

PLANNING COMMISSION

CITY OF INDUSTRY

REGULAR MEETING AGENDA
OCTOBER 8, 2019
11:30 A.M.



CHAIRMAN MICHAEL GREUBEL
COMMISSIONER SANDRA DIVERS
COMMISSIONER HILDA RODRIGUEZ
COMMISSIONER BECKY SIMON
COMMISSIONER ANDRIA WELCH

Location: City Council Chamber, 15651 East Stafford Street, City of Industry, California

Addressing the Planning Commission:

- ▶ **Agenda Items:** Members of the public may address the Planning Commission on any matter listed on the Agenda. In order to conduct a timely meeting, there will be a three-minute time limit per person for any item listed on the Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary prior to the individual being heard by the Planning Commission.

- ▶ **Public Comments (Non-Agenda Items):** Anyone wishing to address the Planning Commission on an item *not* on the Agenda may do so during the "Public Comments" period. In order to conduct a timely meeting, there will be a three-minute time limit per person for the Public Comments portion of the Agenda. State law prohibits the Planning Commission from taking action on a specific item unless it appears on the posted Agenda. Anyone wishing to speak to the Planning Commission is asked to complete a Speaker's Card which can be found at the back of the room and at the podium. The completed card should be submitted to the Secretary prior to the Agenda item being called by the Secretary and prior to the individual being heard by the Planning Commission.

Americans with Disabilities Act:

- ▶ In compliance with the ADA, if you need special assistance to participate in any City meeting (including assisted listening devices), please contact the City Clerk's Office (626) 333-2211. Notification of at least 48 hours prior to the meeting will assist staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting.

Agendas and other writings:

- ▶ In compliance with SB 343, staff reports and other public records permissible for disclosure related to open session agenda items are available at City Hall, 15625 East Stafford Street, Suite 100, City of Industry, California, at the office of the City Clerk during regular business hours, Monday through Thursday 8:00 a.m. to 5:00 p.m., Friday 8:00 a.m. to 4:00 p.m. Any person with a question concerning any agenda item may call the City Clerk's Office at (626) 333-2211.

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1. Call to Order
 2. Flag Salute
 3. Roll Call
 4. Public Comments
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5. **ACTION ITEMS**

- 5.1 Consideration of the minutes of the September 10, 2019 regular meeting

RECOMMENDED ACTION: Approve as submitted.

- 5.2 One year review and evaluation report for the following Conditional Use Permits: Amended CUP No. 10-4 for El Tepeyac Restaurant, CUP No. 16-2 for California Fish Grill, CUP No. 16-3 for Tai 2 Group Chinese Sauerkraut Fish, CUP No. 16-5 for MOD Super Fast Pizza, CUP No. 16-6 for Happy Duck House, CUP No. 16-7 for Focus BBQ, CUP No. 16-9 for Slurpin' Ramen Bar, Amended CUP No. 96-10 for K Pot, and CUP No. 17-5 The Benediction

RECOMMENDED ACTION: Receive and file the report.

6. **PUBLIC HEARING ITEMS**

- 6.1 Public hearing to consider Conditional Use Permit No. 18-5 allowing Frank & Son Collectible Show to operate a collectible mall at an existing commercial structure located at 17835 Gale Avenue

Consideration of Resolution No. PC 2019-07 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-5, TO ALLOW FOR THE OPERATION OF A COLLECTIBLE MALL AT 17835 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION: Adopt Resolution No. PC 2019-07.

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

8. **ORAL COMMENTS FROM STAFF**

9. Adjournment. Next regular meeting will be held on Tuesday, November 12, 2019 at 11:30 a.m.

PLANNING COMMISSION

ITEM NO. 5.1

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
SEPTEMBER 10, 2019
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CALL TO ORDER

The Regular Meeting of the Planning Commission of the City of Industry, California, was called to order by Chairman Michael Greubel at 11:41 a.m. in the City of Industry Council Chamber, 15651 East Stafford Street, California.

FLAG SALUTE

The flag salute was led by Chairman Michael Greubel.

ROLL CALL

PRESENT: Michael Greubel, Chairman
Sandra Divers, Commissioner
Hilda Rodriguez, Commissioner
Becky Simon, Commissioner
Andria Welch, Commissioner

STAFF PRESENT: Troy Helling, City Manager; Bing Hyun, Assistant City Manager; Bianca Sparks, Assistant City Attorney; Julie Robles, Secretary; and Maria Hagerty, Planning Technician II.

CLOSED SESSION

Assistant City Attorney Sparks suggested that Chairman Greubel recess the meeting at 11:42 a.m. due to the City Council Chamber being occupied by the City Council Meeting that was taking longer than anticipated. Chairman Greubel stated the meeting was in recess and the meeting will reconvene at 3:00 p.m.

RECONVENE PLANNING COMMISSION MEETING

Chairman Greubel reconvened the meeting at 3:00 p.m. All members of the Planning Commission were present except for Becky Simon.

PUBLIC COMMENTS

There were no public comments.

PLANNING COMMISSION REGULAR MEETING MINUTES
CITY OF INDUSTRY, CALIFORNIA
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ACTION ITEMS

5.1 CONSIDERATION OF THE MINUTES OF THE AUGUST 6, 2019 REGULAR MEETING

RECOMMENDED ACTION: *Approve as submitted.*

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER DIVERS TO APPROVE AS SUBMITTED. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	DIVERS, RODRIGUEZ, WELCH, C/GREUBEL
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	SIMON
ABSTAIN:	COMMISSIONERS:	NONE

PUBLIC HEARING

6.1 PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 19-5 FOR THE OPERATION OF A NEW FAST-FOOD RESTAURANT KNOWN AS RAISING CANES LOCATED AT 1420 SOUTH AZUSA AVENUE IN THE PUENTE HILLS MALL

CONSIDERATION OF RESOLUTION NO. PC 2019-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, RECOMMENDING THAT THE CITY COUNCIL ACCEPT THE SURRENDER OF CONDITIONAL USE PERMIT 97-2, AND APPROVE DEVELOPMENT PLAN NO. 19-05 FOR THE CONSTRUCTION OF A NEW 4,500 SQUARE FOOT COMMERCIAL BUILDING WITH A DRIVE-THRU AND AN OUTDOOR PATIO THAT IS APPROXIMATELY 1,537 SQUARE FEET, AND CONDITIONAL USE PERMIT 19-05, A REQUEST FOR A NEW FAST FOOD RESTAURANT, LOCATED AT 1420 SOUTH AZUSA AVENUE IN THE CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME

RECOMMENDED ACTION: *Adopt Resolution No. PC 2019-05.*

Chairman Greubel opened the public hearing at 3:04 p.m.

Associate Planner Dina Lomeli with Annealta Group, presented a staff report to the Planning Commission and was available to answer any questions.

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Chairman Greubel inquired if anyone wished to comment on this matter. There were none.

Chairman Greubel closed the public hearing at 3:09 p.m.

MOTION BY COMMISSIONER WELCH, AND SECOND BY COMMISSIONER RODRIGUEZ, TO ADOPT RESOLUTION NO. PC 2019-05. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	DIVERS, RODRIGUEZ, WELCH, C/GREUBEL
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	SIMON
ABSTAIN:	COMMISSIONERS:	NONE

6.2 PUBLIC HEARING FOR CONDITIONAL USE PERMIT NO. 18-4, TO CONVERT AN EXISTING FAST-FOOD RESTAURANT KNOWN AS BLOSSOM SEASON HOT POT, TO A FULL-SERVICE RESTAURANT WITH THE SALES OF BEER, WINE AND DISTILLED SPIRITS LOCATED AT 18009 GALE AVENUE

CONSIDERATION OF RESOLUTION NO. PC 2019-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 18-4, TO ALLOW FOR THE OPERATION OF A FULL-SERVICE RESTAURANT WITH THE SALE OF BEER, WINE, AND DISTILLED SPIRITS LOCATED AT 18009 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECOMMENDED ACTION: *Adopt Resolution No. PC 2019-06.*

Chairman Greubel opened the public hearing at 3:11 p.m.

