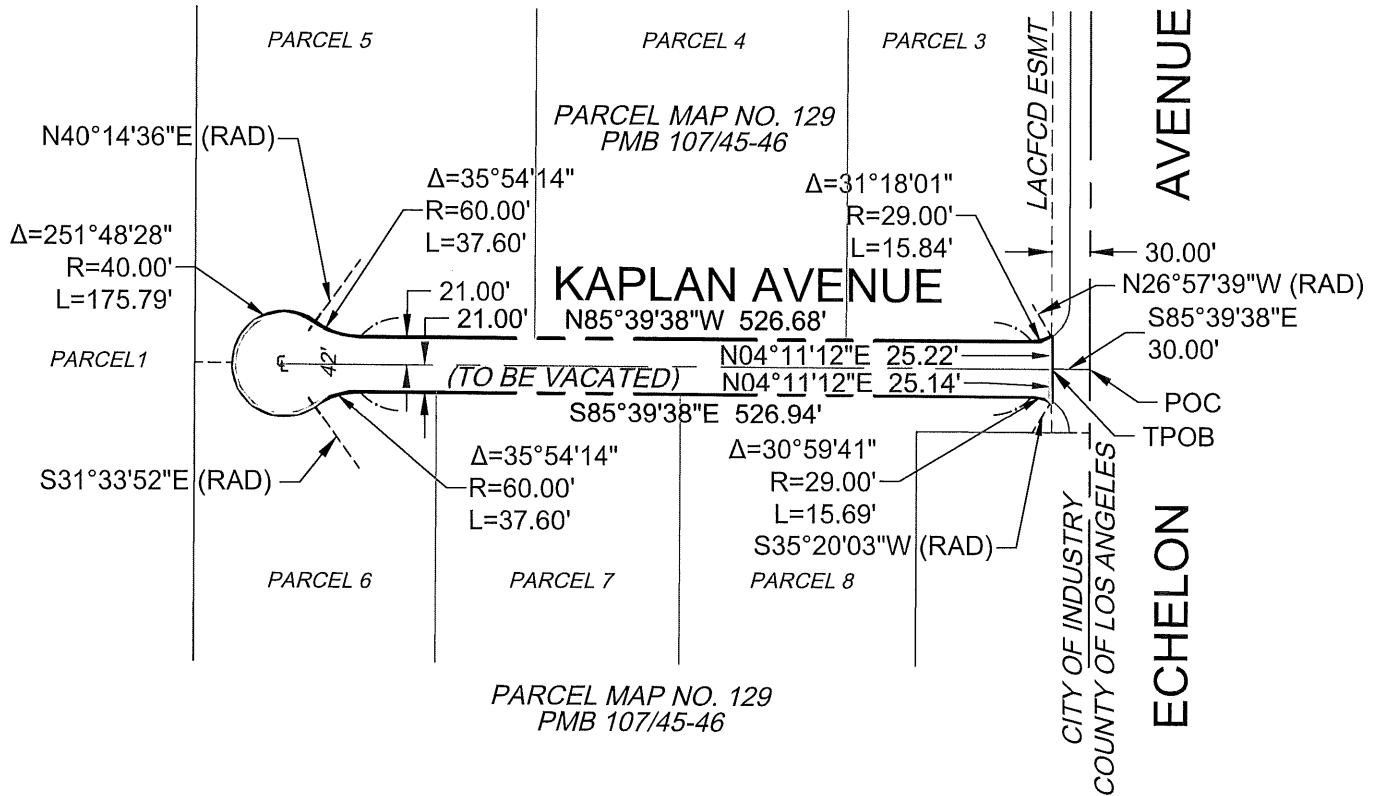
AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

LUCAS A. CORSBIE
CALIFORNIA PLS NO. 9073
FOR AND ON BEHALF OF WARE MALCOMB
10 EDELMAN
IRVINE, CALIFORNIA 92618
P 949.660.9128



Nov 07, 2023

EXHIBIT "B"



LEGEND

STREET VACATION BOUNDARY	
ROAD CENTERLINE	
EXISTING EASEMENT LINE	
PARCEL LINES	

REFERENCES

- PARCEL MAP No. 129
- BOOK 107 OF MAPS 45-46

NOTE: CURVE DATA WHERE KAPLAN AVENUE MEETS ECHELON AVENUE WERE ADJUSTED TO THE CURVES THAT WERE TANGENT WITH THE ADJACENT LINES

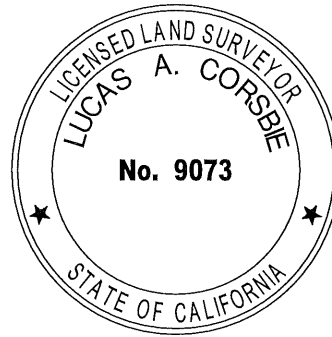
THIS DESCRIPTION HAS BEEN PREPARED BY ME OR UNDER MY DIRECTION.

