

Planning Commission Agenda

Tuesday, March 1, 2022, at 7:00 p.m.

TELECONFERENCE

DIAL-IN-NUMBER: 1-669-900-6833

Meeting ID: 842 0234 9726

<https://us02web.zoom.us/j/84202349726>

CALL TO ORDER:

PLEDGE OF ALLEGIANCE:

ROLL CALL:

CITY OFFICIALS:

CHAIRPERSON

Fabiola Inzunza

COMMISSIONERS

Jose Delgado

Jenny Perez

Diego Sepulveda

VICE CHAIRPERSON

Jose De La Paz

REPORT ON POSTING

I, Jose Montano, Administrative Coordinator, certify that a true and correct copy of the foregoing meeting agenda was properly posted on February 25, 2022, 72 hours prior to said meeting, as required by law.

MEETING COMPENSATION DISCLOSURE

Pursuant to Government Code Section 54952.3: Disclosure of compensation for meeting attendance by Planning Commission is \$125.00 per meeting.

Item No. 1

The Planning Commission will consider approving the minutes for the Planning Commission meeting of February 15, 2022.

Item No. 2

The Planning Commission will conduct a public hearing to consider approving the Zoning Ordinance regarding Inclusionary Housing and in Lieu Fees.

Item No. 3

The Planning Commission will conduct a public hearing for Conditional Use Permit No. 852. to allow construction of a new Kentucky Fried Chicken (KFC) of 2,200 square feet on a 21,700 square foot lot located in the Civic Center (CC) zone for property located at 3420 Firestone Boulevard.

Item No. 4

The Planning Commission will conduct a public hearing for Conditional Use Permit No. 855. to allow an existing restaurant to obtain a Type 41 Alcoholic Beverage Control license for the on-sale of beer and wine for property located at 5720 Imperial Hwy Unit D.

Comments

At this time, members of the public and staff may address the City Planning Commission regarding any items within the subject matter jurisdiction of the Planning Commission. No action may be taken on items not listed on the agenda unless authorized by law.

AUDIENCE COMMENTS

CITY STAFF COMMENTS

PLANNING COMMISSIONS COMMENTS

ADJOURNMENT

Adjournment at 8:00pm to the Regular Planning Commission meeting on Tuesday, March 1, 2022.

In compliance with the American with Disabilities Act, if you need special assistance to participate in the Planning Commission Meetings, please contact Community Development Department.

Notification 48 hours prior to the City Council Meeting will enable the City to make reasonable arrangements to assure accessibility. Any final action of the Planning Commission, on this agenda, is appealable to the City Council upon filling the request with the City Clerk prior to 5:00pm on Monday, February 28, 2022.

Materials related to an item on this Agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the City Clerk's Office, 8650 California Avenue, South Gate, California 90280 (323) 563-9510 * fax (323) 563-5411 * www.cityofsouthgate.org

**MINUTES OF THE REGULAR MEETING
OF THE SOUTH GATE CITY PLANNING COMMISSION
TUESDAY, FEBRUARY 15, 2022**

INTRODUCTORY PROCEDURES

Chairperson Fabiola Inzunza called the meeting to order at 7:00 P.M.

The Pledge of Allegiance was led by Commissioners Jose Delgado

ROLL CALL: By Jose Montano, Recording Secretary

Present: Chairperson Fabiola Inzunza, Vice-Chairperson Jose De La Paz, Commissioners Jose Delgado, Commissioner Jenny Perez, and Commissioner Diego Sepulveda

Excused:

Absent:

Staff: Community Development Director Meredith Elguira, Senior Planner Yalini Siva, and Recording Secretary Jose Montano

City Attorney Craig Hardwick

REPORT ON POSTING: By Jose Montano, Recording Secretary

MEETING COMPENSATION DISCLOSURE

1. MINUTES

The Planning Commission considered approving the minutes for the Planning Commission meeting of February 1, 2022. Chairperson Fabiola Inzunza moved, and Vice-Chairperson Jose De La Paz seconded the motion to approve the Planning Commission minutes of February 1, 2022, with the request that staff review the audio of the meeting of February 1, 2022, and include the motion that was not carried.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Abstain
Commissioner Jenny Perez	Yes
Commissioner Diego Sepulveda	Yes

The motion carried (4-1), with Commissioner Jose Delgado abstaining and all other Commissioners voting in favor.

2. PUBLIC HEARING

**ZONING ORDINANCE REGARDING INCLUSIONARY
HOUSING AND IN LIEU FEES.**

Per staff's request, Item No. 2 shall be moved to the meeting of March 1, 2022.

Chairperson Inzunza opened the public hearing.

With no comments received, Chairperson Inzunza closed the public hearing.

Chairperson Fabiola Inzunza moved, and Commissioner Diego Sepulveda seconded the motion to move Item No. 2 to the next Planning Commission meeting of March 1, 2022.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Yes
Commissioner Jenny Perez	Yes
Commissioner Diego Sepulveda	Yes

The motion carried (5-0) and all Commissioners voting in favor.

3. PUBLIC HEARING

CONDITIONAL USE PERMIT NO. 856. TO ALLOW A PROPOSED RESTAURANT TO OBTAIN A TYPE 2(WINERGROWER) AND A TYPE 23 (SMALL BEER MANUFACTURER ALCOHOLIC BEVERAGE CONTROL LICENSE FOR PROPERTY LOCATED AT 3606 TWEEDY BOULEVARD

Senior Planner Yalini Siva presented a staff report to the Planning Commission. This item was brought before the commission to consider approving a Conditional Use Permit that will allow two alcohol licenses at a proposed artisanal beer brewery/winery and restaurant at 3606 Tweedy Boulevard.

ABC License Type 2 – Winegrower: (Winery) *The following pertains to new winegrowers' licenses issued after September 17, 1965. A winegrower must have facilities and equipment for the conversion of fruit into wine and engage in the production of wine. Wine must be made from the fermentation of agricultural products to which may be added brandy that is distilled from the same agricultural product from which the wine is made. Thus, neutral grain or other distilled spirits cannot be used to fortify wine – only brandy of a specific type. No more than 15% added flavoring or blending material may be added.*

ABC License Type 23 – Small Beer Manufacturer: (Less than 60,000 barrels per year) *The privileges and limitations for this type of license are the same as for other beer manufacturers. This license formerly related only to Steam beer. "Steam" beer is made by fermentation at cellar temperature rather than near freezing as is the case with other beers. It is made using only one type of malt-malted barley. It contains no corn, rice or other cereal grains as regular beers normally do. The method of carbonation is entirely natural and involves a process known as Krausening. This process requires taking beer which has been completely fermented and adding to it beer which is still fermenting. This causes a second fermentation to occur. The Krausening process in beer corresponds closely to the "bulk process" in making some types of sparkling wines. Typically, a very small brewery with a restaurant where the beer it produces is sold in draft form exclusively at its own premises.*

The proposed brewery/winery and restaurant would provide a bar & dining area, kitchen, walk-in cooler, back-room fermenter area, and mezzanine area for storage. The proposed hours of operation would be Wednesday through Thursday between 8 to 11 a.m., 12 p.m. to 5 p.m. and 6 p.m. to 11 p.m.; Friday between 8 a.m. to 11 a.m., 12 p.m. to 5 p.m. and 6 p.m. to 12 a.m.; Saturday between 8 a.m. and 11 p.m.; and Sunday between 8 a.m. and 8 p.m. In addition, the proposed restaurant menu would include breakfast, lunch, dinner, brunch and "late"

menu items to complement the proposed brewery/winery, ranging from biscuits to tacos and corn pancakes, depending on the time and day of the week.

The proposed establishment would be within an existing tenant space as a part of an existing multi-tenant structure located on Tweedy Boulevard. The applicant proposes to complete several interior tenant space improvements. Exterior improvements would solely be related to permitted signage.

The subject multi-tenant building provides for a total of 2 parking spaces (one accessible space and one standard space) on site. As there is off-site parking available within walking distance to the proposed establishment, the subject application is not mandated to provide parking on-site or parking related to covenant parking agreements, etc.

The proposed conditions of approval contained in Resolution No. 2022-02 requires that the business operation remain in compliance with the requirements of the California Department of Alcoholic Beverage Control. It has been designed to mitigate any potential negative impacts, address any potential problems that may arise should there be a change in the business operation and/or management. Staff recommends that the Planning Commission approve Conditional Use Permit No. 856, which would establishing two alcohol licenses at a proposed artisanal beer brewery/winery and restaurant located at 3606 Tweedy Boulevard.

Chairperson Inzunza opened the public hearing.