Contract Assistant Planner II, Nathalie Vazquez with Annealta Group, presented a staff report to the Planning Commission and was available to answer any questions.

Chairman Greubel inquired if anyone wished to comment on this matter. There were none.

Chairman Greubel closed the public hearing at 3:14 p.m.

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MOTION BY COMMISSIONER WELCH, AND SECOND BY CHAIRMAN GREUBEL, TO ADOPT RESOLUTION NO. PC 2019-06. MOTION CARRIES 4-0, BY THE FOLLOWING VOTE:

AYES:	COMMISSIONERS:	DIVERS, RODRIGUEZ, WELCH, C/GREUBEL
NOES:	COMMISSIONERS:	NONE
ABSENT:	COMMISSIONERS:	SIMON
ABSTAIN:	COMMISSIONERS:	NONE

ORAL COMMENTS FROM THE PLANNING COMMISSION

There were none.

ORAL COMMENTS FROM STAFF

City Manager Troy Helling, asked Associate Planner Dina Lomeli, if there were any known items for next month's meeting in October. She stated yes, there were two items for next month's meeting.

ADJOURNMENT

There being no further business, the Planning Commission adjourned at 3:16 p.m.

MICHAEL GREUBEL
CHAIRMAN

JULIE ROBLES
SECRETARY

PLANNING COMMISSION

ITEM NO. 5.2



CITY OF INDUSTRY

MEMORANDUM

To: Planning Commission
From: Troy Helling, City Manager *TH*
Staff: Dina Lomeli, Contract Associate Planner *D.L.*
Nathalie Vazquez, Contract Assistant Planner II *NV*
Date: October 8, 2019
Subject: **One Year Review and Evaluation of Conditional Use Permits**

Staff Analysis

The City of Industry ("City") implements a condition of approval for Conditional Use Permits ("CUP") that requires the following:

Upon the one (1) year anniversary of approval of CUPs, staff is required to bring back the CUP for review and evaluation by the Planning Commission. The Commission's evaluation may include the modification of any existing condition of approval and/or the incorporation of any new conditions.

Staff is bringing back the following CUPs for review and evaluation:

CUP	Current Business Name:	Address
Amended CUP No. 10-4	El Tepeyac Restaurant	13131 Crossroads Parkway South, Suite C and D
CUP No. 16-2	California Fish Grill	1552 Azusa Avenue, Unit E
CUP No. 16-3	Tai 2 Group Chinese Sauerkraut Fish	18518 E. Gale Avenue
CUP No. 16-5	MOD Super Fast Pizza	1552 Azusa Avenue, Unit B
CUP No. 16-6	Happy Duck House	18210 Gale Avenue
CUP No. 16-7	Focus BBQ	18558 Gale Avenue, Unit 270-272
CUP No. 16-9	Slurpin' Ramen Bar	18508 Gale Avenue, Unit A
Amended CUP No. 96-10	K Pot	17500 Castleton Street
CUP No. 17-5	The Benediction	17501 Colima Road

Planning staff, Code Enforcement and the Sheriff's Department conducted site inspections and have reviewed violation records and calls for service for the above CUPs, and did not find any problems or reasons to consider changing or modifying any conditions of approval for the locations.

Fiscal Impact

Review of the CUPs has no fiscal impact to the City.

Recommendation

Because the above CUPs have complied with the use standards of the Municipal Code, the conditions of approval, and have not caused any code enforcement or law enforcement problems, Staff

recommends that the Planning Commission receive and file the report and not make any modifications to the existing approved Conditions of Approval for the above CUPs at this time.

Exhibits:

- A. Amended CUP No. 10-4 – Conditions of Approval
- B. CUP No. 16-2 – Conditions of Approval
- C. CUP No. 16-3 – Conditions of Approval
- D. CUP No. 16-5 – Conditions of Approval
- E. CUP No. 16-6 – Conditions of Approval
- F. CUP No. 16-7 – Conditions of Approval
- G. CUP No. 16-9 – Conditions of Approval
- H. Amended CUP No. 96-10 – Conditions of Approval
- I. CUP No. 17-5 – Conditions of Approval

EXHIBIT A

Amended CUP No. 10-4 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application:	Amendment to Conditional Use Permit 10-4
Applicant:	El Tepeyac Restaurant
Location:	13131 Crossroads Parkway South, Units C and D
Use:	Full-Service Restaurant with Alcohol Service

Conditions of Approval

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department capable of color recording and storing a minimum of 30 days of continuous video. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service within the patio area. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 47 Beer, Wine and spirits license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 47 license shall be maintained in compliance with all ABC requirements.
7. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
8. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination, of the Alcoholic Beverage License issued for the site by the ABC shall be grounds for revocation of CUP No. 10-4.
9. Permittee shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
10. The approval is for a bona fide restaurant with on-site sale alcoholic beverages, as set forth in the Type 47 license. 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.
11. 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. Permittee shall, upon request by the City, provide the City with its records of all food and beverage sales for the prior six month period.
12. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
13. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
14. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
15. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should

be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaped plan and in a healthy and well-kept condition and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be from 6:00 am to 12:00 pm seven days a week, or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.

17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No non-prescription drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan, including the patio area, shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. There shall be no outside cooking or food preparation unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

EXHIBIT B

CUP No. 16-2 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 16-2
Applicant: California Fish Grill
Location: 1552 Azusa Avenue, Unit E
Use: Fast-Food Restaurant with more than 50 Seats and with a Type 41 ABC License for Beer and Wine

Conditions of Approval

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service within the patio area. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or operation of the use/business approved by the CUP, the applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 10-4.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaped plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.

5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 10:30 A.M. and 10:00 P.M. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.

22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
- (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

EXHIBIT C

CUP No. 16-3 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application:	Conditional Use Permit 16-3
Applicant:	Fasta Enterprises, Inc., D.B.A. Red Pine Restaurant
Location:	18518 Gale Avenue
Use:	Fast-Food Restaurant with more than 50 Seats and with a Type 41 ABC License for Beer and Wine

Conditions of Approval

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.
6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine

license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.

7. Prior to building final or operation of the use/business approved by the CUP, the applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-3.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.

6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 A.M. and 11:00 P.M. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.

22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
- (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

EXHIBIT D

CUP No. 16-5 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application:	Conditional Use Permit 16-5
Applicant:	MOD Super Fast Pizza, LLC
Location:	1552 Azusa Avenue, Unit B
Use:	Fast-Food Restaurant with more than 50 Seats and with a Type 41 ABC License for Beer and Wine

Conditions of Approval

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition, 24-hour time lapse security cameras, capable of color recording and storing a minimum of 30 days of continuous video, shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service within the patio area. If there are multiple law enforcement actions and/or complaints, the Planning Director and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or operation of the use/business approved by the CUP, the applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-5.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant and patio area only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.

5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Director.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Director.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 10:00 a.m. and 11:00 p.m. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers, or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises, wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all

local, county, state, or federal laws.

22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
- (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Director.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

EXHIBIT E

CUP No. 16-6 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 16-6
Applicant: Happy Duck House Restaurant
Location: 18210 Gale Avenue
Use: Fast-Food Restaurant with a Type 41 ABC License for Beer and Wine

Conditions of Approval

Conditions of approval are unique provisions, beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest, shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition, 24-hour time lapse security cameras, capable of color recording and storing a minimum of 30 days of continuous video, shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or operation of the use/business approved by the CUP, the applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-6.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
14. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
15. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.
16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date

of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 a.m. and 10:00 p.m. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers, or fashion shows permitted on the premises at any time.

14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises, wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.

