

RESOLUTION NO. 2021-39-CC

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, RECOMMENDING CERTIFICATION OF A CLASS 3 CATEGORICAL EXEMPTION PURSUANT TO CEQA (§§ 21000); APPROVING CONDITIONAL USE PERMIT NO. 843 TO ALLOW THE CONSTRUCTION OF NEW 1,807 SQUARE FOOT DRIVE THROUGH RESTAURANT WITH MODIFIED PARKING IN THE TMU-1 ZONE OF THE TWEEDY BOULEVARD SPECIFIC PLAN AT 9854 ALAMEDA STREET (APN: 6205-016-013); ADOPTING SPECIFIC PLAN AMENDMENT 21-25 TO UPDATE FOOTNOTE 4 OF TABLE 4-2 AND SETBACK CRITERIA UNDER TABLE 4-3 OF THE SPECIFIC PLAN.

WHEREAS, on December 8, 2020, the Department of Community Development received an application from Mike Mazon (“**Applicant**”), for Conditional Use Permit (CUP) No. 843, and on July 14, 2021, received an application for Specific Plan Amendment to allow a new 1,807 square foot Raising Cane’s drive through located in the TMU-1 zone of the Tweedy Boulevard Specific Plan, located on a 25,245 square foot site at 9854 Alameda Street; and

WHEREAS, the City Council upon giving the required notice did, on the fourteenth day of September, 2021, conduct a duly advertised public hearing as required by law to consider said Conditional Use Permit and Specific Plan Amendment. Notice of the hearing was originally published in the *Los Angeles Wave* newspaper on September 2, 2021; and

WHEREAS, the Planning Commission upon giving the required notice did, on the seventeenth day of August, 2021, conduct a duly advertised public hearing as required by law to consider said Conditional Use Permit and Specific Plan Amendment. Notice of the hearing was originally published in the *Los Angeles Wave* newspaper on August 5, 2021; and

WHEREAS, after completion of the necessary technical analysis on traffic, air quality, soils and noise, the Planning Commission determined that the proposed CUP No. 843 is Categorically Exempt from the California Environmental Quality Act (California Public Resources Code §§ 21000 *et seq.*) under Class 3 (New Construction or Conversion of Small Structures) Section 15303 of the State CEQA Guidelines as the proposal involves the construction of a 1,807 square foot commercial building in an urbanized area that is served by all necessary public services and facilities and will not involve the use of hazardous substances. In addition, it is not located in an area that is environmentally sensitive. A Notice of Exemption will be filed with the County Clerk of the County of Los Angeles pursuant to the California Environmental Quality Act; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted; and

WHEREAS, the Planning Commission determined that the facts of this matter are as follows:

1. As illustrated on attached Exhibit A, the proposed project involves the construction of a new

1,807 square foot drive through restaurant with approximately 900 square feet of outdoor dining area with a 3' high decorative CMU block wall along the northerly property line and an 8' high decorative CMU block wall at the easterly property line. Access to the project site is provided through 26' wide stamped concrete driveway off of Alameda Street, and two 20' wide one-way stamped concrete driveways off of Tweedy Boulevard. The project provides 17 standard parking spaces that include 2 ADA parking stalls. This CUP allows an administrative modification from the required 18 standard parking stalls as the use would be a drive through only restaurant with no indoor dining and limited outdoor dining. Landscaping is provided at 16.3% lot coverage. The restaurant includes two drive through aisles to minimize vehicle queuing with an order intercom that will not exceed a volume setting of 8 (between 34.5 dBA and 49.3 dBA) at any given time, consistent with the code provisions for noise levels near residential uses.

2. The site is zoned TMU-1 of the Tweedy Boulevard Specific Plan. The General Plan designation is Tweedy Sub Area 1. The surrounding uses to the north and east are residential, to the west are commercial, and to the south are civic/public uses.
3. Table 4-2, Allowed Land Uses for Tweedy Mixed-Use Zones, of the Tweedy Boulevard Specific Plan requires a Conditional Use Permit for drive through restaurants. The Conditional Use Permit requires Planning Commission approval.
4. The proposed project is located on a vacant 25,245 square foot site that has street frontage on Tweedy Boulevard, Alameda Corridor and Nebraska Avenue. Other reports indicate that the property was previously used as a trucking company, roofing company, and metal pipe cutting and steel tube business.
5. The project site is bound by Alameda Street, also known as the Rail Transit Corridor, to the west and Tweedy Boulevard to the south. According to the City General Plan, the Alameda Corridor is a 20-mile long freight rail expressway along Alameda Street that is part of a larger network that connects the greater Los Angeles region to the Los Angeles and Long Beach ports. Directly south of the project site is Tweedy Boulevard which is designated a Secondary Collector under the General Plan. Given the unique siting of the proposed restaurant near two major corridors within the city, the use is designed to be a drive through only restaurant with very limited outdoor seating within a 900-square foot outdoor patio to limit on-site traffic.
6. The Tweedy Boulevard Specific Plan supports drive-through restaurants on the parcel; however, given the unique location of the project site along the Specific Plan corridor, the following criteria within the Specific Plan are not feasible for this site and certain other sites in the Specific Plan area.

WHEREAS, because the development challenges facing the proposed project are not unique to that site but are shared by other sites within the Tweedy Boulevard Specific Plan Area, the Community Development Department proposed, and the Planning Commission approved, a Specific Plan Amendment to update the following sections of the Tweedy Boulevard Specific Plan as illustrated on attached Exhibits B-1 and B-2:

- A. To update Footnote #4 within Table 4-2 to allow exceptions for properties adjacent to a designated Expressways or Major Highway, as follows:

“(4) Drive-through lane and window shall not be adjacent to front or side street property,

except the Planning Department may make an exception when a parcel abuts Alameda Street, Long Beach Boulevard, or Atlantic Avenue.”

- B. To update Table 4-3 to allow exceptions on the primary frontage of parcels adjacent to a designated Expressway or Highway, as follows:

“Primary Frontage* Property Line – 0ft to 10ft. Note: 60% of the building shall include a 0 ft. setback and build the property line, the remaining façade may be setback up to 10 ft. to create usable outdoor space *except the Planning Department may make an exception when a parcel abuts Alameda Street, Long Beach Boulevard, or Atlantic Avenue.*”

WHEREAS, the City Planning Commission made the following findings as required per Section 11.52.030 of the City of South Gate’s Zoning Code:

- A. Approval of the CUP is consistent with, and will not adversely affect, the intent and purpose of this Code or the City’s General Plan.

