



**PLANNING COMMISSION
SPECIAL PLANNING COMMISSION MEETING AGENDA**

Wednesday, July 5, 2023 at 6:00 p.m.

**SOUTH GATE COUNCIL CHAMBERS AND/OR
TELECONFERENCE
8650 CALIFORNIA AVE
SOUTH GATE, CA 90280**

**DIAL-IN-NUMBER: 1(669) 900-6833
WEBINAR ID: 859 2794 0048
[HTTPS://US02WEB.ZOOM.US/J/85927940048](https://us02web.zoom.us/j/85927940048)**

Call to Order

Pledge of Allegiance

Roll Call

City officials

CHAIRPERSON

Jose Delgado

VICE CHAIRPERSON

Ivy Duarte

COMMISSIONERS

Jovanna Laborin

Jimmy Ozaeta

Daisy Prieto

Report on Posting

I, Jose Montano, Acting Administrative Services Coordinator, certify that a true and correct copy of the foregoing meeting agenda was properly posted on June 30, 2023, seventy-two hours prior to the scheduled meeting, as required by law.

Meeting Compensation Disclosure

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

Open Sessions Items

Item No. 1

The Planning Commission will consider approving the minutes for the Planning Commission meeting of June 6, 2023.

Documents:

[Item No. 1.pdf](#)

Item No. 2

The Planning Commission is conducting a Public Hearing to consider approving Conditional Use Permit No. 854 to permit a “child day care facility, day care center” at 9722 San Antonio Avenue.

Documents:

[Item No. 2.pdf](#)

Item No. 3

The Planning Commission is conducting a Public Hearing to consider approving Conditional Use Permit No. 864 to permit sales under a Type 41 Alcoholic Beverage Control (ABC) license for on-sale beer and wine at an existing restaurant located at 9524 Rayo Avenue.

Documents:

[Item No. 3.pdf](#)

Item No. 4

The Planning Commission will conduct a Public Hearing for Variance 23-01, for property located at 13333 Paramount Boulevard.

Documents:

[Item No. 4.pdf](#)

Item No. 5

Review existing zoning code standards regarding front yard setback areas.

Documents:

[Item No. 5.pdf](#)

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 COMMISSION COMMENTS

Adjournment

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, July 17, 2023.

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, JUNE 6, 2023

1. CALL TO ORDER

The Planning Commission of the City of South Gate met via teleconference and in-person on the above date at 6:04 PM, Chairperson Delgado presiding.

2. PLEDGE OF ALLEGIANCE – Commissioner Prieto

3. ROLL CALL

Commissioners Present: Chairperson Delgado, Vice Chairperson Duarte, Laborin, Ozaeta and Prieto

Commissioners Absent:

Staff Present: Meredith T Elguira, Director of Community Development
Yalini Siva, Senior Planner
Craig Hardwick, City Attorney
Jose Montano, Recording Secretary

4. REPORT ON POSTING AND MEETING COMPENSATION DISCLOSURE

5. MINUTES

MOTION: Commissioner Prieto moved to approve the minutes and Commissioner Laborin seconded the motion. Motion carried unanimously, with the following roll call vote:

AYES: Commissioners Delgado, Duarte, Laborin, Ozaeta, and Prieto

NOES: None

ABSTAIN: None

6. THE PLANNING COMMISSION IS CONDUCTING A PUBLIC HEARING TO CONSIDER APPROVING CONDITIONAL USE PERMIT NO. 854 TO PERMIT A "CHILD DAY CARE FACILITY, DAY CARE CENTER" AT 9722 SAN ANTONIO AVENUE.

Senior Planner Yalini Siva presented a staff report to the Planning Commission. This staff report included an environmental evaluation, background, analysis, and recommendation that the Planning Commission accept the determination that this matter is exempt from the California environmental Quality Act; adopt the finding as outlined in Resolution No. 2023-08 (Attachment A); and approve Conditional Use Permit No. 854.

Mario Dominguez, 10607 San Miguel Ave, South Gate, CA 90280, spoke before the commission and expressed his concerns regarding employee prescreening, protocols for emergency, and he would like a tour of the facility.

Michael Gonzalez, Executive Director of Plaza Community Services, 200 Riverside Drive #305, Los Angeles, CA, spoke before the commissioners and audience to answer questions and concerns of Mr. Dominguez.

Claudia Virdaurri, 3931 Tweedy Blvd South Gate, CA 90280, spoke before the commission and expressed her concerns on parking and building modifications.

Rosalba Bravo, 347 S Lavern Ave Los Angeles, CA 90022, spoke before the commission and responded to the concerns Ms. Virdaurri expressed to the Planning Commission.

Commissioner Jimmy Ozaeta asked questions regarding parking spaces and estimated enrollment for this day care.

Senior Planner informed the commissioners that the property has 7 parking spaces and the enrollment amount is 80 students.

Chairperson Delgado asked about pick-up and drop-off of students.

Mr. Gonzalez provided information and explained the process the daycare has established.

Chairperson Delgado asked if there are any other businesses in the City of South Gate that currently have off-site parking.

Director Elguira informed the commissioners that Tweedy Mile businesses can have off-site parking as long as they meet minimum requirements.

MOTION: Vice Chairperson Duarte moved to accept the determination that this matter is exempt from the California Environmental Quality Act; adopt the findings as outlined in Resolution No. 2023-08 (Attachment A); and approve the issuance of Conditional Use Permit No. 854., and Commissioner Ozaeta seconded the motion. Motion carried unanimously, with the following roll call vote:

AYES:	Commissioners Delgado, Duarte, Ozaeta, and Prieto
NOES:	Commissioners Laborin
ABSTAIN:	None

8. AUDIENCE COMMENTS

Mario Dominguez, 10607 San Miguel Ave, South Gate, CA 90280, would like to see an Italian restaurant in the City of South Gate.

9. CITY STAFF COMMENTS

Director Elguira informed the commissioners that after reviewing the request for polo shirts with the city attorney, it was determined that the Planning Commissioners could not get polo shirts. In addition, she explained that the City recently started a Brownfield outreach project because the City of South Gate received a \$500,000 grant from the Environmental Protection Agency. This

grant will conduct an assessment to identify sites that we want to recycle for commercial or affordable housing development. Recording Secretary Jose Montano informed the commissioners of the launch of the Home Recognition program for 2023/2024.