1. Victor Zamudio- 3610 Tweedy Blvd expressed his gratitude for staff's hard work, with a special thank the Senior Planner Yalini Siva and is excited that his business and bring this item before the commission.
2. Joel Baca- non-resident spoke in favor of the business
3. Brijida Salina-10308 San Anselmo Ave, South Gate CA 90280 spoke in favor of the business
4. Jose Duarte non-resident spoke in favor of the business
5. Saida Castro- 2632 Iowa Ave South Gate CA 90280 spoke in favor of the business
6. Hugo Sanchez 8177 ½ Chestnut Ave South Gate CA 90280 spoke in favor of the business
7. Leticia Robles- 5359 Alameda Rd South Gate CA 90280 spoke in favor of the business
8. Robert Montalvo declined to provide an address spoke in favor of the business
9. Natalia Valdez-3355 Cherokee South Gate CA 90280 spoke in favor of the business
10. Sandy Rodriguez-Indiana Ave South Gate CA 90280 spoke in favor of the business
11. Daisy Prieto- 9731 Bryson Ave South Gate CA 90280 spoke in favor of the business
12. Grace Zamudio- 2710 Illinois Ave South Gate CA 90280 spoke in favor of the business
13. Ignacio Sanchez non-resident spoke in favor of the business
14. Monica Gallegos non-resident spoke in favor of the business
15. Guadalupe Castanon-8177 Chestnut Ave South Gate CA 90280 spoke in favor of the business
16. Noel Tellez non-resident spoke in favor of the business
17. Eric Barbosa-11317 Utah Ave South Gate CA 90280 spoke in favor of the business
18. Roxana Zobava-2710 Illinois Ave South Gate CA 90280 spoke in favor of the business
19. Daisy Rincon-4924 Santa Ana Street Cudahy, CA 90201 spoke in favor of the business

20. Marissa Sanchez 9534 San Luis Ave 9534 San Luis Ave South Gate CA 90280 spoke in favor of the business
21. Issac Becerra non-resident spoke in favor of the business

With no comments received, Chairperson Inzunza closed the public hearing.

Commissioner Perez excused herself from the deliberations.

Commissioner Delgado requested additional information regarding the hours of operation.

Senior Planner provided additional information regarding the hours of operation.

Chairperson Inzunza requested more information regarding the ABC license.

Senior Planner provided additional information regarding the ABC license.

Vice Chairperson Jose De La Paz moved, and Commissioner Jose Delgado seconded the motion to adopt Resolution No. 2022-02; accept the determination that this project is Categorically Exempt under Class 1 (Existing Facilities) Section 15301 of the California Environmental Quality Act; and approving Conditional Use Permit No. 856, subject to the recommended conditions of approval.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Yes
Commissioner Jenny Perez	Abstain
Commissioner Diego Sepulveda	Yes

The motion carried (4-1), with Commissioner Jenny Perez abstaining and all other Commissioners voting in favor.

4. PUBLIC HEARING

CONDITIONAL USE PERMIT NO. 852 TO ALLOW THE CONSTRUCTION AND OPERATION OF A NEW 1,797 SQUARE-FOOT FAST FOOD RESTAURANT WITH A DRIVE-THROUGH, IN THE CIVIC CENTER ZONE AT 3420 FIRESTONE BOULEVARD

Per staff's request, Item No. 4 shall be moved to the meeting of March 1, 2022.

Chairperson Inzunza opened the public hearing.

With no comments received, Chairperson Inzunza closed the public hearing.

Chairperson Fabiola Inzunza moved, and Commissioner Diego Sepulveda seconded the motion to moved item No. 4 to the next Planning Commission meeting of March 1, 2022.

Roll call vote was taken as follows:

Chairperson Fabiola Inzunza	Yes
Vice Chairperson Jose De La Paz	Yes
Commissioner Jose Delgado	Yes
Commissioner Jenny Perez	Abstain
Commissioner Diego Sepulveda	Yes

The motion carried (4-1), with Commissioner Jenny Perez abstaining and all other Commissioners voting in favor.

Audience Comments

None

City Staff Comments

None

Planning Commission Comments

Commissioner Jose Delgado reminded the commission regarding the 2022 homeless count. You can register at www.theycountwillyou.org

ADJOURNMENT

There being no further business before the Planning Commission, Chairperson Fabiola Inzunza adjourned the meeting at 8:05 P.M.

Respectfully,

Meredith Elguira, Community Development Director

APPROVED:

Fabiola Inzunza, Chairperson



City of
**South
Gate**

Community Development Department Memorandum

To: Planning Commission

From: Yalini Siva, Senior Planner

Date: February 24, 2022

Re: Planning Commission Agenda for March 1, 2022
Item No. 2 – Inclusionary Housing Ordinance

To allow for further research and data collection, Item No. 2 shall be continued to the next Planning Commission hearing on Tuesday, March 15, 2022.

City of South Gate

PLANNING COMMISSION

AGENDA BILL

For the Regular Meeting of: March 1, 2022

Senior Planner: Yalini Siva
Yalini Siva

Community Development Director: Meredith Elguira
Meredith Elguira

SUBJECT: CONDITIONAL USE PERMIT NO. 852 TO ALLOW THE CONSTRUCTION AND OPERATION OF A NEW 1,797 SQUARE-FOOT FAST FOOD RESTAURANT WITH A DRIVE-THROUGH, IN THE CIVIC CENTER ZONE AT 3420 FIRESTONE BOULEVARD

PURPOSE: To consider approving a Conditional Use Permit to allow the construction and operation of a new 1,797 square-foot fast food restaurant with a drive-through in the Civic Center zone at 3420 Firestone Boulevard.

RECOMMENDED ACTIONS:

1. **CONDUCT** a public hearing;
2. **ACCEPT** the determination that this project is Categorically Exempt from the California Environmental Quality Act ("CEQA"), California Public Resources Code §§ 21000 *et seq.*) under Class 3 (New Construction or Conversion of Small Structures) Section 15303 of the State CEQA Guidelines;
3. **ADOPT** the findings as outlined in Resolution No. 2022-03 (Exhibit A); and
4. **APPROVE** Conditional Use Permit No. 852, subject to the recommended conditions of approval, as contained in Resolution No. 2022-03.

PUBLIC NOTIFICATION:

Advertising and notification of the public hearing for the application was conducted in compliance with Chapter 11.50, Title 11 of the South Gate Municipal Code. Notice of the hearing was originally published in the *Los Angeles Wave* and mailed to surrounding properties owners and occupants within 1,000 feet of the subject site on February 3, 2022 (Exhibit B).

ENVIRONMENTAL EVALUATION:

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 1,797 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. (Exhibit C).

ANALYSIS:

Conditional Use Permit (CUP) No. 852 is a request by GLMV Architecture, on behalf of the property owner, Manuel & Rose Padilla, to develop a 1,797 square foot Kentucky Fried Chicken restaurant with a drive-through, on a 21,703 square foot lot. The project also consists of over 4,000 square feet of landscaping and sixteen parking spaces, including one Americans with Disabilities Act (ADA) parking space. A new trash enclosure will be provided on site. Entry and exit access is to be provided via Firestone Boulevard.

BACKGROUND:Zoning, General Plan Land Use and Existing Land

The subject site is located at 3420 Firestone Boulevard, located south of Firestone Boulevard between Elizabeth Avenue and Virginia Avenue. The zoning designation for the proposed site is Civic Center (CC), which is considered one of the City's urban mixed-use zones. Restaurants with drive-throughs in the CC zone require the approval of a CUP.

The General Plan designation of the subject site is Civic Center District. Land uses to the north, east and west are commercial and uses to the south are residential. The following table provides a summary of the general plan, zoning and land uses that surround the property:

ADJACENT PROPERTY LOCATION	GENERAL PLAN DESIGNATION	ZONING	PROPERTY USE
Subject Site	Civic Center District	Civic Center	Vacant
North	Civic Center District	Civic Center	Commercial
South	Neighborhood-Low	Neighborhood Low	Residential
East	Civic Center District	Civic Center	Commercial/Retail
West	Civic Center District	Corridor 1 zone (CDR1)	Commercial/Retail

Previous Land Uses

The current site is vacant. However, building permits indicate that the site was previously used as a vehicle dealership.

Zoning and Development Standards:Project Design and Operation

The applicant is proposing to construct a new 1,797 square foot restaurant with a drive-through, on a 21,703 square foot lot. The project is in compliance with the development standards listed in Title 11, Zoning, of the South Gate Municipal Code (SGMC).

The SGMC Section 11.33.080 regarding Parking Standards for Urban mixed-use zone requirements, notes a requirement for 1 parking space per 200 square feet for retail uses. The proposed building totals 1,797 square feet, which would require 18 parking spaces in total. However, the SGMC also allows for Administrative Modifications wherein parking standards are able to be modified by 10%. Therefore, ten percent of the required parking spaces can be reduced from the total number of required parking spaces. For this project site, the 18 parking spaces may be reduced to 16 parking spaces, per the Administrative Modifications allowance noted in the SGMC.

Below is a summary of development standards for the Civic Center Zone:

CIVIC CENTER (CC) ZONE DEVELOPMENT STANDARDS		
	<i>Maximum Allowed</i>	<i>Proposed</i>
<i>Height</i>	3 stories; 40 feet	1 story
<i>Floor Area Ratio</i>	1.5	0.08 FAR
<i>Building and Parking Setback</i>	0 ft. to 10 ft.	0 ft.
<i>Frontage Types</i>	Gallery, Shopfront, Forecourt, Terrace/Stoop, Porch, Front Yard	Shopfront
<i>Open Space Requirements</i>	5% (minimum)	19%
<i>Parking</i>	18 spaces required	16 provided, per Administrative Modification
<i>Trash Enclosure</i>	Required	Provided

The proposed building for the Kentucky Fried Chicken restaurant is of modern architecture and is comprised of cement stucco of a neutral color façade with red accents aligning with the company's brand and logos. Metal louvered awnings are proposed to be placed above doorways to break up the vertical plane. Hours of operation will be between 9 a.m. and 12 a.m. daily.

