# SOUTH GATE CITY COUNCIL
# REGULAR MEETING AGENDA

Tuesday, April 22, 2025 at 6:30 p.m.

## SOUTH GATE COUNCIL CHAMBERS
## 8650 CALIFORNIA AVE
## SOUTH GATE, CA 90280

## VIEW MEETING LIVE ONLINE AT:
## HTTPS://YOUTUBE.COM/@SOUTHGATECA90280

**City Officials**

| | |
|---|---|
| **MAYOR,** Maria Davila | **CITY CLERK,** Yodit Glaze |
| **VICE MAYOR,** Joshua Barron | **CITY TREASURER,** Jose De La Paz |
| **COUNCIL MEMBER,** Maria del Pilar Avalos | **CITY MANAGER,** Rob Houston |
| **COUNCIL MEMBER,** Gil Hurtado | **CITY ATTORNEY,** Raúl F. Salinas |
| **COUNCIL MEMBER,** Al Rios | |

**If you would like to participate in this meeting, you can participate via the following options:**

**1. VIEW THE MEETING LIVE ONLINE AT: https://youtube.com/@SouthGateCA90280**
**Please allow up to 24 hours after the meeting for the archive to be available.**
**2. PARTICIPATE BEFORE THE MEETING by emailing the City Clerk at: yglaze@sogate.org no later than 4:00 p.m. on the day of the meeting. Please write "Public Comment" in the subject line.**
**3. ATTEND THE MEETING IN PERSON**
***The disruption in service of any alternative method does not prelude the City Council or other legislative**
**body from taking further action and moving forward on the agenda.**

**Meeting Schedule**

The regular meetings of the City Council are held on the second and fourth Tuesday of each month,

closed session business will usually commence at 5:30 p.m., when scheduled, and general business session will commence at 6:30 p.m.

**Brown Act**

Agendas are drafted to accurately state what the legislative body is being asked to consider. The legislative body can take action on "all items" listed on the agenda and be in compliance with the open meeting laws. Under the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The governing body may direct staff to investigate and/or schedule certain matters for consideration at a future meeting.

**City's Vision Statement**

We envision a thriving, safe and inclusive community where everyone has the opportunity to access exceptional services, education and support to be resilient and live full, vibrant lives.

**Public Communications**

Public Comments on agenda items are limited to three (3) minutes. All comments are to be addressed directly to the Agency Members not to the members of the public.

Emails for public comment received prior to 12pm on the day of the Council Meeting will be summarized by the City Clerk, not read in its entirety. A copy of the email will be provided to the City Council and will also be available at the City Clerk's Office for public review. A copy of each email will be recorded for public record and noted on the official minutes of tonight's meeting.

## Call to Order/Roll Call With Invocation & Pledge

**CALL TO ORDER:** Maria Davila, Mayor

**INVOCATION:**

**PLEDGE OF ALLEGIANCE:** Gabe Perez, Director of Community Development

**ROLL CALL:** Yodit Glaze, City Clerk

## Public Hearings

**1. APPEAL OF THE PLANNING COMMISSION'S DETERMINATION TO DENY AN EXTENSION OF TEMPORARY USE PERMIT NO. 2020-01 FOR TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PL 23-0061)**

The City Council will consider: (CD)

a. Conducting a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;

b. Accepting the determination that this matter is exempt from the California Environmental Quality Act;

c. Adopting the findings as outlined in the Resolution (Attachment A); and

d. Upholding the decision of the Planning Commission to uphold the determination of the Director of Community Development to deny an extension of Temporary Use Permit No. 2020-01.

Documents:

Item 1 Report 04222025.pdf

**2. APPEAL OF THE PLANNING COMMISSION'S DETERMINATION REGARDING LEGAL NONCONFORMING USES AT A PROPERTY LOCATED AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

The City Council will consider: (CD)

a. Conducting a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;

b. Accepting the determination that this matter is exempt from the California Environmental Quality Act;

c. Adopting the findings as outlined in the Resolution (Attachment A); and

d. Upholding the decision of the Planning Commission upholding the determination of the Director of Community Development that the legal, nonconforming use for a metal processing and/or recycling activities at the subject property have been abandoned and can no longer be conducted, and the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

Documents:

Item 2 Report 04222025.pdf
Attachment B - PC Reso_2025-04.pdf
Attachment C - AEP Appeal 2025-04, 250408v3 FNL w Exhs.pdf
Attachment D - PC AB - 8530 Alameda St - Appeal - Engle - 031825.pdf
Attachment E - Letters_from_SGHS_students_031825.pdf
Attachment F - Public Comments on 8530 Alameda St - PC Meeting 03-18-25.pdf

**3. REQUEST FOR ZONE CHANGE AND GENERAL PLAN AMENDMENT FOR A PROPERTY LOCATED AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PL 25-0054)**

The City Council will consider: (CD)

a. Conducting a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;

b. Accepting the determination that this matter is exempt from the California Environmental Quality Act;

c. Adopting the findings as outlined in the Resolution (Attachment A); and

d. Denying the zone change of the subject property from IF to M3 and amendments to the Community Design Element and Housing Element of the General Plan regarding removing the subject property from the South Gate College District.

Documents:

Item 3 Report 04222025.pdf

## Comments From The Audience - Non-Agenda Items

During this time, members of the public may address the City Council regarding any items not listed on the agenda and within the subject matter jurisdiction of the City Council and not on this agenda. Comments from the audience will be limited to three (3) minutes per speaker; unless authorized by the Mayor, the time limit may not be extended by utilizing another member's time. There will be no debate or action on items not listed on the agenda unless authorized by law. The collective initial period of time for comments from the audience shall be limited to 45 minutes. Any speaker that did not get a chance to speak during this segment due to the 45-minute limitations will be able to speak at the end of the meeting prior to adjournment.

Note: The City Council desires to provide all members of the public with the opportunity to address the Council. Nevertheless, obscene language, comments intended to disrupt/interfere, other actions which disrupt the progress of the meeting or slanderous comments will not be tolerated and may result in ejection and/or may constitute a violation of South Gate Municipal Code Section1.04.110.

## Reports And Comments From City Officials

During this time, members of the City Council will report on matters pertaining to their service on various intergovernmental boards and commissions as a representative of the City pursuant to Assembly Bill 1234. City Council Members will also have an opportunity to comment on matters not on the agenda.

## Consent Calendar Items

Agenda Items **4, 5** and **6** are Consent Calendar Items. All items including Ordinances, Resolutions and Contracts, may be approved by adoption of the Consent Calendar, individually and collectively by one (1) motion. There will be no separate discussion of these items unless Members of the City Council, the public, or staff request that specific items be removed from the Consent Calendar for separate discussion and action. Members of the public are permitted to speak on any item listed but their time period is limited to three (3) minutes in total.

Any motion to introduce or adopt an Ordinance on the Consent Calendar shall be: (1) a motion to waive the reading of the Ordinance and introduce the Ordinance or (2) a motion to

waive the reading of the Ordinance and adopt the Ordinance, as appropriate.

**4. FISCAL YEAR 2025/26 STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 1 – RESOLUTIONS TO PRELIMINARILY APPROVE THE ENGINEER'S REPORT, DECLARE THE CITY'S INTENTION TO LEVY AND COLLECT ASSESSMENTS AND SET A PUBLIC HEARING**

The City Council will consider: (PW)

a. Adopting a Resolution preliminarily approving the Engineer's Report for the proceedings of the Fiscal Year 2025/26 Annual Levy and Collection of Assessments for the Street Lighting and Landscape Maintenance District No. 1; and

b. Adopting a Resolution declaring the City's intention to levy and collect assessments under the Fiscal Year 2025/26 Annual Levy and Collection of Assessments within the Street Lighting and Landscape Maintenance District No. 1 and setting a Public Hearing for May 27, 2025.

Documents:

Item 4 Report 04222025.pdf

**5. AGREEMENT WITH MNS ENGINEERS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DEMOLITION OF THE SALT LAKE WATER TANK, CITY PROJECT NO. 734-WTR**

The City Council will consider: (PW)

a. Approving a Professional Engineering Services Agreement with MNS Engineers, Inc., to prepare design and construction documents necessary for the Demolition of Salt Lake Water Tank, City Project No. 734-WTR, for an amount not to exceed Two Hundred Ninety-One Thousand Five Hundred and Ten Dollars ($291,510);

b. Appropriating $350,000 in Water Funds for the Demolition of Salt Lake Water Tank, City Project No. 734-WTR;

c. Authorizing the City Manager to approve and execute amendments up to a cumulative amount of $100,000; and

d. Authorizing the Mayor to execute the Agreement in a form acceptable to the City Attorney.

Documents:

Item 5 Report 04222025.pdf

**6. CITY COUNCIL MEETING MINUTES**

The City Council will consider: (CLERK)

a. Approving the Special and Regular Meeting minutes of March 11, 2025; and

b. Approving the Special and Regular Meeting minutes of March 25, 2025.

Documents:

Item 6 Report 04222025.pdf

## Reports, Recommendations And Requests

### 7. WARRANT REGISTER FOR APRIL 22, 2025

The City Council will consider: (SVCS)

a. Approving Check No. 109714 from April 8, 2025; and

b. Approving the Warrant Register for April 22, 2025.

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| Total of Checks: | $3,524,972.94 |
| Less: Voids | $ 0.00 |
| Less: Employee Payroll Deductions | $ (612,163.86) |
| Grand Total: | $2,912,809.08 |

Cancellations: 109830

Documents:

Item 7A Report 04222025.pdf
Item 7B Report 04222025.pdf

## Adjournment

Adjournment in memory of Mr. Leabres, long-time South Gate resident and father of South Gate employee James Leabres.

I, Yodit Glaze, City Clerk, certify that a true and correct copy of the foregoing Meeting Agenda was posted on April 17, 2025, at 5:45 p.m., as required by law.

Yodit Glaze
City Clerk

**GENERAL NOTICE TO THE PUBLIC**

The City Council adopted new rules relating to the conduct of the public meetings, proceedings, and business in the City of South Gate on July 12, 2022, (Resolution 2022-38-CC) and go into effect on August 1, 2022. Resolution #2022-38-CC is available at the City Clerk's Office.

**MEETING SCHEDULE**

Regular meetings of the City Council are held on the second and fourth Tuesday of each month, closed session meetings will commence at 5:30 p.m. unless posted otherwise on its agenda. The regular City Council meetings will commence at 6:30 p.m. Agendas are available at the following locations: City Clerk Office, Public Notice Boards at City Hall, and on the City's web page at https://www.cityofsouthgate.org

The Public can sign up to receive automatic notices of postings of agendas for the City Council or any other Commission or Board of the City of South Gate. Visit the City webpage and click on the Agenda & Minutes icon. That will take you the page where an individual can enter their email in the "Email Updates" box to register.