10. PLANNING COMMISSION COMMENTS

Commissioner Laborin informed commissioners, staff and audience of the 2nd annual pride event.

11. ADJOURNMENT

The meeting was adjourned at 6:59 PM. The next regular meeting of the Planning Commission is scheduled to be held on Tuesday, June 20, 2023, beginning at 6:00 PM.

Respectfully,

Meredith T. Elguira, Director of Community Development

APPROVED:

Jose Delgado, Chairperson



City of
**South
Gate**

Community Development Department Memorandum

To: Planning Commission
From: Yalini Siva, Senior Planner
Date: July 5, 2023
Re: Item No. 2 – CUP No. 854 for 9722 San Antonio Ave.

The Planning Commission approved CUP No. 854 to permit a “child day care facility” at 9722 San Antonio Avenue on June 6, 2023. Planning staff inadvertently did not include Planning Commission Resolution No. 2023-08 within the Agenda Packet that was provided to the Planning Commission. Therefore, the subject Resolution is attached hereto and staff recommends the Planning Commission approve the subject agenda item again.

RESOLUTION NO. 2023-08

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, CALIFORNIA APPROVING CONDITIONAL USE PERMIT NO. 854 TO PERMIT A “CHILD DAY CARE FACILITY, DAY CARE CENTER” AT 9722 SAN ANTONIO AVENUE

WHEREAS, the Department of Community Development received an application from Mun Leu (“Applicant”) for Conditional Use Permit No. 854 to permit a “child day care facility, day care center” at 9722 San Antonio Avenue.

WHEREAS, the Planning Commission upon giving the required notice did, on the 6th day of June, 2023, 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 May 25, 2023; and

WHEREAS, 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 at the southeast corner of Missouri Avenue and San Antonio Avenue, within the Tweedy Boulevard Specific Plan.
2. The Zoning designation for the property is Neighborhood Medium and the General Plan designation is Neighborhood Low.
3. The project proposal is to permit a “child day care facility, day care center” at an existing structure, previously used as a religious facility and school for at-risk youth.

WHEREAS, the Planning Commission made the following findings:

1. *Approval of the CUP is consistent with and will not adversely affect the intent and purpose of this title or the city’s general plan.*

The subject property is zoned Neighborhood Medium (NM) and is located within the Neighborhood Low area of the General Plan. Therefore, the subject project must comply with the regulations set forth in the South Gate Municipal Code and General Plan. The General Plan Neighborhood Low designation encourages residential, educational and public land uses; in addition to pedestrian-friendly uses that are easily accessible via public streets. The subject project provides the nearby residential area with educational opportunities, which is easily accessible via pedestrian pathways in the area.

2. *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.*

Pursuant to South Gate Municipal Code (SGMC) Section 11.21.030 “Land use permissions tables”, Conditional Use Permits are required to be reviewed and approved for “Child Day Care Facility, Day Care Center, Standalone Facility” in the Neighborhood Medium zone. The project proposal is to permit a “child day care facility, day care center” at an existing

structure.

3. *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 the project proposal does not constitute any intensification of use as the existing structure and site was previously utilized for religious and educational purposes. The subject project provides for educational opportunities within the existing structure, including interior improvements in order to accommodate students and staff.

4. *The project proposal is exempt from CEQA under Class 3 Categorical Exemption.*

The proposed Conditional Use Permit is Categorically Exempt is Categorically Exempt from the California Environmental Quality Act under a Class 1 (Existing Facilities) exemption pursuant to Title 14, Section 15301 of the California Code of Regulations. 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 falls within this existing facilities exemption because the proposed facility would occur within an existing structure.

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. 854 to permit a “child day care facility, day care center” at an existing structure, subject to the conditions of approval listed below.

This recommendation was adopted by the following vote at the Planning Commission meeting of June 6, 2023.

AYES:

NOES:

ABSENT:

APPROVED and ADOPTED this 6th day of June, 2023.

Meredith Elguira
Secretary
City Planning Commission

APPROVED:

Jose Delgado
Chairperson
City Planning Commission

CUP NO. 854 – CONDITIONS OF APPROVAL
9722 Antonio Avenue

CONDITIONS OF APPROVAL:

Violation of, or noncompliance with, any of these conditions shall constitute grounds for revocation of this permit:

1. Permittee shall obtain all required permits (i.e. building, electrical, mechanical, etc.)
2. Permittee shall obtain clearance document from Los Angeles County Fire Department, prior to building permit issuance.
3. Permittee shall post site address, pursuant to Building & Safety Division requirements.
4. Permittee shall provide trash enclosure on-site, in compliance with trash hauler requirements.
5. All parking spaces shall be re-striped and maintained at all times.
6. The following standards shall apply to day care centers:
 - a. Outdoor play space shall be provided at a minimum of seventy-five square feet per child, and the space shall not be located within twelve feet of a main structure on an adjacent lot.
 - b. Fencing around the play space shall be required to a height of five feet to limit entry and provide safety.
 - c. Outdoor lighting for play or instruction space shall be provided consistent with the standards of Section 11.30.050(F), Building Lighting.
 - d. Parking and loading facilities shall be provided for on-site vehicular pick-up and drop-off, in addition to the parking spaces required pursuant to Chapter 11.33, Parking Standards.
 - e. The facility shall not exceed city noise limits for the applicable zone, as established by Chapter 11.34, Noise Control Program.
7. Permittee shall submit a parking plan for review to the Planning Division, prior to submittal for Building & Safety Division plan check review.
8. Permittee shall record covenant parking agreement with the Los Angeles County Recorder's Office and provide a copy the Planning Division.
9. Permittee shall ensure that facility staff utilizes the off-site parking location.
10. 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.
11. Minor modifications to these conditions may be requested, reviewed and determined by the Director of Community Development.
12. Permittee shall comply with compliance review one year from the date of subject Resolution.
13. 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 Director of Community Development.

