



**PLANNING COMMISSION
PLANNING COMMISSION AGENDA**

Tuesday, April 16, 2024 at 6:30 p.m.

**SOUTH GATE COUNCIL CHAMBERS
8650 CALIFORNIA AVENUE
SOUTH GATE, CA 90280**

**VIEW MEETING LIVE ONLINE AT:
[HTTPS://YOUTUBE.COM/@SOUTHGATECA90280](https://youtube.com/@southgateca90280)**

Call To Order

Pledge of Allegiance

Roll Call

City Officials

CHAIRPERSON

Jimmy Ozaeta

COMMISSIONERS

Jose Delgado

Daisy Prieto

VICE

CHAIRPERSON

Jovanna Laborin

Jenny Perez

Report On Posting

I, Esther Washington, Senior Secretary, certify that a true and correct copy of the foregoing meeting agenda was properly posted on April 9, 2024, 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 Session Items

Item #1

Planning Commission Minutes - March 5, 2024.

The Planning Commission will consider approving the minutes for the Regular Planning Commission meeting of March 5, 2024.

Documents:

[PC Minutes.3.5.2024.pdf](#)

Item #2

Resolutions

TO CONSIDER TWO ALTERNATE RESOLUTIONS REGARDING PROPOSED CHANGES TO CHAPTER 11.21 OF THE SOUTH GATE ZONING CODE (WHICH IS SET FORTH IN TITLE 11 OF THE SOUTH GATE MUNICIPAL CODE). THE FIRST RESOLUTION, IF APPROVED BY THE PLANNING COMMISSION ("COMMISSION"), WOULD BE TO RECOMMEND TO THE CITY COUNCIL ("COUNCIL") THAT THE CITY'S ZONING CODE BE REVISED TO ELIMINATE SIZE LIMITATIONS ON WAREHOUSES IN THE CITY'S' URBAN MIXED-USE ZONES AND COMMERCIAL INDUSTRIAL ZONES. THE SECOND RESOLUTION, IF APPROVED BY THE COMMISSION, WOULD DIRECT THE CITY'S COMMUNITY DEVELOPMENT DEPARTMENT STAFF ("STAFF") TO STUDY THE MATTER FURTHER AND RETURN TO THE COMMISSION AT A LATER DATE WITH RECOMMENDATIONS. THE RESOLUTIONS ARE INTENDED TO BE ALTERNATIVE APPROACHES TO THE ISSUE AND HAVE BEEN WRITTEN WITH THE INTENTION THAT THE COMMISSION CAN APPROVE EITHER RESOLUTION BUT SHOULD NOT APPROVE BOTH. THE COMMISSION ALSO HAS THE OPTION OF NOT APPROVING EITHER OF THE TWO RESOLUTIONS, WHICH WOULD EFFECTIVELY SIGNIFY THE COMMISSION'S DESIRE THAT THE ZONING CODE NOT BE AMENDED.

Documents:

[Agenda Item #2. 4.16.24.pdf](#)

Item #3

CONDITIONAL USE PERMIT NO.23-0030

THE PLANNING COMMISSION WILL CONSIDER APPROVING CONDITIONAL USE PERMIT NO.23-0030, WHICH IS TO CONSIDER A REQUEST TO ALLOW THE OPERATION OF A BANQUET HALL WITH A CATERING LICENSE (TYPE 58 ABC LICENSE) AND THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION (TYPE 41 ABC LICENSE), IN CONJUNCTION WITH A FULL-SERVICE BREAKFAST ORIENTATED RESTAURANT LOCATED AT 9849 ALTANTIC AVENUE. THE PROJECT QUALIFIES UNDER CLASS 1 EXEMPTION BECAUSE THE PROPOSED PROJECT DOES NOT INCREASE THE EXISTING BUIDLING ENVELOPE AND CONSIST OF CORRESPONDING TENT IMPROVEMENTS.

Documents:

[Item 3 Report 04162024.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 filing the request with the City Clerk prior to 4:00pm on Monday, April 29, 2024

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.



**ACTION MINUTES OF THE REGULAR MEETING
OF THE SOUTH GATE CITY PLANNING COMMISSION
TUESDAY, MARCH 5, 2024**

CALL TO ORDER

The Planning Commission of the City of South Gate met via teleconference and in-person on March 5, 2024, at 6:34 PM, Chairperson Delgado presiding.

PLEDGE OF ALLEGIANCE

ROLL CALL

Commissioners Present: Chairperson Ozaeta, Vice Chair Laborin, Commissioners Delgado, Prieto, and Perez
Staff Present: Meredith T. Elguira, Director of Community Development
Joshua Valdez, Contract Planner
Craig Hardwick, City Attorney
Esther Washington, Senior Secretary

REPORT ON POSTING AND MEETING COMPENSATION DISCLOSURE

OPEN SESSION ITEMS

1. **Planning Commission Minutes**
Minutes from January 16, 2024

ACTION: Approved 5-0. Motion by Vice Chair Laborin. Seconded by Commissioner Delgado.

COMMISSIONERS	VOTE
Perez	Yes
Prieto	Yes
Delgado	Yes
Laborin	Yes
Ozaeta	Yes

2. **REQUEST FOR CONTINUANCE – PROPOSED ZCA 176-5037 PATATA STREET AMENDING THE CITY’S ZONING CODE BY MODIFYING TITLE 11, CHAPTER 11.21 OF THE SOUTH GATE MUNICIPAL CODE TO RELAX OR REMOVE RESTRICTIONS ON THE SIZE OF WAREHOUSES AUTHORIZED IN THE CITY’S URBAN MIXED-USE ZONES AND COMMERCIAL INDUSTRIAL ZONES.**

ACTION: Approved 5-0. Motion by Commissioner Perez. Seconded by Commissioner Delgado.

COMMISSIONERS	VOTE
Perez	Yes
Prieto	Yes
Delgado	Yes
Laborin	Yes
Ozaeta	Yes

3. THE PLANNING COMMISSION IS CONDUCTING A PUBLIC HEARING TO CONSIDER A REQUEST TO OPERATE A DRIVE-THROUGH FOR THE 1,200 SQUIRE FOOT "TAKE OUT ONLY" STARBUCKS.

Ryan Shea, Property Developer, spoke on the proposed project.

ACTION: Approved 3-2. Motion by Commissioner Delgado. Seconded by Chair Ozaeta.