**PUBLIC COMMENT/PARTICIPATION**

Any person may request to address a legislative body during a public meeting. The Presiding Officer will call upon those present in the Council Chambers.

Speakers are limited to three (3) minutes on any item listed on the agenda, including public hearings. Under Comments from the Audience portion, speakers are also limited to a single three (3) minutes time limit. Comments from the Audience is initially limited to 45 minutes at each meeting. Any speaker still wishing to speak, that did not speak, will have an addition Comments from the Audience opportunity after the last business item is finished. The Presiding Officer may extend the time limit as long as there is no objection from the City Council as a body.

To ensure that the public is able to participate, the City provides the opportunity to submit their comments in person, email, mail. Methods of participation may be subject to change during other such times when a State of Emergency, Health Order or State Executive Order limits in-person participation.

**CURFEW**

In absence of a motion duly adopted by majority vote of the City Council, the Presiding Officer may adjourn the City Council meetings at 10:30 p.m. The Presiding Officer may ask the City Council if any agenda items listed should be continued or dealt with during the meeting. For those items to be continued, the City Council can direct the item be placed on the next City Council agenda or the current meeting may be adjourned to a time certain at which time the meeting shall be reconvened as an Adjourned Regular Meeting of the City Council and action upon the published agenda continued.

**STAFF REPORTS**

As a general rule, staff reports. or other written documentation are prepared/organized with respect to each item of business listed on the agenda. Meeting agendas and staff reports are available at least 72-hours prior to the scheduled regular City Council meeting and a minimum of 24-hours prior to a Special City Council meeting. There are times when the City Council receives written material. revised material after the posting of agendas, these materials are become a public record and will be available for public view within 72-hours after the meeting in which they were received. Those materials and any other public document can be inspected in the City Clerk's Office located at 8650 California Avenue, South Gate.

**SERVICES TO FACILITATE ACCESS TO PUBLIC MEETINGS**

In compliance with the American with Disabilities Act, if you need special assistance to participate in the City Council Meetings, please contact the Office of the City Clerk. Notification 48 hours prior to the City Council Meeting will enable the City to make reasonable arrangements to assure accessibility. For further information, please contact the Office of the City Clerk at (323) 563-9510 or via email at yglaze@sogate.org.

Office of the
South Gate City Clerk

APR 17 2025
FILED 3:55pm

# Item No. 1

# City of South Gate
## CITY COUNCIL
# AGENDA BILL

For the Regular Meeting of: **April 22, 2025**
Originating Department: **Community Development**

*Department Director:* *Gabriel Perez* *City Manager:* *Rob Houston*

**SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DETERMINATION TO DENY AN EXTENSION OF TEMPORARY USE PERMIT NO. 2020-01 FOR TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PL 23-0061)**

**PURPOSE:** Public hearing to consider the following:

Appeal of Planning Commission's Decision on Director's Determination (PL 23-0061): Consideration of an appeal of the Planning Commission's decision to uphold the Director of Community Development's determination to deny an extension of Temporary Use Permit ("TUP") No. 2020-01 for truck-trailer storage at **8530 Alameda Street.**

**PROJECT OVERVIEW**

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|---|---|
| 1. Project Location: | 8530 Alameda Street |
| 2. Assessor's Parcel Number: | 6202-036-003 |
| 3. Property Owner: | Alameda Engle Properties (Jason Engle) |
| 4. Appellant/Representative: | Sara Atsbaha, Somos Law Group |
| 5. General Plan Designation: | Industrial (Community Design Element, Figure CD 1, Existing Land Uses)<br>South Gate College District Subarea 1 (Community Design Element, Figure CD 4, Districts) |
| 6. Zoning: | IF (Industrial Flex) |

**RECOMMENDED ACTION:**
1. **CONDUCT** a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;
2. **ACCEPT** the determination that this matter is exempt from the California Environmental Quality Act;
3. **ADOPT** the findings as outlined in the Resolution (Attachment A); and
4. **UPHOLD** the decision of the Planning Commission to uphold the determination of the Director of Community Development to deny an extension of TUP No. 2020-01.

AS13772.0860893 4909-8288-0805v1

**PUBLIC NOTIFICATION**
Advertising and notification of the public hearing for this item was conducted in compliance with Sections 11.50.020 and 11.50.030 of the South Gate Municipal Code ("SGMC"). Notices of the hearing were posted and published in the "South Gate Press" on April 10, 2025.

**ENVIRONMENTAL EVALUATION**
In accordance with the California Environmental Quality Act ("CEQA"), the City Council's determination qualifies for a categorical exemption under CEQA Guidelines Section 15321, (Class 21) "Enforcement Actions by Regulatory Agencies," in that the City of South Gate ("City") is enforcing the South Gate Municipal Code.

The City Council's determination on the extension of TUP No. 2020-01 is not subject to CEQA review because it is not an "approval" as defined in California Code of Regulations, Title 14, Section 15352, but rather a determination of whether a use must terminate at a site, and therefore does not commit the City to any definite course of action regarding new uses or changes to the approved use of the subject property. Furthermore, CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

**BACKGROUND**
This is an appeal filed by legal counsel, Somos Law Group ("Somos"), on behalf of the property owner and applicant, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), for a 6.78-acre property located at 8530 Alameda Street. Somos is appealing the Planning Commission's decision on the Director of Community Development's determination.

It should be noted that AEP also owns the abutting 2.9-acre site to the north at 8440 S. Alameda Street, which is located outside of the City and in the County of Los Angeles. Access to both properties is via a driveway from Alameda Street to the property at 8440 S. Alameda Street. This property is also being used for truck trailer storage and according to County staff, a conditional use permit ("CUP") is currently being processed.

**History of Zoning and Land Use of Subject Property**
As early as 1961, the Subject Property was designated as being within a Heavy Manufacturing ("M-3") Zone.

Based upon a review of public records and documents submitted by AEP, the Site was used by Jack Engel & Company (hereinafter, "JECO") and/or AEP for a metal processing/recycling facility from as early as 1973 until approximately March 2020. During that time, the site was developed with a single-story industrial structure used for the recycling operations conducted by JECO and/or AEP.

The metal recycling operations conducted by JECO and/or AEP included, but was not limited to, the delivery of scrap metal product to the Site inside of truck trailers – which would remain on site for up to several months while the scrap metal was sorted and processed on-site, and prepared for shipment to a final off-site destination.

In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities. Thereafter, on or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the Zoning Code and changed the zoning classification of the Subject Property to Industrial Flex ("IF") Zone.

Pursuant to the Section 11.21.030 and Table 11.21-3 of the amended Zoning Code, recycling facilities require a Conditional Use Permit – however, the recycling operations at the Subject Property were deemed to be a legal, nonconforming land use that was allowed to continue in accordance with SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

According to public records and information submitted by AEP and/or its representatives, all metal recycling operations ceased in or around March 2020 and are no longer being conducted at the Site.

AEP has confirmed that around March 2020, Fleet Yards, Inc. commenced utilizing the Site solely for the storage of truck trailers and/or containers as a principal use. Moreover, the structure that was previously utilized to conduct the metal recycling at the Site was demolished.

On July 16, 2020, the City approved Fleet Yards, Inc.'s application for a Temporary Use Permit and issued TUP2020-01, authorizing the use of the Subject Property for "truck trailer storage for a one-year period with possible one-year extensions up to a maximum period of five years from the date of approval". The Community Development Director explicitly imposed various conditions upon the approval of TUP2020-01, including, but not limited to:

1. The approved temporary use for the Site is restricted to truck trailer storage *only* – and no other use is permitted without the written authorization from the City.

2. The approval of the temporary use was set to expire on July 16, 2021 – and a new application was to be submitted at least thirty (30) days prior to the expiration date if an extension was desired. Additional one-year extensions would be considered for approval for up to a maximum period of 5 years from the original approval date of July 16, 2020 – and would be determined based upon compliance with the conditions of approval and written verification from the property owner that the owner is in process of developing the land, selling the land, and/or working with Los Angeles Community College or a developer on a housing development project.

TUP2020-01 expired on July 16, 2021, without a timely request for renewal from Fleet Yards, Inc.

On or about July 11, 2022, an e-mail was submitted to the Planning Division requesting a new Temporary Use Permit (or the renewal of TUP2020-01). In December 2022, the Director advised Fleet Yards, Inc. that several conditions of approval of the TUP had not been adhered to, and, moreover, that the TUP was ineligible for renewal as SGMC §11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar year.

**Planning Commission Hearing**
On May 2, 2023, the Planning Commission conducted a public hearing on the appeal of the Director of Community Development's determination to deny an extension of TUP No. 2020-01 for a truck trailer storage at 8530 Alameda Street.

The appellant's attorney, Alfred Fraijo Jr., gave a presentation on the basis of the appeal. Public comment was received from the following individuals:

- Alan Engle (property owner, Alameda Engle & Company)
- Daniel Otting (Fleet Yard Inc., 8440 S. Alameda St., Los Angeles)
- Jennifer Ganata (6325 Pacific Boulevard, Ste. 300, Huntington Park)

The Planning Commission also received a presentation by City staff and outside legal counsel James Eckart providing a response to the appellant's presentation.

At the conclusion of the hearing, the Planning Commission voted 3-2 to adopt Resolution No. 2023-05 denying the appeal and upholding the Director's Determination. In reaching its decision, the Planning Commission specifically determined that:

1. The land use of storage of truck trailers and containers is not authorized or allowed by the South Gate Municipal Code on any land within the Industrial Flex (IF) zone, of which the subject property is a part.

2. Temporary Use Permit 2020-01 was originally issued in error and in violation of City ordinances. Temporary use permits are to be used for "short-term activities" which are of a "short-term nature." In addition, the South Gate Municipal Code specifies that the maximum duration of a temporary use permit shall not exceed three days in a row, or ten working days in any calendar year. Temporary Use Permit 2020-01 was issued in error as the approval was granted for a longer period of time than the South Gate Municipal Code allows for.

Following the Planning Commission's meeting, the applicant met with staff to discuss options in dealing with the situation which ultimately led to a second determination by the Community Development Director on the legal nonconforming status and a request for a zone change and General Plan Amendment, which are being processed separately from this request.

**ANALYSIS:**

The renewal application was denied because under the SGMC: (1) the use which is the subject of the Temporary Use Permit is prohibited at 8530 Alameda; and (2) Temporary Use Permits can only allow otherwise unauthorized uses to be conducted for a few days, not for multi-year periods.

Past/Proposed Use of Property is as a "Truck Storage/Terminal": Applicant and its tenant have been using the subject property to store trucks, truck-trailers, and storage containers. Under the SGMC, this use is defined as "truck storage/terminal" use which, pursuant to the SGMC Section 11.60.230 "T" definitions, "means indoor or outdoor site for freight, truck terminals, truck storage yards, or similar commercial facilities."