11/06/2023

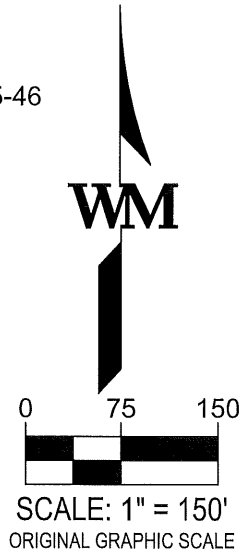
LUCAS CORSBIE NO. 9073

DATE

MY LICENSE EXPIRES: 03/31/3024



Nov 06, 2023



10 edelman irvine, ca 92618 p 949.660.9128 waremalcomb.com WARE MALCOMB CIVIL ENGINEERING & SURVEYING	PROJECT NAME: KAPLAN AVENUE			SHEET
	JOB NO.: IRV22-0084	DATE: 11/06/2023		
	DRAWN: CM	PA/PM: LC	SCALE: 1" = 150'	1 OF 1

PLANNING COMMISSION

ITEM NO. 7.1



CITY OF INDUSTRY

MEMORANDUM

TO: Honorable Mayor Moss and Members of the City Council
FROM: Joshua Nelson, City Manager
STAFF: Bing Hyun
DATE: 02/06/2024
SUBJECT: Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, General Plan Amendment No. 22-02 to change the General Plan Land Use Designation from Commercial to Employment for Assessor's Parcel Numbers 8250-001-011, and 8250-001-012, Zone Change No. 22-02 to change the zoning classification from Commercial (C) to Industrial (M) for Assessor's Parcel Numbers 8250-001-011, and 8250-001-012, Tentative Parcel Map No. 22-01 (TPM 083978) to merge seven (7) existing parcels into a single 10.09-acre parcel, and Development Plan Application No. 22-07 for the proposed construction of a 205,460 square-foot tilt-up concrete industrial building and associated improvements.

This item has been removed from the agenda. The item will be re-noticed for a future meeting.

PLANNING COMMISSION

ITEM NO. 7.2



CITY OF INDUSTRY
MEMORANDUM

To: Planning Commission
From: Joshua Nelson, City Manager
Date: February 6, 2024

Subject: Consideration of a Resolution approving Conditional Use Permit No. 23-07, for a Class 41 ABC License to allow for the sale of beer and wine at an existing restaurant called Gourd Bro, located at 18007 Gale Ave, City of Industry, California, the adoption of a Notice of Exemption the regarding same, and making findings in support thereof

Proposal:

Seven Guys LLC, (“Applicant”), is requesting approval of Conditional Use Permit (“CUP”) No. 23-07, to add the sale of the sale of beer and wine for on-site consumption at an existing fast-food restaurant named Gourd Bro, which is located at 18007 Gale Ave, City of Industry, California, further described as Assessor’s Parcel Number 8264-014-053, (“Property”).

Project Background:

The existing restaurant is located within a commercial center known as the Plaza at Puente Hills, which is 71.5-acres in size, and developed with a 726,288 square-foot multi-tenant commercial building. The Plaza at Puente Hills is a major regional shopping center with current tenants that include a variety of restaurant uses, retail shops, and personal services.

On March 15, 2023, the City’s Planning Staff approved Use Permit No. 23-55 for Gourd Bro, a fast-food restaurant at the Property. Fast food restaurants are a specific type of restaurant that serve fast food cuisine and have minimal table service. At this time, the existing restaurant requests approval of a Conditional Use Permit for the addition of beer and wine sales.

Per Section 17.12.020 of the City’s Code, fast-food restaurants with less than fifty seats, and/or without alcohol service only require a Use Permit. Whereas, per Section 17.12.025.7. of the Code, fast food restaurants with alcohol service require a Conditional Use Permit.

Location and Surroundings:

As shown on the location map (Exhibit A), Gourd Bro is near the entrance of the Plaza at Puente Hill commercial center located at the northwest corner of the intersection of Stoner Creek and Gale Avenue. The site is currently surrounded by commercial uses to the north, east and west. To the south is the 60 Freeway.

Project Entitlements:

The following planning entitlement applications are required to process the Applicant's proposed project.

1. Conditional Use Permit. – In reviewing this Conditional Use Permit Application, the Planning Commission will evaluate whether the proposed on-site sale of beer, and wine in conjunction with a bona-fide eating establishment (restaurant) compatible with the adjacent uses and businesses located within the Commercial Zoning District.

Staff Analysis:

Per the Conditions of Approval for the project, the Applicant will need to obtain a Type 41 license from the California Department of Alcoholic Beverage Control ("ABC"). A Type 41 License (On-Sale General Eating Place) authorizes the sale of the sale of beer and wine for consumption on the premises (no off-site consumption). The business must operate and maintain the premises as a bona fide eating place. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Additionally, minors are allowed on the premises.

There is no proposed expansion of floor area, or modification to the structure for this project; and it also complies with the development standards in Sections 17.12, "C" Commercial zone, of the City's Municipal Code. Gourd Bro is open six days a week from 11 am to 12 am.

Property

As illustrated on the attached site plan (Exhibit B) and mentioned above, the Plaza at Puente Hills property is a 71.5-acre lot, which is currently developed with a 726,288 square-foot multi-tenant retail building. Gourd Bro occupies a tenant space that is approximately 2,100 square feet. The proposed sale of beer and wine does not involve any increase in square footage to the tenant space, and there will be no significant increase in demands for water, gas, electricity, and sewer utilities that currently serve the site.

Access

The Plaza at Puente Hills property is served by nine main driveway entrances that are shared with the entire Plaza and are adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. Access to the Plaza is from the 60 Freeway, Gale Avenue, and Fullerton Road. All driveway and drive aisle widths meet the minimum 26 feet required under the City's Code, and no new driveway entrances or modifications to existing entrances are proposed as part of this project.

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 area that consists of fast food and retail uses.

Businesses within and surrounding the commercial area 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 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.

If this CUP is granted and alcohol related problems result from business practices or operations which constitute a public nuisance, or the business fails to comply with the conditions of approval, the Planning Commission may modify or revoke the CUP after conducting a noticed public hearing in accordance with Section 17.48.080 of the City's Code. In addition, conditions pertaining to the sale of alcoholic beverages have been applied to the project.

Parking

The Plaza at Puente Hills has 4,335 parking spaces. Pursuant to Section 17.12.050.C of the Municipal Code, the commercial center requires a minimum of 2,905 parking spaces (726,288 square feet/250). Therefore, the number of existing parking spaces exceeds the Municipal Code requirement by 1,430 spaces. No expansion of the tenant space is being proposed and the approval for the request of CUP 23-07 will not require additional parking spaces.