25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

EXHIBIT F

CUP No. 16-7 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application:	Conditional Use Permit 16-7
Applicant:	Top Play Global Commercial Group LLC, D.B.A. Miss Tong's Private Kitchen
Location:	18558 E. Gale Avenue, Unit 270 and 272
Use:	Fast-Food Restaurant with a Type 41 ABC License for Beer and Wine

Conditions of Approval

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
3. 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.
4. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
5. No changes to the approved floor plan may be permitted without prior written

permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

6. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
7. Prior to building final or operation of the use/business approved by the CUP, the applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
8. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
9. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-7.
10. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
11. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
12. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
13. Alcohol service and consumption shall be limited to within the interior of the restaurant. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
14. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
15. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.

16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or a City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.

11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 A.M. and 11:00 P.M. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.

for a cumulative period of more than 15 minutes in any hour;

- (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;

- (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.

24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Director may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.

EXHIBIT G

CUP No. 16-9 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 16-9
Applicant: Eun Hee Sohn, D.B.A. Slurpin' Ramen Bar
Location: 18508 Gale Avenue #A
Use: Fast-Food Restaurant with a Type 41 ABC License for Beer and Wine

Conditions of Approval

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. Alcohol sales shall be limited to the hours of 11:30 a.m. to 11:00 p.m.
3. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
4. Upon the one (1) year anniversary of approval of the CUP, staff shall bring back the CUP for review and evaluation by the Planning Commission of the Applicant/Owner's operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.
5. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions the city and sheriff think may address the issue. That may include hiring a security guard and limiting hours of alcohol service.
6. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

7. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
8. Prior to building final or operation of the use/business approved by the CUP, the applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
9. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
10. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 16-9.
11. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
12. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
13. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
14. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
15. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

17. The approval is for a bona fide restaurant with on-site sale of beer and wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:30 A.M. and 11:00 P.M. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted

on the premises at any time.

14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing or live entertainment by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.
24. Any violation of these conditions or any local, county, state or federal laws shall constitute

grounds for revocation or suspension of the Conditional Use Permit.

25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions of CUP 16-9 within 10 days of approval

EXHIBIT H

Amended CUP No. 96-10 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

Standard Requirements and Conditions of Approval

Application: Amending Conditional Use Permit 96-10

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

Location: 17500 Castleton Street

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

Conditions of Approval

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. Alcohol sales shall be limited to the hours of 10:00 a.m. to 12:00 a.m.
3. High definition 24-hour time lapse security cameras shall be installed and properly maintained on the interior of the business at locations recommended by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
4. Upon the one (1) year anniversary of approval of the CUP, staff shall bring back the CUP for review and evaluation by the Planning Commission of the Applicant/Owner's operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.
5. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department shall review and revise the security plan and implement those provisions recommended by the City and Sheriff. That may include hiring a security guard and limiting hours of alcohol service.
6. No changes to the approved floor plan may be permitted without prior written permission from the City of Industry in consultation with the Los Angeles County Sheriff's Department.

7. This approval shall be of no force and effect unless and until a Type 47 Beer, Wine and distilled spirits license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 47 license shall be maintained in compliance with all ABC requirements.
8. Prior to building final or operation of the use/business approved by the CUP, the applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
9. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
10. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation to CUP No. 96-10.
11. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
12. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
13. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
14. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
15. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.
16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.

17. The approval is for a bona fide restaurant with on-site sale of beer, wine and distilled spirits. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 10:00 A.M. and 12:00 A.M. or as subsequently approved by the Planning Commission.

13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
 - (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.

24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions of the amending CUP 96-10 within 10 days of approval.

EXHIBIT I

CUP No. 17-5 – Conditions of Approval

[Attached]



CITY OF INDUSTRY

P.O. Box 3366 • 15625 E. Stafford St. • City of Industry, CA 91744-0366 • (626) 333-2211 • FAX (626) 961-6795

ATTACHMENT 1

Standard Requirements and Conditions of Approval

Application: Conditional Use Permit 17-5
Applicant: Chao Wang, LobsterNow
Location: 17501 Colima Road
Use: Fast food Restaurant with an ABC License Type 41 for Beer and Wine

Conditions of Approval

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. Alcohol sales shall be limited to the hours of 11:30 a.m. to 10:00 p.m.
3. High definition 24-hour time lapse security cameras shall be installed and properly maintained in the interior of the business at locations set forth by the Sheriff's Department. The security cameras shall be in operation at all times when the business is operating. To the extent allowed by law, the establishment operators may be required to provide any tapes or other recording media from the security cameras to the Sheriff's Department. The exact location and quantity of all security cameras shall be subject to approval by the Sheriff's Department prior to final occupancy.
4. Upon the one (1) year anniversary of approval of the CUP, staff shall bring back the CUP for review and evaluation by the Planning Commission of the Applicant/Owner's operation of the facility, which may include the modification of any existing condition of approval and/or the incorporation of any new conditions.

5. A security plan shall be approved by the Sheriff's Department and the Planning Department prior to any alcohol service. If there are multiple law enforcement actions and/or complaints, the Planning Department and the Sheriff's Department may review and revise the security plan and Applicant is required to implement those provisions required by the City and Sheriff. That may include hiring a security guard and limiting hours of alcohol service.
6. No changes to the approved floor plan are permitted without prior written permission from the City in consultation with the Los Angeles County Sheriff's Department.
7. This approval shall be of no force and effect unless and until a Type 41 Beer and Wine license has been obtained from the State Department of Alcoholic Beverage Control ("ABC"). The Type 41 license shall be maintained in compliance with all ABC requirements.
8. Prior to building final or operation of the use/business approved by the CUP, the Applicant shall contact the Planning Department and schedule a final inspection. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
9. All requirements of the ABC and the City shall be observed at all times and such requirements shall be a condition of approval.
10. The surrender, lapse, termination, suspension, or payment of a fine in lieu of suspension/termination of the Alcoholic Beverage License issued for the site by the ABC, shall be grounds for revocation of CUP No. 17-5.
11. During the hours of operation, there shall be not less than one (1) adult employee at least 21 years of age present in a managerial capacity.
12. Permittee shall post a prominent, permanent sign or signs stating, "No person under 21 will be served alcoholic beverages" and "Valid ID is required to purchase alcoholic beverages."
13. All employees selling or serving alcohol shall be required to participate in an alcohol management training program prior to the operation of selling/serving alcohol.
14. Alcohol service and consumption shall be limited to within the interior of the restaurant only. Service of alcoholic beverages for off-site consumption shall be prohibited. No alcohol shall be available for take-out service.
15. The Applicant shall operate as a bona-fide eating place as defined by the Business and Professions Code § 23038 in which a bona-fide eating place means a place which is regularly and in a bona-fide manner used and kept open for the serving of meals to guests for compensation and which has suitable kitchen facilities connected therewith, containing conveniences for cooking an assortment of foods which may be required for ordinary meals, the kitchen of which must be kept in a sanitary condition with the proper amount of refrigeration for keeping of food on said premises and must comply with all the regulations of the local department of health.

16. Separate records of food and beverage sales shall be maintained on the premises and shall be made available to the City and/or Sheriff's Department for examination upon demand so that the ratio of food and non-alcoholic beverage sales to alcoholic beverage sales can be verified. The percentage of gross sales receipts attributed to alcoholic beverages shall be no more than forty-nine percent (49%) on any given day. Applicant shall, on the sixth month and twelve month anniversaries of the effective date of this CUP, provide the City with its records of all food and beverage sales for the prior six month period.
17. The approval is for a bona fide restaurant with on-site sale of beer, wine. Alcohol shall not be served to persons except those intending to purchase meals. The kitchen shall be open and serving food during all hours of operation in all areas of the establishment.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.

10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 11:00 A.M. and 10:00 P.M. or as subsequently approved by the Planning Commission.
13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while in the premise.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;

- (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
- (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 5 minutes in any hour;
- (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
65 dBA between 10:00 p.m. - 7:00 a.m.
at any time.