SGMC Prohibits that Use at 8530 Alameda Street: The subject property is zoned Industrial Flex (IF). Table 11.21-3, under SGMC Section 11.21.030 "Land use permissions tables", lists allowed land uses within the IF zone. Truck storage/terminal use is not listed on that Table as an allowed use within the IF zone. SGMC Section 11.21.020 notes that "Any land use that is not specifically listed in the land use tables for the applicable zone shall not be allowed or permitted within the zone." Therefore, the storage of trucks, truck-trailers and containers is a prohibited use in the IF zone.

Temporary Use Permits Cannot Authorize Prohibited Uses for Extended Durations. Pursuant to SGMC Section 11.51.070 "Temporary Use Permit," temporary use permits are processed administratively to "allow for short-term activities that warrant individual consideration and are acceptable because of their temporary, short-term nature." SGMC Section 11.51.070 (A) "Temporary Uses," also notes that the "provisions of this section shall regulate all special events and temporary land uses as permitted by Table 11.21-3, 11.21-4, or 11.21-5, as applicable to the zone, or as determined by the director." SGMC Section 11.51.010 (B) lists "Mandatory Approval Conditions" for temporary use permits, wherein there are "limits on the maximum duration will be specified in the permit, and shall not exceed three days in a row, or ten working days in any calendar year."

Original Issuance of the TUP was Done in Error, and Renewal of the TUP is not authorized by the SGMC. Based on limitations imposed by the South Gate Municipal Code upon the issuance of Temporary Use Permits as set forth hereinabove, and notwithstanding the language contained within TUP2020-01, the Director of Community Development was prohibited from granting an extension of TUP2020-01. The Planning Commission was similarly prohibited from granting an extension of TUP2020-01 for similar reasons and upheld the Director's Determination.

Temporary Use Permit 2020-01 should never have been issued in the first place for the purported use (which is prohibited within the IF Zone) nor for the duration set forth therein, since it purported to authorize the subject use for one year (with possible extensions for a total of 5 years from the original date of issuance), which is far longer than the three-consecutive-day and ten-nonconsecutive-day maximum periods authorized by the SGMC.

Notwithstanding the pending appeal, there is no authority in the South Gate Municipal Code to authorize an extension of TUP2020-01 for the use or time period that was originally and erroneously approved. As such, the appeal must be denied.

**CONCLUSION**

Staff recommends the City Council uphold the Planning Commission's decision to uphold the Director's Determination to deny an extension of TUP No. 2020-01 for truck-trailer storage at the subject property.

**ATTACHMENTS:**

A. City Council Resolution
B. Request for Appeal of Planning Commission dated May 16, 2023
C. PC Resolution No. 2023-05
D. Request for Appeal of Director's Determination dated April 27, 2023
E. Director's Determination to Deny Extension of TUP2020-01 dated May 16, 2023
F. Temporary Use Permit 2020-01

**RESOLUTION NO._____**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, UPHOLDING THE PLANNING COMMISSION'S DECISION TO UPHOLD THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DETERMINATION TO DENY AN EXTENSION OF TEMPORARY USE PERMIT NO. 2020-01 FOR TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PL 23-0061)**

**WHEREAS,** the Applicant and property owner, Jason Engle on behalf of Alameda Engle Properties, LLC, requested an extension of Temporary Use Permit 2020-01 (PL 23-0061) to allow for the continued use of truck trailer and container storage at 8530 Alameda Street, a use which is prohibited at that location by the South Gate Municipal Code ("SGMC");

**WHEREAS,** the Director of Community Development denied the extension request of Temporary Use Permit 2020-01, based on evidence and testimony provided by the Applicant and City records and provisions of the SGMC regulating the types of uses subject to and the duration of temporary use permits;

**WHEREAS,** the Applicant filed an Appeal of the Director's Decision on the ground that the temporary use permit was previously approved and granted;

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on March 21, 2023, April 18, 2023, and May 2, 2023;

**WHEREAS,** on May 2, 2023, pursuant to California Government Code Section 65854, the Planning Commission duly conducted a public hearing on this matter, and adopted Planning Commission Resolution No. 2023-05 denying the appeal request;

**WHEREAS,** on May 16, 2023, the applicant filed an application to appeal the Planning Commission's decision to the City Council; however, through a stipulation by the appellant and the City, and due to pending conversations between City staff and the applicant to reach a resolution as to other pending issues with the use of the subject property, the appeal hearing was not scheduled until now;

**WHEREAS,** on Apil 22, 2025, pursuant to California Government Code Section 65854, the City Council duly noticed and agendized a public hearing and conducted a public hearing on this matter; and

**WHEREAS,** the City Council made the following findings:

1. The land use of storage of truck trailers and containers is not authorized or allowed by

the South Gate Municipal Code on any land within the Industrial Flex ("IF") zone, of which the subject property is a part.

2. Temporary Use Permit 2020-01 was originally issued in error and in violation of City ordinances. Temporary use permits are to be used for "short-term activities" which are of a "short-term nature." In addition, the South Gate Municipal Code specifies that the maximum duration of a temporary use permit shall not exceed three days in a row, or ten working days in any calendar year. Temporary Use Permit 2020-01 was issued in error as the approval was granted for a longer period of time than the South Gate Municipal Code allows for.

3. The Temporary Use Permit cannot be extended pursuant to the provisions of the South Gate Municipal Code.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** The City Council hereby finds that all of the facts set forth in the Recitals of this Resolution are true and correct.

**SECTION 2.** The City Council hereby finds that the subject decision is exempt from the California Environment Quality Act of 1970 ("CEQA"), because it can be seen with certainty that this decision has no likelihood of causing a significant negative effect on the environment and the effects derivative from the decision are exempt from the application of CEQA, pursuant to a Class 1 exemption under Section 15301 of the State CEQA Guidelines (15 Cal.Code Regs. § 15301).

**SECTION 3.** The City Council of the City of South Gate, pursuant to the facts noted above, does hereby uphold the decision of the Planning Commission upholding the determination of the Director of Community Development to deny an extension of Temporary Use Permit 2020-01 at 8530 Alameda Street.

[Remainder of page left blank intentionally.]

**SECTION 4.** The City Clerk shall certify the adoption of this Resolution which shall be effective upon its adoption.

**PASSED, APPROVED,** and **ADOPTED** on this **22nd** day of **April 2025.**

**CITY OF SOUTH GATE:**

By: _____
Maria Davila, Mayor

**ATTEST:**

By: _____
Yodit Glaze, City Clerk
(SEAL)

**APPROVED AS TO FORM:**

By: _____
Raúl F. Salinas, City Attorney

Office of the
South Gate City Clerk
MAY 16 2023
FILED

SOMOS
LAW GROUP
304 South Broadway, Suite 350
Los Angeles, CA 90013

May 16, 2023

VIA ELECTRONIC MAIL

Maria del Pilar Avalos
Mayor, City of South Gate
8650 California Avenue
South Gate, CA 90280
Email:planninginfo@sogate.org

**Re: 8530 Alameda Street – Appeal of CPC's Denial of TUP Extension**

Dear Mayor del Pilar Avalos, and Honorable Members of City Council,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property"). AEP operated a recycling facility on the Property, including storage of truck trailers/containers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers/containers on the Property since 2020 pursuant to a Temporary Use Permit ("TUP") at the recommendation and requirement of the City's previous Director of Community Development. On December 20, 2023, the Current Director of Community Development denied the extension on the grounds that the City erred in issuing the TUP, and alleging that the legal nonconforming use had been abandoned. On January 26, 2023, AEP submitted a letter appealing the Director's decision to the South Gate City Planning Commission ("CPC").

Our firm sent a supplemental letter explaining justification for the appeal on April 27, 2023, ("Supplemental Letter") attached hereto as Exhibit A. On April 27, 2023 City Attorney, Craig Hardwick, kindly notified us that the legal nonconforming use issue is not related to the TUP extension. However, the current Director of Community Development alleged that the legal nonconforming use had been abandoned in her December 20, 2023 correspondence denying the TUP extension. Thus, the scope of the legal nonconforming use is at the center of this appeal ("Appeal"). On May 2, 2023, in a close, 3-2 decision, CPC denied the appeal of the Director's denial of the TUP

extension on the grounds that the TUP was issued in error.[1] The CPC did not make a determination on truck trailer/container storage as a legal nonconforming use at the Property. Immediately after the CPC hearing our office conferred regarding the path forward for the legal nonconforming use. Since the appeal hearing, we have been working with the City Attorney and the City Manager to reach a resolution.

In the interim, we are writing to appeal to CPC's denial of the TUP extensio. With regard to the Appeal, we respectfully request that City Council:

a. Acknowledge the existing legal nonconforming use, given the consistent truck trailer storage on the property since 1973; and
b. Allow Fleet Yards to continue its truck trailer/container storage operations pursuant to that use; or
c. In the alternative, postpone the City Council hearing on the appeal until we have had an opportunity to resolve the legal nonconforming use issue with the City Manager and City Attorney, which would moot the need for further appeal.

Justification for these requests is well-documented, as explained in the Supplemental Letter, the supporting exhibits to the Supplemental Letter, and in the appellants' presentation materials dated May 2, 2023. We are working with the City to obtain copies of additional supporting materials, and reserve the right to submit additional justification prior to the City Council hearing.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

[1] A copy of appellants' presentation materials during the May 2, 2023 CPC hearing are attached as Exhibit B.

cc:
Yalini Silva
Meredith Elguira
Vice Mayor Gil Hurtado
Councilmember Maria Davila
Councilmember Al Rios
Councilmember Joshua Barron
Raquel Larios

SOMOS

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

April 27, 2023

VIA ELECTRONIC MAIL
City of South Gate
8650 California Ave
South Gate CA, 90280

**Re: 8530 Alameda Street – Appeal of Director's Denial of TUP Extension**

Dear Chairperson Delgado, and Honorable Members of the City Planning Commission,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP historically operated a recycling facility on the Property, including storage of truck trailers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers on the Property since 2020. The truck trailer storage use has been continuous on the Property during the AEP operations and subsequent Fleet Yards operations. As a family-owned business and longstanding member of the South Gate community, AEP is dedicated to working alongside its neighbors, fellow stakeholders, and the City to amicably resolve the City's concerns regarding historic uses on the Property.

We are writing to clarify the scope and nature of the operations on the Property and respectfully request that:

a. The City acknowledge the existing legal nonconforming use; and
b. The City allow Fleet Yards to continue its truck trailer storage operations pursuant to that use; or
c. In the alternative, that the City honor its previous commitments regarding the TUP extensions in light of City staff's error in requiring the TUP.