General Plan Consistency and Zoning Consistency

The project site has a General Plan (GP) land use designation of C (Commercial) and zoning designation of C (Commercial). The proposed use will allow customers to purchase beer and wine while dining at the restaurant. This is consistent with the purpose and intent of the C Commercial zone, which permits commercial uses that serve the residents of the City and surrounding areas. Pursuant to the City's Code, the Commercial zone permits restaurant uses with the sale of alcoholic beverages subject to review and approval of a Conditional Use Permit. The proposed use is also consistent with General Plan Goal LU2 which encourages a competitive business climate and blend of businesses that best serve the long-term economic future.

Environmental Analysis:

The proposed project is exempt from the California Environmental Quality Act (CEQA) per Section 15301 (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 project consists of the addition of alcohol service to an existing fast-food restaurant and therefore is only a negligible expansion of the existing restaurant use. The fast-food restaurant Gourd Bro is required to operate and maintain the premises as a bona fide eating place under the Type 41 ABC license. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. 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 site, the City's webpage and published in the *San Gabriel Valley Tribune* on January 26, 2024, pursuant to Government Code Section 65091.

Fiscal Impact:

Approving Conditional Use Permit 23-07 to allow the operation of a fast-food restaurant, and the sale of beer and wine for on-site consumption will have a positive fiscal impact to the City by increasing sales tax revenues.

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 2024-04 (Exhibit F) approving Conditional Use Permit 23-07, the Standard Requirements and Conditions of Approval, and notice of exemption regarding same.

Exhibits:

- A. Location Map - CUP 23-07
- B. Site Plan – CUP 23-07
- C. Floor Plan – CUP 23-07
- D. Notice of Exemption CUP 23-07
- E. Public Hearing Notice
- F. Resolution No. PC 2024-04 recommending Planning Commission approval of Conditional Use Permit No. 23-07 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map – CUP 23-07

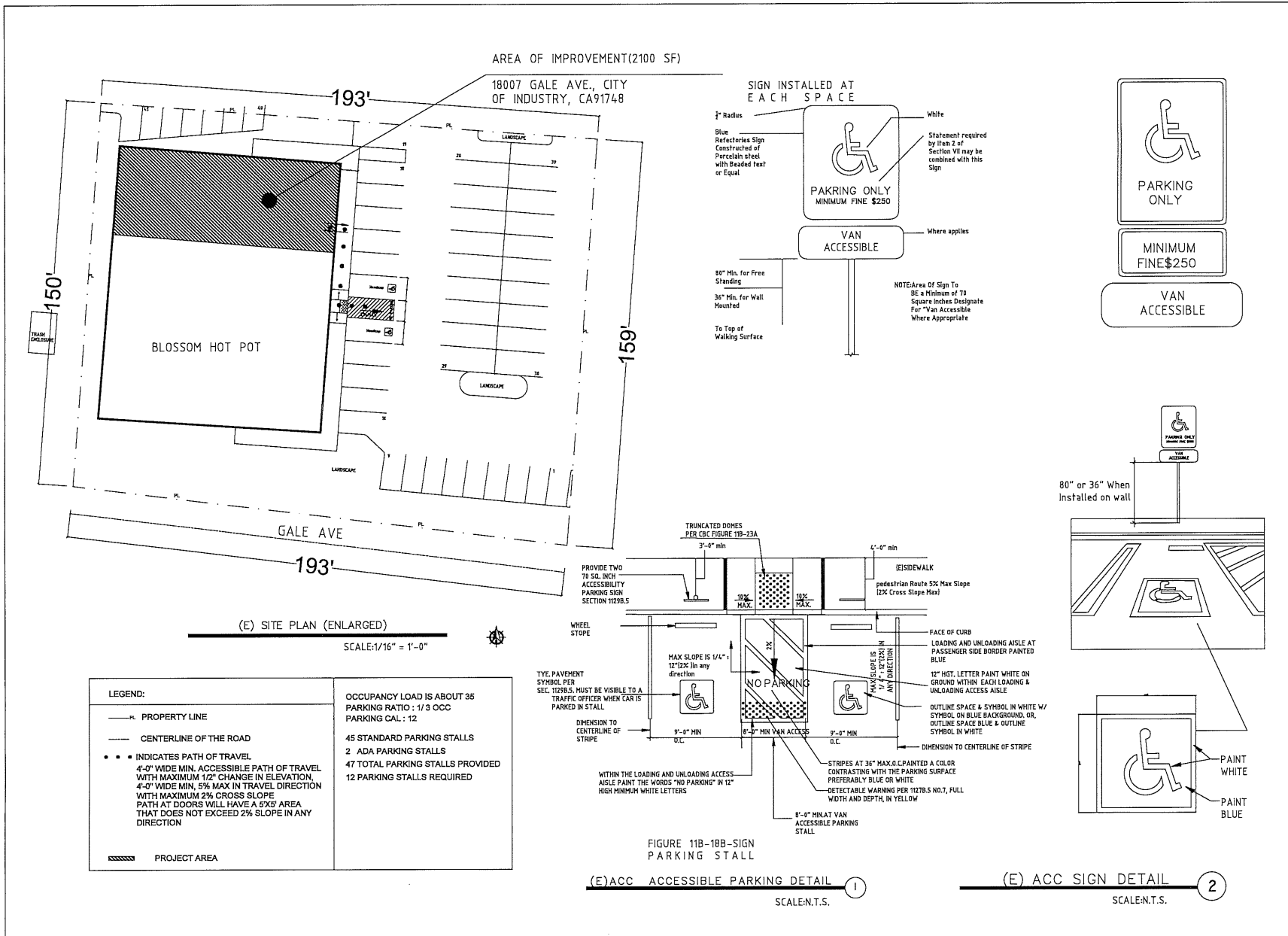
[Attached]