14. Within thirty (30) days of approval of the project, the applicant and property owner shall certify his/her acceptance of the conditions placed on the approval by signing a notarized Affidavit of Acceptance stating that he/she accepts and shall be bound by all of the conditions.

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

16. Applicant shall install and maintain landscaping with plants that require less water in accordance with the State Water Efficient Landscape Requirements, as an alternative to traditional landscaping and turf.

17. The landscaping, including the parkway, shall be maintained in a clean, thriving condition, free from litter, weeds, and overgrowth in perpetuity. Mature trees shall not be removed without prior written approval by the Community Development Department.

18. Applicant shall comply with plans dated, June 2, 2023.

Public Works:

General Design Parameters

All the streets shall be designed per APWA Standard Specifications (“Green Book”) and Standard Plans for Public Works Construction latest editions.

All the drainage design criteria shall be per the Los Angeles Flood Control District and the APWA Standard Plans for Public Works Construction latest edition.

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 to the satisfaction of the City Engineer prior to the issuance of a Certificate of Use and Occupancy.

General Conditions:

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

19. Prepare 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.

20. 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.

21. Pay permit and inspection fees associated with this project in accordance with the latest Public Improvement Plan Check fee schedule at the time of permit issuance and inspection.

22. Comply with the requirements of the American Disability Act (ADA compliance) in regards to access ramps, sidewalks, driveway and any public access pathways.
23. 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.
24. Permittee to contact the City's Waste Hauling Company (Universal Waste System) at (562) 334-3660 and obtain approval for the location of waste disposal container(s), including facilities for recycling.
25. Permittee must comply with all applicable South Coast Air Quality Management District (AQMD) regulations.

Streets:

26. Remove and reconstruct any and all damaged/or deficient existing improvements including but not limited to driveway, sidewalk, park way drains, access ramp, curb and gutter, along the perimeter of the proposed development. Existing sidewalks with non-compliant ADA cross slope exceeding 2% would be replaced.
27. Permittee shall designate an ADA compliant path of travel to all proposed parking areas that are a part of the project, on or off the property, and fund and construct all improvements necessary including but not limited paved pathways, sidewalks, crosswalks, traffic controls, signage, etc. Permittee shall submit a concept proposal to the Public Works Department for consideration of approval. Approval is at the discretion of the Public Works Department
28. Plant new 36-inch boxed street trees on empty tree wells on San Antonio Avenue. Install decorative cast iron tree well covers. 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.
29. Any damages done to existing public improvements during construction shall be removed and replaced to original condition per the satisfaction of the City Engineer.
30. Any cross flow drainage from the property over the sidewalks is not permitted. Construct parkway drains as required by the Director of Public Works.
31. Where utility cuts on concrete are proposed, the entire concrete panel shall be removed and reconstructed.
32. Grind and overlay 2 inches of existing asphalt with conventional asphalt from edge of gutter to center of the street along the property frontage on San Antonio Avenue and Missouri Avenue. Restore striping as needed with thermoplastic.
33. 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.

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

35. Sand blast existing curb markings and repaint all curb markings along the frontage of the property on San Antonio Avenue with two coats of paint.

Right-Of-Way Dedication:

36. In order to construct an ADA access ramp, developer shall grant a corner cut-off road deed dedication at the southeast corner of the intersection of San Antonio Avenue and Missouri Avenue.

37. Permittee shall submit the required document for the roadway dedication or any proposed easements. Comply with all requirements of the Subdivision Map Act, the City of South Gate Municipal Code and all the applicable state and local laws.

Grading and Drainage:

38. 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.

39. 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.

40. Submit a Grading and Drainage plans prepared by a Registered Civil Engineer to the satisfaction of the Public Works Department and Building Division. Show all existing and proposed driveway, curb & gutter, sidewalks, street trees, tree wells, street lights, street signs, power poles, utility boxes, meters, curb drains, etc. on the plans. Provide LID Plan and calculations required to address storm water discharge and NPDES requirements by City's Environmental Consultant, John Hunter and Associates (See attached requirements).

41. Dust control operations shall be performed by the developer at the time, location and in the amount required and as often as necessary to prevent the excavation or fill work, demolition operation, or other activities from producing dust in amounts harmful to people or causing a nuisance to persons living nearby or occupying buildings in the vicinity of the work. The developer is responsible for compliance with Fugitive Dust Regulations issued by the Air Quality Management District (AQMD).

Sewer:

42. Install adequate sewer lateral(s) to serve the proposed development, and abandon any existing sewer laterals and sewer cleanouts that will not be used, to the satisfaction of the Public Works and Building & Safety Departments. Sewer laterals will be abandoned in place with either cement slurry backfill or concrete bulkhead plug per City Standard Plans.

Water:

43. All proposed improvements shall be served by adequately sized to accommodate the total domestic, landscape and fire flows.

44. Coordinate with the City's Water Division regarding removal of existing water meter that

will not be used by the development.

45. Existing water meter needs to be relocated or abandoned. Water meters are not allowed along driveways.

Traffic:

46. The developer 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, internal circulation, student loading and unloading areas, site of additional parking lot location and pedestrian route from third party parking lot to the daycare and preschool site.

47. The permittee shall submit a copy of a third-party agreement which identifies the designated parking spaces to meet the parking requirements for the proposed used.

48. The developer shall provide the pedestrian route from the off-site parking lot to the new development and remove and reconstruct any and all deficient existing improvements including but not limited to driveway, sidewalk, access ramp, curb and gutter, along the proposed pedestrian route.

49. Upon completion of construction, developer shall remove temporary construction markings (USA marking).

Utilities:

50. Permittee is responsible for research on private utility lines (Gas, Edison, Telephone, Cable, Irrigation, etc.) to ensure there are no conflicts with the site.

Use and Occupancy:

51. Complete Public Works improvements prior to issuance of certificate of occupancy. Should any public improvements not completed prior to issuance of certificate of occupancy the developer shall enter into a development agreement and post the necessary securities in the amount approved by the City Engineer and in a form approved by the City Attorney. All public improvements shall be completed at the developer's cost.

52. The City reserves the right to add additional conditions as deemed necessary to comply with health and safety requirements.