- 24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.
- 25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.
- 26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

- 1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
- 2. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

- 1. The owner of the property that is the subject of this project, and the Applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should

cooperate fully in the defense thereof.

2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions for CUP 17-5 within 10 days of approval.

PLANNING COMMISSION

ITEM NO. 6.1



CITY OF INDUSTRY

MEMORANDUM

TO: Planning Commission

FROM: Troy Helling, City Manager *TH*

STAFF: Nathalie Vazquez, Consultant Assistant Planner II *NV*
Dina Lomeli, Consultant Associate Planner *D.L.*
Eduardo Manriquez, Consultant Planning Technician *EM*

DATE: October 8, 2019

SUBJECT: Consideration of Conditional Use Permit No. 18-5 allowing for Frank & Son Collectible Show, to occupy an existing commercial structure located at 17835 Gale Avenue

Proposal:

Janet Zamarripa, representing Frank & Son Collectible Show ("Applicant"), is requesting approval of Conditional Use Permit No. 18-5 ("CUP No. 18-5") allowing for Frank & Son Collectible Show ("Frank & Son") to occupy an existing commercial structure located at 17835 Gale Avenue ("Project"). As illustrated on the floor plan (Exhibit C), the Applicant is proposing to provide 327 individual vendor spaces along with an ancillary arcade and indoor exhibit area for special events, within an existing 116,000 square-foot building. The site is located within the Plaza at Puente Hills shopping center, and is among 45 tenant spaces in the shopping center. No expansion of floor area or modification to the exterior of the building is proposed.

The proposed business hours are 9:00 a.m. to 9:00 p.m. Monday through Friday, and 9:00 a.m. to 5:00 p.m. on Saturdays and Sundays. Primarily, business hours will be on Wednesday evenings and Saturday and Sunday mornings with tentatively scheduled special show dates throughout the week, which is why the Applicant is requesting that staff review the Project with the proposed seven-day-week business hours identified above.

Project Background:

Frank & Son is a large-scale collectible vendor that specializes in hobbyist, collectible, and pop culture merchandise, where individual vendors sell new and used/vintage collectibles such as comic books, sports memorabilia, movie and television memorabilia, baseball cards, game trading cards, videogames, and a variety of pop culture merchandise. In 2018, the City of Industry ("City") received a request from the Applicant to allow for a "collectible mall" to operate in the City's Commercial Zone, which included Zone Amendment No. 18-1 ("ZA No. 18-1") to amend Title 17 (Zoning) of the City's Municipal Code ("Code"). The revisions to the Code include a definition for "collectible mall" under Chapter 17.08 and list "collectible mall" as a permitted use, subject to approval of a CUP, under Section 17.12.025. On the August 6, 2019 regular meeting, The Planning Commission recommended that the City Council adopt Ordinance No. 806. The City Council considered the introduction of the ordinance at its September 12, 2019 meeting and adopted the ordinance on the September 26, 2019 City Council meeting. The amendment will be effective on October 26, 2019. The schedule for the zone amendment is as follows:

Table 1: Zone Amendment No. 18-1 Schedule:

Schedule Per Approval Body	Approved/Approval Date
Planning Commission	August 6, 2019
City Council (First Reading)	September 12, 2019
City Council (Second Reading)	September 26, 2019
Ordinance effective date	October 26, 2019

Location and Surroundings:

As shown on the location map (Exhibit A), the Project site is located within the existing Plaza at Puente Hills Shopping Center that is north of Gale Avenue and west of Fullerton Road. The building was formerly occupied by Sam’s Club which abruptly closed in January 2018, and has remained vacant since. The Property is bounded by Union Pacific Railroad to the north, Gale Avenue and the 60 Freeway to the south, commercial uses to the east, and the Automobile Mall to the west.

Staff Analysis:

Pending the effective ordinance date, the request for a collectible mall within existing commercial space will be consistent with the Zoning “C” (Commercial) and General Plan land use designation of Commercial. There is no expansion of floor area or modification to the structure proposed for this Project. Additionally, the use at this location complies with the standards in Section 17.12.025 of the City’s Municipal Code.

Property

As illustrated in the site plan (Exhibit B), the proposed collectible mall will be located within an existing 116,000 square-foot commercial warehouse building located at 17835 Gale Avenue with the assessor’s parcel number: 8264-013-010 (“Property”) that is a total of 9.12 acres (397,267 square-feet). The Property is part of the Plaza at Puente Hills, a commercial shopping center that is a total of 33.26 acres, and is divided into 12 individual parcels with existing access and parking agreements on site. The shopping center is currently developed with approximately 444,561 square-feet of building area that is made up of four large multitenant structures, including three big-box store tenant spaces, six free standings structures, and two mixed use two-story buildings with offices, retail and restaurants. Among the tenants are Home Depot, Benihana, iHop and Sam Ash Music Store. According to the City’s business license records, there are 45 tenant spaces on the property and six of these tenant spaces are vacant. The commercial use does not involve any physical changes to the property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

Access

The Property is served by multiple street access adequate in width and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property can be directly accessed from two entrances off of Gale Avenue. In addition, Plaza at Puente Hills is currently served by the 60 Freeway from Fullerton Road and has multiple entrances off Gale Avenue and a single entrance from Stoner Creek Road.

Compatibility

A collectible mall is a compatible use with the surrounding properties and uses because the area is composed of retail stores, offices, and restaurants. As shown in the floor plan, Frank & Son will have an approximate 88,087 square-foot vendor area for the sales of collectible merchandise, this retail area will be the primary use, which is compatible with the existing retail uses in the Plaza at Puente Hills shopping center. In addition, there will be an approximate 11,605 square-foot

exhibit area that will occasionally host a variety of special events such as autograph signings and gaming events which will be an ancillary use to the main retail component of the business.

Parking

In January of 2015, a parking study was prepared for the overall Plaza at Puente Hills site by Kunzman Associates, which determined that the 1,861 parking spaces on site are sufficient for all 45 tenant spaces despite not meeting the City's parking requirements per Section 17.36.060.K. In July of 2019, a new parking study was prepared by Kunzman Associates to assess the potential parking impacts that Frank & Sons will have on the entire site. The analysis focused on the 735 unused parking spaces as a result of the six vacancies at the shopping center. According to the 2019 parking study, there are approximately 735 unused parking spaces as a result of these vacancies. A parking analysis was performed at Frank & Son's existing location in unincorporated Los Angeles County, and it was determined that Frank & Son will need a total of 544 parking spaces during peak business hours, which will leave 191 parking spaces for the remaining tenant spaces which is adequate parking to accommodate for future retail, offices, and fast-food restaurants. As for the existing tenants of Plaza at Puente Hills, no impacts to parking are anticipated as sufficient parking is currently allocated to them as part of the shared parking agreement.

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) The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. Frank & Son is proposing to occupy an existing 116,000 square-foot commercial space that was formally occupied by the wholesale retailer known as Sam's Club; therefore, the operation of the business will remain retail with no expansion or modifications to the building footprint. (2) The only alterations that will take place will be the installation of individual kiosks for vendors which will require approval from the Los Angeles County Building Department and Los Angeles County Fire Department to ensure the safety of all customers and vendors of the property. 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, and distributed to surrounding property owners within 300 feet of the site, pursuant to Government Code section 65091.

Fiscal Impact:

Conditional Use Permit 18-5 will have a positive fiscal impact to the City of Industry.

Recommendation:

Pursuant to the effective ordinance date scheduled for October 26, 2019, the proposed use complies with the use standards of the Municipal Code and satisfies the findings noted in the Resolution, Staff recommends that the Planning Commission adopt Resolution No. PC 2019-07 (Exhibit G) approving Conditional Use Permit 18-5 with the findings for approval and Standard Requirements and Conditions of Approval contained in the Resolution.