EXHIBIT B

Site Plan – CUP 23-07

[Attached]



REVISIONS

R-1	
R-2	
1 submittal: Oct. 14.22	
2 submittal:	
3 submittal:	
Permit #:	

**TOPWAY ARCHI
DESIGN CONSTRUCTION**
626-400-0736
18702 Colima Rd Ste 101
Rowland Heights CA 91748

**Gourd Bro.
18007 Gale Ave.,
City of Industry,
CA 91748**

**SHEET
A1.1
DATE
10/20/2022**

EXHIBIT C

Floor Plan – CUP 23-07

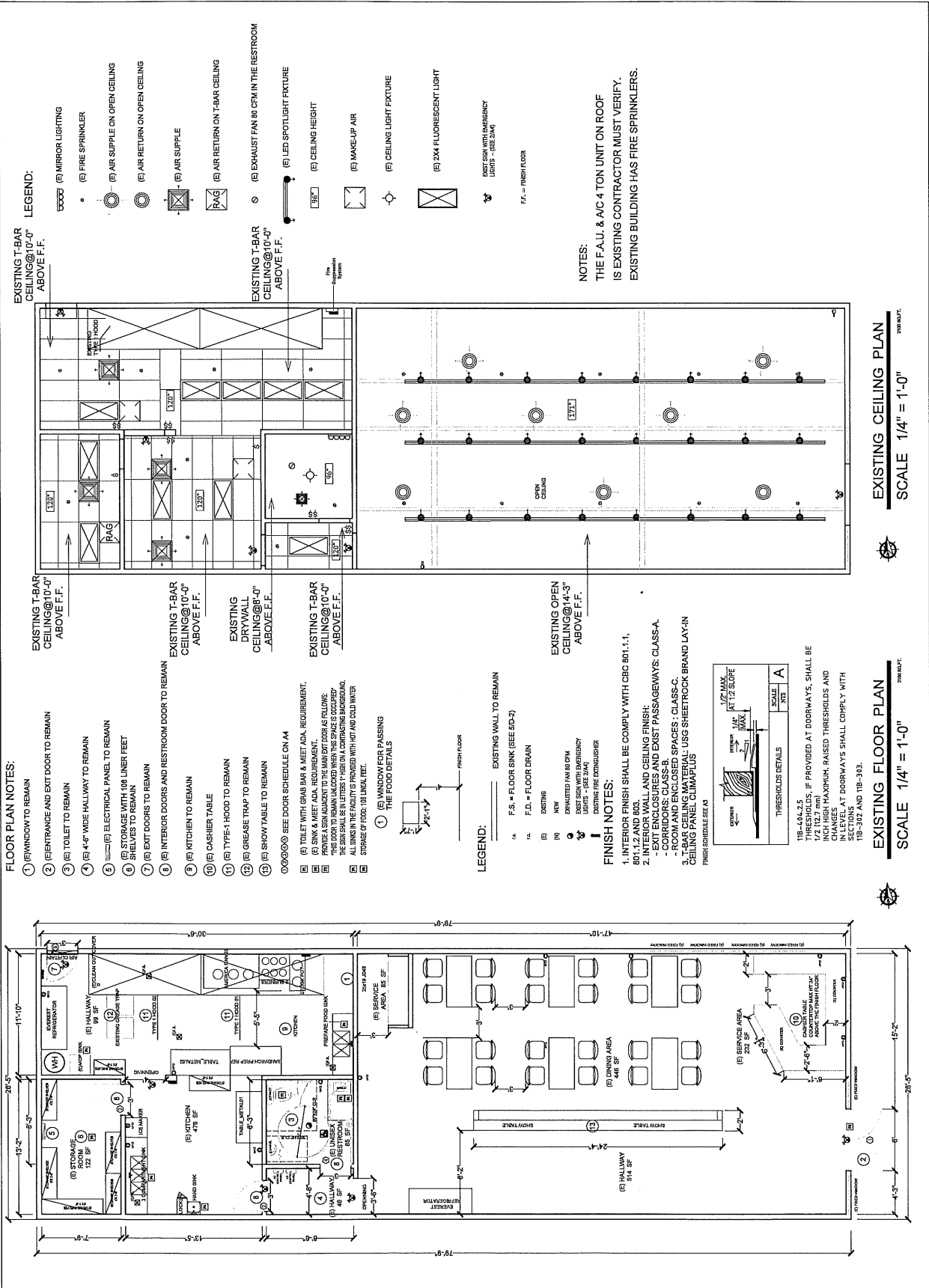
[Attached]

REVISIONS
R-1
R-2
1 submittal: Oct. 14, 22
2 submittal:
3 submittal:
Permit #:

TOPWAY ARCH
 DESIGN CONSTRUCTION
 626-400-0736
 18702 Colima Rd Ste 101
 Rowland Heights CA 91748

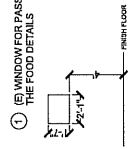
Gourd Bro.
 18007 Gale Ave.,
 City of Industry,
 CA 91748

SHEET
A2
 DATE
 10/20/2022



FLOOR PLAN NOTES:

- EXISTING WINDOW TO REMAIN
- EXISTING ENTRANCE AND EXIT DOOR TO REMAIN
- EXISTING TOILET TO REMAIN
- EXISTING 4.5" WIDE HALLWAY TO REMAIN
- EXISTING ELECTRICAL PANEL TO REMAIN
- EXISTING STORAGE WITH 08 LINER FEET SHELVES TO REMAIN
- EXISTING EXT DOORS TO REMAIN
- EXISTING INTERIOR DOORS AND RESTROOM DOOR TO REMAIN
- EXISTING KITCHEN TO REMAIN
- EXISTING CASHIER TABLE
- EXISTING TYPE-I HOOD TO REMAIN
- EXISTING GREASE TRAP TO REMAIN
- EXISTING SHOW TABLE TO REMAIN
- SEE DOOR SCHEDULE ON A4
- TOILET WITH GRAB BAR & MEET ADA REQUIREMENT.
- SINK & MEET ADA REQUIREMENT.
- PROVIDE SIGNAGE TO THE MAIN DOT DOORS FOLLOWING THE SIGNAGE TO THE MAIN DOT DOORS. THE SIGN SHALL BE IN LETTERS THAT ARE ON A CONTRASTING BACKGROUND.
- ALL SINKS IN THE FACILITY PROVIDED WITH HOT AND COLD WATER STORAGE OF FOOD: 102 LINEAL FEET.
- WINDOW FOR PASSING THE FOOD DETAILS

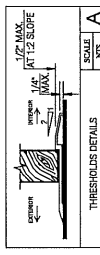


LEGEND:

- EXISTING WALL TO REMAIN
- F.S. = FLOOR SINK (SEE S/D-2)
- F.D. = FLOOR DRAIN
- EXISTING
- NEW
- EXHAUSTED FAN IN CHM
- EXIST SINK WITH EMERGENCY LIGHTS (SEE S/D-4)
- POSTING SEE SIGNAGE

FINISH NOTES:

- INTERIOR FINISH SHALL BE COMPLY WITH CBC 901.1.1, 901.1.2 AND 903.
- NEW WALL AND CEILING FINISH:
 - EXIST ENCLOSURES AND EXIST PASSAGEWAYS: CLASS-A.
 - CORRIDORS: CLASS-B.
 - ROOM AND ENCLOSED SPACES: CLASS-C.
- T-BAR CEILING MATERIAL: USG SHEETROCK BRAND LAY-IN FINISHABLE T-BAR



THRESHOLD DETAILS
 SCALE: 1/4" = 1'-0"
 118-A04.2.5
 THRESHOLDS, IF PROVIDED AT DOORWAYS, SHALL BE 1/2 (12.7 mm) HIGH WITH BEVELLED EDGES. RAISED THRESHOLDS AND CHANGES IN LEVEL AT DOORWAYS SHALL COMPLY WITH SECTION 9105 AND 9106-9108.

EXISTING FLOOR PLAN

SCALE 1/4" = 1'-0"
 2008-0007

EXISTING CEILING PLAN

SCALE 1/4" = 1'-0"
 2008-0007

EXISTING T-BAR CEILING@10'-0" ABOVE F.F.

- MIRROR LIGHTING
- FIRE SPRINKLER
- AIR SUPPLY ON OPEN CEILING
- AIR RETURN ON OPEN CEILING
- AIR SUPPLY
- AIR RETURN ON T-BAR CEILING
- EXHAUST FAN 80 CFM IN THE RESTROOM
- LED SPOTLIGHT FIXTURE
- CEILING HEIGHT
- MAKE-UP AIR
- CEILING LIGHT FIXTURE
- 2X4 FLUORESCENT LIGHT
- EXIST SINK WITH EMERGENCY LIGHTS (SEE S/D-4)
- FINISH FLOOR

EXISTING T-BAR CEILING@10'-0" ABOVE F.F.

- EXISTING T-BAR CEILING@10'-0" ABOVE F.F.
- EXISTING DRYWALL
- EXISTING T-BAR CEILING@8'-0" ABOVE F.F.
- EXISTING T-BAR CEILING@10'-0" ABOVE F.F.

EXISTING OPEN CEILING@14'-3" ABOVE F.F.

- EXISTING OPEN CEILING@14'-3" ABOVE F.F.

NOTES:

THE F.U.U. & A/C 4 TON UNIT ON ROOF IS EXISTING CONTRACTOR MUST VERIFY. EXISTING BUILDING HAS FIRE SPRINKLERS.

Exhibit D

Notice of Exemption - CUP 23-07

[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,
City of Industry, CA 91744

Project Title: Conditional Use permit CUP 23-07

Project Location - Specific: 18007 Gale Ave

Project Location-City: APNs: 8264-014-053, City of Industry

Project Location-County: Los Angeles

Description of Project: Adoption of a resolution approving Conditional Use Permit No. 23-07, to allow for the operation used as a fast-food restaurant with the sale of beer and wine, for on-site consumption.

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

Name of Person or Agency Carrying Out Project: Siyuan Wang, on behalf of Seven Guys, LLC

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: 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 project consists of the addition of alcohol service to an existing fast-food restaurant and therefore is only a negligible expansion of the existing restaurant use. The fast-food restaurant Gourd Bro is required to operate and maintain the premises as a bona fide eating place under the Type 41 ABC license. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises; and (2) no expansion of square-footage or modifications to the existing restaurant are proposed as part of this project.

Lead Agency

Contact Person: Dina Lomeli

Telephone: (626) 333-2211

Signature: _____

Date: 2/06/2024

Title: Contract Senior Planner

Exhibit E

Public Hearing Notice – CUP 23-07

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING

Conditional Use Permit No. 23-07

On February 6, 2024, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Seven Guys LLC, on behalf of the Gourd Bro restaurant, for consideration of a Resolution of the Planning Commission of the City of Industry, California, approving Conditional Use Permit No.23-07 ("CUP No. 23-07").

Project Location: The property is located at 18007 Gale Avenue, further described as Assessor's Parcel Number 8264-014-053 ("Property"). The project site has a zoning designation of "C" Commercial.