City of South Gate

PLANNING COMMISSION

AGENDA BILL

For the Special Meeting of: July 5, 2023

Assistant Planner: J S for
Norma Hernandez

Community Development Director: J S for
Meredith Elguira

SUBJECT: CONDITIONAL USE PERMIT NO. 868 TO PERMIT SALES UNDER A TYPE 41 ALCOHOLIC BEVERAGE CONTROL LICENSE FOR ON-SALE BEER AND WINE AT AN EXISTING RESTAURANT, LOCATED AT 9524 RAYO AVENUE.

PURPOSE: To consider a request for Conditional Use Permit (CUP) No. 868 to permit sales under a Type 41 Alcoholic Beverage Control (ABC) license for on-sale beer and wine at an existing restaurant located at 9524 Rayo Avenue.

RECOMMENDED ACTION: To adopt Resolution No. 2023-09 (see Exhibit A), certifying a Class 1 Categorical Exemption from the California Environmental Quality Act (CEQA); and approve Conditional Use Permit No. 868, 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 June 22, 2023.

ENVIRONMENTAL EVALUATION: This project is Categorically Exempt from CEQA under state regulations known as the “CEQA Guidelines” codified at Division 6 of Title 14 of the California Code of Regulations. The Class 1 (Existing Facilities) exemption under the CEQA Guidelines, at 14 CCR Section 15301, 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. The project qualifies under Class 1 Exemption since the proposed project does not consist of an expansion of an existing structure or former use.

ANALYSIS: Conditional Use Permit No. 868 is a request to establish an alcohol license that will permit the sale of beer and wine to restaurant patrons for on-site consumption at an existing restaurant (“La Champita”), located at 9524 Rayo Avenue. The designated zoning for the subject property is Industrial Flex (“IF”) with a General Plan designation of Rayo Industrial (Sub Area 1). Pursuant to “Table 11.21-3: Allowed Land-Uses, Urban Mixed-Use Zones,” the “Alcohol Sales, as Part of a Restaurant” land-use type requires a conditional use permit. Because the primary use is a restaurant, the sale of alcoholic beverages as an auxiliary use may be permitted via conditional use permit.

Background: The subject property is located on Rayo Avenue, between McCallum Avenue and Southern Avenue (see *Figure 1*). The total size of the property is approximately 3,920 square feet. The existing restaurant was established in an approximately 3,410 square-foot single tenant commercial structure (see Exhibit C); containing a dining area, kitchen, a preparation area, office, storage room, and two employee bathrooms. The restaurant's current hours of operation are 9 a.m. to 10 p.m., Monday through Sunday. The proposed hours of beer and wine sales are 4 p.m. to 12 a.m..

Additionally, the subject site does not provide for any on-site parking, therefore patrons must use street parking and the City parking spaces that are located across the street (to the North) of the project site. However, the South Gate Municipal Code (SGMC) Section 11.55.030 (K), "(e)xisting development and land use activity," states that "(u)ses that have nonconforming parking or loading may continue in operation...". Therefore, the subject application does not require compliance with the SGMC's parking requirements for this land use type.