The General Plan Land Use Map identifies areas within the City as either Neighborhoods, Districts or Corridors. The project site is within the Tweedy Sub Area-1 Corridor. The General Plan calls for the Tweedy Corridor to be the “heart and soul of South Gate and become a place where all of the City’s residents can shop, eat and meet their neighbors.” While the General Plan encourages residential or civic and institutional uses for Tweedy Sub Area-1, the development of a drive through, fast food restaurant supports other general plan policies such as:

- *Objective CD5.1: Preserve and enhance the existing character of Tweedy Mile.* The proposed project will enhance the surrounding area with its new construction and activity on a vacant site. New architectural styles and colors may be introduced so long as the character and scale are consistent with the existing corridor. The proposed project is consistent with the low-rise density of the corridor.
- *Objective CD 5.2: Target new uses that reinforce Tweedy Mile’s role as the heart of the City.* The proposed Raising Cane’s drive-through will provide additional services and amenities to the surrounding community. With the proposed conditions, the proposed development will create activity and energy to an otherwise vacant site. Approval of the CUP is consistent and will not adversely affect the intent and purpose of the South Gate General Plan land use map or objectives.

- B. The design and development of the land use and conditions of the CUP are compatible with the existing and future land uses of the applicable zone.

The project is designed to be compatible with the adjacent and surrounding land uses. There are residential uses to the north and east, commercial uses to the west, and civic/public institutions to the south. The project fronts two major corridor in the city and is therefore designed to promote health and public safety.

- C. Approval of the CUP would not result in detrimental impacts to adjacent properties or to the character or function of the neighborhood.

To determine that approval of the CUP would not result in detrimental impacts to adjacent

properties or to the character or function of the neighborhood, potential impacts on traffic flow, queuing and parking were analyzed. In addition, other environmental reports were analyzed such as Phase I & II ESA reports, Limited Site Investigation Report, Noise Study, Air Quality and Greenhouse Gas Emissions, and conditions were placed as appropriate to limit the negative impacts to the neighborhood.

WHEREAS, the City Planning Commission made the following findings as required per Section 11.40.220, Drive-Through Facilities, of the City of South Gate's Zoning Code:

- A. The design and location of the facility and stacking lane will not contribute to increased congestion on public or private streets adjacent to the subject property.
- B. The design and location of the facility and stacking lane will not impede access to or exit from the parking lot serving the facility, nor impair normal circulation within the parking lot. Raising Cane's has designed the site to utilize a second queue during peak traffic volume. Furthermore, the developer will prepare a Traffic Management Plan (TMP) to assess the potential issues.
- C. Kimley-Horn prepared a Traffic Study for Raising Cane's drive through lanes, and based on its drive-through queuing data, the peak observed queue was 25 vehicles. During peak periods, the proposed site would have a drive-through queuing capacity of 17 vehicles. Outside of the drive-through lanes, there are internal drive aisles to provide additional drive through queue capacity to keep the peak drive-through queue from spilling out into public streets. This additional queuing capacity equates to an additional 210 feet, or 9 vehicles, for a total on-site capacity of 26 vehicles, which would provide enough queuing capacity for the peak observed queue of 25 vehicles (Attachment G – Traffic Study.)
- D. Kimley-Horn prepared an Air Quality and Greenhouse Gas Emissions Memorandum in which concluded that the project implementation would result in less than significant construction and operational air quality and GHG impacts. No mitigation measures would be required, and the proposed project would not result in significant effects (Attachment H – Air Quality and Greenhouse Gas Emissions Memorandum.)
- E. As the project is located adjacent to multifamily dwelling units, a noise study was completed on July 15, 2021, and updated on August 11, 2021, by Kimley-Horn. It provided an analysis of the proposed drive-through intercom system as it is located less than 40-feet from the nearest multifamily unit. The updated study showed that at a set volume setting of 8, in combination with an 8-foot high wall near the multifamily units, operational noise level generated from the intercom would range between 34.8 dBA and 49.4 dBA during daytime hours, and from 34.5 dBA to 49.3 dBA during nighttime hours which according to our General Plan is an acceptable range for multiple-family residential units (Table N-4, Noise Element, p. 343).
- F. The project is Categorically Exempt from CEQA under Class 3 (New Construction or Conversion of Small Structures) Section 15303, of the State CEQA Guidelines, as the proposal project involves the construction of a 1,807 square foot commercial building in an urbanized area that is served by all necessary public services and facilities and will not involve the use of hazardous substances. Class 3 consists of, but is not limited to, the construction and location of limited numbers of new, small facilities or structures. This includes, but is not limited to, up to four commercial buildings not exceeding 10,000 square

feet in floor area on a site zoned for such use if not involving the use of significant amounts of hazardous substance where all necessary public services and facility are available and the surrounding area is not environmentally sensitive in urbanized areas.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. The above recitals are all true and correct and incorporated herein by this reference.

SECTION 2. The Director of Community Development is hereby authorized and directed to prepare a document setting forth the conditions to CUP No. 843.

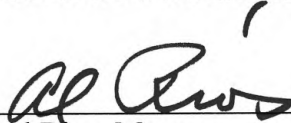
SECTION 3. Pursuant to the authority of Government Code section 65463, the Tweedy Boulevard Specific Plan is hereby amended by this Resolution to modify Footnote #4 of Table 4-2 and to modify Table 4-3, all as specifically shown on Exhibits B-1 and B-2 to this Resolution, which Exhibits are incorporated herein by this reference.

SECTION 4. The City Manager, the Director of Community Development, and their designees are hereby authorized and directed to take all other actions which they deem necessary or appropriate to implement and enforce this Resolution.

SECTION 5. The City Clerk shall certify to the adoption of this Resolution, which shall be effective upon its adoption, and shall attach to her certified copy of this Resolution the document identified in Section 4 above.

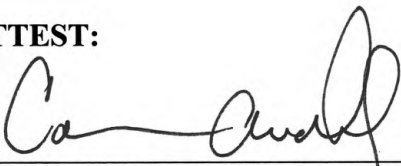
PASSED, APPROVED and ADOPTED this 14th day of September 2021.

