

**MINUTES OF THE REGULAR MEETING
OF THE SOUTH GATE CITY PLANNING COMMISSION
TUESDAY, MAY 16, 2017**

INTRODUCTORY PROCEDURES

Chairperson Sylvia Masushige called the meeting to order at 7:00 P.M.

The Pledge of Allegiance was led by Commissioner Guevara.

ROLL CALL: By Norma Cardenas, Recording Secretary

Present: Chairperson Sylvia Masushige, Commissioner Hurtado, Commissioner Jerry Guevara, Commissioner Delgado, and Commissioner Velasquez.

Absent/Excused: None

Staff: Community Development Director Joe Perez, Senior Planner Alvaro Betancourt, City Attorney Craig Hardwick, Randy Davis Chief of Police, and Recording Secretary Norma Cardenas.

REPORT ON POSTING: By Norma Cardenas, Recording Secretary

1. MINUTES

The Planning Commission considered approving the minutes for the regular Planning Commission meeting of April 4, 2017.

Commissioner Guevara moved and Commissioner Delgado seconded the motion to approve the Planning Commission minutes of April 4, 2017. The motion carried (3-0) with Commissioner Hurtado and Commissioner Velasquez abstain.

2. PUBLIC MEETING

**REORGANIZATION OF THE PLANNING
COMMISSION**

Annually, the Commission follows traditional protocol and re-organizes by selecting a Chairperson and Vice- Chairperson to coincide with the reorganization of the City Council.

Chairperson Sylvia Masushige made a motion to appoint Carlos Velasquez as Chairperson; Commissioner Hurtado seconded and the motion carried (5-0).

Chairperson Sylvia Masushige made a motion to appoint Jerry Guevara as Vice-Chairperson; Chairperson Hurtado seconded and the motion carried (5-0).

3. PUBLIC HEARING

ORDINANCE AMENDING THE SOUTH GATE MUNICIPAL CODE TO PROHIBIT SINGLE CONTAINER BEER SALES FOR OFF-SALE ALCOHOL LICENSES

Director Perez gave a brief report and background regarding this item. He explained that when a Conditional Use Permit comes in for an alcohol license the Planning Division places conditions of approval which prohibit single container beer sales. City Council asked that this condition of approval be codified and made a permanent part of the municipal code. The Council gave direction to staff to bring this item to the Planning Commission for their input and recommendation for a Code amendment. The Planning Commission in turn asked for additional information including best practices from other cities, legal ramifications if codified and South Gate Police statistics on public safety as it relates to the matter. The public hearing was last continued to hear from a representative of the South Gate Police Department on this matter. He added that Chief Randy David was present to answer any questions the Planning Commission might have.

Commissioner Masushige asked Chief Davis about any previous issues regarding this matter. Chief Davis stated that the Police Department does not see a direct nexus between violations and single can sales. He said the Police Department had 300 calls for service that are alcohol related but that doesn't mean enforcement actions were always surrounding liquor stores establishments for off-sales.

Commissioner Delgado asked staff how many pending ABC licenses that City has. Senior Planner Betancourt stated that there are no pending applications at this time.

Vice-Chairperson Guevara asked how many Conditional Use Permits the City has versus how many legal non-conforming applications. In response Director Perez stated that the City has 122 active licenses, 48 of those are C.U.P. 71 are for off-sale. Vice-Chairperson Guevara added that even if this is regulated, the existing establishments will continue to sell-single-can containers.

Chairperson Velasquez asked Chief Davis if there have been issues with single-can beer sales. Chief Davis stated that he is concerned about the habitual offenders that linger in the public right of way, behind the stores, or in the alleys and parks who are regular consumers of alcohol beverages. Chief Davis added that in his opinion there is no direct correlation with the ordinance and elimination of the problem.

Commissioner Hurtado is concerned that small businesses will be at a disadvantage by not being able to compete with the big establishments if this ordinance gets approved.

Chief Davis added that there should be a partnership with the City and the business owners. He stated that businesses should pursue profits while also taking responsibility to police their own areas and not to allow issues to reoccur.

Chairperson Velasquez opened the public hearing.

Paul Lee, 9200 California Avenue, business owner of Best Market, said he was concerned about notifications not sent to the business owners; he also asked if the proposed ordinance applies to

restaurants. He added that some of his customers do not drink a lot so they will only buy one or two beers. He noted that off-sale businesses are sufficiently regulated by ABC, the City, and the South Gate Police Department.

Bash Chudhry, 3433 Tweedy Boulevard, business owner of Freddy's Market, stated that in the future he would like for the City to contact business owners directly about this issue. He said he does not agree with this ordinance. He asked what the definition of a single can is and said that some bottles are designed to be sold as single cans depending on the size. He added that he would be O.K. with prohibiting 12 oz. or 16 oz. single containers that are not meant to be sold as single cans but as a six pack. He said it will negatively impact the existing businesses and stated that there is no correlation between single-can beer sales and crime. He agrees with the Chief of Police to have partnership with the City, add more lighting around the businesses and security cameras will address the stated issues.