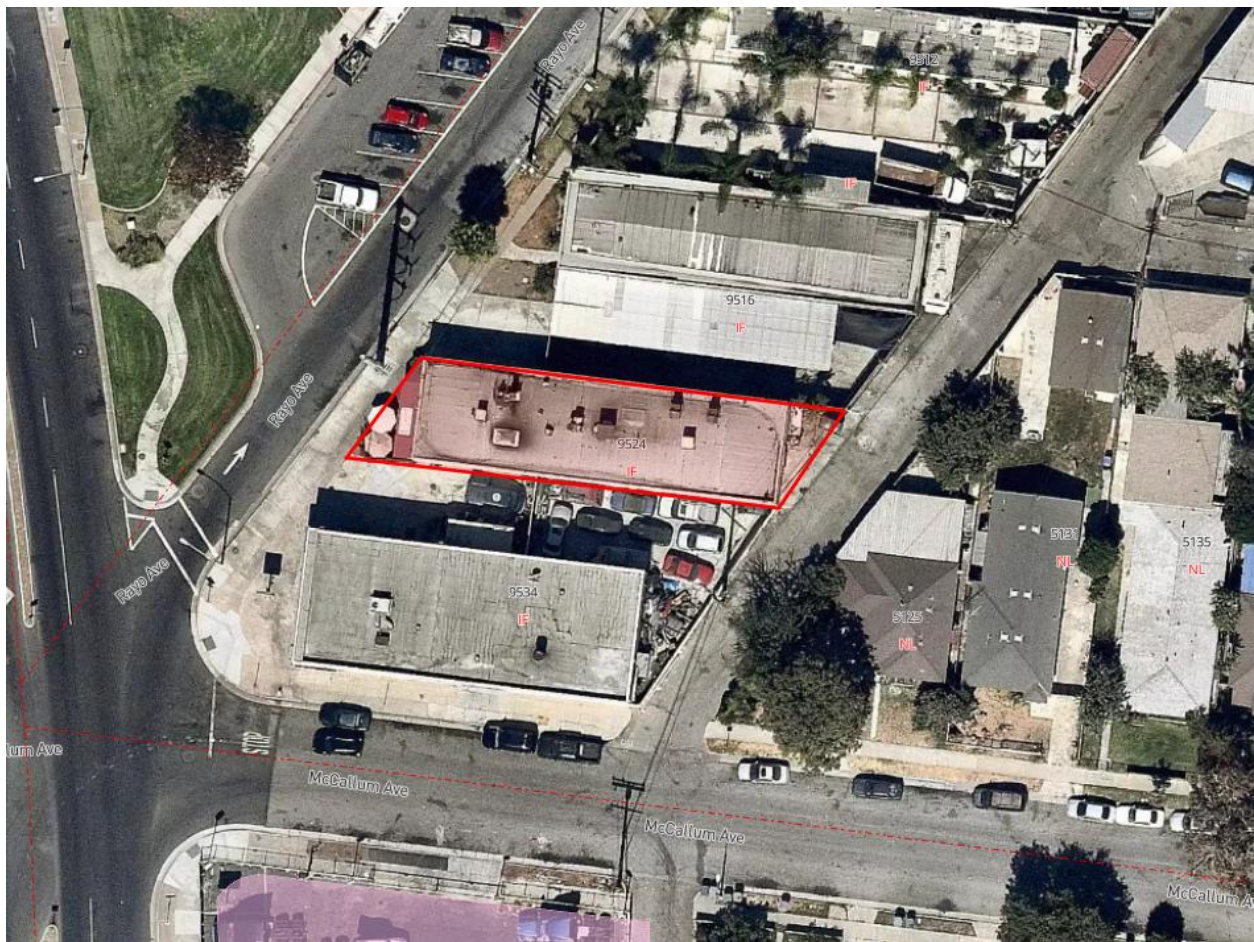


Figure 1 – Aerial Map

Surrounding Land Uses and Project Setting

Abutting uses include school district offices/learning center and a City Park to the northwest, a flower shop to the south, a body shop to the north, a contractor's office further north and residential uses to the east. There are two schools, a learning center, and a park within a 500-foot radius from the project site. SGMC Section 11.42.060, *Locational separation requirements*, however, does not require a 500-foot radius separation requirement for Type 41 On-sale Beer and Wine licenses.

Table 1 – Surrounding Properties

Direction	Address	Zoning
North	9516 Rayo Avenue	Industrial Flex
South	9534 Rayo Avenue	Industrial Flex
West	South Gate City Park	Open Space
East	5125 McCallum Avenue	Neighborhood Low

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. 5361.04. Based on the records obtained on the Alcoholic Beverage License online website, this census tract does not have 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 four (4) on-sale licensed premises are recommended for this census tract, with any additional licenses constituting an undue concentration (see *Table 2*).

Table 2 – Existing ABC Licenses

License Type	Business Address	Business Name
41 (On-Sale Beer & Wine)	5009 Abbott Rod, Lynwood	La Hacienda Restaurant
41 (On-Sale Beer & Wine)	10911 Atlantic Avenue, Lynwood	Tacos El Tapatio Restaurant, Inc.
41 (On-Sale Beer & Wine)	10828 Atlantic Avenue, Lynwood	Restaurant Playa de Acapulco

Permit Process and Police Department Review

Section 11.42 of the South Gate Municipal Code requires a Conditional Use Permit for the sale of alcoholic beverages for commercial establishments. As such, the applicant has submitted an application for the proposed alcohol license for 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.

CONCLUSION: Based on the analysis provided above, it is staff’s recommendation that the Planning Commission approve Conditional Use Permit No. 868. The proposed conditions of approval contained in Resolution No. 2023-09 require that the business operation remain in compliance with the requirements of the California Department of Alcoholic Beverage Control and are designed to mitigate any potential negative impacts and address any potential problems that may arise should there be a change in the business operations and/or management. Staff recommends that the Planning Commission approve Conditional Use Permit No. 868, authorizing the sale of beer and wine for on-site consumption in connection with a Type 41 ABC license at a bona fide eating place.

Applicant:

Liliger Damaso
5243 E. Beverly Blvd.
Los Angeles, CA. 90022

Property Owner:

Javier Martinez
7054 Filkins Avenue
Rancho Cucamonga, CA. 91701

Site Features:

Lot size: .09 acres or 3,920 square feet

Property Address:

9524 Rayo Avenue
South Gate, CA 90280

Assessor's Parcel No.

6222-033-007

Zoning Designation:

Industrial Flex ("IF")

General Plan Designation:

Industrial (Sub Area 1)

Surrounding Land Uses:

North: Industrial Flex ("IF")

South: Industrial Flex ("IF")

East: Neighborhood Low ("NL")

West: Open Space ("OS")

EXHIBITS:

- A. Resolution No. 2023-09
- B. Conditions of Approval
- C. Site Plan, Floor Plan, and Elevation

RESOLUTION NO. 2023-09

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. 868 FOR SALES UNDER AN ALCOHOL BEVERAGE LICENSE, TYPE 41, AT AN EXISTING RESTAURANT LOCATED AT 9524 RAYO AVENUE.

WHEREAS, on January 5, 2023 the Department of Community Development received an application from Liliger Damaso, on behalf of Yeltsin Pascual, for Conditional Use Permit No. 868 to allow sales under a Type 41 (On-Sale Beer and Wine) alcohol license, in conjunction with the operation of a restaurant for the property located at 9524 Rayo Avenue; and

WHEREAS, the Planning Commission upon giving the required notice did, on the fifth day of July, 2023, 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 June 22, 2023; and

WHEREAS, the proposed Conditional Use Permit is Categorically Exempt from the California Environmental Quality Act (CEQA) as a 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. The subject structure is an existing building where no expansions or modifications are proposed.

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 Rayo Avenue between McCallum Avenue and Southern Avenue.
2. The Zoning designation for the property is Industrial Flex (“IF”) with a General Plan designation of Rayo Industrial (Sub Area 1).
3. The existing restaurant currently occupies an approximately 3,410 square foot building on an approximately 3,920 square foot lot.
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 through Sunday from 9:00 a.m. to 12:00 a.m. with limited hours for alcohol sales to ensure that the operations to mitigate any impacts that the project proposal may have on neighboring uses, such as school, residential type uses, etc.
6. The restaurant will have a maximum of 16 staff members with two shifts. Six employees will be in the first shift (8:00 a.m. to 4:00 p.m.) and six employees during the second shift (4:00 p.m. to 12:00 a.m.).

WHEREAS, the City’s Planning Commission made the following findings:

1. *Approval of the CUP is consistent with and will not adversely affect the intent and purpose of this title or the city's general plan.*

The proposed project has an Industrial Flex ("IF") zoning designation. The existing land-use type of a "Restaurant, Dine In and Take Out" is a permitted use in this zone. The sale of beer and wine would only be an auxiliary use to a use that is permitted in the aforementioned zone. Therefore, any alcohol sales permitted under the Alcoholic Beverage License Type 41, will be auxiliary to a bona fide restaurant that is already contributing to the economic growth of the City.