General Plan Conformance:

The General Plan Land Use Map identifies areas within the City as either Neighborhoods, Districts or Corridors. The project site is designated as Civic Center District. The General Plan mentions conditions of blight throughout the City, but specifically along major corridors, including Firestone Boulevard. Firestone Boulevard provides for "a large number of used car dealers and automobile-related uses." The project site was previously utilized as a car dealership and has been vacant for a number of years. Adjacent and nearby uses are also automobile-related. The General Plan also notes a lack of restaurants and also a need for neighborhood retail uses that would appeal to residents.

- *Objective CD 6.1: Create a series of distinct Districts throughout the City, each with its own character, identity and mix of uses.* The proposed project will enhance the surrounding area with its new construction and activity on an abandoned site. New architectural styles and colors may be introduced so long as the character and scale are consistent with the existing corridor.

- *Objective CD 6.2: Design landscaping, buildings, and sites to enhance the pedestrian environment and enhance the urban character of the City's Districts.* The proposed project is consistent with the low-rise density of the corridor.

Conditions of Approval

The conditions of approval for CUP No. 852 are included in the proposed Resolution No. 2022-03 (Exhibit A).

EXHIBITS:

- A. Resolution No. 2022-03
- B. Site Plan
- C. Public Hearing Notice
- D. Notice of Exemption

EXHIBIT A

RESOLUTION NO. 2022-03

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, APPROVING CONDITIONAL USE PERMIT NO. 852 TO ALLOW THE CONSTRUCTION OF A NEW 1,797 SQUARE FOOT RESTAURANT WITH A DRIVE-THROUGH IN THE CIVIC CENTER ZONE AT 3420 FIRESTONE BOULEVARD

WHEREAS, on July 22, 2022, the Department of Community Development received an application from GLVM Architecture (“**Applicant**”), for Conditional Use Permit (CUP) No. 852, located on a 21,703 square foot site at 3420 Firestone Boulevard; and

WHEREAS, the Planning Commission upon giving the required notice did, on the first day of March, 2022, conduct a duly advertised public hearing as required by law to consider said Conditional Use Permit. Notice of the hearing was originally published in the *Los Angeles Wave* newspaper on February 3, 2022; and

WHEREAS, the Planning Commission determined that the proposed CUP No. 852 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 1,797 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, 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 1,797 square foot restaurant with a drive-through, approximately 4,000 square feet of landscaping and a block wall along the southerly property line. Access to the project site is provided through proposed driveways off of Firestone Boulevard. The project provides 15 standard parking spaces and 1 ADA parking stall. This CUP allows an administrative modification from the required 18 standard parking stalls. Landscaping is provided at 16.3% lot coverage.
2. The site is zoned Civic Center. The General Plan designation is Civic Center District. Surrounding uses to the north, east and west are commercial and uses to the south are residential.
3. Table 11.21-3, Allowed Land Uses, Urban Mixed-Use Zones, of the South Gate Municipal Code 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 21,703 square foot site that has street frontage on Firestone Boulevard. The property was previously used as an automobile dealership business.

WHEREAS, the 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 Civic Center District. The General Plan mentions conditions of blight throughout the City, but specifically along major corridors, including Firestone Boulevard. Firestone Boulevard provides for "a large number of used car dealers and automobile-related uses." The project site was previously utilized as a car dealership and has been vacant for a number of years. Adjacent and nearby uses are also automobile-related. The General Plan also notes a lack of restaurants and also a need for neighborhood retail uses that would appeal to residents. The development of a drive through, fast food restaurant supports other general plan policies such as:

- Objective CD 6.1: Create a series of distinct Districts throughout the City, each with its own character, identity and mix of uses. The proposed project will enhance the surrounding area with its new construction and activity on an abandoned site. New architectural styles and colors may be introduced so long as the character and scale are consistent with the existing corridor.
- Objective CD 6.2: Design landscaping, buildings, and sites to enhance the pedestrian environment and enhance the urban character of the City's Districts. The proposed project is consistent with the low-rise density of the corridor.

- 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 south and commercial uses to the west, east, and north. The project fronts a 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.

Approval of the CUP would not result in detrimental impacts to adjacent properties or to the character or function of the neighborhood, as a restaurant would enhance opportunities for business growth and economic vitality within the subject area. Conditions of approval listed herein would ensure that operations would not cause for potential impacts to the surrounding area.

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 queuing lane will not contribute to increased congestion on public or private streets adjacent to the subject property.
- B. The proposed driveways provide for adequate circulation to access and exit the subject site.

- C. 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.
- D. The site is accessed and exited from Firestone Boulevard and proposed onsite circulation is sufficient to ensure normal circulation.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of South Gate, pursuant to the facts, noted above does hereby approve Conditional Use Permit No. 852 to allow the construction and operation of a new 1,797 square-foot fast food restaurant with a drive-through in the Civic Center zone at 3420 Firestone Boulevard.

This Recommendation of Approval was adopted by the following vote at the Planning Commission meeting of March 1, 2022.

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVE and ADOPTED this 1st day of March 2022.

Meredith Elguira
Secretary
City Planning Commission

APPROVED:

Fabiola Inzunza
Chairperson
City Planning Commission

CONDITIONAL USE PERMIT NO. 852
CONDITIONS OF APPROVAL
3420 FIRESTONE BOULEVARD

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 Kentucky Fried Chicken restaurant with a drive-through 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 Permittee 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. Condition Acceptance Affidavit

Within thirty (30) days after issuance of the permit, the Permittee 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 Permittee

The Permittee 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 uses authorized by this permit. The City shall promptly notify the Permittee 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

Permittee shall agree to maintain (and/or to cause the landlord to maintain, if the Permittee is a tenant) 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 Permittee's 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:

13. 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.
14. Hours of operation shall be 9 a.m. and 12 a.m., daily.
15. 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.
16. 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.
17. 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:

18. The Permittee will be required to implement all recommended/required construction and operational BMPs.
19. The proposed construction and operation must adhere to the requirements of the City of South Gate Noise Control Ordinance (Chapter 11.29). 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.
20. 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 Ordinance.
21. Drive through intercom will be off during hours of operation after 10 pm. Only walk-in orders or drive-through orders placed directly at the window (rather than through the intercom) will be allowed for business after 10 pm.
22. Drive through speaker shall remain at the volume setting of 8 as analyzed in the Noise Study.
23. The Permittee 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.
24. The proposed site, consisting of Assessor Parcel 6210-020-051, shall be developed and maintained in substantial compliance with the approved architectural plans of Conditional Use Permit No. 852. Any material deviations of the approved plans including new buildings, additions or modifications must be approved by the Planning Commission before construction.
25. 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 parcel shall require modification to this Conditional Use Permit, and/or Planning Commission on appeal.
26. 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 an amount equal to 1% of the total building.
27. 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.
28. 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.
29. The Permittee 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 uses

authorized by this permit. The City shall promptly notify the Permittee of any filed claim, action or proceeding and shall cooperate fully in the defense of the actions.

30. No exterior structural or facade alterations or changes including exterior colors, materials or façade 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.
31. 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.
32. 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.
33. Conditions of approval shall be included in plans submitted during the Plan Check process.
34. When exercising the rights granted by this permit, the Permittee shall comply with all Building & Safety and Public Works requirements.
35. 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.
36. 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.
37. 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.
38. Permittee 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.
39. Permittee 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 Permittee's 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.

40. Driveway entrance and exit from Firestone Boulevard shall be stamped/stained concrete.
41. A new decorative 8-ft high block wall shall be constructed along the southern property line.
42. All landscaping 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.
43. Permittee shall submit landscaping and irrigation plans for approval.
44. All rooftop mechanical equipment shall be placed behind a permanent parapet wall and shall be completely screened.
45. All building drainage shall be interior with no exterior downspouts or gutters.
46. 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.
47. Trash enclosures should remain locked unless trash collection is occurring.
48. The installation of exterior security doors, gates, and window covering including but not limited to bars, grills, and overheard roll down doors, or/and exterior mounted covering of any type, shall be prohibited.
49. 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.
50. All onsite overhead utility servicing the development shall be placed underground.
51. Soil Management Plan (SMP) shall be considered for implementation during grading/construction activities.
52. Soil vapor intrusion mitigation system (VIMS) design and installation shall be considered as a precautionary measure to mitigate potential for vapor intrusion into the newly constructed building.
53. Permittee shall submit design plans for Planning approval, prior to building permit issuance.

Building and Safety Conditions

54. Operation of the subject property in compliance with all ADA accessibility requirements.
55. All ADA parking shall be properly and well identified at all times.

56. Exterior common areas shall be properly illuminated during night hours.
57. Must obtain Fire Department Approval.
58. Eight feet high decorative CMU wall required along southern property line.
59. Block/screen wall shall be required along west and south property lines.
60. Trash enclosure must be fully enclosed and secured.
61. Indicate/show electrical and mechanical equipment on plans.
62. Must obtain building permit for all new signage.

Code Enforcement Conditions

63. Permittee 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

64. Permittee 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

65. No preliminary comments or conditions.

Southern California Edison Conditions

66. Permittee shall obtain all approvals and clearances from Southern California Edison.

Public Works Department Comment and Conditions

General Design Parameters

All the streets shall be designed per APWA Standard Specifications for Public Works Construction ("Green Book") and the City of South Gate standards, in case of a conflict, the City's standards will prevail.