## 1. Background

At the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a Temporary Use Permit ("TUP") for truck trailer use on the Property, subject to six conditions. The City made several commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. We understand that many of these projects have been substantially delayed because of setbacks caused by the COVID-19 Pandemic, changing real estate market conditions, declining attendance for in-person academic programs, and environmental conditions in the Property vicinity. On December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's misapplication of the South Gate Municipal Code ("SGMC") and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[1]

## 2. Truck Trailer Storage is a Legal & Nonconforming Use at the Property

### a. The City has Authority to Remedy the Previous Administration's Errant Requirements for a TUP.

The SGMC states that "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E. AEP, and later, Fleet Yards have been operating a recycling facility, including truck trailer storage at the Property since the early 1970s. Fleet Yards obtained a TUP only at the City's direction and recommendations as a demonstration of their good faith efforts to comply with City policies and procedures. The original TUP and TUP extensions were not necessary because the truck trailer storage is an ongoing legal nonconforming use with over 50 years of history between the two operators on the Property. Fleet Yards agreed to the TUP only to demonstrate its willingness to work with the City regarding a shared vision for additional education facilities in South Gate. We understand that the zoning on the Property was only recently changed to "Industrial Flex."

We also understand that the City's did not issue certificates of occupancy regularly during the early 1970s when the operations started at the Property. However, we have attached the following documents that establish consistent storage of tractor trailers long before the zone change on the Property:

- A July 1, 2019, Business License to Jack Engle authorizing "outside storage" at 8530 Alameda Street since April 18, 1977;[2]

[1] Please note that the 2022 Rejection Letter failed to disclose the owner's appeal rights and the City's policies and procedures to file the appeal.
[2] See Exhibit A.

- Aerial Photos showing tractor trailers on the site dating back to 2012;[3]
- Documentation of Utility payments dating back to 2016;[4]
- A sewerage system connection fee invoice from the Los Angeles County Sanitation District dating back to 2007;
- An invoice from the South Coast Air Quality Management District for operations on the Property dating back to 2011.[5]

These documents demonstrate that the industrial operations on the Property, including truck trailer storage have been operating consistently for decades. For these reasons, we respectfully request that the City acknowledge that truck trailer storage is a legal nonconforming use on the Property.

b. The Legal Nonconforming Use has Not Been Abandoned or Discontinued, and the Right to Continue is Protected and Preserved Pursuant to the South Gate Municipal Code.

The SGMC states that a legal nonconforming industrial use is preserved so long as it is not abandoned or discontinued for two consecutive calendar years. SGMC § 11.55.040.B. In determining whether a legal nonconforming use has been abandoned, the Director is to evaluate (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection. SGMC § 11.55.040.D.1-2.

The SGMC specifically preserves legal nonconforming uses during transfers of ownership or tenancy. SGMC § 11.55.040.E. Although there are limitations on expansion, the nonconforming use provisions of the SGMC protect all established legal nonconforming uses under the code, regardless of the scope of the use.[6] There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[7] The South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan also specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands.[8] (emphasis added).

Here, between the two operations on the Property, truck trailer storage has been a continuous use at the Property since 1973 -- notwithstanding hardships caused by the

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[3] See Exhibit E1-E-4.
[4] See Exhibit C.
[5] See Exhibit D.
[6] SGMC §§ 11.55.030; 11.55.040
[7] *Id.* at 11.55.040.
[8] *South Gate General Plan: Community Design Element,* Policy P.6, pg. 106.

COVID-19 Pandemic, and by the City's error in requiring a TUP. AEP consistently held business licenses for the entirety of their operations on the Property.[9] Similarly, Fleet Yards has held a business license with the City for business operations including outdoor storage transportation, freight and cargo at its primary South Gate address at 4223 Independence Avenue, South Gate, CA 90280, but was informed that it did not need one for the Property. Although the scope and nature of operations for AEP and Fleet Yards were different, neither party ceased the truck trailer storage operations, vacated the premises, or terminated utility service at the Property for the requisite two consecutive year abandonment period. Documentation of consistent utilities payments are attached in **Exhibit C**. Aerial Photographs dating back to 2012 demonstrate that truck trailer storage has been a continuous use at the Property without substantial interruption.[10] In addition, Fleet Yards' intent to continue the legal nonconforming truck trailer storage use has been communicated to the City on multiple occasions, including in connection with the subsequent TUP extension.[11]

Based solely on this, Director Meredith Elguira's December 20, 2022 ("2022 Rejection Letter") communication that the use had been abandoned is inconsistent with the documents in the record, the open and continuous communications with the City declaring the intent to continue operations. In addition, preserving the legal nonconforming use is consistent with the policies in the General Plan. Truck trailer storage is an existing use on the Property and should not be displaced pursuant to General Plan policies. In addition, the Property is surrounded by industrial uses, and adjacent educational institutions have substantially delayed development plans due to environmental conditions in the Property vicinity, financing considerations, changes in class attendance, real estate market considerations and the COVID-19 Pandemic – indicating that forced changes in use within the South Gate College District at this time is inconsistent with the needs of the community. For these reasons, we respectfully request that the City acknowledge the substantial evidence indicating consistent truck trailer storage at the Property, and preservation of this use as legal and nonconforming.

c. Fleet Yards has Maintained an Active Business License with the City of South Gate Since 2014, and Cannot Obtain an Auxiliary Permit Without the City's Cooperation.

The SGMC states that lapse of a business license is one of many factors the City considers in determining whether the legal nonconforming use has been abandoned. Here, AEP maintained a business license for the entirety of its operations on the Property.[12] Fleet Yards has similarly maintained a business license with the City since 2014. AEP and Fleet Yards have maintained a good faith effort to comply with all City

[9] See Exhibit A.
[10] See Exhibit E.
[11] See January 26, 2023 letter from AEP to Chris Jeffers re TUP Extension, attached hereto as Exhibit F; September 27, 2022 Correspondence between Efren Martinez and Director Meredith Elguira regarding the legal nonconforming use on the Property, attached hereto as Exhibit G.
[12] See Exhibit A.

licensing policies and procedures, in addition to permits from other state and local jurisdictions.[13] However, on December 20, 2022 the City claimed that the business license had lapsed without reference to the existing licenses for the Fleet Yards operations. We understand that the City's position is that Fleet Yards requires a supplemental or auxiliary business license for its operations on the Property. However, to obtain a business license, an applicant must first obtain zoning clearance from the South Gate Planning Department. Based on communications from City staff, including the 2022 Rejection Letter, we understand that the City will not issue a zoning clearance because of the current zoning on the Property, notwithstanding the legal nonconforming use. It is inequitable to claim that the use has been abandoned due to lack of an auxiliary business permit when City staff members have indicated that they would not issue the prerequisite zoning clearance for that auxiliary business permit. For these reasons, in consideration of all of the determinative factors for abandonment, there is substantial evidence that the legal nonconforming use on the Property, including storage of tractor trailers has not been abandoned or discontinued.

d. Fleet Yards has Substantially Complied with all of the TUP Conditions.

On December 20, 2022, Director Meredith Elguira alleged that the TUP could not be extended because the conditions of approval had been violated. However, Fleet Yards has substantially complied with the TUP conditions to the extent feasible. On July 16, 2020, the City approved the TUP subject to the following conditions:

1. That the approved use be restricted to truck trailer storage only;
2. That the temporary use is approved for a term of one year, and that additional one-year extensions must be applied for at least 30 days prior to the expiration date of the previous term, for a period of 5 years;
3. That ingress and egress shall be only via Alameda Street;
4. That the number, size and height of truck trailers do not exceed those attached to the original approval;
5. That violations of these conditions or City laws could result in revocation of the TUP; and
6. That the property owner agree to all conditions in the form of a signed affidavit.

As explained above, AEP and later, Fleet Yards have used the Property continuously for truck trailer storage since 1973. Fleet Yards has used the Property for truck trailer storage since obtaining the TUP in July, 2020. The size, number, and height of the truck trailers as authorized in the TUP has not changed. Consistent with the requirements of the TUP, ingress and egress is permitted only on Alameda Street. Although the application for the TUP extension was missed in 2021 due to complications from the COVID-19 Pandemic, both AEP and Fleet Yards have been in consistent communication with the City regarding the nonconforming use on the Property. The owner's signed affidavit is attached as **Exhibit H**. The remaining condition cites

[13] *Id.*

violations of "City laws". As noted above, the City's cooperation is required to obtain an auxiliary business permit to supplement the active business license. For these reasons, we respectfully request that the City acknowledge that each of these conditions have been met to the extent possible.

### 3. Terminating the Legal Nonconforming Use Violates the Doctrine of Equitable Estoppel

The Doctrine of Equitable Estoppel was designed to promote fair and equitable business transactions. The doctrine is based on the principle that a party who has made a promise should be held accountable for it where reliance on the agreement was reasonable, and enforcement of the agreement is necessary to avoid injustice. *Drennan v. Star Paving Co.* (1958) 51 Cal.2d 409, 412-413; *Garcia v. World Sav. & Loan Assn.* (2010) 183 Cal.App.4th 1031,1037. Here, Fleet Yards only agreed to the TUP as a demonstration of good faith and willingness to work with the City regarding its vision for the community. Based on communications from City staff on July 8, 2020, in addition to the plain language of the TUP, the City was to consider additional extensions of the TUP in addition to the initial five-year term. In addition, both AEP and Fleet Yards agreed to the TUP as a measure of good faith and willingness to work with the City. It is inequitable for the City to renege on this agreement. AEP forwent multiple lucrative opportunities to sell the Property in reliance on the City's communications and the reasonable expectation that the City's permits, licenses, and representations are consistent notwithstanding changes in staff, changes in departmental priorities, and unilateral changes to the zoning code. If the City does not honor its prior commitments, both AEP and Fleet Yards will suffer substantial financial harm. In addition, this inconsistency in City policies discourages investment in our community and is a substantial deviation from the City's treatment of similarly situated legacy businesses.