2. *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 proposed project is aligned with the General Plan's strategies noted in Community Design ("CD") Element's Goal CD 2, Objective CD 2.3, Policy 4: the goal is for the City to "encourage and promote retail and service-oriented uses that provide opportunities to bring community members together" such as restaurants. The current restaurant is in between industrial type uses, with no other restaurants or cafes in the same block. The current restaurant does provide an opportunity to bring adjacent members of the community together.

3. *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 the previously approved restaurant would only 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 detrimental impacts to the surrounding area.

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. 868 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 July 5, 2023.

AYES:

NOES:

ABSENT:

APPROVED and ADOPTED this fifth day of July, 2023.

PAGE CONTINUES ON THE NEXT PAGE

APPROVED:

Jose Delgado
Chairperson
City Planning Commission

Meredith Elguira
Secretary
City Planning Commission

**CUP NO. 868 - CONDITIONS OF APPROVAL
9524 RAYO AVENUE**

CONDITIONS OF APPROVAL:

Violation of, or noncompliance with, any of these conditions shall constitute grounds for revocation of this permit:

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.
4. The validity of the CUP shall be conditioned on compliance with all state regulations and conditions.
5. The premises shall be maintained in a neat and orderly manner at all times.
6. All alcoholic beverages sales, offerings, and consumption shall be conducted completely within an enclosed building or permitted outdoor seating areas for on-sale uses.
7. 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.
8. 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).
9. 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.
10. 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.
11. Any kitchen facility on premises (in conjunction with a restaurant) shall be maintained at all times in a clean and sanitary condition.
12. Adequate refrigeration shall be maintained at all times for the preservation of any food on the permittee's premises.

13. 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.
14. Outdoor dining areas shall be located directly adjacent to the associated land use.
15. When located adjacent to a residential use, provisions shall be made to minimize noise, light, and odor impacts on the adjacent residential use. This may include a sound-buffering acoustic wall and/or separation by a physical barrier to define the limits of the outdoor dining space. Design and adequacy of these features shall be subject to director approval, in conjunction with the required permit.
16. All outdoor dining/seating areas shall maintain a minimum depth of five feet if screened, marked, or enclosed by a wall, fence, or planting.
17. A wall, fence, or planting feature to mark or screen the outdoor dining/seating area is permitted, but not required. Where used, the maximum height of the wall/fence/planting feature shall not exceed forty-two inches, except when located adjacent to a residential use, the wall may be permitted up to seven feet if it is a transparent or clear material.
18. The hours of operation shall be limited to the hours of operation of the associated land use.
19. Any illumination required by condition number 27 below shall be installed in a manner which prevents glare onto, or direct illumination of, any adjacent residential property or use.
20. All outdoor dining areas serving alcoholic beverages shall meet, and be in compliance with, the requirements of Chapter 11.42, Alcoholic Beverage Sales, and the state's Alcohol Beverage Control Board.
21. Reasonable volumes of amplified sound or background music is not prohibited within the outdoor dining area provided there is no impact to adjacent uses (i.e. residential).
22. No structure or enclosure to accommodate the storage of refuse or recycling shall be built or placed on or adjacent to the outdoor dining area.
23. Design Compatibility. Outdoor dining areas and associated structural elements, awnings, covers, furniture, umbrellas, or other physical elements shall be compatible with the overall design of the main structure and the following:
 - a. Outdoor dining areas will not inhibit vehicular or pedestrian traffic flow
 - b. The use of awning, plants, umbrellas, and other human-scale elements are encouraged to enhance the pedestrian experience, if applicable.
24. Permittee shall remove any abandoned signage.
25. The sale of alcoholic beverages, beer and wine, shall be limited to 4 p. m. to 12 a.m.
26. Permittee shall obtain Health Department approval and/or clearance.
27. Outdoor eating area shall be illuminated according to SGM 11.40.160 Outdoor

dining/seating.

28. Permittee shall obtain any required approval and permits for any new or altered signage.
29. Permittee shall obtain any required approval(s) and permit(s) prior to conducting any tenant improvement work.
30. Permittee must adhere to Chapter 11.34, *Noise Control Program*, of the City's Municipal Code.
31. 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.
32. 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 the City's issuance of the permit.
33. 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 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.
34. The permittee shall comply with all state statutes, rules and regulations relating to the sale, purchase, display, possession and consumption of alcoholic beverages.
35. 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 or 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.