COMMISSIONERS	VOTE
Perez	Yes
Prieto	Yes
Delgado	No
Laborin	Yes
Ozaeta	No

COMMENTS

- NONE

AUDIENCE COMMENTS

- NONE

CITY STAFF COMMENTS

- Planning Commission Academy sponsored by the League of Cities to be held March 6-8, 2024.

PLANNING COMMISSION COMMENTS

- Commissioner Delgado shared "ZOOM" option was eliminated for meetings.

ADJOURNMENT

The meeting was adjourned at 7:23 PM.

Respectfully submitted by:

Meredith T. Elguira, Director of Community Development

APPROVED:

Jimmy Ozaeta, Chairperson

City of South Gate

PLANNING COMMISSION

AGENDA BILL

For the Regular Meeting of: April 16, 2024

Contract Planner: Paula Kelly

Community Development Director: William Casapiana Jr.

Meredith T. Elguira

SUBJECT: AMENDING THE CITY'S ZONING CODE BY MODIFYING TITLE 11, CHAPTER 11.21 OF THE SOUTH GATE MUNICIPAL CODE TO RELAX OR REMOVE RESTRICTIONS ON THE SIZE OF WAREHOUSES AUTHORIZED IN THE CITY'S URBAN MIXED USE ZONES AND COMMERCIAL INDUSTRIAL ZONES

PURPOSE: To consider two alternate resolutions regarding proposed changes to Chapter 11.21 of the South Gate Zoning Code (which is set forth in Title 11 of the South Gate Municipal Code). The first resolution, if approved by the Planning Commission ("Commission"), would be to recommend to the City Council ("Council") that the City's Zoning Code be revised to eliminate size limitations on warehouses in the City's Urban Mixed Use Zones and Commercial Industrial Zones. The second resolution, if approved by the Commission, would direct the City's Community Development Department staff ("Staff") to study the matter further and return to the Commission at a later date with recommendations. The resolutions are intended to be alternative approaches to the issue and have been written with the intention that the Commission can approve either resolution but should not approve both. The Commission also has the option of not approving either of the two resolutions, which would effectively signify the Commission's desire that the Zoning Code not be amended.

At the request of the Applicant, this item was continued from the Planning Commission meeting on March 5, 2024.

RECOMMENDED ACTIONS: Staff recommends that the Commission take the following actions:

- a. **CONDUCT** a public hearing;
- b. **ACCEPT** the determination that the adoption of Resolution No. 2024-02A is exempt from the California Environmental Quality Act ("CEQA"), codified at Public Resources Code §§ 21000 *et seq.*, pursuant to Public Resources Code § 21080.17, and that the adoption of Resolution No. 2024-02B is "categorically exempt" from CEQA under the regulatory guidelines established under CEQA ("CEQA Guidelines"), codified at Chapter 3 of Division 6 of Title 14 of the California Code of Regulations ("CCR"), as a Class 6 exemption (Information Collection) under 14 CCR § 15306 and is also "statutorily exempt" from CEQA under the Feasibility and Planning Studies exemption established by the CEQA Guidelines at 14 CCR § 15262;
- c. **DISAPPROVE, AND DO NOT ADOPT**, Resolution No. 2024-02A, which resolution recommends the immediate removal of size restrictions for warehouses in the City's Urban Mixed Use Zones and Commercial Industrial Zones.
- d. **TAKE ACTION ON** Resolution No. 2024-02B by either approving and adopting or disapproving and choosing not to adopt that resolution. Staff has no preference or recommendation as to the approval or

disapproval of Resolution No. 2024-02B, except that if the Commission approves and adopts Resolution No. 2024-02A, then Staff recommends disapproving and not adopting Resolution No. 2024-02B.

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for this item was conducted in compliance with South Gate Municipal Code Sections 11.50.020 and 11.50.030. Notice of the hearing was originally posted and published in the *"South Gate Press"* on February 24, 2024.

The original public hearing was scheduled for March 5, 2024. Since, at the request of the Applicant, the public hearing was continued at the March 5th meeting to a "date certain" (April 16th), no additional public notice is required, aside from that described in the above paragraph.

ENVIRONMENTAL EVALUATION: Adoption of Resolution No. 2024-02A is exempt from CEQA for two reasons. First, amendment of a zoning code ordinance only constitutes a "project" under CEQA if it has the potential for resulting in direct or indirect physical changes to the environment, per 14 CCR § 15378. This proposed amendment will not cause physical changes to the environment, because it does not exempt future warehouse projects from Conditional Use Permit and CEQA compliance requirements. The proposed amendment is therefore exempt from CEQA because it does not meet the definition of a CEQA project. Second, even if it were to be deemed a project, it has no potential for causing a significant effect on the environment and is therefore exempt from CEQA pursuant to 14 CCR § 15061.

Adoption of Resolution No. 2024-02B is also exempt from CEQA for two reasons. First, it is categorically exempt from CEQA as a Class 6 exemption under 14 CCR § 15306. Class 6 exempts activities consisting of "basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource. These may be strictly for information gathering purposes, or as part of a study leading to an action which a public agency has not yet approved, adopted, or funded." Second, it is also statutorily exempt from CEQA as Feasibility and Planning Studies under the CEQA Guidelines at 14 CCR § 15262. That exemption exempts projects "involving only feasibility or planning studies for possible future actions which the agency, board, or commission has not approved, adopted, or funded does not require the preparation of an EIR or negative declaration but does require consideration of environmental factors."

BACKGROUND: The Zoning Code, together with the City's General Plan, Specific Plans and Zoning Map, divides the City into various geographical use zones. Land use permission tables in Section 11.21.030 of the Zoning Code establish the uses to which land in each zone may be put. Table 11.21-3 specifies uses allowed in the Urban Mixed-Use zones, and Table 11.21-4 specifies uses allowed in the Commercial Industrial zones. Under those tables, warehousing is permitted (subject to issuance by the City of a Conditional Use Permit) in the Industrial Flex (IF), Light Industrial (LF), Light Manufacturing (M2) and Heavy Manufacturing (M3) zones. However, footnote 18 in Table 11.21-3 and Footnote 11 in Table 11.21-4 each limits the size and placement of warehouses within those zones as follows:

"Limited to maximum building area of fifteen thousand square feet and is not permitted along street frontage (would have to be a rear use)."

These footnotes were incorporated into the South Gate Municipal Code in 2015 when the Commission and Council cohesively adopted a comprehensive update to the Zoning Code. The Planning Commissioners and City Council Members who were in office at that time felt the inclusion of these footnotes was necessary to prevent a

proliferation of large warehouses in the City which would cause detrimental impacts to the community.