CITY OF SOUTH GATE:



Al Rios, Mayor


ATTEST:



Carmen Avalos, City Clerk

(SEAL)

APPROVED AS TO FORM:

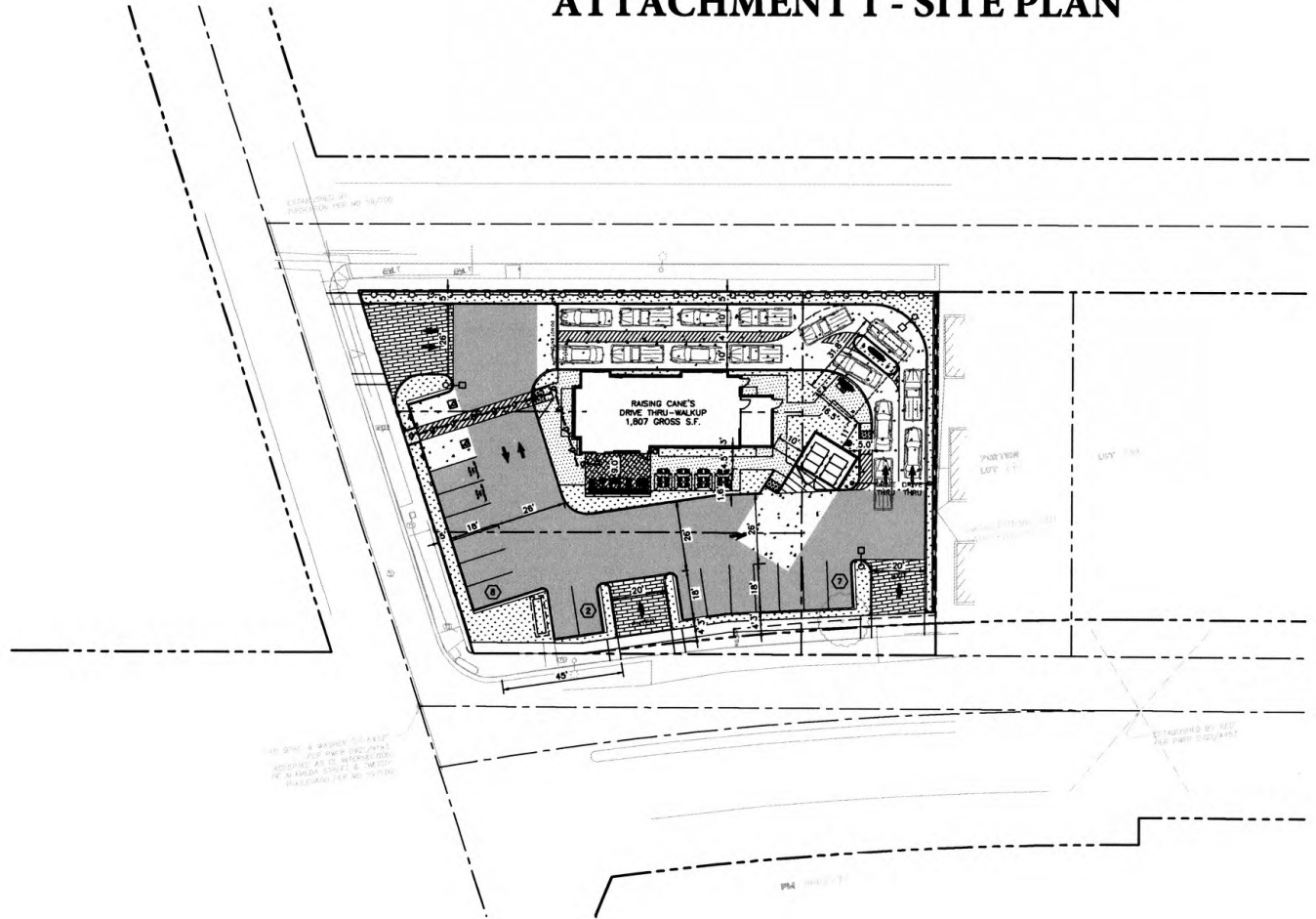
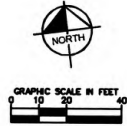


Raul F. Salinas, City Attorney

EXHIBIT A

Site Plan

ATTACHMENT 1 - SITE PLAN



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Kimley»Horn
765 THE CITY DRIVE, SUITE 200 | ORANGE, CA 92668
PHONE: (714) 898-1030 | www.kimley-horn.com

TITLE:
SITE BASE

PROJECT:
RC0616 - SOUTH GATE

LOCATION:
**ALAMEDA & TWEEDY
SOUTH GATE, CA**

JOB NUMBER:	094797110
SCALE:	1" = 20'
DATE:	5/3/2021
SHEET:	1 OF 1

THIS DOCUMENT TOGETHER WITH THE CONCEPTS AND DESIGNS PRESENTED HEREIN, AS AN INSTRUMENT OF SERVICE, IS INTENDED ONLY FOR THE SPECIFIC PURPOSE AND CLIENT FOR WHICH IT WAS PREPARED. REUSE OF AND IMPROPER RELIANCE ON THIS DOCUMENT WITHOUT WRITTEN AUTHORIZATION AND ADAPTATION BY KIMLEY HORN AND ASSOCIATES, INC. SHALL BE WITHOUT LIABILITY TO KIMLEY HORN AND ASSOCIATES, INC. COPYRIGHT KIMLEY HORN AND ASSOCIATES, INC. 2021

EXHIBIT B-1

Specific Plan Amendment Table 4-2

Footnotes for Table 4-2: Allowed Land Uses for Tweed Mixed-Use Zones

Notes: All land use types are subject to the applicable frontage type requirements and all other development, design, and operational standards of the applicable zone.