Exhibits:

- A. Location Map - CUP 18-5
- B. Site Plan - CUP 18-5
- C. Floor Plan - CUP 18-5
- D. Letter from the Applicant - CUP 18-5
- E. Public Hearing Notice CUP 18-5
- F. Notice of Exemption - CUP 18-5
- G. Resolution No. PC 2019-07 recommending Planning Commission approval of Conditional Use Permit No. 18-5 with findings of approval, Standard Requirements and Conditions of Approval.

EXHIBIT A

Location Map –CUP 18-5

[Attached]



17769

17801

17835

17877

17919

17961

18001

18007

18055

ad St

Railroad St

Railroad St

Railroad St

Railroad St

Lawson St

Auto Mall E

E Gale Ave

Pomona Fwy

Pomona Fwy

60

Pomona Fwy

EXHIBIT B

Site Plan – CUP 18-5

[Attached]

EXPIRATION DATE:



NO.	DATE	BY	DESCRIPTION

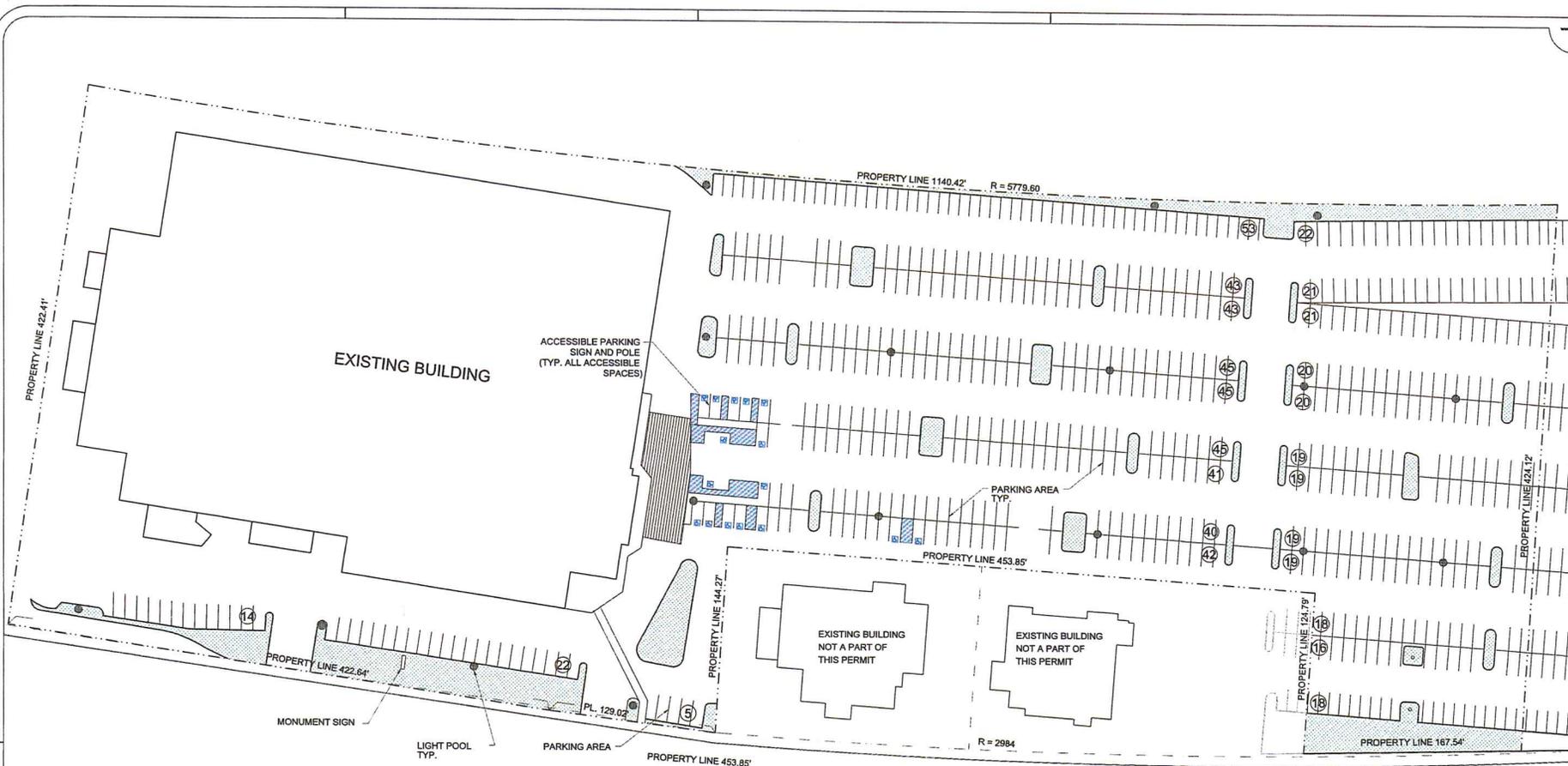
RECEIVED
FEB 19 2011
CITY OF INDUSTRY

PROJECT NAME:
ADDRESS:
17835 GALE AVE
CITY OF INDUSTRY, CALIFORNIA 91748
OWNER:
Kornland Building Atrium, Joseph Komwasser
5670 Wilshire Blvd. Suite 1250, Los Angeles, CA. 90036

SHEET TITLE:
FLOOR PLAN

BY: _____ AWK
DATE: 02/11/2011
SCALE: 1/32"=1'-0"
PLAN CHECK:
BLDG. PERMIT:
SHEET NUMBER

A-1



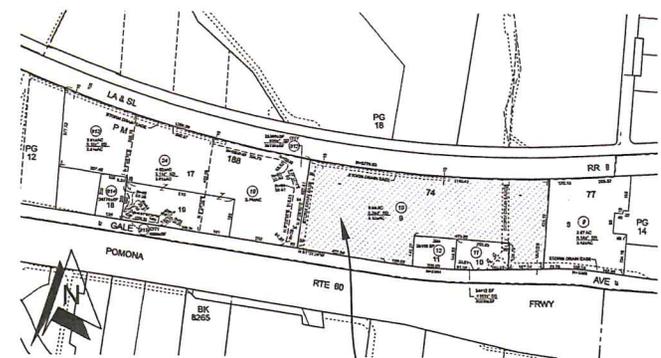
SITE PLAN
(NO CHANGES)

SITE PARKING TABLE

EXISTING BUILDING AREA	124,032 SF
EXISTING STANDARD PARKING	545
EXISTING COMPACT PARKING	71
EXISTING ACCESSIBLE PARKING SPACES	13
EXISTING VAN ACCESSIBLE PARKING SPACES	3
EXISTING CARET SPACES TO BE CONVERTED TO PARKING SPACES	20
TOTAL PARKING SPACES	652

SITE DATA TABLE

TOTAL SITE AREA	9.88 ACRES
EXISTING BUILDING AREA	2.87 ACRES
EXISTING SITE COVERAGE	29.0%
EXISTING LANDSCAPE AREA	0.58 ACRES
EXISTING LANDSCAPE SITE COVERAGE	5.87%