Recently, landowners and developers have expressed to Staff (and in some cases to Planning Commissioners and to City Council Members) the landowners' and developers' opinions that the limitations imposed by these footnotes are outdated, are unduly restrictive, and create limitations inconsistent with the current business practices of the warehousing industry. They have asked the City to consider eliminating the footnotes entirely, or at least modifying them to loosen the restrictions and allow the construction and operation of larger warehouses in the City.

ANALYSIS:

In response to those requests, Staff is presenting to the Commission two separate resolutions. Resolution No. 2024-02A, if adopted by the Commission, would recommend to the City Council that the Zoning Code be amended to delete those footnotes from the land use permission tables. Resolution No. 2024-02B, if adopted by the Commission, would direct Staff to evaluate the effects of modifying or entirely eliminating the footnotes.

Staff does not recommend the adoption of Resolution No. 2024-02A. Deletion of the subject footnotes from the Zoning Code would eliminate the 15,000 square foot size restriction applicable to warehouses in the City. Absent that restriction, the only limitations on warehouse size would be those generally applicable to other buildings in the respective zones imposed by things such as setback requirements, height limitations, and floor-area-ratio requirements. This will undoubtedly lead to the construction of warehouses in the City which are much larger than those currently found in the City. Without further study or other limitations, Staff is unable to predict – or advise the Commission as to – the effects such larger warehouses might have on traffic, infrastructure, noise and other matters important to residents of the City.

Resolution No. 2024-02B is presented as an alternative to Resolution No. 2024-02A. Rather than Resolution No. 2024-02A's "all or nothing" approach of eliminating or retaining the current restrictions on warehouse size and location restrictions, Resolution No. 2024-02B provides an opportunity for Staff to evaluate whether and to what extent those restrictions should be eliminated, modified or retained. Resolution No. 2024-02B would allow Staff to return to the Commission at a later date with an analysis of benefits and detriments of modifying or eliminating those restrictions, as well as whether additional development standards or operating practices should be imposed in connection with the construction and operation of larger warehouses. In this way, the Commission can make a more informed decision.

CONCLUSION: If the Commission believes the current restrictions on warehouse size and location are unreasonable and should be changed, Staff recommends adopting Resolution No. 2024-02B but not Resolution No. 2024-02A. If the Commission believes the current restrictions are reasonable, Staff recommends that both resolutions be disapproved and neither be adopted.

ATTACHMENTS: A. Resolution No. 2024-02A
B. Resolution No. 2024-02B
C. SGMC, Section 11.21.030, Tables 11.21-3 and 11.21-4

RESOLUTION NO. 2024-02A

**A RESOLUTION OF PLANNING COMMISSION
RECOMMENDING THAT THE SOUTH GATE CITY
COUNCIL ADOPT AN ORDINANCE MODIFYING
SECTION 11.21.030 OF THE SOUTH GATE MUNICIPAL
CODE TO REMOVE CERTAIN SIZE AND LOCATION
RESTRICTIONS ON WAREHOUSE USES**

WHEREAS, Land Use Permission Tables 11.21-3 and 11.21-4, which are located in Section 11.21.030 of the South Gate Municipal Code, allow warehouse uses in the City's Industrial Flex (IF), Light Industrial (LI), Light Manufacturing (M2) and Heavy Manufacturing (M3) zones; and,

WHEREAS, footnote 18 of Table 11.21-3 and footnote 11 of Table 11.21-4 each limit the size of warehouses to 15,000 square feet and limit the location of warehouses to the rear of the lot rather than on the street front; and,

WHEREAS, the owners of certain parcels of property in those zones, as well as developers wishing to develop warehouses in those zones, have contended that the restrictions established by those footnotes are unreasonable and should be eliminated in order to allow the construction and use within the City of warehouses larger than 15,000 square feet; and,

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed a public hearing and conducted the public hearing on April 16, 2024, to determine whether the Planning Commission should adopt a resolution recommending that the City Council amend Section 11.21.030 of the South Gate Municipal Code to remove footnote 18 from Table 11.21-3 and to remove footnote 11 from Table 11.21-4; and,

WHEREAS, after listening to testimony of persons attending the hearing, and receiving other information from members of the City's Community Development Department, a majority of the Planning Commissioners have determined that the Municipal Code should be amended to remove those footnotes from those tables;

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2. The Planning Commission hereby finds and determines that the City Council's adoption of an ordinance amending Section 11.21.030 of the South Gate Municipal Code to remove the footnotes from the tables as discussed above would be exempt from the requirements of the California Environment Quality Act ("CEQA") for two reasons. First, amendment of a zoning code ordinance only constitutes a "project" under CEQA if it has the potential for resulting in direct or indirect physical changes to the environment, per 14 CCR § 15378. This proposed

amendment will not cause physical changes to the environment, because it does not exempt future warehouse projects from Conditional Use Permit and CEQA compliance requirements. The proposed amendment is therefore exempt from CEQA because it does not meet the definition of a CEQA project. Second, even if it were to be deemed a project, it has no potential for causing a significant effect on the environment and is therefore exempt from CEQA pursuant to 14 CCR § 15061.

SECTION 3. Such an ordinance would be consistent with and support the General Plan.

SECTION 4. Such an ordinance would not adversely affect the public health, safety, or welfare of the City and would protect public health, safety, and welfare in the City.

SECTION 5. The Planning Commission hereby recommends that the City Council adopt an ordinance revising Section 11.21.030 of the South Gate Municipal Code to remove footnote 18 from Table 11.21-3 and to remove footnote 11 from Table 11.21-4.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

SECTION 7. The Secretary of this Commission be directed to transmit to the City Council a copy of this resolution as the report of the findings and recommendations of the Planning Commission with reference to this matter.

[continues to next page]

This recommendation was adopted by the following vote at the Planning Commission meeting of April 16, 2024.

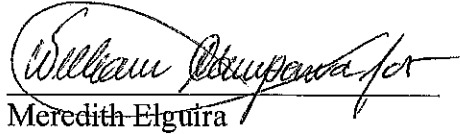
AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED and **ADOPTED** this 16th day of April, 2024.

A handwritten signature in black ink, appearing to read "Meredith Elguira", is written over a horizontal line.