s.f. = square feet

- (1) Existing single-family homes are permitted to stay as non-conforming uses and are subject to Chapter 11.55 (Nonconforming Uses and Buildings) of the CZC.
- (2) Use is limited to upper floors only or behind ground floor street frontage use for streets designated as "Active Retail frontage". Minimum depth required from face of storefronts on ground floor as follows:
 - a. Tweedy Boulevard: 30 feet
 - b. Atlantic Avenue: 50 feet
- (3) Community and Public Gardens are permitted in Utility ROWs and subject to Administrative Permit on vacant lots as a temporary use only. All land use types are subject to the applicable frontage type requirements and all other development, design, and operational standards of the applicable zone.
- (4) Drive-through lane and window shall not be adjacent to front or side street property line *except the Planning Department may make an exception when a parcel abuts Alameda Street, Long Beach Boulevard, or Atlantic Avenue.*
- (5) Use not permitted along street frontages designated as "Active Retail Frontage" in Figure 4-1.
- (6) Land use is by definition an outdoor use and shall be exempt from outdoor use screening requirements. When adjacent to residential uses, a minimum 6 foot decorative wall is required for noise attenuation.
- (7) In compliance with all applicable right-of-way requirements.
- (8) Permitted in shopping centers one acre or larger.
- (9) See Chapter 11.44 (Recycling and Refuse Facilities) of the CZC.
- (10) Machines located inside stores shall be permitted uses. Machines located outside shall be subject to an Administrative Permit. Commodities drop off is prohibited for either use type. Machines shall not be located within 1,000 feet of a liquor store or a business that sells alcohol.

EXHIBIT B-2

Table 4-3

1. Tweedy Mixed Use-1 (TMU1) Zone

Table 4-3: TMU1 Development Standards	
Density	
Minimum	n/a
Maximum	20 du/acre
Maximum w/bonus	30 du/acre
Height	
Maximum	3 stories; 40 feet
Maximum w/bonus	n/a
Floor Area Ratio (FAR)	
Maximum	1.25
Maximum w/bonus	n/a
Building and Parking Setbacks (L)	
Primary Frontage* Property Line	0 ft. to 10 ft. Note: 60% of the building shall include a 0 ft. setback and build to the property line, the remaining façade may be setback up to 10 ft. to create usable outdoor space.
<i>Except the Planning Department may make an exception when a parcel abuts Alameda Street, Long Beach Boulevard, or Atlantic Avenue."</i>	
Side Street Property Line	0 ft. to 10 ft. Note: 40% of the building shall include a 0 ft. setback and build to the property line, the remaining façade may be setback up to 10 ft. to create usable outdoor space.
Interior Property Line	0 ft; 15 ft. adjacent to existing single family residential with shared property line; 5 ft. with alley
Alley Property Line	3 ft.
Neighborhood Medium (NM) Zone Adjacent Property Line	0 ft; 15 ft. adjacent to existing single family residential
Frontage Types (See CZC Section 11.23.080)	
Gallery	Allowable
Shopfront	Allowable
Forecourt	Allowable
Terrace/Stoop	Allowable
Porch	Allowable
Front Yard	Prohibited
* Per CZC Section 11.6U (Definitions). "Primary frontage" means the side of the lot directly adjacent to the street frontage considered the front of the lot by the city parcel map. The director shall determine the front lot for corner lots or lots having frontage on two or more streets.	

EXHIBIT C

CONDITIONAL USE PERMIT NO. 843 CONDITIONS OF APPROVAL 9854 ALAMEDA STREET

General Requirements:

1. Code Compliance

The permittee shall comply with all applicable codes, laws, rules and regulations including the Building and Safety, Public Works, and Zoning Codes of the City of South Gate and the Health and Fire Codes of the County of Los Angeles.

2. Approved Plans

The tenant space shall be developed and operated as a Raising Cane's substantially in accordance with the approved plans and Site Plan included as attached, unless otherwise approved in writing by the Director of Community Development.

3. Future Construction

All future construction or additions to the installation shall be subject to review and approval of the Planning Commission, as determined appropriate by the Director of Community Development.

4. Compliance with Conditions

All conditions are to be complied with as of the effective date of the conditional use permit.

5. Intensification of Use

This permit shall only be valid until, and shall thereafter expire when, the Planning Commission shall determine, at a hearing at which the permittee is given sixty (60) days advance written notice, and an opportunity to be heard, that an "intensification of use", as defined in subparagraph (i) below, has occurred for which no prior advance written permit approval has been given by the City.

- i. For the purposes of this section, an "intensification of use" shall be deemed to occur when any of the following shall occur
- ii. Any change which increases the floor area of the premises by more than 10% of the existing floor area.
- iii. Adding new uses or providing new services on the premises.
- iv. Nothing herein is intended to cause the termination of the Conditional Use Permit solely on the basis of change of ownership.

6. Right of the City to Impose Modifications

Upon sixty (60) days prior notice given in writing, in advance, to the Permittee at a hearing at which the Permittee is given an opportunity to be heard, the City shall have the right to modify the terms of this conditional use permit, to impose such further and additional conditions to the conditional use permit herein granted that are reasonably related to crime prevention, crime protection, parking, traffic, circulation, safety, health, surrounding land use compatibility, noise, vandalism, poor maintenance of property, aesthetics and welfare at or in the immediate vicinity of the property which is the subject of this conditional use permit.

7. Citation

Any violation of the code requirements and/or conditions of approval may be subject to the issuance of a citation that could result in a fine as set by the Planning Commission, after notice, at which time the applicant may address the Commission.

8. Reimbursement

The City Planning Commission may impose, as a condition of continuation, reinstatement or re-issuance of any permit, a requirement that the Permittee reimburse the City for all costs and expenses reasonably incurred in the investigating, identifying, and documenting the violation and in processing information concerning the violation for presentation to the City Planning Commission, and upon appeal, to the City Council.

9. Applicant and Property Owner Condition Acceptance Affidavit

Within thirty (30) days of approval of the Project, the Applicant and Property Owner shall certify his/her acceptance of the conditions placed on the approval by signing a notarized Affidavit of Acceptance stating that he/she accepts and shall be bound by all of the conditions.

10. City Indemnification by Applicant

The Applicant shall defend, hold harmless and indemnify the City and its agents, officers and employees from any claim, action or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval by the City concerning the Project. The City shall promptly notify the Applicant of any filed claim, action or proceeding and shall cooperate fully in the defense of the action.

11. Entitlement Expiration

This approval is valid for a period of 12 months from the date of final determination. If the use approved by this action is not established within such a period of time, this approval and the conditional use permit shall terminate and shall be null and void.