PROJECT LOCATION
VICINITY MAP

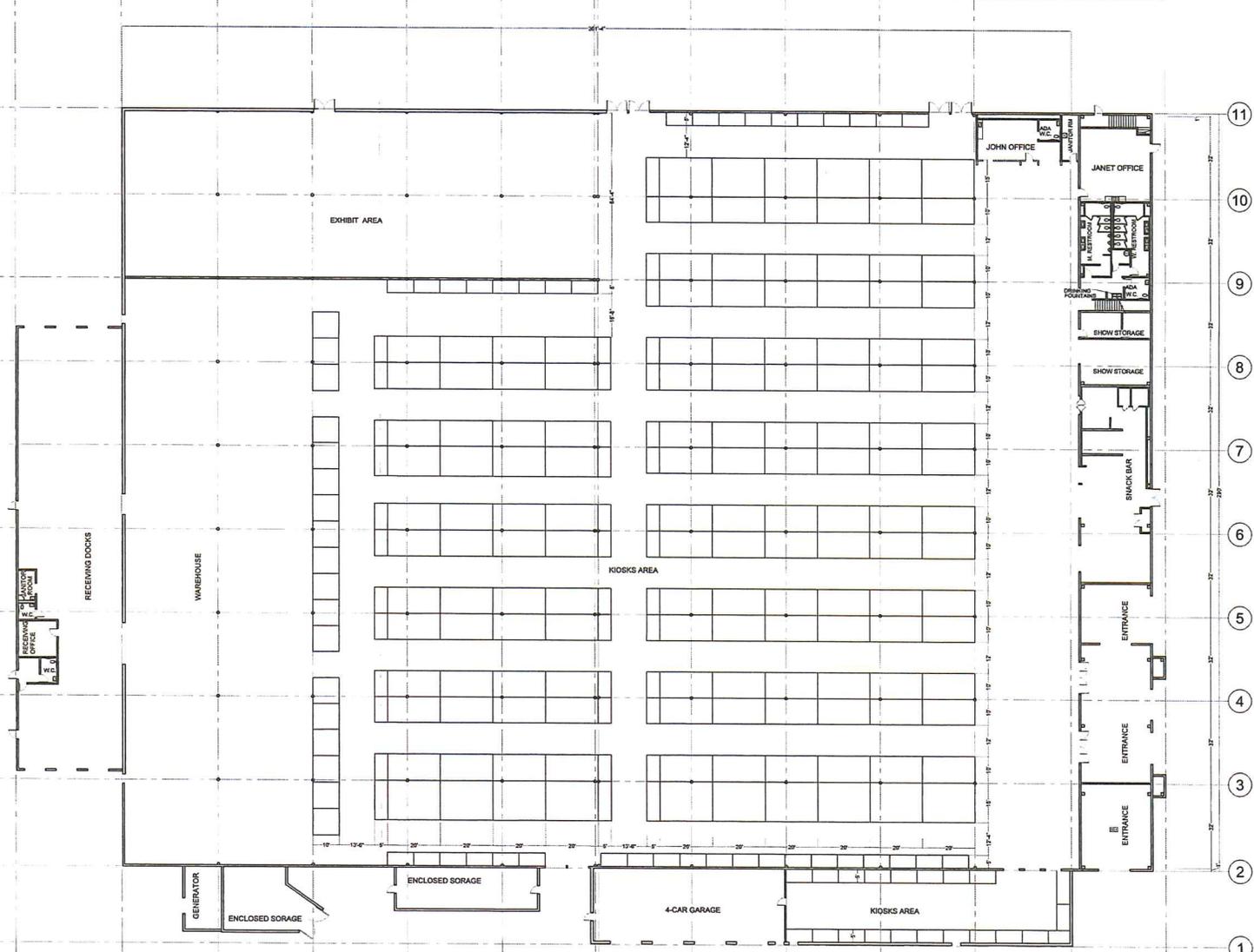
EXHIBIT C

Floor Plan – CUP 18-5

[Attached]

P N M L K J H G F E D C B A

36'-8" 36'-0" 36'-0" 36'-0" 35'-4" 35'-4" 35'-4" 36'-0" 36'-0" 35'-0" 36'-8" 36'-0"

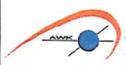


GROUND FLOOR PLAN
(NO STRUCTURAL CHANGES)



MEZZ FLOOR PLAN

EXPIRATION DATE:



ATEF W. KHALIL ASSOC. A.J.A.
11511 EGLD AVENUE, SUITE 201
ONTARIO, CA 91772
Los Angeles, CA, 90035

NO.	DATE (YY)	DESCRIPTION

PROJECT NAME:

ADDRESS:
17635 GALE AVE
CITY OF INDUSTRY, CALIFORNIA 91748
OWNER:
Kornland Building Attn: Joseph Komwasser
5670 Wilshire Blvd. Suite 1250, Los Angeles, CA. 90035

SHEET TITLE:
FLOOR PLAN

BY: A/KK
DATE: 02/11/2019
SCALE: 1/16"=1'-0"
PLAN CHECK:
BLDG. PERMIT:

SHEET NUMBER

A-2

Exhibit D

Letter from the Applicant - CUP 18-5

[Attached]

Conditional Use Permit

FRANK AND SON COLLECTIBLE SHOW
17835 Gale Avenue
City of Industry, CA 91748

City of Industry
Planning Department
15625 East Stafford Street
City of Industry, CA 91744

RE: Conditional Use Permit Submission, December 2018
17835 Gale Avenue, City of Industry, CA 91748 (Former Sams Club)

Attached is our completed Conditional Use Permit Application you requested to accompany the Business License previously submitted.

Frank and Son Collectible Show looks forward to being a part of the City of Industry and will be a willing advocate in promoting the City and bringing many families into the City to shop and dine.

A little background of our unique business may be helpful. Frank and Son Collectible Show was started 30 years ago! We are the largest ongoing Collectible Show in the United States. Thru the years we have incorporated a fundraiser for the Ronald McDonald Houses of the Los Angeles, Orange County and Loma Linda areas raising over \$2 million dollars for their cause. We also participate in the Christmas Toy Drive with our Local Fire Station and donate to the local Food Bank. We have become a tourist destination for people from around the world, incorporating a stop at Disneyland, Universal Studios and Frank and Son with tour buses arriving with tourists from Japan. People from across the United States plan their their vacation to include a stop at Frank and Son.

We have been featured on several TV shows such as Super Girl which incorporated Frank and Son Collectible Show as part of the story line. Toy Hunter and also Hollywood Treasures shot episodes featuring rare and unique collectibles that are found at our location. Storage Wars and Barter Kings have also shot multiple episodes using the valuable expertise of appraisal found within our business. Also, CNN/Time Warner, NBC, KTLA, KCAL have also done feature stories on our unique business as a family destination and a Collectors paradise. The G4 channel for many years did a Comic Con preview show at Frank and Son highlighting special items and previewing upcoming Pop Culture items.

As you can see, we are highly regarded in the Hollywood and Collector Community for our Expertise, Uniqueness and our Professionally run family friendly environment.

Conditional Use Permit

As part of our Sports Collectible portion of our business, we have featured many influential Celebrities such as: Magic Johnson, Tommy Lasorda, Pete Rose, Fernando Valenzuela, 81 Dodger World Series Team, Reggie Jackson, Bill Walton, Kareem Abdul Jabbar, Mike Tyson, Bo Jackson, Jerry Rice, Joe Montana and Hollywood Stars such as Stan Lee, Billy Dee Williams, Kevin Sorbo, Tippi Hedren, Katey Sagal, George Barris, Adam West, plus hundreds more.

In closing, we feel that we are a unique and interesting business and will be a valuable addition to the City of Industry and look forward to our next 30 years at our new location.

Respectfully submitted,

Frank and Son Collectible Show


Janet Zamarripa
Corporate Secretary

Exhibit E

Public Hearing Notice – CUP 18-5

[Attached]



CITY OF INDUSTRY

NOTICE OF PUBLIC HEARING Conditional Use Permit No. 18-5

On September 28, 2019, notice has been given that the Planning Commission of the City of Industry will hold a public hearing to consider an application from Janet Zamarripa on behalf of Frank & Son Collectible Show for Conditional Use Permit No. 18-5 ("CUP No. 18-5").

Project Location: The property located at 17835 Gale Avenue in the City of Industry ("Property"); and the project site is zoned "C" Commercial.

Project Description: CUP No. 18-5 will establish a new collectible mall within an existing 116,000 square-foot commercial structure.