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.

All the grading plans shall be designed to the requirements of the City of South Gate Department of Building and Safety.

All public works improvements shall be constructed in accordance with the latest edition of the APWA Standard Specifications for Public Works Construction ("Green Book") 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 Permittee shall:

67. Prepare grading, drainage, utility, and street improvement plans showing all existing and proposed public works improvements and dry and wet utilities as outlined below. Said plans shall be prepared by a registered Civil Engineer on City approved title blocks.
68. 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.
69. Permittee 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.
70. The Permittee 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.
71. The Permittee shall pay Industrial Waste and LID Plan Check fees. Review is done by City's Environmental Consultant, John Hunter & Associates.
72. Pay permit and inspection fees associated with the uses authorized by this permit in accordance with the latest Public Improvement Plan Check fee schedule at the time of permit issuance and inspection.
73. Coordinate all Public Works improvements inspection with the Public Works Department at least 48 hours prior to commencing work. Contact Lorenzo Camargo at (323) 357-5814 to arrange for a Public Works Inspection.
74. Permittee's contractor, subcontractors, and consultants working on the property that is the subject of this permit must obtain and pay City Business License and permits fees.
75. Prior to the City's acceptance of the public improvements, Permittee shall submit a refundable deposit in the amount of \$1,000, which will be refunded upon receipt of "Record Drawings" for all the required improvements on approved Mylar(s) AutoCAD files on a CD.
76. Comply with the requirements of the Americans with Disabilities Act (ADA compliance) in regards to access ramps, sidewalks, driveway and any public access pathways.
77. 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.
78. Permittee 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.

79. Permittee must comply with all applicable South Coast Air Quality Management District (AQMD) regulations.

Streets

80. Pavement Moratorium approved by City Council under Resolution No. 2118, Section 5.04.040 will apply to proposed development as the construction of the Firestone Boulevard Complete Street Project was completed on July 30, 2019. No permit shall be issued for excavation, or pavement cut, until July 30, 2024. If the pavement is damaged, then the Permittee will be required to repave from the edge of the median to the lip of the gutter and if any cut occur at any intersection, then the paving will extend to the entire intersection on all existing ends of curbs. The limits of the restoration will be at the discretion of the Director of Public Works.
81. Remove and reconstruct any and all damaged/or deficient existing improvements including but not limited to driveways, sidewalk, curb and gutter, along the perimeter of the proposed development. Existing sidewalks with non-compliant ADA cross slope exceeding 2% would be replaced.
82. All existing driveways that are being replaced with new driveways on Firestone Boulevard will require new curb and gutter and full-width sidewalk to match existing.
83. Construct new driveways at least 5 feet away from any above-ground obstructions in the public right-of-way to the top of the driveway. Otherwise, the obstruction shall be relocated at the Permittee's expense. Ensure that each driveway provides proper pedestrian access across, in compliance with the Americans with Disabilities Act (ADA). The final layout and site driveway design shall be subject to the review and approval of the City Engineer.
84. Proposed new driveways will meet the classification of commercial driveways (Minimum width required is 26 feet).
85. Construct new tree wells per City standards and plant new 36-inch boxed street trees on Firestone Boulevard. Install decomposed granite on tree wells. The species of any new street trees shall be in accordance with the Citywide Tree Master Plan. All tree wells shall be irrigated with dedicated irrigation line.
86. 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.
87. Any damages done to existing public improvements during construction shall be removed and replaced to original condition per the satisfaction of the City Engineer.
88. Any cross flow drainage from the property over the sidewalks is not permitted. Construct parkway drains as required.
89. Where utility cuts on concrete are proposed, the entire concrete panel shall be removed and reconstructed.

90. 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.
91. Paint property address on the curb, in front of the proposed development, to the City and Fire Departments satisfaction.

Grading and Drainage

92. 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.
93. 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.
94. Submit 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, street trees, tree wells, street lights, street signs, power poles, fire hydrants, 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
95. 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.
96. Grading plan will include geotech 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.
97. 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.
98. Dust control operations shall be performed by the Permittee 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 Permittee is responsible for compliance with Fugitive Dust Regulations issued by the Air Quality Management District (AQMD).

Water

99. 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 Permittee will pay for any water upgrade needed to meet the demand. Permittee to pay for all costs incurred for the review of the capacity study.
100. All proposed improvements shall be served by adequately sized to accommodate the total

domestic, landscape and fire flows.

101. Coordinate with the City's Water Division regarding removal of existing water meter that will not be used by the development.
102. Existing water meter needs to be relocated or abandoned. Water meters are not allowed along driveways.
103. Permittee shall pay Water Development Impact Fees per the latest City Fee Schedule. Fee is dependent on water meter sizes. Development Water Impact fees are paid at the time of obtaining the building permit.
104. Relocation of any public water lines shall be subject to approval by the City Engineer. Pavement moratorium applies.

Traffic

105. The Permittee shall prepare a Traffic Memo signed and stamped by a registered Traffic/Civil Engineer addressing potential safety issues, trip generation, queuing analysis, line of sight, and internal circulation.
106. Internal circulation, particularly where there are deliveries or trash pick-ups should be shown accommodating the vehicles that will serve the development.
107. Clear unobstructed sight distance lines shall meet AASHTO guidelines and shall be shown on the improvement plans at driveways.
108. Upon completion of construction, Permittee shall remove temporary construction markings (USA marking).

Utilities

109. Permittee is responsible for research on private utility lines (Gas, Edison, Telephone, Cable, Irrigation, etc.) to ensure there are no conflicts with the site.
110. All existing on-site utility lines and existing utility lines serving the proposed development, that conflict with that development, shall be relocated, removed, or abandoned at the Permittee's expense to the satisfaction of the City Engineer. Pavement moratorium applies.
111. All onsite overhead utility servicing the development shall be placed underground. Any significant proposed utility underground vaults or meter shall be located away from the proposed driveways.
112. All proposed on-site sewer, water, and drainage facilities shall be private system(s) maintained by the property owner.

Use and Occupancy

113. 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

Permittee 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 Permittee's cost.

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.

Site Plan

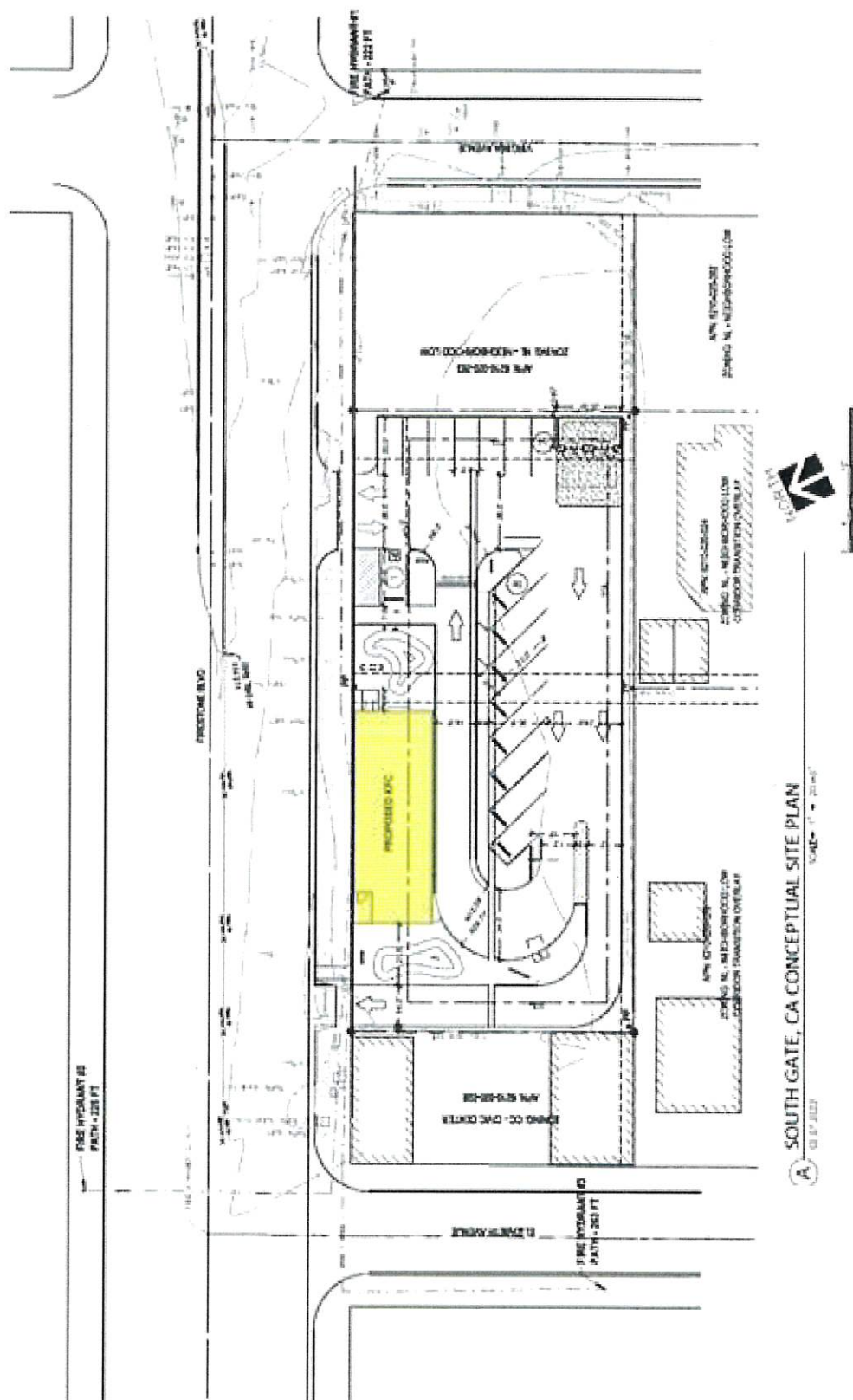


EXHIBIT C

PUBLIC NOTICE CITY OF SOUTH GATE PLANNING COMMISSION

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of South Gate will hold a public hearing on Conditional Use Permit No. 852.