Meredith Elguira
Secretary
City Planning Commission

APPROVED:

Jimmy Ozaeta
Chairperson
City Planning Commission

RESOLUTION NO. 2024-02B

**A RESOLUTION OF PLANNING COMMISSION
DIRECTING STAFF TO STUDY THE ADVISABILITY OF
AMENDING SECTION 11.21.030 OF THE SOUTH GATE
MUNICIPAL CODE TO MODIFY OR REMOVE CERTAIN
SIZE AND LOCATION RESTRICTIONS ON WAREHOUSE
USES**

WHEREAS, Land Use Permission Tables 11.21-3 and 11.21-4, which are located in Section 11.21.030 of the South Gate Municipal Code, allow warehouse uses in the City's Industrial Flex (IF), Light Industrial (LF), Light Manufacturing (M2) and Heavy Manufacturing (M3) zones; and,

WHEREAS, footnote 18 of Table 11.21-3 and footnote 11 of Table 11.21-4 each limit the size of warehouses to 15,000 square feet and limit the location of warehouses to the rear of the lot rather than on the street front; and,

WHEREAS, the owners of certain parcels of property in those zones, as well as developers wishing to develop warehouses in those zones, have contended that the restrictions established by those footnotes are unreasonable and should be eliminated in order to allow the construction and use within the City of warehouses larger than 15,000 square feet; and,

WHEREAS, pursuant to California Government Code Section 65854, the Planning Commission duly noticed a public hearing on March 5, 2024, to determine whether the Planning Commission should adopt a resolution recommending that the City Council amend Section 11.21.030 of the South Gate Municipal Code to remove footnote 18 from Table 11.21-3 and to remove footnote 11 from Table 11.21-4. At the request of the Applicant, the public hearing was not opened on March 5, 2024 and the item was moved to the Planning Commission hearing of April 16, 2024; and,

WHEREAS, at the April 16, 2024 public hearing, after listening to testimony of persons attending the hearing, and receiving other information from members of the City's Community Development Department, a majority of the Planning Commissioners have determined that they need more information as to the possible impacts of such an amendment to the Municipal Code before the Planning Commission can make such a recommendation;

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

SECTION 2. The Planning Commission hereby finds and determines that a request by the Planning Commission for the members of the City's Community Development Department to obtain and provide additional information to the Planning Commission as to the possible effects

of revising Section 11.21.030 of the South Gate Municipal Code to remove the footnotes from the tables as discussed above would be exempt from the requirements of the California Environment Quality Act ("CEQA"), under the Class 6 categorical exemption provided by 14 CCR § 15306, and would also be exempt from CEQA under the statutory exemption for Feasibility and Planning Studies provided by 14 CCR § 15262.

SECTION 3. The Planning Commission hereby instructs the staff of the Community Development Department to return to the Commission at a date in the near future with an analysis of (i) the benefits and detriments of modifying or eliminating the restrictions on warehouse size and location imposed by footnote 18 of Table 11.21-3 and footnote 11 from Table 11.21-4 of Section 11.21.030 of the South Gate Municipal Code, and (ii) whether additional development standards or operating practices should be imposed in connection with the construction and operation of larger warehouses.

SECTION 4. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

This recommendation was adopted by the following vote at the Planning Commission meeting of April 16, 2024.

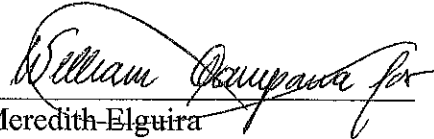
AYES:

NOES:

ABSENT:

NOT VOTING:

APPROVED and ADOPTED this 16th day of April, 2024.


Meredith-Elguira
Secretary
City Planning Commission

APPROVED:

Jimmy Ozaeta
Chairperson
City Planning Commission

City of South Gate

PLANNING COMMISSION

AGENDA BILL

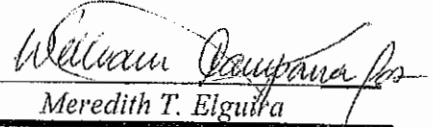
For the Regular Meeting of: April 16, 2024

Contract Planner:



Joshua Valdez

Community Development Director:



Meredith T. Elgueta

SUBJECT: CONDITIONAL USE PERMIT NO. 23-0030 TO PERMIT THE OPERATION OF A BANQUET HALL AND TO CATER ALCOHOLIC BEVERAGES WITH A TYPE 58 ABC LICENSE AND THE SALE OF BEER AND WINE FOR ON-SITE CONSUMPTION WITH A TYPE 41 ABC LICENSE, IN CONJUNCTION WITH A FULL-SERVICE BREAKFAST RESTAURANT LOCATED AT 9849 ATLANTIC AVENUE, UNITS H AND I.

PURPOSE: To consider Conditional Use Permit (CUP) No. 23-0030 to permit the operation of a banquet hall, "1951 Banquet Hall", and to cater alcoholic beverages with a Type 58 ABC license and the sale of beer and wine for on-site consumption with a Type 41 ABC license, in conjunction with the proposed full-service breakfast restaurant, "The Pan," located at 9849 Atlantic Avenue.

RECOMMENDED ACTION:

1. **CONDUCT** a public hearing, pursuant to South Gate Municipal Code Table 11.51-1 and Section 11.50.040.B;
2. **ACCEPT** the determination that this matter is exempt from the California Environmental Quality Act; and
3. **ADOPT** the findings as outlined in Resolution No. 2024-02 (Exhibit A); and approve Conditional Use Permit No.23-0030, subject to the recommended conditions of approval (Exhibit B).

PUBLIC NOTIFICATION: Advertising and notification of the public hearing for the application was conducted in compliance with Chapter 11.50.020, of the South Gate Municipal Code. Notice of the hearing was originally posted and published in the "Los Angeles Wave" newspaper and was mailed to surrounding properties on April 2, 2023.

ENVIRONMENTAL EVALUATION: The City of South Gate has determined that the proposed project is categorically exempt from environmental review pursuant to CEQA Guidelines 15061(3). The proposed Conditional Use Permit is Categorically Exempt from the California Environmental Quality Act (CEQA) as a Class 1 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 use beyond that existing at the time of the lead agency's determination.

BACKGROUND: The subject site is located within an existing shopping center at the northwest corner of Tweedy Boulevard and Atlantic Avenue. The shopping center consists of two building structures, "El Pescador" is located in the building along Atlantic Ave. The other building hosts a variety of businesses within the existing units. The banquet hall and restaurant will be located within units H and I and share a

cooking facility as shown in (Figure 1). As part of the application the applicant, Liliger Damaso, requests to provide on-site compact parking; an administrative modification to reduce the required parking by ten percent (10%); a Conditional Use Permit (CUP) for the operation of a banquet hall, a type 58 ABC license to offer alcohol catering for the banquet hall; a type 41 ABC license for the sale of beer and wine for on-site consumption in conjunction with a full service breakfast restaurant, live entertainment for the banquet hall – to be taken to City Council for their determination; and a complete tenant improvement for both land use types.