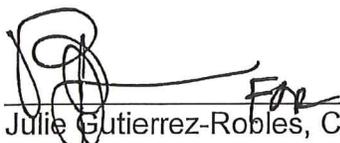
A copy of all relevant material for CUP No. 18-5, are on file in the City Administrative Offices, 15625 East Stafford Street, Suite 100, City of Industry, California 91744. Please contact Nathalie Vazquez, Consultant Assistant Planner II, at the City of Industry at 626-333-2211 extension 107 or by email at nvazquez@cityofindustry.org if you have questions.

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

Time: 11:30 a.m.
Date: October 8, 2019
Place: City Council Chamber
15651 East Stafford Street
City of Industry, CA 91744

Any person wishing to be heard regarding this matter may appear at the above time, date, and place. Written comments may be sent via US Mail or by hand delivery to the City of Industry at the address listed above or via email to the email address listed above. All comments must be received at, or prior to, the date and time of the hearing listed above.

If you challenge the CUP No. 18-5 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

9329

Exhibit F

Notice of Exemption – CUP 18-5

[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 E. Stafford Street, Suite 100
City of Industry, CA 91744

Project Title: Conditional Use Permit 18-5

Project Location - Specific: 17835 Gale Avenue City of Industry, CA 91748

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

Description of Project: Conditional Use Permit 18-5

Name of Public Agency Approving Project: City Council, City of Industry

Name of Person or Agency Carrying Out Project: Janet Zamarripa with Frank & Son Collectible Show

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
- 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) The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. Frank & Son is proposing to occupy an existing 116,000 square-foot commercial space that was formally occupied by the wholesale retailer known as Sam's Club; therefore, the operation of the business will remain retail with no expansion or modifications to the building footprint. (2) The only alterations that will take place will be the installation of individual kiosks for vendors which will require approval from the Los Angeles County Building Department and Los Angeles County Fire Department to ensure the safety of all customers and vendors of the property

Lead Agency

Contact Person: Nathalie Vazquez

Telephone: (626)333-2211

Signature: _____

Date: 10-8-2019

Title: Consultant Assistant Planner II

RESOLUTION NO. PC 2019-07

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF INDUSTRY, CALIFORNIA, FOR CONSIDERATION OF CONDITIONAL USE PERMIT NO. 18-5, TO ALLOW FOR THE OPERATION OF A COLLECTIBLE MALL AT 17835 GALE AVENUE, CITY OF INDUSTRY, CALIFORNIA, AND THE NOTICE OF EXEMPTION REGARDING SAME, AND MAKING FINDINGS IN SUPPORT THEREOF

RECITALS

WHEREAS, on May 19, 2019, Janet Zamarripa (“Applicant”) representing Frank & Son Collectible Show (“Applicant”) filed a complete application requesting approval of Conditional Use Permit (“CUP”) No. 18-5 described herein (“Application”); and

WHEREAS, the Application applies to a proposed collectible mall located within an existing 116,000 square-foot vacant commercial warehouse structure on an existing 9.12 acre property that is part of the Plaza at Puente Hills shopping center, with a property address of 17835 Gale Avenue, City of Industry, California, Assessor Parcel Number 8264-013-010 (“Property”); and

WHEREAS, concurrently with the submission of the Application, Applicant also submitted a request for a Zoning Code amendment to allow for a collectible mall in the commercial zone under chapter 17.12 (Commercial Zone) of the City of Industry Municipal Code (“Code”); and

WHEREAS, on August 6, 2019, the Planning Commission considered the request on the zone change and recommended that the City Council adopt an ordinance amending the City’s Code to permit collectible malls in the City’s commercial zone; and

WHEREAS, the City Council considered the proposed ordinance at its September 12, 2019 meeting, and adopted the ordinance on September 26, 2019, the ordinance will take effect on or about October 26, 2019; and

WHEREAS, because the ordinance is pending, should the Planning Commission adopt the resolution approving the CUP, the CUP will be contingent upon the effective date of the ordinance; and

WHEREAS, the Land Use Element of the General Plan designates the Property as Commercial. The proposed use is consistent with the General Plan as the use will mainly consist of retail, tourist-serving, and service uses commonly available at shopping centers, and does not conflict with the established goals and objectives of the Land Use Element. Collectible malls are permitted in the “C” Commercial zone, subject to the approval of a CUP pursuant to Section 17.12.025(15) of City’s Code; and

WHEREAS, an Environmental Assessment form was submitted by the Applicant pursuant to the City's requirements. Based upon the information received and Staff's review and assessment, the 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) The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. Frank & Son is proposing to occupy an existing 116,000 square-foot commercial space that was formally occupied by the wholesale retailer known as Sam's Club; therefore, the operation of the business will remain retail with no expansion or modifications to the building footprint. (2) The only alterations that will take place will be the installation of individual kiosks for vendors which will require approval from the Los Angeles County Building Department and Los Angeles County Fire Department to ensure the safety of all customers and vendors occupying the property; and

WHEREAS, notice of the Planning Commission's October 8, 2019 public hearing on the approval of CUP No. 18-5, was posted at the Property and at three public places on September 27, 2019, in compliance with the City's Code and Government Code Section 65091; and

WHEREAS, on October 8, 2019, the Planning Commission of the City of Industry conducted a duly noticed public hearing on the Application, and considered all testimony written and oral; and

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

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

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

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

SECTION 3: Upon independent review and consideration of the information contained in the Staff Report and the Notice of Exemption for the approval of CUP No. 18-5, the Planning Commission hereby finds and determines that approving the application will not result in or have a significant impact on the environment for the following reasons: (1) The Class 1 exemption allows for the operation, permitting, and minor alternation of existing private structures and facilities when there is negligible expansion of the existing use. Frank & Son is proposing to occupy an existing 116,000 square-foot commercial space that was formally occupied by the wholesale retailer known

as Sam's Club; therefore, the operation of the business will remain retail with no expansion or modifications to the building footprint. (2) The only alterations that will take place will be the installation of individual kiosks for vendors which will require approval from the Los Angeles County Building Department and Los Angeles County Fire Department to ensure the safety of all customers and vendors occupying the property.

SECTION 3A: *Based on the foregoing, the Planning Commission hereby approves the Notice of Exemption, and directs Staff to file same as required by law.*

SECTION 4: Based upon substantial evidence presented to the Planning Commission during the October 8, 2019 public hearing, including public testimony and written and oral staff reports, this Commission finds as follows:

(a) The proposed use is consistent with the goals and objectives of the General Plan. The General Plan designates the site as Commercial, which allows for retail uses. In the event that the City Council adopts the aforementioned ordinance amending the City's Zoning Code, which implements the General Plan, collectible malls will be permitted in the Commercial Zone, with approval of a CUP. In addition, the attached conditions of approval set operational and management standards to ensure that the business will operate in a manner consistent with the General Plan's policies related to noise, safety, property maintenance, and maintaining a professional appearance.

(b) The Property is adequate in size, shape, topography, and location to accommodate the yards, walls, fences, parking, and locating facilities, and items which may be required by Sections 17.12.050 and 17.36 of the Municipal Code. The proposed collectible mall will be located in an existing 116,000 square-foot commercial warehouse on a 9.12 acre parcel which is part of a fully developed commercial shopping center with multiple tenants and buildings. A parking study was prepared in July of 2019 as part of the review process for this Project, and it was determined that the shopping center has adequate parking. The proposed collectible mall does not involve any physical changes to the external footprint of the Property, and there will be no increased demands placed upon the existing water, gas, electricity, and sewer utilities that adequately serve the site.

(c) The Property is served by adequate street access and improved as necessary to carry the kind and quantity of traffic such use would generate. The Property can directly be accessed from two entrances off of Gale Avenue. In addition, Plaza at Puente Hills is currently served by the 60 Freeway from Fullerton Road, and has multiple entrances off Gale Avenue and a single entrance from Stoner Creek Road.

(d) A collectible mall is a compatible use with the surrounding properties and uses because the area is composed of retail stores, offices, and restaurants. The proposed use will complement the adjacent uses by providing an additional retail service for visitors of the Property and shopping center. 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 proposed collectible mall will also contribute to the economic viability of the mall. There is no expansion of square-footage being proposed and all alterations to the space will be approved as interior tenant improvements.