12. Property Maintenance

Applicant shall agree to maintain the property and all related on-site improvements and landscaping thereon, including without limitation, buildings, parking areas, lighting, signs, and walls in a first class condition and repair, free of rubbish, debris and other hazards to persons using the same, and in accordance with all applicable laws, rules, ordinances and regulations of all Federal, State, County and local bodies and agencies having jurisdiction, at applicants sole cost and expense. Such maintenance and repair shall include, but not be limited to the following: (i) sweeping and the removal of trash and debris as soon as possible but at least within 24 hours; (ii) the care of all shrubbery, plantings and other landscaping in a healthy condition and replacement of diseased or dead plant material with new material at an age similar to the material being replaced; (iii) maintenance of all irrigation systems in properly operating condition; (iv) the removal of graffiti within 24 hours; and (v) the repair, replacement and restriping of asphalt or concrete paving using the same type of material originally installed, to the end that such paving at all times be kept in a level and smooth condition.

Suspension or Revocation:

1. A public hearing consistent with Chapter 11.50 (Administration) shall be held for the consideration of a permit revocation. Pursuant to Chapter 11.51, a permit or any associated

conditions may be revoked or modified by the Planning Commission subject to any of the following grounds:

- a. The permit or approval was obtained by fraud.
 - b. The property is not being used for the purpose which is the subject of the permit.
 - c. The use for which the approval was granted has ceased or has been suspended for 1 year or more.
 - d. The permit or conditions of the approval have been violated; exercised contrary to the terms of approval; or in violation of any statute, ordinance, law or regulation.
 - e. The use for which the approval was granted was exercised in a manner detrimental to the public health or safety, or so as to constitute a public nuisance.
2. Hours of operation shall be 9 am to 3:30 am daily, Sunday through Saturday.
3. Any approval or permit granted by the City becomes null and void if the property is not being used for the approved or permitted purpose within one (1) year from the date the approval or permit was issued, consistent with the provisions identified within Section 11.55 Nonconforming Uses and Buildings.
4. If the application or any conditions of the CUP violate the Zoning Code or do not fulfill the intent of the applicable codes, the Planning Commission shall, following a public hearing, be authorized to take the following actions:
- a. Revoke the CUP, revoke and reissue the CUP with new or modified conditions, or modify the conditions of the existing CUP as may be appropriate under the circumstances.
 - b. Impose, as a condition of the continuation, reinstatement, or reissuance of the CUP, a requirement that the permittee reimburse the City for all costs and expenses reasonably incurred in investigating, identifying, and documenting the violation, and in processing information concerning the violation for presentation to the Planning Commission, and, upon any appeal, to the City Council.
5. A prevailing party in any judicial action, administrative proceeding, or special proceeding to abate or to cause the abatement of a public nuisance, or in any appeal or other judicial action arising therefrom, may recover reasonable attorney's fees in accordance with the following subsections:
- a. Attorney's fees are not recoverable by any person as a prevailing party unless the city manager, or a designee thereof, or an attorney for and on behalf of the city, elects in writing to seek recovery of the city attorney's fees at the initiation of that individual action or proceeding. Failure to make such an election precludes any entitlement to, or award of, attorney's fees in favor of any person or the city.
 - b. The city is the prevailing party when an administrative or judicial determination is made or affirmed and a person is found to be responsible for one or more conditions or activities that constitute a public nuisance. A person is the prevailing party only when a final administrative or judicial determination completely absolves that person of responsibility for all conditions or activities that were alleged to constitute a public nuisance in that action or proceeding. An administrative or judicial determination that results in findings of responsibility or no responsibility on the part of a person for conditions or activities that were alleged in that action or proceeding to constitute a public nuisance shall, nevertheless, result in the city being the prevailing party.
 - c. Provided the city has made an election to seek attorney's fees, an award of attorney's

fees to a person shall not exceed the amount of reasonable attorney's fees incurred by the person in that action or proceeding.

Planning Conditions:

1. The project applicant will be required to implement all recommended/required construction and operational BMPs.
2. The proposed project's construction and operation must adhere to the requirements of the City of South Gate Noise Control Program (South Gate Municipal Code Chapter 11.34). The use of any pile drivers must occur during the daytime periods and the contractors must notify all residents and businesses within 500 feet at least two weeks in advance of their use.
3. All mechanical ventilation and other machinery must be located in enclosures that will attenuate noise if the equipment exceeds the allowable noise levels in the City of South Gate Noise Program.
4. Drive through speaker shall remain at the volume setting of 8 as analyzed in the Noise Study.
5. The Applicant shall install high-efficiency, WaterSense labeled toilets in order to reduce water consumption. Installing high efficiency toilets will reduce long term operating costs by consuming less water.
6. The proposed site consisting of Assessor Parcel 6205-016-013, shall be developed and maintained in substantial compliance with the approved architectural plans of Conditional Use Permit No. 843. Any material deviations of the approved plans including new buildings, additions or modifications must be approved by the Planning Commission before construction.
7. The proposed site consisting of Assessor Parcel 6205-016-013, shall be subject to all the conditions set forth and any changes of use of any one lot within that parcel shall require modification to this Conditional Use Permit, and/or Planning Commission on appeal.
8. All new development with a building valuation equal to or exceeding \$500,000 must comply with Art in Public Place program or may pay to the City Art Fund on an amount equal to 1% of the total building.
9. Within thirty (30) days of approval of the project, the applicant and property owner shall certify his/her acceptance of the conditions placed on the approval by signing a notarized Affidavit of Acceptance stating that he/she accepts and shall be bound by all of the conditions.
10. Approval shall be valid for twelve (12) months from the date of the final determination. Time extension may be granted at the discretion of the Planning Commission.