The Community Development Director approved the administrative modification, granting a ten percent (10%) reduction in the required number of parking which totaled a reduction of 11 spaces. The project site provides 94 parking spaces and after the administrative modification the required number of parking spaces is 93 spaces, thus making the project complies with the total number of required parking spaces. The banquet hall and the restaurant will operate during different times of the day, to utilize the parking spaces assigned to those land use types. The banquet hall's hours of operation will be from 5:00 pm to 12:00 am, Monday through Sunday. The restaurant's hours of operation will be from 8:00 am to 3:00 pm, Monday through Sunday.

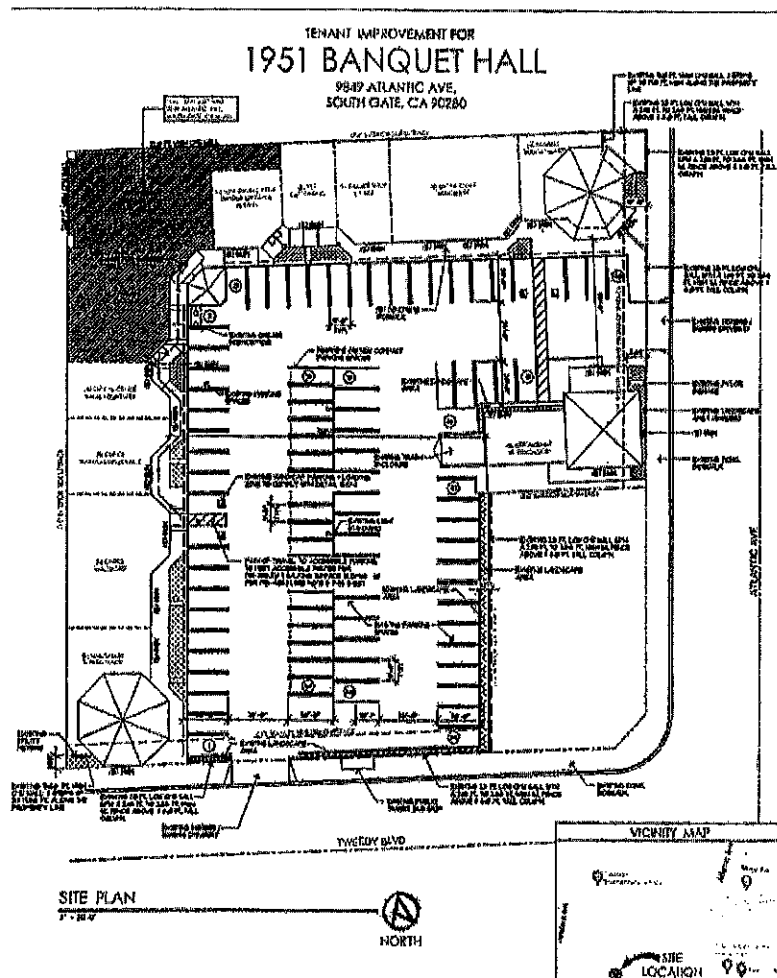


Figure 1

ANALYSIS: The applicant, Liliger Damaso submitted a request for a Conditional Use Permit to allow the operation of a banquet hall, "1951 Banquet Hall", with a catering license Type-58 California Department of Alcoholic Beverage Control (ABC) License and on-site sale of beer and wine at the proposed breakfast orientated restaurant, "The Pan", under a Type-41 ABC License.

The Type-41 license requested by the applicant would authorize the consumption of beer and wine for restaurants, subject to certain limitations. The full text of what a Type-41 license allows is as follows, pursuant to the ABC:

On-Sale Beer and Wine- Eating Place -- (Restaurant) Authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). Must operate and maintain the licensed premises as a bona fide eating place. Must maintain suitable kitchen facilities and must make actual and substantial sales of meals for consumption on the premises. Minors are allowed on the premises.

The Type-58 license requested by the applicant would authorize licensees to cater alcoholic beverages off-site, subject to certain limitations. The partial text of what a Type-58 license allows is as follows, pursuant to the ABC:

Allows certain licensees to cater alcoholic beverages off-site. . . This license type is subject to Responsible Beverage Service (RBS) requirements and requires alcohol servers and managers of alcohol servers to be RBS certified.

The full definition provided by the ABC contains a reference to addition requirements with which the licensee must comply when serving alcoholic beverages in connection with catering services under the license.

The subject shopping center has the General Plan designation of Tweedy Education District and is zoned Tweedy Mixed Use-1 (TMU-1). Pursuant to the Tweedy Specific Plan Chapter 4, Section 4.4 "Tweedy Mixed Use Zones"; Table 4-2: Allowed Land Uses for Tweedy Mixed-Use Zones, "Community Assembly" and "Alcohol Sales, as Part of a Restaurant" requires the approval of a Conditional Use Permit.

South Gate Municipal Code (SGMC) Section 11.60.040 "C" definitions defines a community assembly as:

"Community assembly" (land use) means gathering places for public, private, commercial, or nonprofit gatherings with permanent or movable seating. Attached portions of a building, including nonfixed seating, are also considered community assembly space. These uses may be rented to nonprofit civic or community organization; no additional permit is required for this rental use.

South Gate Municipal Code, SGMC Section 11.60.210 "R" definitions defines a restaurant as:

"Restaurant" (land use) includes dine-in and take-out establishments. Any establishment operated for the primary purpose of providing food, beverages, or meals for compensation that has suitable kitchen facilities for the preparation, storage, and service of food. Food service may be for on-site consumption, off-site consumption, or a combination of service types. Any bar area with all applicable licenses is typically limited to approximately five hundred square feet or approximately thirty percent of the dining area; bar areas exceeding these limits are classified as a bar.

Construction plans for the proposed tenant improvements were submitted for an interior remodel of the subject site, which includes a shared 888 square foot kitchen area and separate dining rooms for the banquet hall and restaurant; 2,680 square feet and 986 square feet respectively.