DATE OF HEARING: Tuesday, February 15, 2022

TIME OF HEARING: 7:00 pm

LOCATION OF HEARING: Members of the public wishing to observe the meeting may join through a Call-in Conference. For the updated Dial-In Number and Conference Code for the February 1st Planning Commission meeting please visit the City's website at www.cityofsouthgate.org/AgendaCenter.

PROJECT LOCATION: 3420 Firestone Blvd.

PROJECT DESCRIPTION: Conditional Use Permit and Design Review application to construct a new 2,200 square foot restaurant with a drive-through located in the Civic Center (CC) zone.

ENVIRONMENTAL REVIEW: This project is Categorically Exempt under Class 1 Existing Facilities Section 15301 of the California Environmental Quality Act. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. The project qualifies under Class 1 Exemption since the proposed project consists of minor alteration to an existing site.

INVITATION TO BE HEARD: All interested persons are invited to the public hearing to be heard in favor of or in opposition to the proposed project or to provide comments. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal 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 City of South Gate prior to or at the public hearing.

Those desiring a copy of the staff report or further information related to this project should contact

Contact: Yalini Siva, Senior Planner
Phone: 323-563-9526
E-mail: ysivas@sogate.org

Mailing Address: Community Development Department
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

ESPAÑOL

Información en Español acerca de esta junta puede ser obtenida llamando al 323-563-9529.

Published: February 3, 2022

EXHIBIT D

NOTICE OF EXEMPTION

TO:	County Clerk/Registrar-Recorder County of Los Angeles Environmental Filings 12400 E. Imperial Hwy Norwalk, CA 90650	FROM:	Planning Department City of South Gate 8650 California Avenue South Gate, CA 90280-3075
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Project Title and Location (including county):

Conditional Use Permit No. 852
3420 Firestone Boulevard, South Gate, Los Angeles, CA 90280

Project Description:

Conditional Use Permit No. 852 is a request by the applicant, GLMV Architecture, to allow the construction and operation of a new 1,797 square-foot fast food restaurant with a drive-through.

Name of Public Agency Approving Project:

City of South Gate - Community Development Department

Name of Person/Agency Carrying Out Project:

Meredith Elguira, Director of Community Development

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));
- ☐ Emergency Project (Sec. 21080 (b) (4); 15269(b) (c));
- ☒ Categorical Exemption: Section: 15301 Class: 3
- ☐ Statutory Exemption: Section: Class:


Reasons why project is exempt:

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 1,797 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.

Lead Agency Contact Person and Phone Number:

Yalini Siva, Senior Planner
323-563-9526
ysiva@sogate.org

Prepared and filed by the South Gate Community Development Department by:

	Yalini Siva, Senior Planner	February 24, 2022
Signature	Printed Name and Title	Date

City of South Gate

PLANNING COMMISSION

AGENDA BILL

For the Regular Meeting of: March 1, 2022

Assistant Planner: _____

Norma Hernandez

Community Development Director: _____

Meredith Elguera

SUBJECT: CONDITIONAL USE PERMIT NO. 855 TO PERMIT SALES UNDER A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR ON-SALE BEER AND WINE AT AN EXISTING RESTAURANT, LOCATED AT 5720 IMPERIAL HIGHWAY, UNIT D.

PURPOSE: To consider a request for Conditional Use Permit (CUP) No. 855 to permit sales under a Type 41 Alcoholic Beverage Control (ABC) license for on-sale beer and wine at an existing restaurant located at 5720 Imperial Highway, Unit D.

RECOMMENDED ACTION: To adopt Resolution No. 2022-04 (see Exhibit A), certifying a Class 1 Categorical Exemption under the California Environmental Quality Act; and approve Conditional Use Permit No. 855, subject to the recommended conditions of approval (see Exhibit B).

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for the application was conducted in compliance with Chapter 11.50.020, Title 11 of the South Gate Municipal Code. Notice of the hearing was originally posted and published in the "South Gate Press" newspaper and was mailed to surrounding properties on February 17, 2022.

ENVIRONMENTAL EVALUATION: This project is Categorically Exempt from the California Environmental Quality Act (CEQA) under a Class 1 (Existing Facilities) Categorical Exemption pursuant to Section 15301, of the State CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use (see Exhibit E).

ANALYSIS: Conditional Use Permit No. 855 is a request by Stanley Szeto ("Applicant"), on behalf of Luis Ortiz and Maria Isabela Cornelio Toro ("Business Owners"), to allow sales under a Type 41 ABC license, for on-sale and consumption of beer and wine, at an existing restaurant, located at 5720 Imperial Highway, Unit D (see Exhibit C). The subject property is located at the southwest corner of Imperial Highway and Garfield Avenue (see Exhibit D). The zoning designation is Hollydale Mixed-Use 3 (HMU3) and the General Plan designation is District Imperial Sub Area 3. The abutting land-uses are:

- North: Corridor 2 (CDR 2)
- South: Light Manufacturing (M2)
- East: Hollydale Mixed-Use 3 (HMU3)
- West: Light Manufacturing (M2)

Existing Restaurant

The existing restaurant currently occupies approximately 1,000 square feet of an existing 17,890 square-foot commercial structure located on the west side of the subject parcel, consisting of 20 units in total. The parcel also contains a 3,500 square-foot restaurant (El Pollo Loco), which is located opposite of the subject structure. Both structures share 107 parking stalls on-site. Other uses on the subject property include and are not limited to: an art dance studio, several other restaurants, a bakery, a nail salon, and an income tax preparation office. Per the City's records, Unit D has been historically a restaurant since 1999.

The business owner is proposing to store the beer and wine in a storage room that is to the back of the restaurant (see Exhibit F) and will be served at dining tables. No bar space is proposed.

ABC Review

Alcohol sales will be in accordance with the provisions of a Type 41 (On-Sale Beer and Wine) alcohol license as issued by the California Department of Alcoholic Beverage Control (ABC). The proposed restaurant is located within Census Tract No. 5362.01. According to the ABC, this census tract has an "undue concentration" of licenses already issued by the ABC, as that term is defined by *Business and Professions Code* Section 23958.4(a)(2), which sets a ratio for the maximum amount of recommended licensed premises. Under the formula set forth by that statute, a maximum of three (3) on-sale licensed premises are recommended in this census tract, with any additional licenses constituting an undue concentration. Currently, the aforementioned census tract holds four (see Figure 1).

License Type	Business Address	Business Name
51 (Club)	12021 Garfield Avenue	Moose Lodge 663
41 (On-Sale Beer & Wine)	5810 Imperial Highway	Auggie's Bar & Grill
41 (On-Sale Beer & Wine)	12019 Garfield Avenue	Mariscos El Costeno
40 (On-Sale Beer)	5856 Imperial Highway	Jiquilisco Restaurant

(Figure 1)

When an applicant submits an application to the ABC for a license in an area which already contains an "undue concentration" of licenses, the ABC must deny the application unless the applicant qualifies for an exception under *Business and Professions Code* Section 23958.4. One of those exceptions is when the local governing body or its designee – in this case, the Planning Commission – determines that the public convenience or necessity would be served by the ABC's issuance of the License.

Staff is recommending that the Planning Commission make such a determination of public convenience or necessity (PC or N). Staff feels that allowing the existing restaurant, Mariscos Paletas Cancun, to offer its patrons the convenience of purchasing beer and/or wine for on-site consumption is warranted. Upon adoption of the proposed Resolution, the PC or N determination letter (draft attached) will be forwarded to ABC in support of the ABC's issuance of a Type 41 alcohol license to the Business Owners.

Permit Process and Police Department Review

Table 4-2: *Allowed Land Uses* in the Hollydale Boulevard Specific Plan has additional use regulations for “Alcohol Sales, As Part of a Restaurant” land-use type. The additional use regulation is Section 11.42 of the South Gate Municipal Code, which requires a Conditional Use Permit for the sale of alcoholic beverages from a commercial establishment. As such, the applicant has submitted an application for the proposed alcohol license at an existing restaurant. As part of the review process, the application was submitted to the Police Department for comments and no issues of concern were identified by the department regarding this application.

Applicant:

Stanley Szeto
879 W. Ashiya Road
Montebello, CA. 90640

Property Owner:

Southgate Center Associates LLC
510 W. 6th Street
Los Angeles, CA. 90014

Site Features:

Lot size: 0.11 acres

Property Address:

5720 Imperial Highway Unit D
South Gate, CA 90280

Assessor's Parcel No.