(e) The proposed use of a collectible mall, will not be materially detrimental to the public health, safety or general welfare because the Applicant, existing and potential business owners and tenants, and the property owner are responsible for complying the with City's Code, and the current Los Angeles County Building and the Los Angeles County Fire Codes along with the attached conditions of approval to ensure the business will operate in a manner that will minimize impacts.

SECTION 5: Based upon the foregoing findings, the Planning Commission hereby approves CUP No. 18-5, subject to the conditions contained in Attachment 1, attached hereto and incorporated herein by reference, and subject to the effectiveness of Ordinance No. 806.

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 take effect.

PASSED, APPROVED AND ADOPTED by the Planning Commission of the City of Industry at a regular meeting held on October 8, 2019 by the following vote:

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

Michael Greubel
Chairman

ATTEST:

Julie Gutierrez-Robles, City Clerk

Exhibit F

Resolution No. PC 2019-07

[Attached]

Attachment 1

Resolution No. PC 2019-07

[Attached]



CITY OF INDUSTRY

Standard Requirements and Conditions of Approval

APPLICATION: Conditional Use Permit No. 18-5
APPLICANT: Janet Zamarripa with Frank & Son Collectible Show
LOCATION: 17835 Gale Avenue
USE: Collectible Mall with ancillary exhibit area

Conditions of Approval:

Conditions of approval are unique provisions beyond the requirements of law, the municipal code, or standard practices that are applied to a project by the Planning Commission per Section 17.48.060 of the Zoning Code. Please note that if the design of your project or site conditions change, the conditions of approval may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The Applicant and/or successor in interest shall comply with all Federal, State, County, and local laws and ordinances.
2. The exhibit area is limited to the area set forth in the floor plan attached hereto as Attachment 1, and incorporated herein by reference. Any proposed expansion to the exhibit area where ancillary operations will take place will require an amendment to this Conditional Use Permit. Ancillary uses permitted under this CUP are limited to the following: autograph signings, celebrity appearances, arcade area, indoor tournaments.
3. Los Angeles County Building and Safety review is required for the installation and arrangement of all kiosks in the building's interior.
4. The Planning Department will inspect the premises to ensure compliance with all approved conditions of approval and requirements.
5. Each individual vendor shall obtain a City approved Business License (AKA Use Permit).
6. Applicant shall designate sufficient parking spaces for the adjacent business, specifically Benihana, as necessary during business hours.
7. At the discretion of the Planning Department, a new parking study may be needed one (1) year after opening to evaluate the parking impacts on the Property. Applicant shall comply with City Staff's parking requirements as a result of the parking study.

Code Requirements and Standards

The following is a list of code requirements and standards deemed applicable to the proposed project. The list is intended to assist the applicant by identifying requirements that must be satisfied during the various stages of project permitting, implementation, and operation. It should be noted that this list is in addition to any "conditions of approval" adopted by the Planning Commission and noted above. Please note that if the design of your project or site conditions change, the list may also change. If you have any questions regarding these requirements, please contact the City of Industry.

1. The entire premise is subject to inspection by the Los Angeles County Sheriff's Department and/or City representative at any reasonable time without prior notification.
2. Off-street parking shall be provided at all times in accordance with the originally approved site plan and shall be maintained in a clean and attractive manner (trash, litter, or other materials shall be removed regularly).
3. All landscaped areas shall be maintained in accordance with the originally approved landscaping plan, in a healthy and well-kept condition, and kept weed free.
4. All trash containers shall be kept inside a building or in a designated trash enclosure.
5. Emergency fire facilities (hydrants) shall be kept free and unobstructed at all times.
6. All mechanical equipment shall be screened from public view.
7. No outside storage of any personal property, building materials, or other property not permanently affixed to the real property shall be allowed, unless approved by the Planning Department.
8. No outside display of goods, wares, or merchandise shall be permitted, unless approved by the Planning Department.
9. Any graffiti painted or marked upon the premises or any adjacent area under the control of the permittee shall be removed or painted over within 72 hours of being applied.
10. Adequate lighting will be provided in the parking areas at all times in accordance with the originally approved site plan.
11. The permittee shall keep the property adjacent to the permitted premises and under control of the permittee, clear of newspaper racks, benches, pay telephones, and any other objects which may encourage loitering.
12. The hours of operation shall be between the hours of 10:00 A.M. and 12:00 A.M.

or as subsequently approved by the Planning Commission.

13. There shall be no adult entertainment, male or female performers or fashion shows permitted on the premises at any time.
14. No X-rated or adult films shall be maintained or shown anywhere on the premises.
15. The permittee shall not permit "Taxi Dancing" to occur on the permitted premises wherein partners are provided for dancing or social purposes.
16. No dancing, live entertainment, DJ or karaoke by employees or customers will be permitted at any time.
17. No employee or agent shall be permitted to accept money or any other thing of value from a customer for the purpose of sitting or otherwise spending time with customers while in the premises, nor shall the permittee provide or permit, or make available either gratuitous or for compensation, male or female persons who act as escorts, companions, or guests of and for the customers.
18. No employee or agent shall solicit or accept any alcoholic or non-alcoholic beverage from any customer while on the premises.
19. No illegal drugs or drug paraphernalia shall be on the premises at any time.
20. All signs, banners, pennants, flags or other outside advertising materials or structures must be approved by the City.
21. Permittee will be held responsible for acquainting all employees with these rules and all local, county, state, or federal laws.
22. No changes to the approved floor plan shall be permitted without written permission from both the Los Angeles County Sheriff's Department and the City of Industry.
23. The noise level created by the business shall not exceed the following at the property line of any adjacent or nearby residential land use, hospital, school in session, church or public library as measured by a sound level meter:
 - (a) 55 dBA between 7:00 a.m. - 10:00 p.m.
50 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 30 minutes in any hour;
 - (b) 60 dBA between 7:00 a.m. - 10:00 p.m.
55 dBA between 10:00 p.m. - 7:00 a.m.
for a cumulative period of more than 15 minutes in any hour;
 - (c) 65 dBA between 7:00 a.m. - 10:00 p.m.
60 dBA between 10:00 p.m. - 7:00 a.m.

for a cumulative period of more than 5 minutes in any hour;

- (d) 70 dBA between 7:00 a.m. - 10:00 p.m.
 65 dBA between 10:00 p.m. - 7:00 a.m.
 at any time.

24. Any violation of these conditions or any local, county, state or federal laws shall constitute grounds for revocation or suspension of the Conditional Use Permit.

25. No outside cooking, food preparation, or sales of product or merchandise is allowed, unless approved in advance by the Planning Department.

26. Prior to Planning Final, all outstanding fees and invoices due to the City shall be paid in full. If requested by City Staff, the applicant shall provide proof of payment.

Interpretation and Enforcement

1. The Planning Department, Engineering Department, and contract agencies (Los Angeles County Fire Department, Los Angeles Department of Building and Safety) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval.
2. The Planning Department may interpret the implementation of each condition of approval and, with advanced notice, grant minor amendments to approved plans and/or conditions of approval based on changed circumstances, new information, and/or relevant factors as long as the spirit and intent of the approved condition of approval is satisfied. Permits shall not be issued until the proposed minor amendment has been reviewed and approved for conformance with the intent of the approved condition of approval. If the proposed changes are substantial in nature, an amendment to the original entitlement may be required pursuant to the provisions of Industry Municipal Code.

Indemnification and Hold Harmless Condition

1. The owner of the property that is the subject of this project, and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Industry and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council and Planning concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.
2. The Applicant and Property owner shall file an executed and acknowledged Acceptance of Terms and Conditions of CUP 18-5 within 10 days of approval. The Applicant understands that approval of this Resolution will be of no force or effect unless such written consent is submitted to the City within the stated 10-day period.