Conditional Use Permit Findings

The findings for Conditional Use Permit No. 23-0030 are provided below:

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.*

In the General Plan the project site is located within the Tweedy Education District, which lists Neighborhood Medium-High (NMH) and Boulevard Medium-High (BMH) as desirable and very desirable respectively. The listed land uses for these place types include cultural and public assembly for NMH and retail/service, restaurant, entertainment, cultural, and public assembly for BMH. The proposed banquet hall and restaurant is consistent with the desired land use types provided within the City's General Plan. We also note that although the subject district contains the word "education" in its title, this site is located far from any schools and complies with the 500-foot minimum separation requirement established by South Gate Municipal Code section 11.42.060.

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 project site is located within the City's Tweedy Boulevard Specific Plan (TBSP) in the Tweedy Mixed Use-1 (TMU-1) zone. Pursuant to Chapter 4, Section 4.4 "Tweedy Mixed Use Zones"; Table 4-2: Allowed Land Uses for Tweedy Mixed-Use Zones, "Community Assembly" and "Alcohol Sales, as Part of a Restaurant" are permitted in the TMU-1 zone with a Conditional Use Permit. The conditions of approval listed in the subject Planning Commission Resolution, are compatible with the TMU-1 zone. The project design is consistent with the applicable zone; whereas the Municipal Code only requires a 5-ft solid masonry wall the project site includes a 22-foot solid masonry wall between the shopping center and adjacent residential uses, acting as a sound barrier.

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 adversely affect surrounding properties, as the shopping center is already constructed, and the space has been vacant for over six months making it attractive to vagrants. The proposed project will help patronize the existing shopping center and in doing so, help revitalize the area economically. The majority of the Banquet Hall uses will be during the weekend, but the applicant is open to having weekday activities as well as serving community-based needs. With staggered hours of operations between the two businesses, one in the morning and one in the evening, the applicant hopes to deter vagrants and instead foster a sense of community.

CONCLUSION: Based on the analysis provided above, it is staff's recommendation that the Planning Commission approve Conditional Use Permit No. 23-0030. The proposed conditions of approval contained in Resolution No. 2024-02 (Exhibit A) require that the business operations remain in compliance with the requirements of the California Department of Alcoholic Beverage Control and are designed to mitigate any potential negative impacts. Staff recommends that the Planning Commission approve Conditional Use Permit No. 23-0030, authorizing the operation of a banquet hall and to cater alcoholic beverages with a Type 58 ABC

license and the sale of beer and wine for on-site consumption with a Type 41 ABC license, in conjunction with the proposed full-service breakfast restaurant.

EXHIBITS:

- A. RESOLUTION NO. 2024-02
- B. CONDITIONS OF APPROVAL
- C. SITE PLAN
- D. FLOOR PLAN
- E. ELEVATIONS

RESOLUTION NO. 2024-02

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, CALIFORNIA APPROVING CONDITIONAL USE PERMIT 23-0030 TO ALLOW THE SALE OF BEER AND WINE FOR ON SITE CONSUMPTION IN CONJUNCTION WITH A FULL-SERVICE RESTAURANT (TYPE 41 ABC LICENSE) AND TO PERMIT THE OPERATION OF A BANQUET HALL AND TO CATER ALCOHOLIC BEVERAGES WITH A TYPE 58 ABC LICENSE, AT 9849 ATLANTIC AVENUE, UNITS H AND I

WHEREAS, on April 18, 2023, the Department of Community Development received an application from Liliger Damaso (“**Applicant**”) for Conditional Use Permit No. 23-0030 to allow the operation of a banquet hall; to cater alcoholic beverages with a Type 58 ABC license; the sale of beer and wine for on-site consumption with a type 41 ABC license; and a full-service breakfast restaurant at 9849 Atlantic Ave, Units H and I.

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 at 9849 Atlantic Avenue, units H and I, at the northwest corner of Tweedy Boulevard and Atlantic Avenue.
2. The Zoning designation for the property is Tweedy Mixed Use-1 (TMU-1) and the General Plan designation is Tweedy Education District.
3. The project proposal is to restripe the existing parking lot to provide compact parking spaces, administrative modification to reduce parking requirements, tenant improvements for a banquet hall and restaurant; a Conditional Use Permit to allow the operation of a banquet hall with live entertainment; a type 58 ABC license to offer alcohol catering for the banquet hall; a type 41 ABC license for the sale of beer and wine for on-site consumption in conjunction with a full service breakfast restaurant.
4. Notice for the Planning Commission hearing was posted and published in the “*Los Angeles Wave*” newspaper on April 2, 2024.

WHEREAS, the City 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.*

In the General Plan the project site is located within the Tweedy Education District, which lists Neighborhood Medium-High (NMH) and Boulevard Medium-High (BMH) as desirable and very desirable respectively. The listed land uses for these place types include cultural and public assembly for NMH and retail/service, restaurant, entertainment, cultural, and public assembly for BMH. The proposed banquet hall and restaurant is consistent with the desired land use types provided within the City's General Plan. We also note that although the subject district contains the word “education” in its title, this site is located far from any schools and complies with the 500-foot minimum separation requirement established by South Gate Municipal Code section 11.42.060.

Exhibit A

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

The project site is located within the City's Tweedy Boulevard Specific Plan (TBSP) in the Tweedy Mixed Use-1 (TMU-1) zone. Pursuant to Chapter 4, Section 4.4 "Tweedy Mixed Use Zones"; Table 4-2: Allowed Land Uses for Tweedy Mixed-Use Zones, "Community Assembly" and "Alcohol Sales, as Part of a Restaurant" are permitted in the TMU-1 zone with a Conditional Use Permit. The conditions of approval listed in the subject Planning Commission Resolution, are compatible with the TMU-1 zone. The project design is consistent with the applicable zone; whereas the Municipal Code only requires a 5-ft solid masonry wall; the project site includes a 22-foot solid masonry wall between the shopping center and adjacent residential uses, acting as a sound barrier.

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 adversely affect surrounding properties, as the shopping center is already constructed, and the space has been vacant for over six months making it attractive to vagrants. The proposed project will help patronize the existing shopping center and in doing so, help revitalize the area economically. The majority of the Banquet Hall uses will be during the weekend, but the applicant is open to having weekday activities as well as serving community-based needs. With staggered hours of operations between the two businesses, one in the morning and one in the evening, the applicant hopes to deter vagrants and instead foster a sense of community.

4. The project proposal is exempt from CEQA under Class 1 Categorical Exemption.

The proposed Conditional Use Permit is Categorical Exempt from the California Environmental Quality Act (CEQA) as a under Class 1 Categorical Exemption pursuant to Section 15303 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 use beyond that existing at the time of the lead agency's determination. The proposed project is not expanding the existing building, rather altering the interior to accommodate the proposed land use.