6234-005-010

Zoning Designation:

Hollydale Mixed-Use 3

General Plan Designation:

Commercial

Surrounding Land Uses:

North: Corridor 2 (CDR 2)
South: Light Manufacturing (M2)
East: Hollydale Mixed-Use 3 (HMU3)
West: Light Manufacturing (M2)

EXHIBITS:

- A. RESOLUTION NO.2022-04
- B. CONDITIONS OF APPROVAL
- C. LOCATION AND AERIAL MAP
- D. SITE PLAN
- E. NOTICE OF EXEMPTION
- F. FLOOR PLAN

RESOLUTION NO. 2022-04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, CALIFORNIA CERTIFYING A CLASS 1 CEQA EXEMPTION AND APPROVING CONDITIONAL USE PERMIT NO. 855 FOR SALES UNDER AN ALCOHOL BEVERAGE LICENSE, TYPE 41, AT AN EXISTING MARISCOS PALERAS CANCUN RESTAURANT LOCATED AT 5720 IMPERIAL HIGHWAY UNIT D.

WHEREAS, on September 23, 2021, the Department of Community Development received an application from Stanley Szeto ("**Applicant**") for Conditional Use Permit No. 855 to allow sales under a Type 41 (On-Sale Beer and Wine) alcohol license, in conjunction with the operation of a restaurant, located at 5720 Imperial Highway Unit D; and

WHEREAS, the Planning Commission upon giving the required notice did, on the first day of March, 2022, conduct a duly advertised public hearing as required by law to consider the approval of said Conditional Use Permit. Notice of the hearing was originally posted and published in the "South Gate Press" newspaper and mailed to the surrounding properties on February 17, 2022; and

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

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

1. The property is located on the Southwest corner of Imperial Highway and Garfield Avenue.
2. The Zoning designation for the property is Hollydale Mixed-Use 3 and the General Plan designation is Imperial District Subarea 3.
3. The existing restaurant currently occupies approximately 1,000 square feet of an approximate 17,890 square foot structure.
4. The existing restaurant is proposing to offer a limited selection of craft beers and wine to be sold and consumed on-site during business hours.
5. The restaurant will operate Monday thru Sunday from 11:00 am to 10:00 pm and is proposing alcohol sales from opening until closing time. The restaurant will have a maximum of five staff members at the maximum shift.

WHEREAS, the City Planning Commission 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. Because the project is being proposed at an existing facility and the attached conditions of approval do not require any mitigation and do address any issues that could arise from the Conditional Use Permit approval of sales under an Alcoholic Beverage License to be issued by the California Department of Alcoholic Beverage Control (ABC), the subject application will not be detrimental to the public health, safety, and welfare of the surrounding areas.
2. The proposed use is consistent with the goals and objectives of the South Gate General Plan as Single-Use retail that provides for a wide range of retail and similar service-

oriented uses that include restaurants is highly desired in the Imperial District Sub-Area 3. Furthermore, the proposed use meets Goal number 7 Objective 7.1, which is to create attractive Corridors with a mix of uses throughout the City of South Gate.

3. Upon compliance with the attached conditions of approval, the subject use will not have a detrimental impact on adjacent properties. The current use is that of an existing restaurant that is only proposing to add an alcoholic beverage license, therefore no detrimental impact on adjacent properties is foreseen.
4. Public convenience or necessity would be served by the ABC's issuance of a Type 41 license allowing beer and wine to be served in connection with the operation of a restaurant at the above-referenced address.
5. The proposed Conditional Use Permit is Categorically Exempt from the California Environmental Quality Act (CEQA) as a under Class 1(Existing Facilities) Categorical Exemption pursuant to Section 15301 of the CEQA Guidelines. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of South Gate, pursuant to the facts, noted above, does hereby approve Conditional Use Permit No. 855 to allow the on-site consumption of beer and wine (Type 41 alcohol license) at an existing restaurant during business hours, subject to the conditions of approval contained in **Exhibit B**.

This recommendation was adopted by the following vote at the Planning Commission meeting of March 1, 2022.

AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED and ADOPTED this first day of March 1, 2022.

Meredith Elguira
Secretary
City Planning Commission

APPROVED:

Fabiola Inzunza
Chairperson
City Planning Commission

**CUP NO. 855 - CONDITIONS OF APPROVAL
5720 IMPERIAL HIGHWAY, UNIT D**

Planning Conditions:

A. Mandatory Conditions:

1. No alcoholic beverages, including beer and wine, shall be sold from the premises for off-sale uses.
2. No alcohol sales displays shall be permitted that are visible from the public street or parking lot.
3. Employees selling alcoholic beverages shall be of an age consistent with Section 25663 of the California Business and Professions Code.

B. Standard Conditions of Approval:

1. The validity of the CUP shall be conditioned on compliance with all state regulations and conditions.
2. The premises shall be maintained at all times in a neat and orderly manner.
3. Trash receptacles shall be provided in such number and at such locations as specified by the planning commission.
4. All alcoholic beverages sales, offerings, and consumption shall be conducted completely within an enclosed building or permitted outdoor seating areas for on-sale uses.
5. Building and site design and maintenance shall be consistent with the standards of the immediate neighborhood so as not to cause blight or deterioration, or to substantially diminish or impair property values within the neighborhood.
6. The owner/operator or lessee shall be responsible for the conduct of all employees, including their education concerning Alcoholic Beverage Control regulations and provisions of the South Gate Municipal Code pertaining to sales of alcohol (e.g., verification of age of purchaser).
7. The permittee shall acknowledge that the city has specifically reserved the right and authority to impose sanctions, including suspension or revocation of the CUP, as a consequence of one or more violations of a state statute, rule, or regulation concerning the sale to or consumption of alcoholic beverages by a minor.
8. The permit shall be subject to compliance review of the property and CUP conditions at planning-commission-established intervals; the first compliance review shall occur within six months of permit issuance or actuation.
9. Any kitchen facility on premises (in conjunction with a restaurant) shall be maintained at all times in a clean and sanitary condition.
10. Adequate refrigeration shall be maintained at all times for the preservation of any food on the permittee's premises.

11. The permit shall, after notice to the permittee and an opportunity to be heard, be subject to additional conditions to maintain or remedy land use compatibility, security, or crime control issues that have arisen since the issuance of the permit.

Building & Safety Conditions:

1. All Americans with Disabilities Act (ADA) parking spaces are to be clearly marked and identified at all times.
2. Obtain permits for any new signage.

Code Enforcement Conditions:

1. Permits are required if improvement or alterations needed.

Additional Conditions:

1. No outside loitering shall be allowed on the premises.
2. Within thirty (30) days after issuance of the permit, the permittee 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.
3. The permittee 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 permittee of any filed claim, action or proceeding and shall cooperate fully in the defense of the action.
4. Violation of, or noncompliance with, any of these conditions shall constitute grounds for revocation of this permit.
5. Permittee shall agree to maintain (and/or cause its landlord to maintain, if the permittee is a tenant) 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.
6. The permittee shall comply with all state statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.

7. 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 status, rules and regulations as specified in this section. 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 permittee's authorized land use with adjacent land uses; and (iii) the 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 a state statute, rule or regulation concerning the sale to or consumption of alcoholic beverages by a minor.

8. Consumption by a Minor, Other regulations

Any violation by permittee of any condition of this permit, or of any ordinance or statute concerning sale of alcoholic beverages to a minor or otherwise may result in the suspension or revocation of the permit at the discretion of the City Council. The permit may be revoked and reissued with new or modified conditions, as may appropriate under the circumstances.

9. Cost Recovery

Reimbursement to the City for all costs and expenses reasonably incurred in investigating, identifying, and documenting the violation, and in processing information concerning the violation, may be imposed as a condition of the continuation, reinstatement, or reissuance of any permit.

10. Violation Signage

For the duration of any suspension of an alcohol-related CUP, the Planning Commission, or, upon any appeal, the City Council, may direct the permittee to post a sign on the premises of the establishment relating to such suspension. The size, content, and location of such sign shall be as specified by the Director.

11. Violation of Conditional Use Permit

A public hearing consistent with Chapter 11.50 (Administration) shall be held for the consideration of a permit revocation. 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 as to constitute a public nuisance.

12. Conditional Use Permit Expiration

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 year from the date the approval or permits was issued, consistent with the provisions identified within Section 11.55 Nonconforming Uses and Buildings.

13. Conditional Use Permit Revocation

If the application or any conditions of the CUP violate the Zoning Code or do not fulfill the intent of the Code, 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.
- c. A CUP shall be revocable if the exercises of rights granted by the CUP are discontinued for 6 consecutive months. The use subject to the CUP may not be resumed if the CUP is revoked; a new CUP, including processing and public notification, shall be required.