### 4. Conclusion

For the reasons stated above, the equitable path forward is to acknowledge truck trailer storage on the Property as a preserved, legal nonconforming use in light of the substantial evidence supporting this finding, and the requirements of the General Plan. In the alternative, we respectfully request that the City reverse the Director's denial of the TUP extension. We understand that the City's position is that the TUP was issued in error. However, where, as here, immediately terminating the TUP causes substantial harm to the community, and there is substantial evidence supporting that the use is legal and nonconforming, we urge you to use this opportunity to make it right. As a further demonstration of good faith and willingness to work together, we respectfully request the City share any documentation indicating that the truck trailer storage is not authorized pursuant to the legacy operations on the Property, and procedures for obtaining a business permit zoning clearance where, as here, the use is legal nonconforming.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

**RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, UPHOLDING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DECISION TO DENY AN EXTENSION OF TEMPORARY USE PERMIT NO. 2020-01 FOR TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET**

**WHEREAS,** the Applicant and property owner, Jason Engle on behalf of Alameda Engle Properties, LLC, requested an extension of Temporary Use Permit 2020-01 to allow for the continued use of truck trailer and container storage at 8530 Alameda Street, a use which is prohibited at that location by the South Gate Municipal Code ("SGMC"); and

**WHEREAS,** the Director of Community Development denied the extension request of Temporary Use Permit 2020-01, based on evidence and testimony provided by the Applicant and City records and provisions of the SGMC pertaining to the duration of temporary use permits; and

**WHEREAS,** the Applicant filed an Appeal of the Director's Decision on the ground that the temporary use permit was previously approved and granted; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on March 21, 2023, April 18, 2023, May 2, 2023; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing and conducted the public hearing on this matter on May 2, 2023, and adopted Planning Commission Resolution No. 2023-05.

**WHEREAS,** the Planning Commission made the following findings:

1. The land use of storage of truck trailers and containers is not authorized or allowed by the South Gate Municipal Code on any land within the Industrial Flex (IF) zone, of which the subject property is a part.

2. Temporary Use Permit 2020-01 was originally issued in error and in violation of City ordinances. Temporary use permits are to be used for "short-term activities" which are of a "short-term nature." In addition, the South Gate Municipal Code specifies that the maximum duration of a temporary use permit shall not exceed three days in a row, or ten working days in any calendar year. Temporary Use Permit 2020-01 was issued in error as the approval was granted for a longer period of time than the South Gate Municipal Code allows for.

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

**SECTION 1.** The Planning Commission hereby 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 that the subject decision is exempt from the California Environment Quality Act of 1970 ("CEQA"), because it can be seen with certainty that this decision has no likelihood of causing a significant negative effect on the environment and the effects derivative from the decision are exempt from the application of CEQA, pursuant to a Class 1 exemption under Section 15301 of the State CEQA Guidelines (15 Cal.Code Regs. § 15301).

**SECTION 3.** The Planning Commission of the City of South Gate, pursuant to the facts noted above, does hereby uphold the decision of the Director of Community Development to deny an extension of Temporary Use Permit 2020-01 at 8530 Alameda Street.

This action was adopted by the following vote at the Planning Commission meeting of May 2, 2023.

**AYES: Delgado, Duarte, Ozaeta**

**NOES: Laborin, Prieto**

**ABSENT:**

**APPROVED and ADOPTED** this 2nd of May, 2023.

Meredith T. Elgura
Community Development Director

**APPROVED:**

Jose Delgado
Chairperson
City Planning Commission

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

April 27, 2023

VIA ELECTRONIC MAIL
City of South Gate
8650 California Ave
South Gate CA, 90280

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AEP historically operated a recycling facility on the Property, including storage of truck trailers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers on the Property since 2020. The truck trailer storage use has been continuous on the Property during the AEP operations and subsequent Fleet Yards operations. As a family-owned business and longstanding member of the South Gate community, AEP is dedicated to working alongside its neighbors, fellow stakeholders, and the City to amicably resolve the City's concerns regarding historic uses on the Property.

We are writing to clarify the scope and nature of the operations on the Property and respectfully request that:

a. The City acknowledge the existing legal nonconforming use; and
b. The City allow Fleet Yards to continue its truck trailer storage operations pursuant to that use; or
c. In the alternative, that the City honor its previous commitments regarding the TUP extensions in light of City staff's error in requiring the TUP.

## 1. Background

At the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a Temporary Use Permit ("TUP") for truck trailer use on the Property, subject to six conditions. The City made several commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. We understand that many of these projects have been substantially delayed because of setbacks caused by the COVID-19 Pandemic, changing real estate market conditions, declining attendance for in-person academic programs, and environmental conditions in the Property vicinity. On December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's misapplication of the South Gate Municipal Code ("SGMC") and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[1]

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### a. The City has Authority to Remedy the Previous Administration's Errant Requirements for a TUP.

The SGMC states that "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E. AEP, and later, Fleet Yards have been operating a recycling facility, including truck trailer storage at the Property since the early 1970s. Fleet Yards obtained a TUP only at the City's direction and recommendations as a demonstration of their good faith efforts to comply with City policies and procedures. The original TUP and TUP extensions were not necessary because the truck trailer storage is an ongoing legal nonconforming use with over 50 years of history between the two operators on the Property. Fleet Yards agreed to the TUP only to demonstrate its willingness to work with the City regarding a shared vision for additional education facilities in South Gate. We understand that the zoning on the Property was only recently changed to "Industrial Flex."

We also understand that the City's did not issue certificates of occupancy regularly during the early 1970s when the operations started at the Property. However, we have attached the following documents that establish consistent storage of tractor trailers long before the zone change on the Property:

- A July 1, 2019, Business License to Jack Engle authorizing "outside storage" at 8530 Alameda Street since April 18, 1977;[2]

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These documents demonstrate that the industrial operations on the Property, including truck trailer storage have been operating consistently for decades. For these reasons, we respectfully request that the City acknowledge that truck trailer storage is a legal nonconforming use on the Property.

b. The Legal Nonconforming Use has Not Been Abandoned or Discontinued, and the Right to Continue is Protected and Preserved Pursuant to the South Gate Municipal Code.

The SGMC states that a legal nonconforming industrial use is preserved so long as it is not abandoned or discontinued for two consecutive calendar years. SGMC § 11.55.040.B. In determining whether a legal nonconforming use has been abandoned, the Director is to evaluate (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection. SGMC § 11.55.040.D.1-2.

The SGMC specifically preserves legal nonconforming uses during transfers of ownership or tenancy. SGMC § 11.55.040.E. Although there are limitations on expansion, the nonconforming use provisions of the SGMC protect all established legal nonconforming uses under the code, regardless of the scope of the use.[6] There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[7] The South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan also specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands. [8] (emphasis added).

Here, between the two operations on the Property, truck trailer storage has been a continuous use at the Property since 1973 -- notwithstanding hardships caused by the

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[3] See Exhibit E1-E-4.
[4] See Exhibit C.
[5] See Exhibit D.
[6] SGMC §§ 11.55.030; 11.55.040
[7] *Id.* at 11.55.040.
[8] *South Gate General Plan: Community Design Element,* Policy P.6, pg. 106.

COVID-19 Pandemic, and by the City's error in requiring a TUP. AEP consistently held business licenses for the entirety of their operations on the Property.[9] Similarly, Fleet Yards has held a business license with the City for business operations including outdoor storage transportation, freight and cargo at its primary South Gate address at 4223 Independence Avenue, South Gate, CA 90280, but was informed that it did not need one for the Property. Although the scope and nature of operations for AEP and Fleet Yards were different, neither party ceased the truck trailer storage operations, vacated the premises, or terminated utility service at the Property for the requisite two consecutive year abandonment period. Documentation of consistent utilities payments are attached in **Exhibit C**. Aerial Photographs dating back to 2012 demonstrate that truck trailer storage has been a continuous use at the Property without substantial interruption.[10] In addition, Fleet Yards' intent to continue the legal nonconforming truck trailer storage use has been communicated to the City on multiple occasions, including in connection with the subsequent TUP extension.[11]

Based solely on this, Director Meredith Elguira's December 20, 2022 ("2022 Rejection Letter") communication that the use had been abandoned is inconsistent with the documents in the record, the open and continuous communications with the City declaring the intent to continue operations. In addition, preserving the legal nonconforming use is consistent with the policies in the General Plan. Truck trailer storage is an existing use on the Property and should not be displaced pursuant to General Plan policies. In addition, the Property is surrounded by industrial uses, and adjacent educational institutions have substantially delayed development plans due to environmental conditions in the Property vicinity, financing considerations, changes in class attendance, real estate market considerations and the COVID-19 Pandemic – indicating that forced changes in use within the South Gate College District at this time is inconsistent with the needs of the community. For these reasons, we respectfully request that the City acknowledge the substantial evidence indicating consistent truck trailer storage at the Property, and preservation of this use as legal and nonconforming.

c. Fleet Yards has Maintained an Active Business License with the City of South Gate Since 2014, and Cannot Obtain an Auxillary Permit Without the City's Cooperation.

The SGMC states that lapse of a business license is one of many factors the City considers in determining whether the legal nonconforming use has been abandoned. Here, AEP maintained a business license for the entirety of its operations on the Property.[12] Fleet Yards has similarly maintained a business license with the City since 2014. AEP and Fleet Yards have maintained a good faith effort to comply with all City

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[11] See January 26, 2023 letter from AEP to Chris Jeffers re TUP Extension, attached hereto as Exhibit F; September 27, 2022 Correspondence between Efren Martinez and Director Meredith Elguira regarding the legal nonconforming use on the Property, attached hereto as Exhibit G.
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licensing policies and procedures, in addition to permits from other state and local jurisdictions.[13] However, on December 20, 2022 the City claimed that the business license had lapsed without reference to the existing licenses for the Fleet Yards operations. We understand that the City's position is that Fleet Yards requires a supplemental or auxiliary business license for its operations on the Property. However, to obtain a business license, an applicant must first obtain zoning clearance from the South Gate Planning Department. Based on communications from City staff, including the 2022 Rejection Letter, we understand that the City will not issue a zoning clearance because of the current zoning on the Property, notwithstanding the legal nonconforming use. It is inequitable to claim that the use has been abandoned due to lack of an auxiliary business permit when City staff members have indicated that they would not issue the prerequisite zoning clearance for that auxiliary business permit. For these reasons, in consideration of all of the determinative factors for abandonment, there is substantial evidence that the legal nonconforming use on the Property, including storage of tractor trailers has not been abandoned or discontinued.

d. Fleet Yards has Substantially Complied with all of the TUP Conditions.

On December 20, 2022, Director Meredith Elguira alleged that the TUP could not be extended because the conditions of approval had been violated. However, Fleet Yards has substantially complied with the TUP conditions to the extent feasible. On July 16, 2020, the City approved the TUP subject to the following conditions:

1. That the approved use be restricted to truck trailer storage only;
2. That the temporary use is approved for a term of one year, and that additional one-year extensions must be applied for at least 30 days prior to the expiration date of the previous term, for a period of 5 years;
3. That ingress and egress shall be only via Alameda Street;
4. That the number, size and height of truck trailers do not exceed those attached to the original approval;
5. That violations of these conditions or City laws could result in revocation of the TUP; and
6. That the property owner agree to all conditions in the form of a signed affidavit.

