

RESOLUTION NO. 7566

**CITY OF SOUTH GATE
LOS ANGELES COUNTY, CALIFORNIA**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE APPROVING AMENDMENT NO. 1 TO CONDITIONAL USE PERMIT NO. 799 ALLOWING AN INCREASE IN SERVICE AREA OF ALCOHOLIC BEVERAGES BY MORE THAN TEN PERCENT (10%) AT A 6,000 SQUARE FOOT RESTAURANT (PAD B OF SITE PLAN 299) AT THE AZALEA REGIONAL SHOPPING CENTER AT 4635 FIRESTONE BOULEVARD (TGI FRIDAY'S)

WHEREAS, on June 19, 2013, the Department of Community Development received an application from the firm of Sheppard, Mullin, Richter & Hampton LLP, for Amendment No.1 to Conditional Use Permit No. 799 which proposes to allow an increase in service area of alcoholic beverages by more than ten percent (10%) at a 6,810 square foot restaurant (Pad B of Site Plan 299) at the azalea Regional Shopping Center, and

WHEREAS, the subject property is located at 4365 Firestone Boulevard, and the zoning is M-2 and M-3 (Manufacturing) Zone; and

WHEREAS, the City Council upon giving the required notice did on the 10th day of September, 2013 open a duly advertised Public Hearing as required by law to consider the approval of said Conditional Use Permit; and

WHEREAS, Notice of the hearing was published in The Long Beach Press Telegram on August 31, 2013 and mailed on August 27, 2013 to the last known addresses of the owners of the properties located within a 300-foot radius of the exterior boundaries of the subject property, as indicated on the latest available assessments rolls of the City; and

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

WHEREAS, the City Council determined that the facts of this matter are as follows:

1. On June 19, 2013, the Department of Community Development received an application from the firm of Sheppard, Mullin, Richter & Hampton LLP, for Amendment No.1 to Conditional Use Permit No. 799 which proposes to allow an increase in service area of alcoholic beverages by more than ten percent (10%) at a 6,000 square foot restaurant (Pad B of Site Plan 299) at the Azalea Regional Shopping Center.
2. The subject property is located at 4365 Firestone Boulevard. The General Plan designation for this property is Gateway District Sub-Area 1, and the zoning is M-2/M-3 (Manufacturing) Zone.
3. The restaurant is a tenant in a free standing building (Pad B of Site Plan 299) of the proposed multi-tenant retail development of an (approximate) 32 acre property.
4. The restaurant contains approximately 6,810 square feet indoor area and a 1,130 square feet outdoor

patio area of which the total area dedicated for serving alcohol will be 3,122 square feet indoor and 1,130 square feet outdoors.

5. The subject application proposes serving alcohol seven days a week from 7 a.m. to 2 a.m.
6. Notice of the City Council hearing was published in The Long Press Telegram and mailed to the surrounding properties on August 31, 2013.

WHEREAS, the City Council made the following findings:

1. The subject application will not be detrimental to the public health, safety, and welfare or adversely affect property values or the present and future development of the surrounding area with the incorporation of the conditions of approval.
2. The sale of alcoholic beverages in conjunction with other items on the menu sold at the proposed restaurant will provide additional dining experience for the patrons of the restaurant.
3. The proposed use is consistent with the goals and the objectives of the South Gate General Plan because it will promote business at this restaurant.
4. Upon compliance with the attached conditions of approval the subject use will not have a detrimental impact on adjacent properties.

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

SECTION 1. The City Council of the City of South Gate, pursuant to the facts, noted above, does hereby approve Conditional Use Permit No. 799 to allow an increase in service area of alcoholic beverages by more than ten percent (10%) at an approximately 6,810 square foot restaurant (Pad B of Site Plan 299) at the Azalea Regional Shopping Center subject to the following conditions:

1. The property shall be developed in substantial conformance with Site Plan 299.
2. The restaurant on the subject property will be operated as a "Bona fide public eating place" and shall not operate as a "Take-out restaurant" as defined in section 11.39.020 of the South Gate Municipal Code.
3. The kitchen shall be maintained at all times in a clean and sanitary condition. Adequate refrigeration shall be maintained at all times for the preservation of food on the subject restaurant
4. Alcoholic beverages shall be sold in accordance with the provisions of a Type 47 liquor license issued by the State Alcohol Beverage Control Board (ABC) between 7 a.m. and 2 a.m. daily.
5. No inventory, materials, merchandise or supplies shall be stored or displayed except within a wholly enclosed building.
6. The premises will be maintained at all times in a neat and orderly manner.