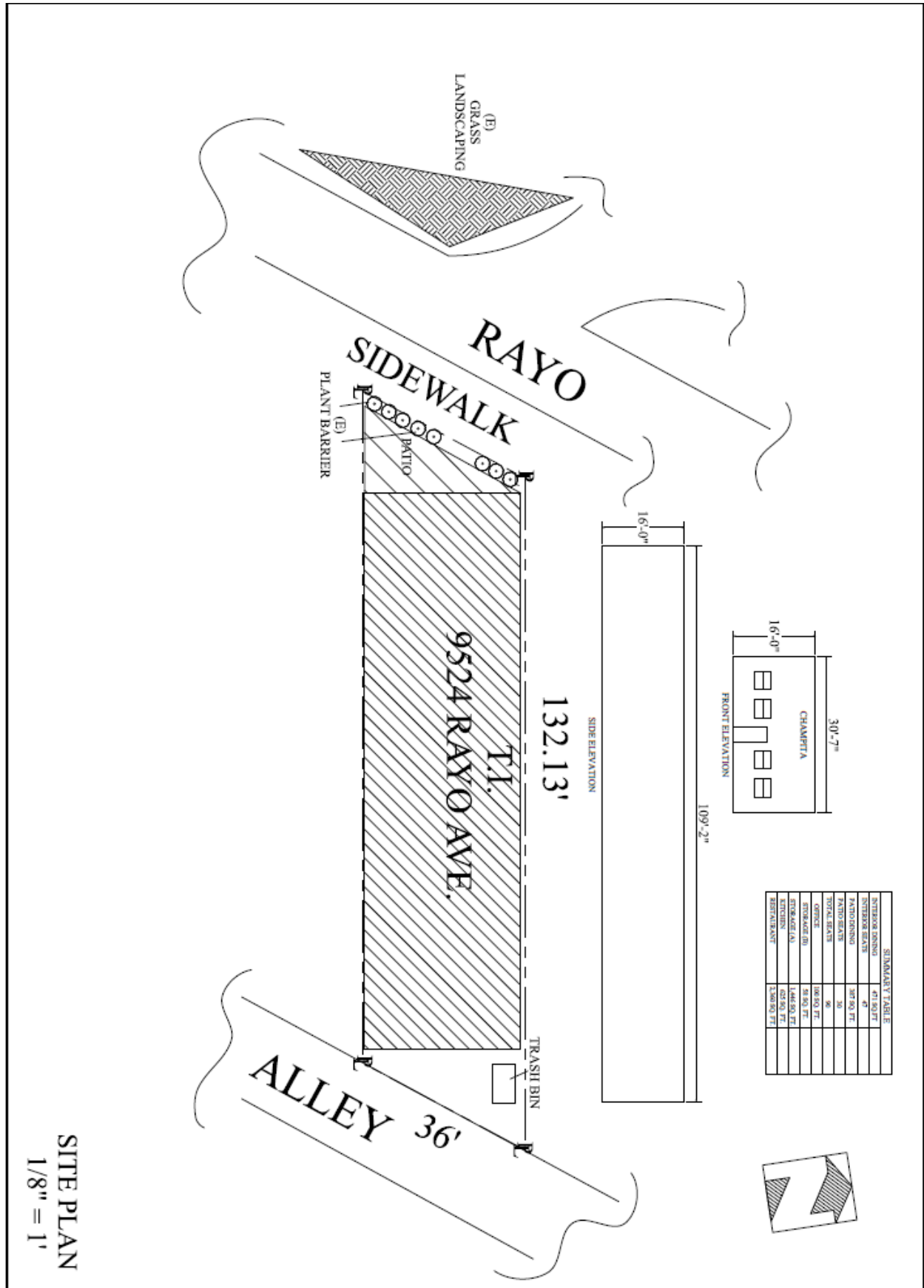
36. Any violation by permittee of any condition of this permit, or of any ordinance or statute concerning sale of alcoholic beverages to a minor or otherwise may result in the suspension or revocation of the permit at the discretion of the City Council. The permit may be revoked and reissued with new or modified conditions, as may appropriate under the circumstances.
37. 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.
38. For the duration of any suspension of an alcohol-related CUP, the Community Development Director 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.
39. 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.
40. 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 permit was issued, consistent with the provisions identified within Section 11.55 Nonconforming Uses and Buildings.
41. 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.

42. If the conditions of this CUP issued 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.

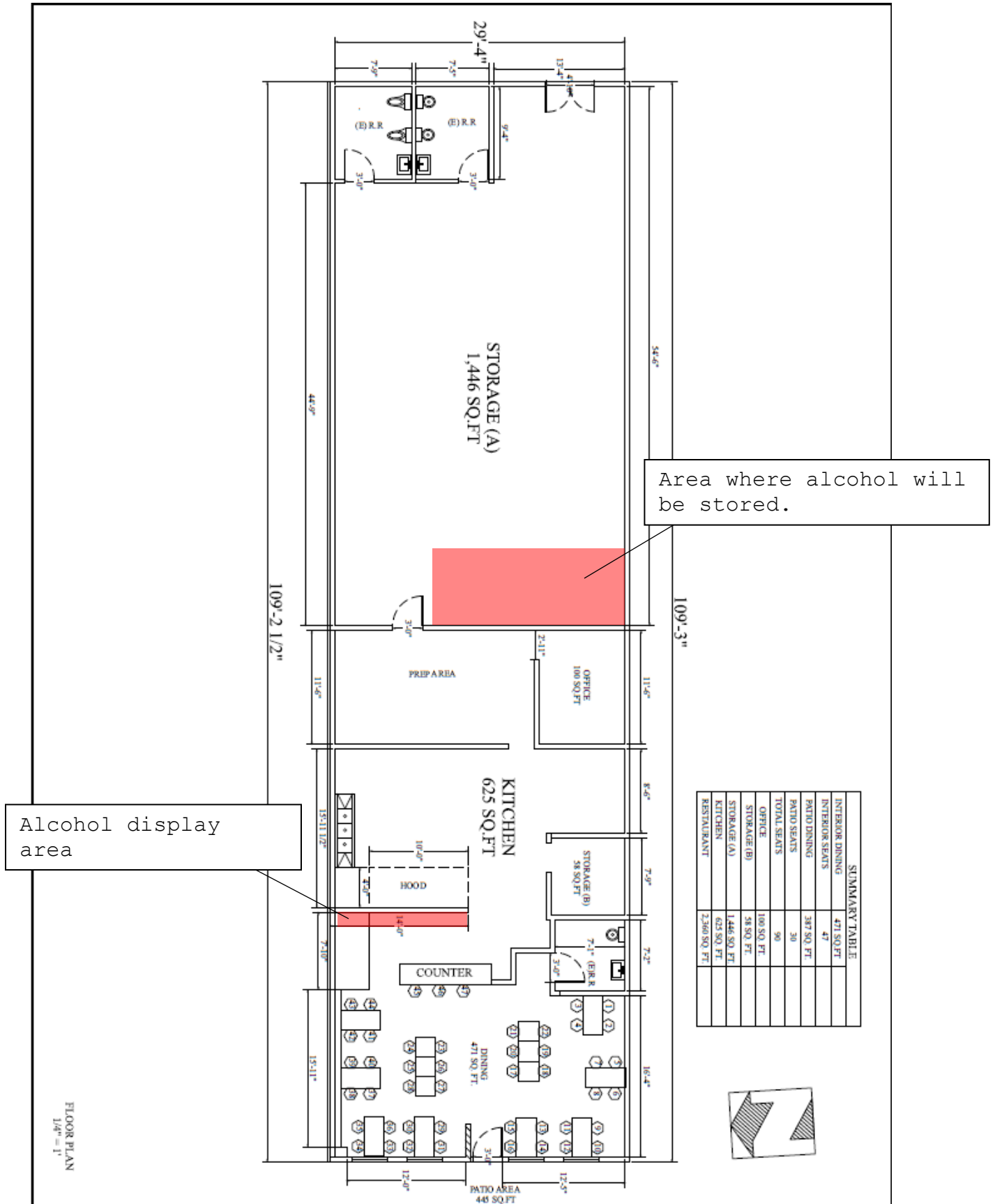
Police Department Conditions:

43. Building shall have a surveillance system that can be viewed upon request by the Police Department.

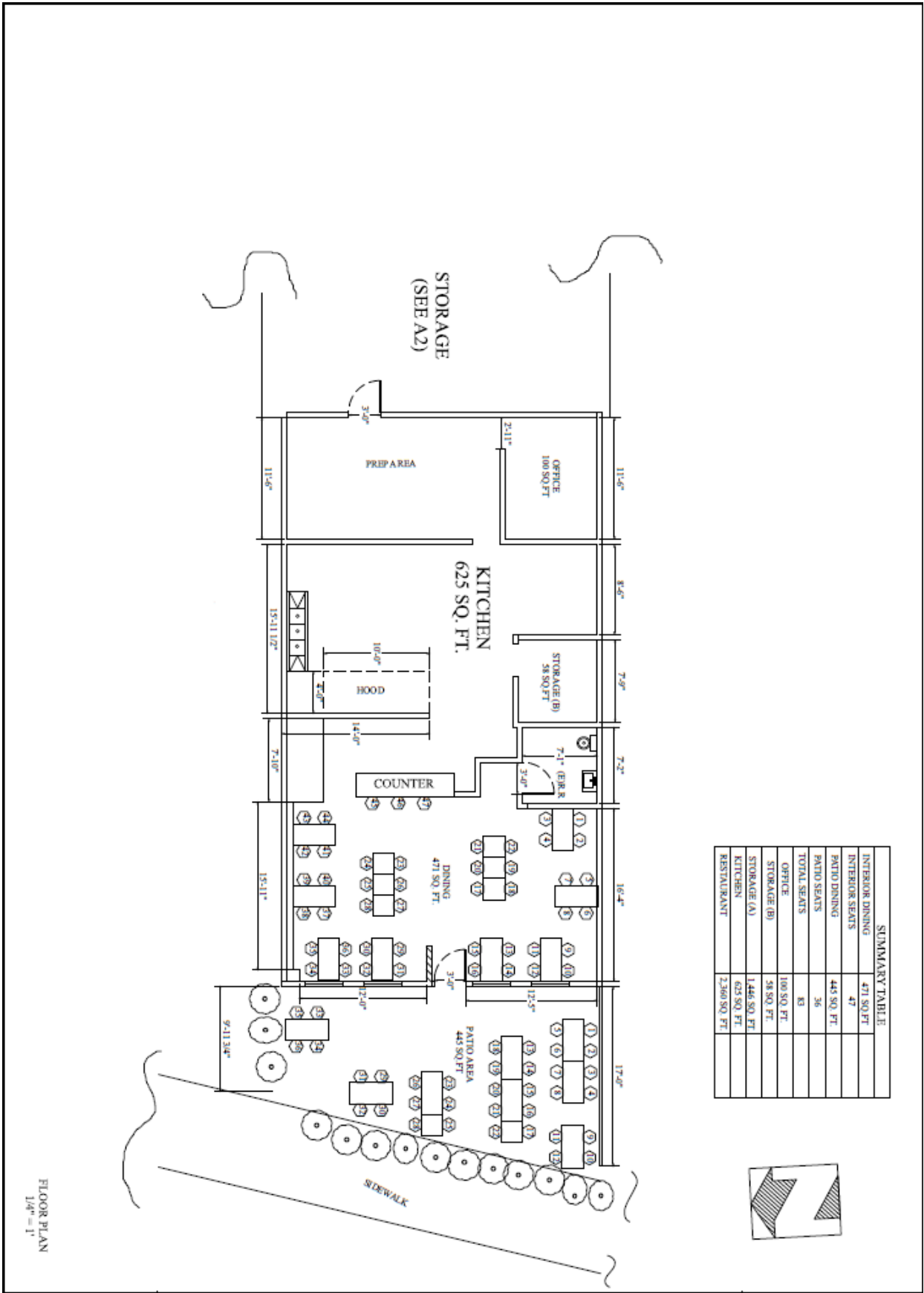
SITE PLAN AND ELEVATION



FLOOR PLAN



FLOOR PLAN





City of
**South
Gate**

Community Development Department Memorandum

To: Planning Commission
From: Saul Bolivar, Contract Planner
Date: July 5, 2023
Re: Item No. 4

Variance 23-01, for 13333 Paramount Boulevard, is being continued to the next Planning Commission meeting of July 18, 2023, to allow staff and the Applicant to further review the subject application.



Community Development Department Memorandum

To: Planning Commission
From: Yalini Siva, Senior Planner
Date: July 5, 2023
Re: Item No. 5

In order to address ongoing inquiries regarding front yard setback area zoning standards in residential zones, Planning staff is listing the existing Zoning Code standards below that may be amended to address residential parking concerns throughout the City. Staff requests the Planning Commission provide staff with recommendations to help address the growing concerns regarding in which the City will address the worsening conditions of the lack of onsite residential parking. Staff will research the Planning Commission's recommendations for feasibility and will then return with proposed code amendments for consideration and recommendation to the City Council.

South Gate Municipal Code Section 11.25.070 Residential operating standards:

"The following operational standards and requirements shall apply to all residential units, buildings, and uses in all zones where residential uses are allowed.

- A. *Hardscape in Front Setback. Hardscape (driveways, walkways, steps, terraces, and other site design elements that are placed directly on grade) within the front setback shall be limited to the permitted driveway and a six-foot-long access walk to the entry of the residence.*
- B. *Residential Parking.*
 - 1. *Parking of vehicles shall only occur within the designated driveway or garage.*
 - 2. *No vehicle or trailer of any kind for daily use may be parked or stored for more than thirty-six hours in any required building line setback area other than on a designated parking space.*
 - 3. *No recreational vehicle, boat, or trailer of any kind for occasional or recreational use may be parked or stored on a designated driveway."*