As explained above, AEP and later, Fleet Yards have used the Property continuously for truck trailer storage since 1973. Fleet Yards has used the Property for truck trailer storage since obtaining the TUP in July, 2020. The size, number, and height of the truck trailers as authorized in the TUP has not changed. Consistent with the requirements of the TUP, ingress and egress is permitted only on Alameda Street. Although the application for the TUP extension was missed in 2021 due to complications from the COVID-19 Pandemic, both AEP and Fleet Yards have been in consistent communication with the City regarding the nonconforming use on the Property. The owner's signed affidavit is attached as **Exhibit H**. The remaining condition cites

[13] *Id.*

violations of "City laws". As noted above, the City's cooperation is required to obtain an auxiliary business permit to supplement the active business license. For these reasons, we respectfully request that the City acknowledge that each of these conditions have been met to the extent possible.

### 3. Terminating the Legal Nonconforming Use Violates the Doctrine of Equitable Estoppel

The Doctrine of Equitable Estoppel was designed to promote fair and equitable business transactions. The doctrine is based on the principle that a party who has made a promise should be held accountable for it where reliance on the agreement was reasonable, and enforcement of the agreement is necessary to avoid injustice. *Drennan v. Star Paving Co.* (1958) 51 Cal.2d 409, 412-413; *Garcia v. World Sav. & Loan Assn.* (2010) 183 Cal.App.4th 1031,1037. Here, Fleet Yards only agreed to the TUP as a demonstration of good faith and willingness to work with the City regarding its vision for the community. Based on communications from City staff on July 8, 2020, in addition to the plain language of the TUP, the City was to consider additional extensions of the TUP in addition to the initial five-year term. In addition, both AEP and Fleet Yards agreed to the TUP as a measure of good faith and willingness to work with the City. It is inequitable for the City to renege on this agreement. AEP forwent multiple lucrative opportunities to sell the Property in reliance on the City's communications and the reasonable expectation that the City's permits, licenses, and representations are consistent notwithstanding changes in staff, changes in departmental priorities, and unilateral changes to the zoning code. If the City does not honor its prior commitments, both AEP and Fleet Yards will suffer substantial financial harm. In addition, this inconsistency in City policies discourages investment in our community and is a substantial deviation from the City's treatment of similarly situated legacy businesses.

### 4. Conclusion

For the reasons stated above, the equitable path forward is to acknowledge truck trailer storage on the Property as a preserved, legal nonconforming use in light of the substantial evidence supporting this finding, and the requirements of the General Plan. In the alternative, we respectfully request that the City reverse the Director's denial of the TUP extension. We understand that the City's position is that the TUP was issued in error. However, where, as here, immediately terminating the TUP causes substantial harm to the community, and there is substantial evidence supporting that the use is legal and nonconforming, we urge you to use this opportunity to make it right. As a further demonstration of good faith and willingness to work together, we respectfully request the City share any documentation indicating that the truck trailer storage is not authorized pursuant to the legacy operations on the Property, and procedures for obtaining a business permit zoning clearance where, as here, the use is legal nonconforming.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9529
www.cityofsouthgate.org

May 16, 2023

Mr. Alan Engle
Manager
Alameda Engle Properties LLC
2127 Century Woods Way
Los Angeles, California 900667

Re: City of South Gate's Denial of Request by Alameda Engle Properties, LLC . for Extension of Temporary Use Permit No. TUP 2020-01 for Truck-Trailer Storage at 8530 Alameda Street in South Gate, California

Dear Mr. Engle,

On May 2, 2023, the South Gate Planning Commission conducted a public hearing on the request by Alameda Engle Properties, LLC's ("AEP") to extend, for a period of one year, the term of Temporary Use Permit No. 2020-01 (the "TUP"). Such an extension would have allowed the continued storage of trucks and truck-trailers at 8530 Alameda Street (the "Premises") by AEP's tenant, Fleet Yards, Inc. ("Fleet Yards"). At the conclusion of that hearing, the Planning Commission upheld the City's earlier decision to deny the extension and not renew the TUP. AEP has now asked to appeal that decision to the South Gate City Council. For the reasons explained by the City Attorney's Office at the May 2, Planning Commission meeting and reiterated below, an appeal of this matter to the City Council is not available.

As the City has repeatedly advised AEP and Fleet Yards, the TUP was initially issued in error, because it purported to allow a "temporary" use of the Premises for a period of at least one year and possibly as many as five years, far in excess of the limited duration mandated by the Zoning Code. Temporary use permits, as the name implies, are intended to allow only short-term uses of land. Specifically, Section 11.51.070 of the Zoning Code states that the maximum duration of a temporary use permit **shall not exceed three days in a row or ten days in any calendar year**. It is unfortunate that the TUP was erroneously issued in 2020 for a much longer one-year period and erroneously renewed in 2021 for an additional one-year period. But those earlier errors do not entitle AEP to further extensions of the TUP for periods far in excess of the maximum durations authorized by the Zoning Code. Simply put, there is no authority in the Zoning Code for issuing or renewing a temporary use permit for any period longer than three consecutive days or ten days in any calendar year.

Furthermore, the original issuance of the TUP in violation of the Zoning Code also meant that the City was not required to grant AEP a hearing on the matter of renewing the TUP. Again, as publicly stated by the City's legal counsel at the Planning Commission meeting, the City granted that hearing as a matter of courtesy – something that was also explained to AEP in the course of the May 2 meeting. No hearing was required because no decision by the Planning Commission could have resulted in validation and extension of the TUP. Section 11.51.020 of the Zoning Code states that any permit conflicting with the provisions of the Zoning Code "shall be null and void." Both the TUP and the requested one-year extension conflict with the provisions of the Zoning

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Code. Therefore, regardless of whether the Planning Commission had voted to uphold or overturn the denial of the requested TUP extension, the result would have been the same: no valid permit would exist. A hearing before the City Council would be equally futile, as AEP would still have no valid permit regardless of whether the Council voted to uphold or overturn the denial of AEP's request to extend the TUP for another year. Therefore, an appeal to the City Council is neither warranted nor available.

AEP and its attorneys contend that Fleet Yard's use of the Premises for the storage of trucks and truck-trailers constitutes a legal non-conforming use which can be continued in the absence of the TUP and despite the fact that such use is not allowed under the current version of the Zoning Code adopted in 2015. Because renewal of the TUP is an impossibility, we recommend that AEP promptly provide the City with evidence supporting that legal non-conforming use argument. Before the City can agree that Fleet Yard's use of the Premises constitutes a legal nonconforming use, AEP and/or Fleet Yards must provide the City with clear evidence which at a minimum establishes two things:

1. That the Premises were used for the storage of trucks and truck trailers since before the 2015 zone change, and that such use has continued from then until now without any interruption longer than two years. Evidence that a truck or trailer was occasionally parked on the Premises for purposes of loading or unloading will not suffice. The City requires evidence that the Premises were being used for the *storage* of trucks and truck-trailers consistent with the customary legal application of "legal non-conforming" use, not that such trucks or trailers were merely present on the Premises for short periods in the normal course of their travels associated with the primary approved use and the only city licensed business being operated at the location (Metal Recycling Center).

2. That in connection with such storage, a Conditional Use Permit had been issued as required by the former Zoning Code. The City can find no indication that such a CUP was ever issued to AEP, Fleet Yards, or any former occupant of the Premises. Under the former Zoning Code, storage of trucks and truck-trailers without a CUP would not have complied with the Zoning Code and therefore could not be the basis for a claim of legal non-conforming use.

Additional to the lack of a CUP, the City does not have a record of any business(s) being licensed for the operation of a storage facility of trucks and/or truck trailers prior to the zone change in 2015 or afterwards.

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We urge AEP, as soon as possible, to either provide the evidence requested above or cause Fleet Yards to discontinue its storage of trucks and truck-trailers at the Premises. Failure to do so will result in enforcement action by the City.

Sincerely,

Meredith T. Elguira, Director

*cc:* Mr. Chris Jeffers, City Manager
Raúl F. Salinas, Esq.
Craig D. Hardwick Esq.

City of South Gate
8650 California Avenue
South Gate, Ca 90280
Phone: (323) 563-9526

**Planning Division**

July 16, 2020

Daniel Otting
Fleet Yards Inc.
893 West 16th Street
Newport Beach, CA 92663

[via email: dan@fleetyardsinc.com]

**Re: Temporary Use Permit No. TUP2020-01 8530 Alameda Street (APN: 6202-036-003)**

Dear Mr. Otting,

The City South Gate has received your temporary use permit application to permit the use of truck trailer storage for a one year period with possible one year extensions up to a maximum period of five years from the date of approval, at 8530 Alameda Street. The proposed project has been reviewed and it has been **approved subject to the following conditions:**

***Conditions of Approval***

1. The approved temporary use for the site of 8530 Alameda Street is restricted to truck trailer storage *only*. No other outdoor storage is permitted including truck storage. No other use is permitted without the written authorization from the City.
2. The temporary use is approved for a term of one year, set to expire on July 16, 2021. A new application must be submitted at least thirty **(30) days prior** to the expiration date if an extension is desired. Additional one-year extensions will be considered for approval for up to a maximum period of 5 years from the original approval date of July 16, 2020. Additional extensions will be determined based on compliance with said conditions and written verification from the property owner that he/she/they/ is/are in process of developing the land, selling the land and/or working with Los Angeles Community College or a developer on a housing development project.
3. Egress and ingress shall only be via Alameda Street as reflected in Attachment A. No truck or trailers traveling to or from the site shall be allowed to drive upon any South Gate streets other than Alameda Street.
4. Operations shall be limited to those described in Attachment B as to the number, size and height of truck trailers that will be stored on site.
5. Any violations of these conditions or City Laws could result in the revocation of this Temporary Use Permit No. TUP2020-01.
6. All conditions for a Temporary Use Permit No. TUP2020-01,shall be agreed to by the property owner in the form of a signed and notarized affidavit.

Joe Perez
Community Development Director
City of South Gate

Attachments: A. Site Plan
B. Operation Plan

Map should be updated to clarify the area covered by the permitted use permit (8530) and separately show the access point across 8440. The current map makes it appear as if the entire track is 8440, when the red shaded area also includes 8530.

# ATTACHMENT A

# Attachment B

# ADDENDUM: Description of Operation

**CITY OF SOUTH GATE**

**LAND USE ADMINISTRATIVE PERMIT APPLICATION**
**- TEMPORARY USE PERMIT**

**Property:** 8440 S Alameda St., Los Angeles, CA 90001
**APN:** 6202-036-003

Need do change to the correct address and correct APN: 8530 Alameda Street

**Applicant:** Dan Otting
**Mailing Address:** 893 W 16th Street, Newport Beach, CA 92663
**Phone:** 949-246-6000

## Description of Proposed Operation:

**Summary:**
Short- Term Truck Trailer Storage.

8530 Alameda Street

**Detailed:**
The property at 8440 S Alameda St. is approx. 9.7 acres (423,000 sq ft) in total, but 6.7 acres are a part of South Gate proper.