11. Final approval from the Planning Division shall be obtained at the completion of construction and prior to the final approval from the Building and Safety Division. All conditions of approval shall be met prior to final approval by the Planning Division.
12. The applicant shall defend and hold harmless and indemnify the City and its agents, officers and employees from any claim, action, or proceeding against the City or its agents, officers or employees to attack, set aside, void or annul any approval by the City concerning the project. The City shall promptly notify the applicant of any filed claim, action or proceeding and shall cooperate fully in the defense of the actions.
13. No exterior structural or facade alterations or changes including exterior colors, materials or facade treatments other than those colors or building treatments originally approved by this application, shall be permitted without the prior approval of the Director of Community Development.
14. Future changes to the exterior color (either stucco or paint) shall be obtained by separate review and approval by the Planning Division of the Community Development Department.
15. Any fencing or wall installation shall be approved by the Planning Division of the Community Development Department prior to installation. Barbed wire and concertina wire is prohibited.
16. Conditions of approval shall be included in plans submitted during the Plan Check process.
17. The project shall comply with all Building & Safety and Public Works requirements.
18. All lighting of the building, landscaping, parking area, and similar facilities shall be hooded and directed to reflect away from adjoining properties. A precise lighting plan shall be submitted showing the location of all exterior lighting within the driveway and parking areas. The plan shall be subject to the approval of the Senior Planner. Approval criteria will emphasize both the functional as well as the decorative nature of the proposed lighting. The plan and fixture design shall be approved separately from the design approval and from the working drawings.
19. Any permanent or temporary signage shall require a sign permit issued by the Planning Division pursuant to the City's Sign Ordinance prior to installation.
20. Any new utilities shall require the submittal of a utility plan to the Planning Division for review and approval before a building permit is issued. All mechanical equipment and appurtenances of any type, whether located on roof top, ground level, or anywhere on the building structure or site shall be completely enclosed or screened so as not to be visible from any public street and/or adjacent property. Such enclosure of facilities or screening shall be of compatible design related to the building structure for which such facilities are intended to serve.

21. Applicant shall install and maintain landscaping with plants that require less water in accordance with the State Water Efficient Landscape Requirements, as an alternative to traditional landscaping and turf.
22. Applicant shall agree to maintain the property and all related on-site improvements and landscaping thereon, including without limitation, buildings, parking areas, lighting, signs, and walls in a condition and repair that meets industry standards, free of rubbish, debris and other hazards to persons using the same, and in accordance with all applicable laws, rules, ordinances and regulations of all Federal, State, County and local bodies and agencies having jurisdiction, at applicants sole cost and expense. Such maintenance and repair shall include, but not be limited to the following: (i) sweeping and removal of trash and debris as soon as possible but at least within 24 hours; (ii) the care of all shrubbery, plantings and other landscaping in a healthy condition and replacement of diseased or dead plant material with new material at an appropriate size for the health and spacing of the plant material; being replaced; (iii) maintenance of all irrigation systems in properly operating condition; (iv) the removal of graffiti within 24 hours; and (v) the repair, replacement and restriping of asphalt or concrete paving using the same type of material originally installed, to the end that such paving at all times be kept in a level and smooth condition.
23. Driveway entrance and exit from Alameda Street and Tweedy Boulevard shall be stamped/stained concrete.
24. A new decorative 8-ft high block wall shall be constructed along the eastern property line.
25. The landscaping, including the parkway, shall be maintained in a clean, thriving condition, free from litter, weeds, and overgrowth in perpetuity. Mature trees shall not be removed without prior written approval by the Community Development Department.
26. Landscaping shall include a minimum of 36 inch box trees and shall be in substantial compliance to approved preliminary landscaping plan.
27. All rooftop mechanical equipment shall be placed behind a permanent parapet wall and shall be completely screened.
28. All building drainage shall be interior with no exterior downspouts or gutters.
29. Trash enclosure shall be constructed in accordance to plot plan and elevations of the attached plans. Trash enclosures shall include a decorative cover, decorative stucco walls, automatic self-closing solid metal doors and be screened by landscaping.
30. Trash enclosures should remain locked unless trash collection is occurring.
31. The installation of exterior security doors, gates, and window covering including but not limited to bars, grills, and overhead roll down doors, or/and exterior mounted covering of any type, shall be prohibited.

32. Driveway parking areas shall not incorporate center swales. All drainage in common and private use areas shall be underground and shall not incorporate open gutters or swales.
33. All onsite overhead utility servicing the development shall be placed underground.
34. Soil Management Plan (SMP) shall be implemented during grading/construction activities.
35. Soil vapor intrusion mitigation system (VIMS) design and installation shall be implemented to mitigate potential for vapor intrusion into the newly constructed building.
36. Applicant will need to amend the Tweedy Boulevard Specific Plan

Building and Safety Conditions

37. Project to comply with all ADA requirements.
38. Must obtain Fire Department Approval.
39. Must submit soils geotechnical report and grading report for review and approval.
40. Eight feet high decorative CMU wall required along east property line.
41. Trash enclosure must be fully enclosed and secured.
42. Indicate/show electrical and mechanical equipment on plans.
43. Must obtain building permit for all new signage.

Code Enforcement Conditions

44. Applicant shall continue to provide daily maintenance to the building and property, ensuring there is no Graffiti on the building or trash and discarded items in the parking lot.

Fire Conditions

45. Applicant shall obtain clearance from County of Los Angeles Fire Prevention Land Development and acceptance prior to issuing permits and Certificate of Occupancy.

Police Department Conditions

46. No preliminary comments or conditions.

Southern California Edison Conditions

47. Applicant shall obtain all approvals and clearances from Southern California Edison.

Public Works Department Comment and Conditions

General Design Parameters

48. All the streets shall be designed per APWA Standard Specifications for Public Works Construction, latest edition and the City of South Gate standards, in case of a conflict, the City's standards will prevail.
49. All the drainage design criteria shall be per the Los Angeles Flood Control District and the City of South Gate standards, in case of a conflict, the City's standards will prevail.
50. All the grading plans shall be designed to the requirements of the City of South Gate Department of Building and Safety.
51. All public works improvements shall be constructed in accordance with the latest edition of the APWA Standard Specifications for Public Works Construction and South Gate City Standards, and to the satisfaction of the City Engineer prior to the issuance of a Certificate of Use and Occupancy.

General Conditions

Prior to the issuance of building and public works permit, the applicant shall:

52. Prepare street, drainage, water, sewer, grading, lighting and signing and striping, improvement plans showing all existing and proposed public works improvements and dry utilities as outlined below. Said plans shall be prepared by a registered Civil Engineer on City approved title blocks.
53. Provide an engineer's estimate for all public works improvements and pay all plan-check fees in accordance with the latest fee schedule prior to plan review.
54. Developer shall deposit \$5,000 with the City to cover the City's cost for review of pre-development submittals such as preliminary plans, including traffic, civil, planning and environmental consultants, etc.
55. The developer shall pay Road Mitigation fees in accordance with the latest fee schedule. Retail Development fee is calculated at \$9/sq. ft. of new gross building area, unless otherwise exempt from the Road Mitigation Ordinance or waived by the City Council.
56. The developer shall pay LID plan check fees. Review is done by City's Environmental Consultant, John Hunter & Associates.
57. Pay permit, construction management and inspection fees associated with this project in accordance with the latest Public Improvement Plan Check fee schedule at the time of permit issuance and inspection.
58. Coordinate all Public Works improvements inspection with the Public Works Department at least 48 hours prior to commencing work. Contact John Rico at (323) 563-9594 to arrange for a Public Works Inspection.