14. Maintenance of Property Free of Graffiti

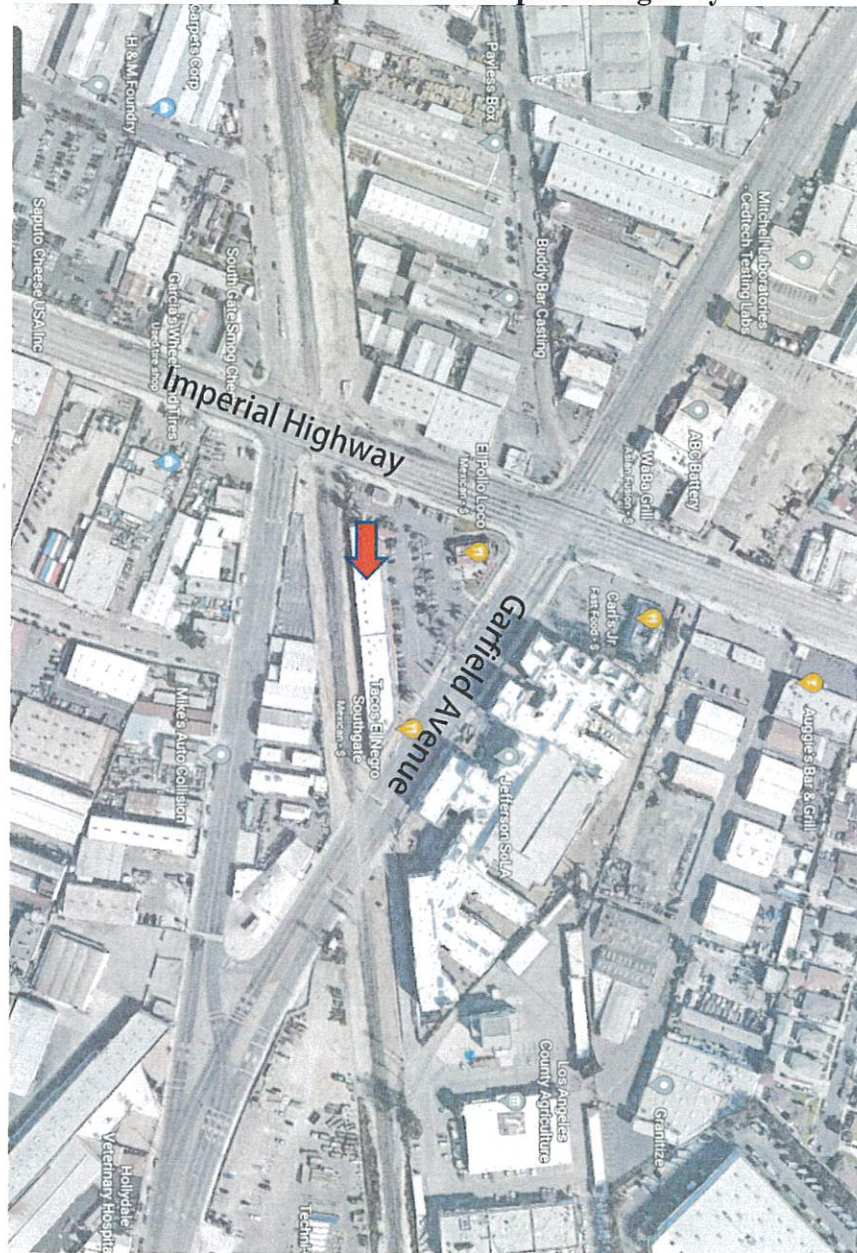
Permittee acknowledges and agrees that the permit is expressly conditioned on the permittee maintaining the subject property in a well-maintained condition, and free from graffiti. In the event of graffiti markings, Applicant agrees to eliminate all such graffiti within twenty four (24) hours, with or without notice from the City, as a condition of the permit.

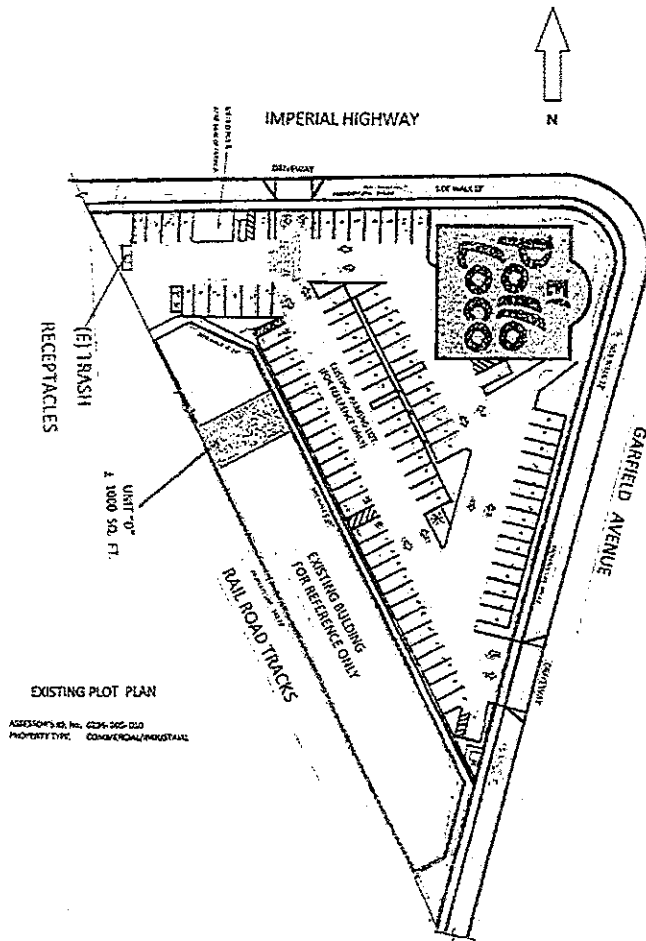
15. If the conditions of any CUP issued pursuant to this chapter are violated by the permittee, or by anyone acting under the authority of the permittee, the planning commission shall, in accordance with the procedures and noticing requirements set forth in Chapter 11.51, Permits and Procedures, be authorized to take the following actions:

- a. First violation: a 15-day permit suspension.
- b. Second violation occurring within 3 years of the first violation: 60-day permit suspension.
- c. Third violation occurring within 3 years of the second violation: the permit shall be revoked.

Location and Aerial Map

Location Map for 5720 Imperial Highway





ASSOCIATES, INC. 0236-905-010
PROPERTY TYPE: COMMERCIAL/INDUSTRIAL

TITLE: SITE PLAN

ADDRESS:
5720 IMPERIAL HWY UNIT D
SOUTH GATE CA 90260

PROPERTY OWNER(S):
SOUTHGATE CENTER ASSOCIATES LLC
510 W 6TH ST
LOS ANGELES CA 90014-1301

APPLICANT(S):
MARISCOS Y PALETAS CANCEL
5720 IMPERIAL HWY UNIT D
SOUTH GATE CA 90260
(203) 215-5265

LEGAL DESCRIPTION:
TRACT NO 1205 LOT 2 OF ST COM AT NW COR OF LOT 2
TH S 84°09' E 200.81 FT TH S 19°46'35" E 108.35 FT TH S 70°
12'25" W 21.43 FT TH S 15°46'35" E TO NW LINE OF ... SEE
MAPBOOK FOR MISSING PORTION ... LOT 2 TR-1205 FOR
DESC SEE ASSESSOR'S MAPS FOR LOT 2

APN:
624-005-010,015

ACREAGE: ± 1.028

THOMAS GUIDE: LOS ANGELES COUNTY
PAGE(S): 75676, 66

RADIUS: N/A DATE: SEPTEMBER 15, 2021

SCALE: NTS NORTH: ↑

PROJECT:	1120	100	DRAWN:	ICS
SHEET:	1 OF 2	REVISIONS:		
INDEX:	TITLE:	DATE:	BY:	
1	SITE PLAN			
2	FLOOR PLAN			

FOR DEPARTMENT USE

CASE NO. _____

RECEIVED BY: _____

DATE: _____

SZETO + ASSOCIATES

LAND USE ENTITLEMENT CONSULTANTS

CONDITIONAL USE - VARIANCE - SUBDIVISION CONSULTING
ZONING - LICENSING - LAND USE PLANNING - RAD L2 MAPS

175 N. ASSETA RD
SOUTH GATE, CA 90260
TEL: (323) 711-0191
FAX: (323) 711-0192
www.szetoassociates.com

SITE PLAN

NOTICE OF EXEMPTION

TO: County Clerk/Registrar-Recorder
County of Los Angeles
Environmental Filings
12400 E. Imperial Hwy
Norwalk, CA 90650

FROM: Planning Department
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

Project Title and Location (including county):

Conditional Use Permit No. 855

5720 Imperial Highway, South Gate, Los Angeles, CA 90280

Project Description:

Conditional Use Permit No. 855 is a request by the applicant, Stanley Szeto, to operate a Type-41 (On-Sale Beer and Wine) alcohol license at an existing restaurant.