On the 3 acres in South Gate, approximately **125 trailers** will be parked for short- -term storage. Standard commercial trailers are either **40', 48', or 53' long** (usually 53'), **13'6" tall**, and **8' wide**. Please note that while we are proposing to use the entire property (9.7 acres) for storage, the 3 acres within South Gate proper will *only* be used for trailer storage, with no trucks being stored on that part of the yard.

The full yard will be active **24 hours a day, 7 days a week**, but most of the traffic (>90%) will be between the hours of **6:00 AM and 8:00 PM** each day.

For the entirety of the 9.7 acre property, we expect to see **up to 50-75 trucks and trailers** enter and exit the yard each business day.

6.7 acres

6.7 acres

# Item No. 2

Office of the
South Gate City Clerk

APR 17 2025

FILED

# *City of South Gate*

## CITY COUNCIL

# AGENDA BILL

For the Regular Meeting of: **April 22, 2025**
Originating Department: **Public Works**

***Department Director:*** *Gabriel Perez* ***City Manager:*** *Rob Houston*

**SUBJECT: APPEAL OF THE PLANNING COMMISSION'S DETERMINATION REGARDING LEGAL NONCONFORMING USES AT A PROPERTY LOCATED AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**PURPOSE:** Public hearing to consider the following:

Appeal of Planning Commission's Decision on Director's Determination: Consideration of an appeal of the Planning Commission's decision upholding the Director's determination that the legal, nonconforming use for a metal processing and/or recycling activities at a property located at **8530 Alameda Street** have been abandoned and can no longer be conducted, and the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

**PROJECT OVERVIEW**

| | |
|---|---|
| 1. Project Location: | 8530 Alameda Street |
| 2. Assessor's Parcel Number: | 6202-036-003 |
| 3. Property Owner: | Alameda Engle Properties (Jason Engle) |
| 4. Appellant/Representative: | Sara Atsbaha, Somos Law Group |
| 5. General Plan Designation: | Industrial (Community Design Element, Figure CD 1, Existing Land Uses)<br>South Gate College District Subarea 1 (Community Design Element, Figure CD 4, Districts) |
| 6. Zoning: | IF (Industrial Flex) |

**RECOMMENDED ACTION:**

1. **CONDUCT** a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;
2. **ACCEPT** the determination that this matter is exempt from the California Environmental Quality Act;
3. **ADOPT** the findings as outlined in the Resolution (Attachment A); and
4. **UPHOLD** the decision of the Planning Commission upholding the determination of the

Director of Community Development that the legal, nonconforming use for a metal processing and/or recycling activities at the subject property have been abandoned and can no longer be conducted, and the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

**PUBLIC NOTIFICATION**

Advertising and notification of the public hearing for this item was conducted in compliance with Sections 11.50.020 and 11.50.030 of the South Gate Municipal Code ("SGMC"). Notices of the hearing were posted and published in the "South Gate Press" on April 10, 2025.

**ENVIRONMENTAL EVALUATION**

In accordance with the California Environmental Quality Act (CEQA), the City Council's determination qualifies for a categorical exemption under CEQA Guidelines Section 15321, (Class 21) "Enforcement Actions by Regulatory Agencies," in that the City is enforcing the South Gate Municipal Code.

The City Council's determination on the termination of the legal, non-conforming use of the subject property is not subject to California Environmental Quality Act (CEQA) review because it is not an "approval" as defined in California Code of Regulations, Title 14, Section 15352, but rather a determination of whether a use must terminate at a site, and therefore does not commit the City to any definite course of action regarding new uses or changes to the approved use of the subject property. Furthermore, CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

**BACKGROUND**

This is an appeal filed by legal counsel, Somos Law Group ("Somos"), on behalf of the property owner and applicant, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), for a 6.78-acre property located at 8530 Alameda Street. Somos is appealing the Planning Commission's decision on the Director of Community Development's determination that the legal, nonconforming use for metal processing and/or recycling activities at the subject property has been abandoned and can no longer be conducted, and the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

It should be noted that AEP also owns the abutting 2.9-acre site to the north at 8440 S. Alameda Street, which is located outside of the City and in the County of Los Angeles. Access to both properties is via a driveway from Alameda Street to the property at 8440 S. Alameda Street. This property is also being used for truck trailer storage and according to County staff, a conditional use permit (CUP) is currently being processed.

**<u>Planning Commission Hearing</u>**

On March 18, 2025, the Planning Commission voted 3-0 to adopt Resolution No. 2025-04 denying an appeal and upholding the Director of Community Development's determination and noncompliance notification regarding recycling/metal processing and truck trailer storage at 8530 Alameda Street.

The appellant's attorneys, Alfred Fraijo Jr. and Sara Atsbaha, gave a presentation on the basis of the appeal. Public comment was received from the following individuals:

- Andrew Herrera
- Jennifer Daley, Southeast Los Angeles (SELA) for a Better Tomorrow
- Omar Ruiz
- David Moreno, 8429 Santa Fe Avenue
- Jennifer Ganata, CBE, 6325 Pacific Boulevard, Ste. 300, Huntington Park
- Alma Rodriguez
- Individual who did not provide a name [Spanish speaker]
- Selena Zepeda [Spanish speaker], Walnut Park resident
- Salvador Diaz, Walnut Park resident
- Gregorio Jimenez, 10423 Mallison Avenue
- Javier Gutierrez

The Planning Commission also received a presentation by City staff and outside legal counsel James Eckart providing a response to the appellant's presentation.

Generally, speakers were opposed to the truck trailer storage citing concerns with traffic, pollution, health impacts, and other environmental concerns. Additionally, written correspondences from the individuals below. The correspondences are included in Attachments D, E, and F.

- Jennifer Daley, SELA for a Better Tomorrow
- Mario Dominguez
- Claudia Rivera
- Nathan Cueto
- Sara Atsbaha, Somos Group, appellant's attorney
- Various letters from South Gate High School students

**History of Zoning and Land Use of Subject Property**

As early as 1961, the Subject Property was designated as being within a Heavy Manufacturing ("M-3") Zone.

Based upon a review of public records and documents submitted by AEP, the Site was used by Jack Engel & Company (hereinafter, "JECO") and/or AEP for a metal processing/recycling facility from as early as 1973 until approximately March 2020. During that time, the site was developed with a single-story industrial structure used for the recycling operations conducted by JECO and/or AEP.

The metal recycling operations conducted by JECO and/or AEP included, but was not limited to, the delivery of scrap metal product to the Site inside of truck trailers – which would remain on site for up to several months while the scrap metal was sorted and processed on-site and prepared for shipment to a final off-site destination.

In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities. Thereafter, on or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the Zoning Code and changed the zoning classification of the Subject Property to Industrial Flex ("IF") Zone.

Pursuant to the Section 11.21.030 and Table 11.21-3 of the amended Zoning Code, recycling facilities require a Conditional Use Permit – however, the recycling operations at the Subject Property were deemed to be a legal, nonconforming land use that was allowed to continue in accordance with SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

According to public records and information submitted by AEP and/or its representatives, all metal recycling operations ceased in or around March 2020 and are no longer being conducted at the Site.

AEP has confirmed that around March 2020, Fleet Yards, Inc. commenced utilizing the Site solely for the storage of truck trailers and/or containers as a principal use. Moreover, the structure that was previously utilized to conduct the metal recycling at the Site was demolished.

In July 2020, the City approved Fleet Yards, Inc.'s application for a Temporary Use Permit and issued TUP2020-01, authorizing the use of the Subject Property for "truck trailer storage for a one-year period of time with possible extensions up to a maximum period of five years from the date of approval". TUP2020-01 expired on July 16, 2021, without a timely request for renewal from Fleet Yards, Inc.

In December 2022, the Director advised Fleet Yards, Inc. that several conditions of approval of the TUP had not been adhered to, and, moreover, that the TUP was ineligible for renewal as SGMC §11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar year.

On May 2, 2023, the Planning Commission upheld the Director's Determination to deny an extension of the TUP (as set forth in Resolution 2023-05).

Notwithstanding the issuance and subsequent ineligibility for renewal of the TUP, the appellant contended that the truck trailer storage activities are a legal, non-conforming use. As the appellant bears the burden of proving the legal, nonconforming status of the truck trailer storage, Staff provided the appellant ample opportunity to present to the Director sufficient evidence to support its contention.

On January 21, 2025, Interim Community Development Director David M. Crabtree, AICP, issued a determination and noncompliance letter indicating the legal, nonconforming use of the subject property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities – was abandoned and can no longer be conducted unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies). The use for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use – and, as such, must be immediately terminated.

**ANALYSIS:**

**Appeal of Director's Determination**

On January 21, 2025, the City sent a Director's Determination and Noncompliance Notification letter to the applicant indicating the legal, nonconforming use of the Subject Property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities – has been determined to be abandoned and can no longer be conducted at the Site unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies). Furthermore, based on staff's research and information provided by Somos, the use of the Site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use – and, as such, must be immediately terminated.

On February 6, 2025, the applicant filed an appeal requesting the Planning Commission challenging the Director's determination based on the following grounds:

1. The Director's Determination is unsupported by the South Gate Municipal Code (SGMC) purportedly due to the Director's differentiation between an ancillary and primary use, that the immediate termination of a legal, nonconforming use is inconsistent with the SGMC and General Plan, and the Determination violates procedural requirements;
2. Substantive and procedural due process concerns; and
3. Termination of a legal, nonconforming use is a *de facto* regulatory taking; and,
4. The City's failure to comply with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq.

Truck Storage/Terminal Use: AEP and its tenant have been using the subject property to store trucks, truck-trailers, and storage containers. Under the SGMC, this use is defined as "truck storage/terminal" use which, pursuant to the SGMC Section 11.60.230 "T" definitions, "means indoor or outdoor site for freight, truck terminals, truck storage yards, or similar commercial facilities."

SGMC Prohibits that Use at 8530 Alameda Street: The subject property is zoned Industrial Flex (IF). Table 11.21-3, under SGMC Section 11.21.030 "Land use permissions tables," lists allowed land uses within the IF zone. Truck storage/terminal use is not listed on that Table as an allowed use within the IF zone. SGMC Section 11.21.020 notes that "Any land use that is not specifically listed in the land use tables for the applicable zone shall not be allowed or permitted within the zone." Therefore, the storage of trucks, truck-trailers and containers is a prohibited use in the IF zone.

It is undisputed that the recycling/metal processing activities that occurred at the subject property were legal, nonconforming, and that truck trailer storage is not currently a permitted use at the subject property pursuant to the South Gate Municipal Code (inclusive of the Zoning Code). The issues of contention are (i) whether the legal, nonconforming recycling/metal processing activities at the subject property have been abandoned; and/or (ii) whether the appellant has submitted sufficient evidence to substantiate that the current use of the site for truck trailer storage unrelated

to recycling/metal processing activities constitutes a legal, nonconforming use of the subject property.