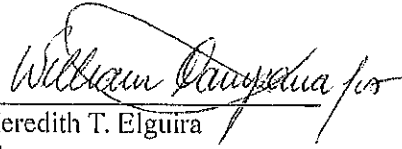
NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of South Gate, pursuant to the facts, noted above, does hereby approve Conditional Use Permit No. 23-0030 to allow the operation of a banquet hall and to cater alcoholic beverages with a Type 58 ABC license; the sale of beer and wine for on-site consumption with a Type 41 ABC license, in conjunction with a full-service breakfast restaurant, subject to the conditions of approval contained in **Exhibit B**.

This recommendation was adopted by the following vote at the Planning Commission meeting of April 16, 2024.

AYES:

NOES:

Approved and ADOPTED this 16 of April 2024.


Meredith T. Elguira
Director
Community Development

APPROVED:

Jimmy Ozaeta
Chairperson
City Planning Commission

CUP NO. 23-0030 - CONDITIONS OF APPROVAL

9849 Atlantic Avenue

Planning Conditions:

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 for off-site consumption.
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 at all times in a neat and orderly manner. This includes private property and public right-of-way immediately adjacent to the business and maintain a routine property maintenance plan.
6. Permittee shall maintain landscape areas with healthful vegetation and keep free of all overgrown vegetation.
7. Trash receptacles shall be provided in such numbers and at such locations as may be specified from time to time by the City's Community Development Department.
8. All alcoholic beverages sales, offerings, and consumption shall be conducted completely within an enclosed building on premises, except for in permitted outdoor seating areas for on-sale uses.
9. 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.
10. The owner/ operator or lessee shall be responsible for the conduct of all employees, including their education concerning California Department of Alcoholic Beverage Control regulations and provisions of the South Gate Municipal Code pertaining to sales of alcohol (e.g., verification of age of purchaser).
11. 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.
12. The permittee shall obtain approval, permits, and inspections for any new sign or altered signs.
13. The permittee shall obtain approval, permits, and inspections prior to any new or altered structural, electrical, plumbing, and mechanical work.
14. The CUP 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.
15. The permittee shall obtain health department approval.
16. The premise must comply with Americans with Disabilities Act (ADA) accessibility requirements.

Exhibit B

17. All exterior dining and common areas are to be properly illuminated.
18. Any kitchen facility on premises (in conjunction with a restaurant) shall be maintained at all times in a clean and sanitary condition.
19. Adequate refrigeration shall be maintained at all times for the preservation of any food on the permittee's premises.
20. The CUP 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 CUP.
21. Within thirty (30) days of approval of the Project, the Permittee and Property Owner shall certify his/ her acceptance of the conditions placed on the approval by signing a notarized Affidavit or Acceptance stating that he/she accepts and shall be bounded by all the conditions.
22. 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.
23. Violation of, or noncompliance with, any of these conditions shall constitute grounds for revocation of this CUP.
24. 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.
25. Any violation by permittee of any conditions of this CUP, or 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 Planning Commission. The permit may be revoked and reissued with new or modified conditions, as may be appropriate under the circumstances.
26. 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.
27. 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 specified by the Director of Community Development.
28. A public hearing consistent with Chapter 11.50 (Administration) shall be held for the consideration of a permit renovation. 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.

Exhibit B

- 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 one (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 statutes, 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 constitute a public nuisance.
29. 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 of permits was issued, consistent with the provisions identified in within Section 11.55 Nonconforming Uses and Buildings.
30. 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 right granted by the CUP are discontinued for six (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.
31. 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, permits and Procedures, be authorized to take the following actions:
- a. First violation: a 15-day permit suspension.
 - b. Second violation occurring within three (3) years of the first violation: 60-day permit suspension.
 - c. Third violation occurring within three (3) years of the second violation: the permit may be revoked following a public hearing.
32. Permittee shall comply with South Gate Municipal Code (SGMC) 11.34.080: Maximum sound levels by noise zone. Noise generated by entitlement shall not disturb adjacent residential properties and permittee shall implement noise mitigation measures to limit the amount of sound leakage.

Code Enforcement:

- 33. Permittee shall maintain a clean site; free of trash/ litter/ debris/ graffiti – this includes private property and public right-of-way immediately adjacent to the business (SGMC 5.08.020(A)).
- 34. Permittee shall establish a routine property maintenance plan and provide Code Enforcement Division with a copy.

Building and Safety

Exhibit B

- 35. Permittee shall re-stripe parking lot.
- 36. Permittee must provide ADA parking and maintain parking stall.
- 37. Permittee shall obtain approval, permits, and inspection for any new or altered signs.
- 38. Owner/ lessee must obtain permit for any tenant improvement work to be performed.

Police Department

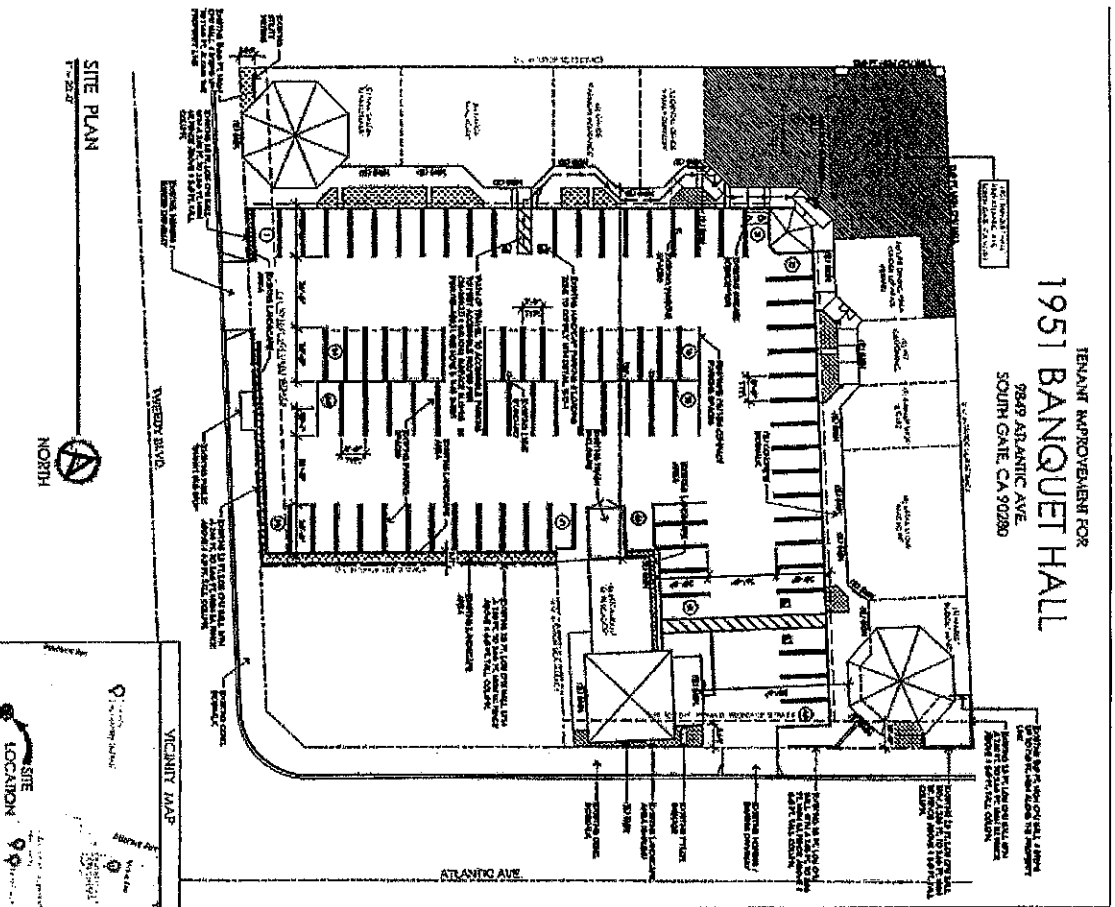
- 39. Permittee shall install surveillance cameras and have managers trained in how to access footage should the police need it for investigation.