Project Description: Consideration of a Resolution approving Conditional Use Permit No. 23-07, for a Class 41 ABC License to allow for the sale of beer and wine at an existing restaurant called Gourd Bro, located at 18007 Gale Ave, City of Industry, California.

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 Dina Lomeli, Contract Senior Planner, at the City of Industry at 626-333-2211 extension 115 or by email at dlomeli@cityofindustry.org if you have questions.

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

Time: 11:30 a.m.
Date: Feb 6, 2024
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.

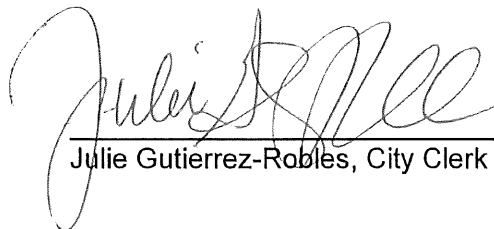

Julie Gutierrez-Robles, City Clerk

Exhibit F

Resolution No. PC 2024-04

[Attached]

RESOLUTION NO. PC 2024-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 23-07, TO ALLOW FOR THE OPERATION OF A FAST-FOOD RESTAURANT WITH THE SALE OF BEER, AND WINE, FOR ON-SITE CONSUMPTION, AT THE PROPERTY LOCATED AT 18007 GALE AVENUE, AND ADOPTING A NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, Seven Guys LLC (“Applicant”), on behalf of the Gourd Bro restaurant, is requesting approval of Conditional Use Permit (“CUP”) No. 23-07, to allow the sale of beer and wine for on-site consumption at an existing fast-food restaurant. The Gourd Bro restaurant is located at 18007 Gale Ave, City of Industry, California, further described as Assessor’s Parcel Number 8264-014-053 (“Property”); and

WHEREAS, Gourd Bro is located within the Plaza at Puente Hills commercial retail center, which is 71.5-acres with a 726,288 square-foot multi-tenant retail building; and

WHEREAS, the application applies to an existing commercial suite that is currently occupied by the Gourd Bro restaurant; and

WHEREAS, the proposed addition of beer and wine sales for onsite consumption to an existing fast-food restaurant is consistent with the goals and objectives of the City’s General Plan, in that the Property is zoned Commercial, and pursuant to Section 17.12.025.7 of the City’s Municipal Code, fast-food restaurants with alcohol service are permitted in the Commercial Zone with the approval of a Conditional Use Permit. The Property is developed for commercial uses, provides adequate circulation and access to service the restaurant, and is currently served by all required utilities. A restaurant with alcoholic beverage service is compatible with surrounding properties which provide a mix of restaurants and retail uses. The use will not be detrimental to the public health, safety, or general welfare because the sale of alcoholic beverage 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. 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) of the CEQA Guidelines because the project consists of the addition of alcohol service to an existing fast-food restaurant, which is only a negligible expansion of the existing restaurant use; and

WHEREAS, on January 26, 2024, notice of the Planning Commission's February 6, 2024, public hearing on CUP No. 23-07 was published in the San Gabriel Valley Tribune, in compliance with the City's Code and Government Code Section 65091, and was posted at the Property, City Hall, the City's Council Chambers, Fire Station 118, and on the City's website; and

WHEREAS, on January 26, 2024, notice of the Planning Commission's February 6, 2024 public hearing on CUP No. 23-07 was also mailed to each property owner within 300 feet of the project site; and

WHEREAS, on February 6, 2024 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: 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) 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 project consists of the addition of alcohol service to an existing fast-food restaurant and therefore is only a negligible expansion of the existing restaurant use. The fast-food restaurant Gourd Bro is required to operate and maintain the premises as a bona fide eating place under the Type 41 ABC license. The business must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. No expansion of square-footage or modifications to the existing restaurant are proposed as part of this project.

SECTION 3: Based upon substantial evidence presented to the Planning Commission during the February 6, 2024, 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 in that the Property has a Commercial General Plan Land Use designation. Pursuant to Section 17.12.025.7. of the City's Code, fast-food 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 fast-food restaurant with ancillary alcoholic beverage sales is compatible with the existing land uses in the area which include other fast-food restaurants, retail, and commercial services, and also with future land uses in the vicinity of the Property. The Gourd Bro restaurant is located within the Plaza at Puente Hills commercial center, which is surrounded by other commercial uses. The tenant space provides adequate room for the operation of a fast-food restaurant with alcoholic beverage sales, which 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, in that the Property is physically suitable for a restaurant with ancillary on-site alcoholic beverage sales. The Property was developed for commercial use, and currently operates as a fast-food restaurant. The addition of the sale of beer and wine for on-site consumption does not affect the suitability of the site for a fast-food restaurant. Further, fast-food restaurants with the on-site sale of beer and wine are permitted in the Commercial Zone upon approval of a CUP. No adverse impacts will be created to the surrounding neighborhood as the operation will be consistent with the 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.

(c) There will be adequate street access, traffic circulation and parking capacity for the proposed use. The Property is served by nine driveway entrances that are shared with the entire Plaza at Puente Hills and are adequate in width and improved as necessary to carry the kind and quantity of traffic a restaurant with alcoholic beverage sales would generate. All driveway and drive aisle widths meet the minimum 26 feet required by the City's Code, and no new driveway entrances or modifications to existing entrances are proposed as part of this project. The existing 726,288 square-foot Plaza shares parking and was developed with 4,335 parking spaces. The City's Code requires 2,905 parking spaces for the Plaza. No expansion of the building is being proposed and the approval for the request of CUP 23-07 will not require additional parking spaces.

(d) A fast-food restaurant with the sale of beer and wine, for on-site consumption is a compatible use with the surrounding properties and uses because the area is composed of other fast-food restaurants, retail, and commercial services. The proposed use will complement the adjacent uses and will provide a dining service for visitors of the Plaza. 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 fast-food restaurant with alcohol sales will also contribute to the economic viability of the plaza.