7. This conditional use permit amendment shall expire within one year from the date of approval unless exercised within that time or unless a request for extension is granted by the Director of Community Development. Such requests will be granted for a one year period.
8. Applicant acknowledges and agrees that the permit is expressly conditioned on the Applicant (and/or Lessee or Operator) maintaining the subject property in a well-maintained condition, and free from graffiti. In the event of graffiti markings, Applicant agrees to eliminate all such graffiti within forty eight (48) hours, with or without notice from the City, as a condition of the permit.
9. Employees serving alcoholic beverages between 7 a.m. and 2 a.m. shall be of such age, and subject to such supervision, as is specified in the Business and Professions Code
10. The owner-operator or lessee of the business establishment shall be responsible for the conduct of all employees, including their education concerning ABC regulations and municipal code provisions pertaining to sales of alcohol (i.e. verification of age of purchaser).
11. The exterior appearance of the permittee's premises shall be designed and maintained in a manner consistent with the exterior appearance of commercial premises within the immediate neighborhood so as not to cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
12. The permittee shall comply with all state statutes, rules and regulations relating to sale, purchase, display, possession and consumption of alcoholic beverages.
13. The permittee shall acknowledge and agree that the City has a legitimate and compelling governmental interest in the permittee's strict compliance with all conditions imposed upon the permit, including adherence to state statutes, rules and regulations as specified in South gate Municipal Code Section 11.39.050.D.5. The permittee shall further acknowledge and agree that any violation of a state statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor has been determined by the city to have a deleterious secondary effect upon (i) the specific land use requested by the permittee and authorized by the City; (ii) the compatibility of the permittee's authorized land use with adjacent land uses; and (iii) Welfare and safety of the general public within the City. In view of such deleterious secondary effects, permittee shall acknowledge that the City has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the conditional use permit, as a consequence of one or more violations of state statute, rule or regulation concerning sale to or consumption of alcoholic beverages by a minor.
14. The permit shall be subject to review for compliance with all conditions of issuance at such intervals as the City Planning Commission shall deem appropriate, and the first such review shall take place not later than six months after the issuance of the permit;
15. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to the imposition of additional conditions following its issuance, which additional conditions may be imposed by the Planning Commission , or , upon appeal City Council, to address problems of land use compatibility, security or crime control that have arisen since the issuance of the permit.
16. No telephone accessible to the general public shall be installed within the premises of the permittee and the subject site.

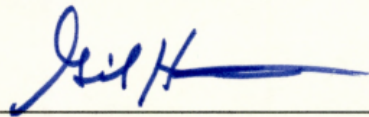
17. No arcade type games, including video games, shall be installed or operated on the premises of the permittee.
18. The applicant/operator will submit an application to amend this application should any of the following occur: (1) an increase in service area of alcoholic beverage exceed, by more than ten percent(10%) of 3,122 square foot indoor area and 1,130 Square Foot outdoor area; (2) an increase of twenty-five percent (25%) in the seating capacity of the premises; or (3) an increase of twenty-five percent (25%) in the shelf area used for the display of alcoholic beverages.
19. The property owner and the business owner shall be monitor the parking lot and adjacent area to prevent loitering.
20. A lighting plan shall be submitted to the Community Development Department to ensure adequate lighting for the exterior of the restaurant. This Conditional Use Permit shall not be effective until the lights are installed in accordance with the approved lighting plan. The lights shall be maintained in working order during the life of this Conditional Use Permit.
21. Unless otherwise waived, 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.
22. 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" has occurred at this restaurant for which no prior advance written permit approval has been given by the City. For the purposes of this section, an "intensification of use" shall be deemed to occur when any of the following shall occur
 - a. Any change which increases the service area of the premises.
 - b. Adding new uses or providing new services on the premises.
23. Nothing herein is intended to cause the termination of the Conditional Use Permit solely on the basis of change of ownership.
24. 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.
25. 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.
26. Violations of the conditions of this conditional use permit can result in the revocation or modification of this application by the issuing body at a regularly scheduled meeting, notice of which will be given to the applicant by first class mail, postage prepaid, or by posting notice of said hearing at two prominent locations on the premises to which the permit refers.

27. 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.
28. All conditions of approval of this Conditional Use Permit shall be continuously met during the exercise of this Conditional Use Permit.
29. All applicable provisions of the South Gate Municipal Code shall be met. In the event of a conflict between Code provisions and Conditions of Approval or for determination of the applicability of Code the Director of Community Development or his designee shall make the final decision.

SECTION 2. The City Clerk shall certify to the adoption of this Resolution, which shall be effective upon its adoption.


PASSED, APPROVED and ADOPTED this tenth day of September 2013.

CITY OF SOUTH GATE:



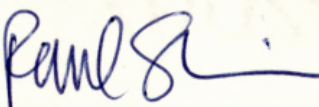
Gil Hurtado, Mayor

ATTEST:



Carmen Avalos, City Clerk
(Seal)

APPROVED AS TO FORM:



Raul F. Salinas, City Attorney

RESOLUTION CERTIFICATION PAGE

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. 7566 was adopted by the City Council at their Regular Meeting held on September 10, 2013, by the following vote:

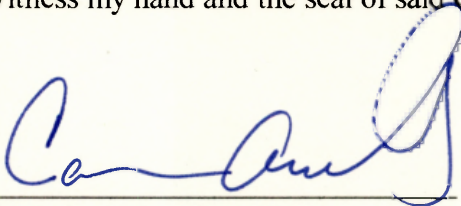
Ayes: Council Members: Hurtado, Gonzalez, Morales and Davila

Noes: Council Members: None

Absent: Council Members: De Witt

Abstain: Council Members: None

Witness my hand and the seal of said City on September 25, 2013.



Carmen Avalos, City Clerk
City of South Gate, California