Steven Chavez, 3904 Tweedy Boulevard, representative of Larry's liquor store, stated that he follows all the laws, attends community meetings, and follows the rules. This is a family owned business and has been there for 22 years and has never had a problem. He post signs for no loitering outside the store. He believes the proposed ordinance will affect small businesses in a negative way.

John Lee, 5720 Imperial Highway, business owner of Hollydale minimart, stated he is not in favor of this ordinance. He stated that ABC itself has specific rules like no loitering. He said it is up to the business owner to regulate certain rules. As a new business owner, he has transients around his store but he addressed the issue right away.

Mehdi Mahmoud "BJ", 2600 E. Firestone Boulevard, Star Market, stated that he has been a business owner for 28 years and that he has never had a problem with homeless panhandling outside his store. He said there was a homeless person across the street and he stated that drugs are a bigger issue than alcohol. He said some of his customers stated that they only buy one or two beers because if they buy a six pack they drink more.

Avneet Parihar "AP", 3280 Tweedy Boulevard, Quick and Easy food store, stated that he was not aware of this proposed ordinance change. He is located at the border of Lynwood and South Gate and stated that panhandling is a burden on the business owners. He feels that the Police Department should have better enforcement. He said that this ordinance will not stop the problem.

David Quan, 2724 Firestone Boulevard, business owner, said this will be detrimental to small businesses in the community. He suggested that if people can't make their purchase in South Gate they will simply shop in neighboring cities.

Harry Singh, 9201 State Street, business owner for 17 years, stated that he has no violations and that other residents buy single can beer not only panhandlers. He also noted that the majority of the sales from his store are from single can-containers.

Parmenda Giguide, 10145 Atlantic Boulevard, stated he is a new business owner and that 20 to 30 percent of his business comes from single-can beer containers. He does not have any panhandlers around his area. He said that if this gets approved any new owner that comes in will

be affected, the price of liquor stores will go down if they cannot make the same profit as the existing business.

There being no additional comments from the public, Chairperson Velasquez closed the Public Hearing.

Commissioner Hurtado stated that when something is brought to the Council for discussion it allows for public comments. He said he that this proposal will hurt small business. He also concurs with Chief Davis that business owners need to address those concerns and be proactive.

Commissioner Masushige agreed with Commissioner Hurtado, that this will affect local small businesses.

Commissioner Delgado clarified that this ordinance will not affect current businesses.

Commissioner Hurtado stated that it will have a negative impact if they decide to sell the business in the future.

Vice-Chairperson Guevara thanked the audience for getting involved and stated that this will only affect new business coming in to the City.

Commissioner Hurtado asked the audience for participation and to strategize with the Police Department and work amongst fellow business owners to address the issues raised this evening.

Commissioner Delgado added that some business owners would agree to define a single can 12 oz or 16 oz cans that are meant to be sold as a six pack.

Chairperson Velasquez stated that enforcement is an issue and having the Police Department enforce a specific size of the container will not be efficient.

Commissioner Hurtado made a motion to recommend that the City Council not change the Municipal Code regarding single container beer sales, Commissioner Masushige second the motion. The motion carried (5-0).

Director Perez thanked the audience for coming to the meeting and stated that this item will be presented to the City Council. He encourages all business owners to sign-up to the City Website for notifications. He stated that notifications were not sent to existing business because this ordinance was not going to affect current businesses.

General Business - None

Audience Comments

Virginia Johnson, 5751 McKinley Avenue, welcomed Commissioner Hurtado and Commissioner Masushige to the Planning Commission.

John Lee, 5720 Imperial Highway, stated that this is his first time participating at a Planning Commission Meeting. He agrees with some of the comments and believes that business owners should take action to address transients.

Bash Chudhry, 3433 Tweedy Boulevard, said he appreciated the Commission for understanding business owners and listening to their concerns.

City Staff Comments

Director Perez thank the Commission and congratulated the new Chairperson Velasquez and Vice-Chairperson Guevara.

Planning Commission Comments

Commissioner Masushige asked staff for an update regarding a business on Liberty Boulevard. Director Perez stated that an update will be provided by the Police Department.

Director Perez informed the Commission that AltaMed Medical and Dental Group is now open for business. It will eventually have about 80 employees.

Vice-Chairperson Guevara suggested that as part of public participation the City could include a geographical map on the City's website that shows each project and stages of completion.

5. ADJOURNMENT

There being no further business before the Planning Commission, Vice-Chairperson Guevara moved and Commissioner Hurtado seconded the motion to adjourn the meeting. The motion carried (5-0) to adjourn the meeting to June 6, 2017. The meeting was adjourned at 8:35 p.m.

Respectfully,



Joe Perez, Secretary

APPROVED:



Carlos Velasquez, Chairperson