(e) The proposed addition of the sale of beer and wine, for on-site consumption to the existing fast-food restaurant 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, 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 4: 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. 23-07 to allow the sale of beer and wine for on-site consumption at the existing fast-food restaurant, subject to the conditions contained in Attachment 1, attached hereto and incorporated herein by reference.

SECTION 5: 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 6: 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 special meeting held on February 6, 2024, 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 23-07

[Attached]



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 23-07

Applicant: Seven Guys LLC for Gourd Bro

Location: 18007 Gale Ave, City of Industry, California

Proposed Use: The sale of beer and wine, for on-site consumption, at an existing fast-food restaurant.

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 changes, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The approved use is the sale of beer and wine, for on-site consumption, at an existing fast-food restaurant (Gourd Bro), subject to the issuance of a Type 41 license by the California Department of Alcoholic Beverage Control ("ABC"), and for no other use.
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.
3. Pursuant to Section 17.04.100 of the City's Code, if the use for which this CUP was granted 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.
4. Noncompliance with any Condition of Approval shall constitute a violation of the City's Code. Violations may be enforced in accordance with the provisions of Title 17 of the City's Code, and any other applicable ordinance, rule, or law.
5. Current and future property owners, business managers, operators, successors, assigns, etc. shall be responsible for ensuring and complying with all conditions of approval contained

herein.

6. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws, rules, and ordinances.
7. The Applicant shall operate in accordance with approved plans and specifications on file with the City of Industry Planning Department and shall be in compliance with all conditions of approval of Conditional Use Permit No. CUP-23-07, as approved by the Planning Commission on February 6, 2024.
8. 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.
9. 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.

ABC License/Sale of Alcoholic Beverages

10. This approval shall be of no force or effect unless and until a Type 41 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 Department 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.
11. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the ABC license issued for the establishment shall be grounds for revocation of this CUP.
12. The Applicant and all successors and assigns shall operate the establishment 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 at the establishment, and must comply with all the regulations of the Los Angeles County Health Department. The approval is for a bona fide restaurant with on-site sale of the sale of beer and wine only. The Applicant and successors shall always offer full meal/menu service during the times which beer and wine, being served.

13. 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. The 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.
14. No sale or distribution of alcoholic beverages shall be made from a walk-up window.
15. 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.
16. Alcohol sale is on-sale, for on-site consumption only, no beer or wine sales ("to-go") are permitted.
17. Employees engaged in the sale or service of alcoholic beverages shall be at least 21 years old.
18. During the hours of operation, there shall be not less than one employee at least 21 years of age present in a managerial capacity.
19. 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."
20. 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.
21. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the property.
22. No signs advertising the sale of beer, wine 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.

Business/Restaurant Operations

23. The Applicant and Property owner shall comply with all provisions for licensing and certification from the Los Angeles County Health Department.
24. All current and future business owners shall have a valid business license to operate the restaurant.
25. Expansion of use beyond the scope and nature described in this Conditional Use Permit No. 23-07, 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.

26. All uses allowed by the conditional use permit shall be conducted indoors within the approved tenant space. No storage shall take place outdoors.
27. 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 of Industry, the Los Angeles County Sheriff's Department, the 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.
28. 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.
29. The hours of operation shall be six days a week from 11 am to 12 am.
30. No dancing, live entertainment, DJ or karaoke by employees or customers is permitted at any time.
31. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
32. A minimum, unobstructed pedestrian clearance of at least 48" in width shall be maintained along the entire length of the walkway for the outdoor dining area. If after commencement of operations, City Staff determines that 48" is inadequate based upon obstructions, pedestrian traffic volume, or other similar problems that may arise in the future, the City Staff may review and require more clearance area based on the location of walkway obstructions, pedestrian traffic volumes, or other similar problems.

Code Requirements and Standards

The following is a list of Municipal 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.

33. 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.
34. 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).
35. 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.

36. All trash containers shall be kept inside a building or in a designated trash enclosure.
37. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
38. 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.
39. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
40. 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.
41. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
42. No illegal drugs or drug paraphernalia shall be on the Property at any time.
43. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
44. The applicant is responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
45. Any violation of these conditions or any local, county, state or federal laws may constitute grounds for revocation or suspension of the CUP.
46. All perimeter walls, fencing, and common areas shall be maintained by the Property Owner.

Interpretation and Enforcement

47. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
48. 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 the Industry Municipal Code.
49. 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.

50. If the Planning Department finds evidence that conditions of approval have not been fulfilled or the use has resulted in a substantial adverse effect on the health and/or general welfare of uses of adjacent or proximate property or have a substantial adverse impact on public facilities or services, the Planning Department may refer CUP No. 23-07 back to the Planning Commission for review. If, upon review of the matter the Planning Commission finds that any of the results above have occurred, the Planning Commission may modify or revoke CUP No. 23-07.

Indemnification

51. The Applicant and any of its heirs, successors and assigns, shall defend, indemnify, and hold harmless the City and its elected officials, officers, employees, agents and volunteers ("City Indemnitees") from any claim, action or proceedings, liability cost, including attorneys' fees and costs against the City Indemnitees, caused or alleged to have been caused by reason of the Applicant's activities in connection with CUP No. 23-07. This indemnity provision applies to all damages and claims for damages, as described above, regardless of whether or not the City prepared, supplied, or approved the plans, specifications, or other documents for CUP No. 23-07.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, including the environmental review, or any other supporting document relating to CUP No. 23-07, the Applicant and its successors and assigns, shall indemnify, defend and hold harmless the City Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City Indemnitees in relation to such action. The City shall have the right to select counsel of its choice.