59. Developer's contractor, subcontractors, and consultants working on this project must obtain and pay City Business License and permits fees.
60. Prior to the City's acceptance of the public improvements, developer shall submit a refundable deposit in the amount of \$3,000, which will be refunded upon receipt of "Record Drawings" for all the required improvements on approved Mylar(s) and AutoCAD files on a CD.
61. Comply with the requirements of the Americans with Disabilities Act (ADA compliance) in regards to access ramps, sidewalks, driveway and any public access pathways.
62. Comply with the City's Community Development Ordinance pertaining to construction debris recycling. Contact the Building & Safety Department to obtain a Construction & Demolition Debris Waste Reduction Recycling Plan forms.
63. Developer to contact the City's Waste Hauling Company (Waste Management) at (800) 774-0222 and obtain approval for the location of waste disposal container(s), including facilities for recycling.
64. Developer must comply with all applicable South Coast Air Quality Management District (AQMD) regulations.
65. Developer to coordinate with Southern California Edison Company for any improvements within their right-of-way.

Streets

66. Remove and reconstruct any and all damaged/or deficient existing improvements including but not limited to driveways, access ramps, alley approach, curb and gutter, sidewalk within the parkway along the perimeter of the proposed development. Existing sidewalks with non-compliant ADA cross slope exceeding 2% shall be replaced.
67. Remove and reconstruct existing non-compliant ADA access ramp on the southeast corner of Alameda Street and Nebraska Avenue and the northeast corner of Alameda Street and Tweedy Boulevard. The detectable warning surface shall be poured-in-place and the color shall be Federal Yellow.
68. Close existing driveways on Tweedy Boulevard and Alameda Street, which will no longer be in use as part of the new development, and replace with new curb and gutter and full-width sidewalk to match existing.
69. Construct ADA compliant sidewalks improvements within the area of the 4-foot right-of-way dedication required herein, along the frontage of the property on Tweedy Boulevard. Any damages done to existing public improvements during construction shall be removed and replaced to original condition per the satisfaction of the City Engineer.

70. Any cross flow drainage from the property over the sidewalks is not permitted. Construct parkway drains as required.
71. Where utility cuts on concrete pavements are proposed, the entire concrete panel shall be removed and reconstructed.
72. Centerline ties, property corners and benchmark monument shall be preserved in the public right of way. In the event that ties, property corners and benchmark monuments are disturbed or removed, a licensed surveyor shall re-establish and file required corner record survey with the Los Angeles County Surveyors office. All recorded copies of the documents shall be submitted to the City along with the final set of as-built plans.
73. Paint property address on the curb, in front of the proposed development, to the City and Fire Departments satisfaction.
74. Proposed landscape shall be designed to incorporate water conservation techniques through application of xeriscape landscaping principles. Landscape plan to include low-water demanding plants with limited turf, efficient irrigation system and use of California native plants.

Right-Of-Way Dedication, Easements and Lot Merger

75. Developer shall submit a legal description, Plat and boundary closure, prepared by registered land surveyor that shows the following:
 - a. A 4-foot right of way dedication for roadway purpose to the City of South Gate for Public Street purposes along the entire property frontage on Tweedy Boulevard. The dedication shall be recorded prior to the issuance of the Certificate of Occupancy.
76. Developer shall provide a copy of the Title Report to the City Engineer.
77. Developer shall prepare and process documents for Lot Merger for Assessor Parcel 6205-016-013. The Lot Merger shall be effective when the certificate of compliance and deed(s) has/have been recorded. Lot merger shall be recorded prior to issuance of the Certificate of Occupancy.
78. Additional dedications may be required at the proposed driveways to meet and comply with ADA requirements. Proposed driveways should provide pedestrian access across it with cross slope not exceeding 2% and maintain minimum width of 4-foot.
79. Developer shall submit the required document for the roadway dedication or any proposed easements. Comply with all requirements of the Subdivision Map Act, the City of South Gate Municipal Code and all the applicable state and local laws.
80. Developer shall provide to the City a boundary survey map defining the boundaries of the existing property lines.

Grading and Drainage

81. Comply with all Federal, State, and local agency requirements pertaining to the Clean Water Act, which establishes regulations, set forth in the Countywide National Pollutant Discharge Elimination System (NPDES) Permit.
82. Comply with the City's Storm Water Management Ordinance. Implement all NPDES requirements and Best Management Practices during and after construction. Provide and obtain approval of a site-specific Erosion Control Plan.
83. Submit a Grading and Drainage plans prepared by a Registered Civil Engineer to the satisfaction of the Public Works Department and Building Division. Show all existing and proposed driveways, curb & gutter, sidewalks, curb ramps, street trees, tree wells, street lights, street signs, power poles, utility boxes, meters, curb drains, etc. on the plans. Provide LID Plan and calculations required to address storm water discharge and NPDES requirements by City's Environmental Consultant, John Hunter and Associates
84. Submit Geotechnical reports, including but not limited to infiltration, percolation reports.
85. All on-site parking and circulation areas shall be paved as required by a pavement engineering or geotechnical report prepared by a Registered Civil Engineer, subject to the review and approval of the Public Works and Community Development Departments.
86. Provide a final detailed drainage study (prepared by a registered/licensed civil engineer) for review and approval. The study shall include existing and proposed hydrologic conditions as well as hydraulic calculations (per Los Angeles County format) for all drainage control devices and storm drain lines.
87. Grading plan will include geotechnical and geologist certification, stating that grading plan has been reviewed and found to be in conformance with the recommendations as outlined in the soils and geological report.
88. Historical or existing storm water flow from adjacent lots must be received and directed by gravity to the street, a public drainage facility, or an approved drainage easement.
89. Dust control operations shall be performed by the developer at the time, location and in the amount required and as often as necessary to prevent the excavation or fill work, demolition operation, or other activities from producing dust in amounts harmful to people or causing a nuisance to persons living nearby or occupying buildings in the vicinity of the work. The developer is responsible for compliance with Fugitive Dust Regulations issued by the Air Quality Management District (AQMD).