Name of Public Agency Approving Project:

City of South Gate - Community Development Department

Name of Person/Agency Carrying Out Project:

Norma Hernandez - Assistant Planner

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));
- ☐ Emergency Project (Sec. 21080 (b) (4); 15269(b) (c));
- ☒ Categorical Exemption: Section: 15301 Class: 1
- ☐ Statutory Exemption: Section: _____ Class: _____

Reasons why project is exempt:

This project is Categorically Exempt under Class 1 Existing Facilities Section 15301 of the California Environmental Quality Act. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

Lead Agency Contact Person and Phone Number:

Norma Hernandez, Assistant Planner

323-563-9514

nhernandez@sogate.org

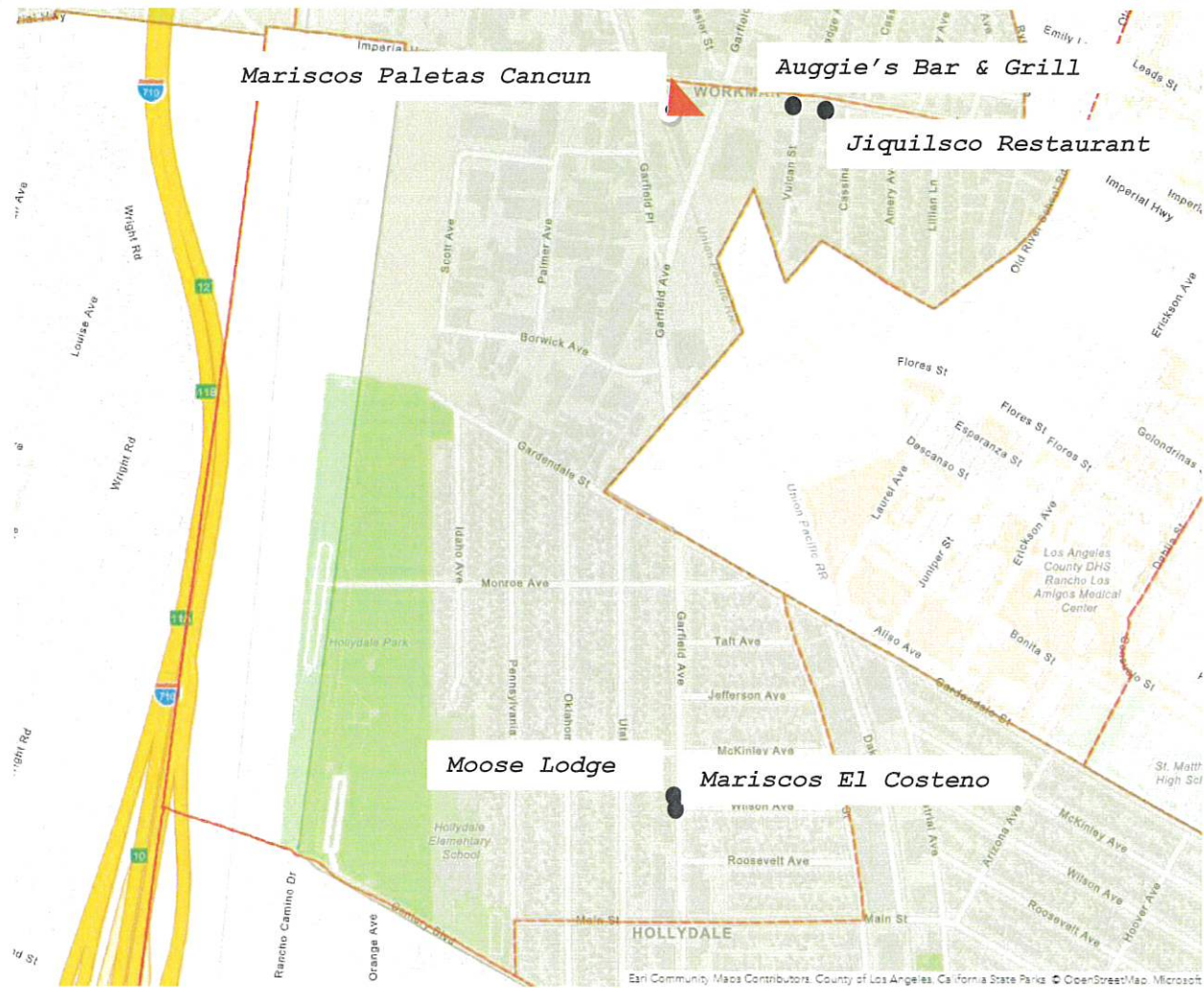
Prepared and filed by the South Gate Community Development Department by:

	Norma Hernandez, Assistant Planner	
Signature	Printed Name and Title	Date

ATTACHMENTS:

1. Census tract concentration map.
2. List of Active On-Sale Retail Licenses.
3. Public Hearing Notice
4. Public Convenience and Necessity Letter

Map of On-Sale Alcohol License within Census Tract No. 5362.01



License Type	Business Address	Business Name
51 (Club)	12021 Garfield Avenue	Moose Lodge 663
41 (On-Sale Beer & Wine)	5810 Imperial Highway	Auggie's Bar & Grill
41 (On-Sale Beer & Wine)	12019 Garfield Avenue	Mariscos El Costeno
40 (On-Sale Beer)	5856 Imperial Highway	Jiquilisco Restaurant

Results for: Active On-Sale Retail Licenses**County:** LOS ANGELES County**Census Tract:** 5362.01**Report Date:** Wednesday, February 23, 2022Show 10  entriesSearch:

License Number	Status	License Type	Orig. Iss. Date	Expir. Date	Primary Owner	Premises Addr.	Business Name	Geo Code
177057	ACTIVE	51	03/05/1986	07/31/2022	MOOSE LODGE 663 DOWNEY	12021 GARFIELD AVE, SOUTH GATE, CA 90280 Census Tract: 5362.01	MOOSE LODGE 663	1956
525779	ACTIVE	41	11/19/2012	10/31/2022	STANDING ROOM BAR AND GRILL LLC	5810 IMPERIAL HWY, SOUTH GATE, CA 90280-7614 Census Tract: 5362.01		1956
591724	ACTIVE	41	04/13/2018	03/31/2022	RAMIREZ, JESUS ANDRES	12019 GARFIELD AVE, SOUTH GATE, CA 90280-7822 Census Tract: 5362.01	MARISCOS EL COSTENO	1956
612564	ACTIVE	40	02/26/2020	01/31/2022	CLAUDIA Y. JIMENEZ ACEVEDO	5856 IMPERIAL HWY, SOUTH GATE, CA 90280-7632 Census Tract: 5362.01	JIGUILISCO RESTAURANT	1956

**PUBLIC NOTICE
CITY OF SOUTH GATE
PLANNING COMMISSION**

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Planning Commission of the City of South Gate will hold a public hearing on Conditional Use Permit No. 855.

DATE OF HEARING: Tuesday, March 1, 2022

TIME OF HEARING: 7:00 pm

LOCATION OF HEARING: Members of the public wishing to observe the meeting may join through a Call-In Conference. For the updated Dial-In Number and Conference Code for the March 1st meeting, please visit the City's website at <https://www.cityofsouthgate.org/AgendaCenter>

PROJECT LOCATION: The project site is located at 5720 Imperial Highway

PROJECT DESCRIPTION: Request to establish a Type 41 Alcoholic Beverage Control license for the on-sale of beer and wine at an existing restaurant.

ENVIRONMENTAL REVIEW: This project is Categorically Exempt under Class 1 (Existing Facilities) Section 15301, of the State CEQA Guidelines, as the project only consists of the alcoholic beverage licensing at an existing private structure. Class 1 consists of the operation, repair, maintenance, permitting, leasing, licensing, or minor alterations of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

INVITATION TO BE HEARD: All interested persons are invited to the public hearing to be heard in favor of or in opposition to the proposed project or to provide comments. In addition, written comments may be submitted to the Community Development Department prior to the hearing. If you challenge the action taken on this proposal 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 City of South Gate prior to or at the public hearing.

Those desiring a copy of the staff report or further information related to this project should contact

Contact: Norma Hernandez, Assistant Planner
Phone: 323-563-9514
E-mail: nhernandez@sogate.org
Mailing Address: Community Development Department
City of South Gate
8650 California Avenue
South Gate, CA 90280-3075

Meredith Elguira
Community Development Director

ESPAÑOL

Información en Español acerca de esta junta puede ser obtenida llamando al 323-563-9565.

Published: February 17, 2022

March 1, 2022

Department of Alcoholic Beverage Control
888 S Figueroa Street, Suite 320
Los Angeles, CA 90017

**SUBJECT: Public Convenience and Necessity Letter for Mariscos Paletas Cancun
5720 Imperial Highway Unit D, South Gate, CA**

Dear ABC Official:

This letter is in reference to an on-sale alcohol license being processed for Stanley Szeto for the restaurant to be located at 5720 Imperial Highway Unit D. Pursuant to Section 23958.4 of the Business and Professions Code, prior to the issuance of a Type 41 alcoholic beverage license, the City is required to make a determination as to whether the establishment seeking the license serves the public convenience and necessity (PCN).

The City of South Gate's Police Department has been notified of this application and does not object to the issuance of this license. The City of South Gate Planning Commission at its meeting of _____ 2022, adopted Resolution No. _____ finding that the public convenience and necessity would be served by the ABC's issuance of a Type 41 license allowing beer and wine to be served in connection with the operation of a restaurant at the above-referenced address. Therefore, the City is recommending approval of the on-site sale of alcohol license for the sale of beer and wine based on the findings of public convenience and necessity.

The proposed restaurant's sale of beer and wine for on-site consumption will be a public convenience and necessity. The subject application will not pose any harm to the public health, safety, and welfare of the present and future development of the surrounding area with the conditions of approval. In addition, the City will require that the sale of alcohol be conducted in compliance with California law and the Type 41 license.

Sincerely,

Meredith Elguira
Community Development Director