The City shall promptly notify Applicant of any claim, action or proceeding, and shall cooperate fully in the defense thereof.



CITY OF INDUSTRY

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 23-07

Applicant: Seven Guys LLC for Gourd Bro

Location: 18007 Gale Ave, City of Industry, California

Proposed Use: The sale of beer and wine, for on-site consumption, at an existing fast-food restaurant.

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 changes, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The approved use is the sale of beer and wine, for on-site consumption, at an existing fast-food restaurant (Gourd Bro), subject to the issuance of a Type 41 license by the California Department of Alcoholic Beverage Control ("ABC"), and for no other use.
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.
3. Pursuant to Section 17.04.100 of the City's Code, if the use for which this CUP was granted 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.
4. Noncompliance with any Condition of Approval shall constitute a violation of the City's Code. Violations may be enforced in accordance with the provisions of Title 17 of the City's Code, and any other applicable ordinance, rule, or law.
5. Current and future property owners, business managers, operators, successors, assigns, etc. shall be responsible for ensuring and complying with all conditions of approval contained

herein.

6. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws, rules, and ordinances.
7. The Applicant shall operate in accordance with approved plans and specifications on file with the City of Industry Planning Department and shall be in compliance with all conditions of approval of Conditional Use Permit No. CUP-23-07, as approved by the Planning Commission on February 6, 2024.
8. 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.
9. 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.

ABC License/Sale of Alcoholic Beverages

10. This approval shall be of no force or effect unless and until a Type 41 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 Department 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.
11. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the ABC license issued for the establishment shall be grounds for revocation of this CUP.
12. The Applicant and all successors and assigns shall operate the establishment 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 at the establishment, and must comply with all the regulations of the Los Angeles County Health Department. The approval is for a bona fide restaurant with on-site sale of the sale of beer and wine only. The Applicant and successors shall always offer full meal/menu service during the times which beer and wine, being served.

13. 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. The 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.
14. No sale or distribution of alcoholic beverages shall be made from a walk-up window.
15. 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.
16. Alcohol sale is on-sale, for on-site consumption only, no beer or wine sales ("to-go") are permitted.
17. Employees engaged in the sale or service of alcoholic beverages shall be at least 21 years old.
18. During the hours of operation, there shall be not less than one employee at least 21 years of age present in a managerial capacity.
19. 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."
20. 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.
21. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the property.
22. No signs advertising the sale of beer, wine 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.

Business/Restaurant Operations

23. The Applicant and Property owner shall comply with all provisions for licensing and certification from the Los Angeles County Health Department.
24. All current and future business owners shall have a valid business license to operate the restaurant.
25. Expansion of use beyond the scope and nature described in this Conditional Use Permit No. 23-07, 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.

26. All uses allowed by the conditional use permit shall be conducted indoors within the approved tenant space. No storage shall take place outdoors.
27. 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 of Industry, the Los Angeles County Sheriff's Department, the 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.
28. 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.
29. The hours of operation shall be six days a week from 11 am to 12 am.
30. No dancing, live entertainment, DJ or karaoke by employees or customers is permitted at any time.
31. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
32. A minimum, unobstructed pedestrian clearance of at least 48" in width shall be maintained along the entire length of the walkway for the outdoor dining area. If after commencement of operations, City Staff determines that 48" is inadequate based upon obstructions, pedestrian traffic volume, or other similar problems that may arise in the future, the City Staff may review and require more clearance area based on the location of walkway obstructions, pedestrian traffic volumes, or other similar problems.

Code Requirements and Standards

The following is a list of Municipal 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.

33. 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.
34. 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).
35. 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.

36. All trash containers shall be kept inside a building or in a designated trash enclosure.
37. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
38. 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.
39. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
40. 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.
41. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
42. No illegal drugs or drug paraphernalia shall be on the Property at any time.
43. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
44. The applicant is responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
45. Any violation of these conditions or any local, county, state or federal laws may constitute grounds for revocation or suspension of the CUP.
46. All perimeter walls, fencing, and common areas shall be maintained by the Property Owner.

Interpretation and Enforcement

47. The Applicant shall comply with all applicable Code requirements, conditions of approval, laws, rules, and regulations applicable to the development of the project.
48. 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 the Industry Municipal Code.
49. 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.

50. If the Planning Department finds evidence that conditions of approval have not been fulfilled or the use has resulted in a substantial adverse effect on the health and/or general welfare of uses of adjacent or proximate property or have a substantial adverse impact on public facilities or services, the Planning Department may refer CUP No. 23-07 back to the Planning Commission for review. If, upon review of the matter the Planning Commission finds that any of the results above have occurred, the Planning Commission may modify or revoke CUP No. 23-07.

Indemnification

51. The Applicant and any of its heirs, successors and assigns, shall defend, indemnify, and hold harmless the City and its elected officials, officers, employees, agents and volunteers ("City Indemnitees") from any claim, action or proceedings, liability cost, including attorneys' fees and costs against the City Indemnitees, caused or alleged to have been caused by reason of the Applicant's activities in connection with CUP No. 23-07. This indemnity provision applies to all damages and claims for damages, as described above, regardless of whether or not the City prepared, supplied, or approved the plans, specifications, or other documents for CUP No. 23-07.

In the event of any legal action challenging the validity, applicability, or interpretation of any provision of this approval, including the environmental review, or any other supporting document relating to CUP No. 23-07, the Applicant and its successors and assigns, shall indemnify, defend and hold harmless the City Indemnitees, and each of them, with respect to all liability, costs and expenses incurred by, and/or awarded against, the City Indemnitees in relation to such action. The City shall have the right to select counsel of its choice.

The City shall promptly notify Applicant of any claim, action or proceeding, and shall cooperate fully in the defense thereof.