Sewer

90. The developer shall prepare a comprehensive Sewer Capacity Study signed and stamped by a registered Civil Engineer addressing the sewer needs of the new proposed site and pay all required review fees. Initial deposit of \$761 is required to initiate the plan check. Actual costs of the review will be billed to the developer as the plan check progresses. Based on the Sewer Capacity Study, the developer might be required to pay

for any necessary sewer upgrades. The limits of the upgrades shall be to the downstream point of connection to where sufficient capacity exists. If in case the sewer connection is made to Los Angeles County sewer system, the developer may need to coordinate and get approval from Los Angeles County Sanitation District and pay any associated County fees.

91. Install adequate sewer lateral(s) to serve the proposed development, and abandon any existing sewer laterals and sewer cleanouts that will not be used, to the satisfaction of the Public Works and Building & Safety Departments. Sewer laterals will be abandoned in place with either cement slurry backfill or concrete bulkhead plug per City Standard Plans.
92. The developer shall consult the City Engineer to determine new sewer location and design requirements. Relocation of any public sewer lines shall be subject to approval by the City Engineer.

Water

93. Conduct a Water System Capacity Study and provide a copy of the report to the City for review and approval. If higher water needs are determined, then the developer will pay for any water upgrade needed to meet the demand. Developer to pay for all costs incurred for the review of the capacity study.
94. All proposed improvements shall be served by adequately sized water mains and water service lines to accommodate the total domestic, landscape and fire flows. Plans shall include size, type and location of the proposed fire hydrants approved by the Los Angeles Fire Department (LAFD). Provide fire flow calculations to justify the size and the velocity in the pipe (not to exceed 10 ft/sec)
95. Coordinate with the City's Water Division regarding removal of all existing water meters that will not be used by the development.
96. Existing water meter on Tweedy Boulevard may need to be relocated or abandoned. Water meters are not allowed along driveways.
97. Developer shall pay Water Development Impact Fees per the latest City Fee Schedule. Fee is dependent on new or upgrade of water meter sizes. Development Water Impact fees are paid at the time of obtaining the building permit.
98. Relocation of any public water lines shall be subject to approval by the City Engineer.

Traffic

99. The developer shall prepare a Traffic Impact Study signed and stamped by a registered Civil/Traffic Engineer addressing potential safety issues, trip generations, distribution assignments, queuing analysis, Level of Service analysis, line of sight, internal circulation and overall operational impacts to nearby signalized intersections. Study should include all signalized intersections for which the proposed project will add 50 or more trips during the AM, MD and PM peak hour. If the study is determined insufficient by the City Engineer, the developer will be required to prepare a Traffic

Impact Assessment and pay for any traffic mitigations that arise from the Traffic Impact Assessment.

100. The traffic study shall include an operational analysis of the potential impacts to the roadway system, inclusive of Alameda Street and Tweedy Boulevard at a minimum, and have recommendations to mitigate them. The proposed location of the access to the development is anticipated to “bottleneck” traffic thereby causing vehicle queues to back-up onto Alameda Street and Tweedy Boulevard. As such, the following conditions shall apply:
 - a. Developer shall assess all impacts of vehicle queuing and recommend mitigation measures. No queuing of vehicle on Alameda Street and Tweedy Boulevard shall be permitted. The proposed development shall accommodate all queuing on site.
 - b. Timing and coordination modifications for better vehicle platooning to adjacent road segments.
 - c. In lieu of addressing all of the operational issues on the traffic study, the developer shall prepare a Traffic Management Plan (TMP) to assess the potential issues and identify mitigation measures. In such case, the traffic study shall identify potential operational issues: analyze those with sufficient operational information that require traffic analysis and develop mitigations: and defer the assessment of operational issues to the TMP where sufficient operational information does not exist. Further, the traffic study shall include a recommendation for the TMP as a mitigation measure.
101. The proposed site plan shall be approved by the Fire Department.
102. Internal circulation, particularly where there are trash pick-ups, should be shown accommodating the vehicles that will serve the development.
103. Clear unobstructed sight distance lines shall meet AASHTO guidelines and shall be shown on the improvement plans at intersections and/or driveways.
104. Upon completion of construction, developer shall remove temporary construction markings (USA marking).
105. All public and private signage and markings for vehicular traffic shall conform to the provisions of the California Manual on Uniform Traffic Control Devices (CA-MUTCD).

Utilities

106. Developer is responsible for research on private utility lines (Gas, Edison, Telephone, Cable, etc.) to ensure there are no conflicts with the site.
107. All existing on-site utility lines and existing utility lines serving the proposed development, that conflict with the project, shall be relocated, removed, or abandoned at the developer’s expense to the satisfaction of the City Engineer.
108. For all electrical needs the developer will coordinate with SCE Planner.

109. Any significant proposed utility underground vaults or meter shall be located away from the proposed driveways.
110. All proposed on-site sewer, water, and drainage facilities shall be private system(s) maintained by the property owner.

Use and Occupancy

111. Complete Public Works improvements prior to issuance of certificate of occupancy. Should any public improvements not completed prior to issuance of certificate of occupancy the developer shall enter into a development agreement and post the necessary securities in the amount approved by the City Engineer and in a form approved by the City Attorney. All public improvements shall be completed at the developer's cost.
112. The City reserves the right to add additional conditions as deemed necessary to comply with health and safety requirements.
113. Prior to issuance of a release of Use and Occupancy, all the above conditions shall be complied with and all the improvements are in place.

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS
CITY OF SOUTH GATE)

I, Carmen Avalos, City Clerk of the City of South Gate, California, hereby certify that the whole number of Members of the City Council of said City is five; that Resolution No. 2021-39-CC was adopted by the City Council at their Regular Meeting held on September 14, 2021, by the following vote:

Ayes: Council Members: Rios, Avalos, Davila, Diaz and Hurtado
Noes: Council Members: None
Absent: Council Members: None
Abstain: Council Members: None
Recused: Council Member: None

Witness my hand and the seal of said City on September 15, 2021.



Carmen Avalos, City Clerk
City of South Gate, California