Public Works

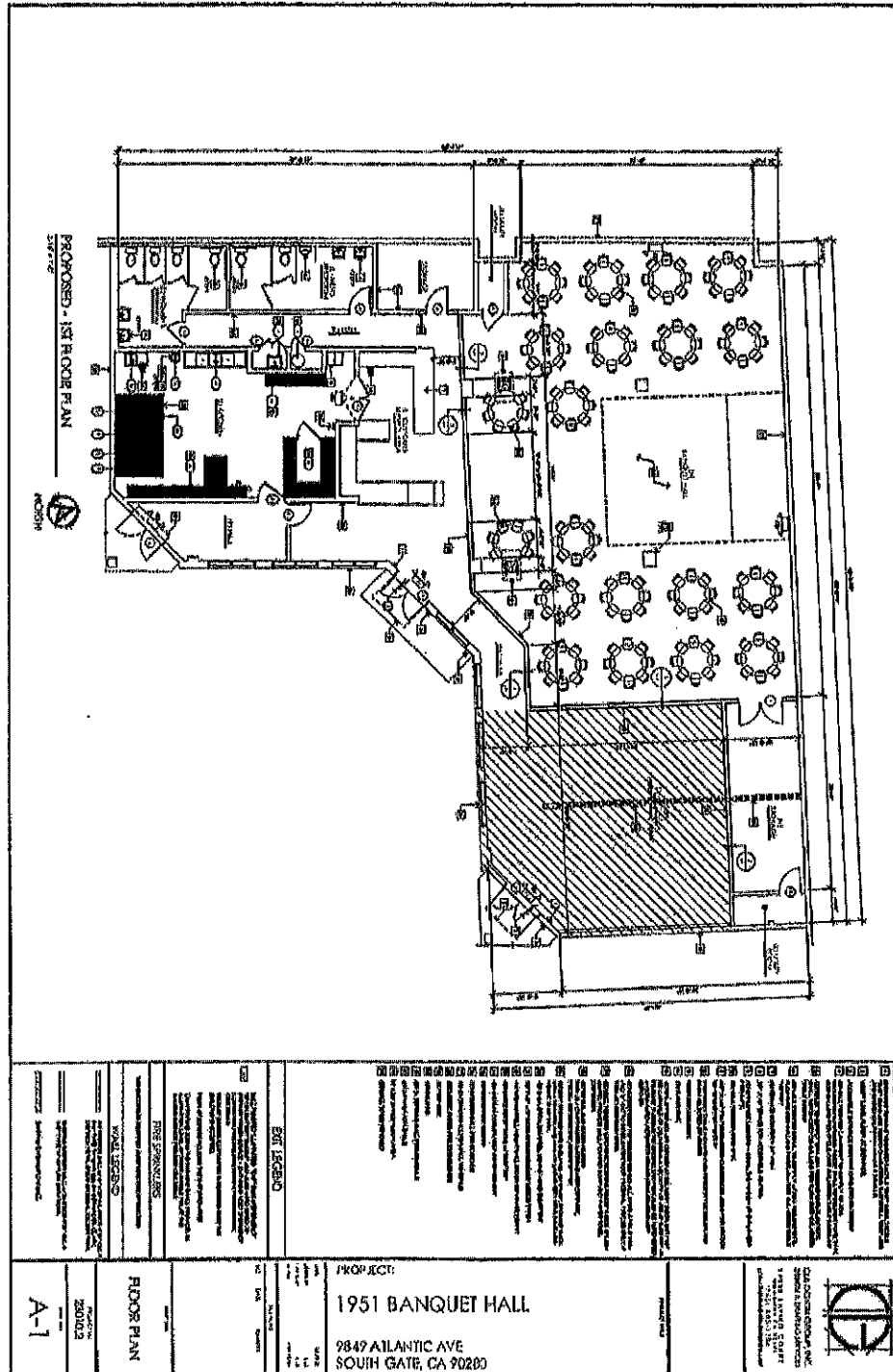
- 40. Permittee shall remove existing paint and install red curb with two coats of red paint at the project site's ingress and egress along Atlantic Avenue.
- 41. Permittee shall remove and replace curb/gutter per SPPWC standards. Install red curb with two coats of red paint.
- 42. Permittee shall remove existing paint and install red curb with two coats of red paint at the project site's ingress and egress along Tweedy Boulevard.
- 43. Remove and replace sidewalk panels from scoreline per SPPWC standards. Protect pull box in place along Tweedy Boulevard.

Exhibit C

SITE PLAN



LAYOUT PLAN



PROPOSED - 1ST FLOOR PLAN

EXIT LEGEND

WALL LEGEND

FINISH SCHEDULES

PROJECT:
THE PAN EATERY
9849 ATLANTIC AVE
SOUTH GATE, CA 90280

FLOOR PLAN

A-1

ELEVATIONS