In response to the appellant's arguments set forth in the Request for Appeal, Staff submits the following.

**ASSERTION: The Director's Determination is unsupported by the South Gate Municipal Code.**

The appellant first argues that the Director failed to make a determination that the legal, nonconforming use is "wholly discontinued or abandoned for a continuous period of two calendar years" as required by SGMC 11.55.040(D). The Director, however, correctly determined that the legal, nonconforming recycling/metal processing use at the site was wholly discontinued and/or abandoned – as evidenced by the cessation of all activities associated with the recycling/metal processing activities in or around 2020, including the demolition of the structure that was previously utilized for such activities. Contrary to the appellant's contention, the Director did not distinguish between primary and ancillary legal, non-conforming uses. Rather, the Director accepted the appellants assertion that the storage of truck trailers at the site was an "integral part of metal processing operations," however, the Director did determine that the truck trailer storage was only done as part of the recycling/metal processing activities while those activities were occurring. The Director correctly determined that the current use of the site for truck trailer storage only is NOT a continuation of the use of the trucks for the recycling/metal processing activities, and, is, in fact, a wholly new use.

The appellant also argues that the immediate termination of the truck trailer storage is inconsistent with the South Gate Municipal Code and the General Plan – which the appellant contends promotes a more gradual transition to a conforming use. However, the appellant fails to recognize that it was the appellant's abandonment of the recycling/metal processing activities for more than 2 years that resulted in the termination of its legal, nonconforming rights – and not any action by the City. The City's requirement that the legal, nonconforming use be terminated for 2 continuous years does, in fact, provide for a gradual transition – but the appellant failed to utilize those 2 years to make a transition to a conforming use. Instead, the appellant transitioned to using the subject property for the prohibited truck trailer storage use.

The appellant further mistakenly argues that the Director failed to make findings required by Section 11.55.040(D) of the municipal code. Specifically, the appellant argues that the Director failed to consider and make a determination regarding (i) the property owner's intent; (ii) the presence or absence of personal property associated with the legal, nonconforming use; (iii) presence or absence of furnishings, equipment, and other property associated with the use; and, (iv) continuity of utility service to the property.

The appellant incorrectly interprets SGMC §11.55.040(D). Pursuant to SGMC §11.55.040(D)(1), in order to determine whether a property owner has abandoned/discontinued a legal, nonconforming use, the Director is required to determine the "apparent intent of the owner to discontinue use of the nonconforming **structure** is apparent, as determined by the director" (emphasis added). This particular requirement, however, is applicable to the intent to discontinue/abandon a nonconforming structure – and not the owner's intent to discontinue a legal, nonconforming use. That being said, the Director determined that the structure previously existing at the site was voluntarily demolished in or around March 2020 – and that all other activities associated with the recycling/metal processing use also terminated around the same time. The

Director also determined that all other equipment, furnishings, and the structure itself used for the recycling/metal processing activities have been absent from the site for more than two years. Moreover, no additional business licenses have been acquired for recycling/metal processing activities for at least 2 years. Any continued utility use at the site (including electricity, gas, water or waste collection) does not negate the Director's determination that all use of the subject property for recycling/metal processing activities has been abandoned/discontinued for more than 2 years.

**ASSERTION: The City's management of the legal nonconforming use gives rise to substantive and procedural due process concerns.**

The appellant contends that the manner in which the City has handled requests from appellant's legal counsel has raised concerns regarding the appellant's substantive and procedural due process. Appellant also apparently incorrectly argues that the Director suggested that the appellant was required to obtain a Conditional Use Permit in 1988 as a result of a change in the City's Zoning Code. Lastly, appellant argues that Staff has been slow to acknowledge or process its request for a Zone Change and General Plan Amendment. It should be noted that Staff provided documents in its possession – however, was not required to provide copies of business licenses which were no longer in the possession of the City. [Business licenses are issued to business operators – and the appellant would have been in the best position to retain the prior business licenses.] Moreover, the Director did not assert that the appellant required a Conditional Use Permit, but rather that the change in the City's Zoning Code requiring a Conditional Use Permit for the recycling/metal processing use of the site is what converted the legal status of recycling/metal processing use of the site to "legal, nonconforming". Lastly, the processing of the Zone Change and General Plan Amendment is a separate matter before the Planning Commission, and arguments related to the processing of those requests are not related to the Director's Determination regarding the termination of the legal, nonconforming status of the recycling/metal processing activities or the lack of such status for the truck trailer storage.

**ASSERTION: Termination of the legal nonconforming use is a *de facto* regulatory taking.**

The appellant contends that the changes to the City's Zoning laws and General Plan amount to a regulatory taking because of the limited uses allowed at the subject property. However, the City provides for the continuation of nonconforming uses – and, as such, appellant would have been allowed to continue the recycling/metal processing use of the site had the appellant not abandoned the use or otherwise caused the termination of the use as set forth in SGMC Chapter 11.55. It is the appellant's actions that have resulted in the termination of the ability to continue conducting recycling/metal processing activities – and it is the Director's determination that the truck trailer storage that is currently occurring has never been lawfully approved by the City. This hearing is not the venue to challenge the City's prior Zoning Code amendments related to permitted uses.

**ASSERTION: The City has Not Considered the Environmental Consequences Resulting from the Termination of the Existing Land Use in Favor of alternative Land Uses Inconsistent with the Requirements of CEQA.**

The appellant incorrectly asserts that the City's termination of the legal, nonconforming use of the subject property is tantamount to changing a land use designation – and would require review pursuant to the California Environmental Quality Act ("CEQA"). However, the Director determined that the actual use of the site for recycling/metal processing ceased in or about March 2020 – and the Director's Determination merely is a confirmation of the abandonment/discontinuance of the use of the site for recycling/metal processing by the owner. Although the commencement of a new conforming use *may* require CEQA review, that would be determined and occur at the time a conforming use is proposed by the appellant or other interested

party – however, Staff has determined that this appeal is exempt from CEQA review.

Staff recommends that the Planning Commission uphold the Director's determination based on the findings in the attached resolution.

**CONCLUSION**

Staff recommends the Planning Commission uphold the Director's Determination that the legal, nonconforming use of the subject property for metal processing and/or recycling activities has been abandoned for more than two (2) continuous years, and can no longer be conducted at the site; and that the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use.

**ATTACHMENTS:**

A. City Council Resolution
B. Planning Commission Resolution No. 2025-04
C. Request for Appeal from Somos Law Group with exhibits
D. PC Agenda Bill dated March 18, 2025
E. Letters from South Gate High School students received at March 18, 2025 Planning Commission meeting
F. Public correspondences presented at March 18, 2025 Planning Commission meeting

**RESOLUTION NO._____**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE PLANNING COMMISSION'S DECISION TO UPHOLD THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DETERMINATION AND NONCOMPLIANCE NOTIFICATION REGARDING RECYCLING/METAL PROCESSING AND TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PL 25-0070)**

**WHEREAS,** on January 21, 2025, the Director of Community Development issued a Determination and Noncompliance Notification indicating that the legal, nonconforming use for a metal processing and/or recycling activities at a property located at 8530 Alameda Street ("Subject Property") has been abandoned/discontinued and can no longer be conducted, and that the use of the Subject Property for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated;

**WHEREAS,** on February 6, 2025, Somos Law Group ("Somos"), on behalf of the property owner-appellant, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), timely submitted an appeal of the Director's Determination and Noncompliance Notification for the Subject Property. The Appellant requested to allow for the continued use of truck trailer and container storage facility at 8530 Alameda Street, a use which is prohibited at that location by the South Gate Municipal Code ("SGMC"); and

**WHEREAS,** the Appellant challenged the Director's Determination on the following grounds:

1. The Director's Determination is unsupported by the South Gate Municipal Code ("SGMC") in the following manners:
    a. The Director improperly differentiated ancillary from primary uses;
    b. The immediate termination of an existing use is inconsistent with the SGMC and the General Plan; and,
    c. The Director's Determination violates codified procedural requirements;
2. The City's management of the legal nonconforming use gives rise to substantive and procedural due process concerns;
3. Termination of the legal nonconforming use is a *de facto* regulatory taking; and,
4. The City's failure to comply with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq.

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on February 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission conducted the public hearing on this matter on March 18, 2025, and adopted Resolution No. 2025-04 denying the appeal request;

**WHEREAS,** on April 7, 2025, the applicant filed an application (PL 25-0070) to appeal the Planning Commission's determination to the City Council;

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on March 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the City Council conducted the public hearing on this matter on April 22, 2025.

**WHEREAS,** the City Council, after conducting the public hearing and having considered all testimony and other evidence submitted in connection therewith, makes the following findings:

1. The Subject Property had been used by Alameda Engle Properties, LLC ("AEP") and/or Jack Engel & Company ("JECO") from approximately 1973 through March 2020 for recycling/metal processing activities. Although the main metal processing occurred within a building or structure located on the Subject Property, it also included the use of trucks to take metal to the Subject Property for processing, and to disburse the processed metal thereafter – which necessitated said trucks being parked and/or temporarily stored at the Subject Property for these uses.

2. In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities – thereby making the recycling/metal processing use at the Subject Property legal, nonconforming.

3. On or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the South Gate Zoning Code and changed the zoning designation of the Subject Property to Industrial Flex ("IF") Zone – thereby further making the recycling/metal processing use at the Subject Property legal, nonconforming.

4. In or around March 2020, the owner of the Subject Property, AEP, voluntarily demolished the structure that was used for the recycling/metal processing activities, and all other activities associated with the recycling/metal processing use ceased at that time.

5. In or around March 2020, Fleet Yards, Inc. ("Fleet") commenced utilizing the Subject Property for the storage of truck trailers and/or containers as a principal use not related to any recycling/metal processing activities.

6. In July 2020, Fleet was issued Temporary Use Permit TUP 2020-01 by the City authorizing the use of the Subject Property for "truck storage for a one-year period of time with possible extensions up to a maximum of five years from the date of approval." TUP 2020-01 expired on July 16, 2021 – without a request from Fleet to renew.

7. Notwithstanding an untimely request by Fleet to renew TUP 2020-01, South Gate Municipal Code Section 11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar

year.

8. Pursuant to SGMC 11.55.040(D), any industrial nonconforming use or structure that is wholly discontinued or abandoned for a continuous period of two calendar years loses its legal, nonconforming status, and all subsequent uses of the property shall conform to current provisions of the South Gate Zoning Code.

9. The Director sufficiently considered the factors set forth in SGMC 11.55.040(D) in the determination that the recycling/metal processing use at the Subject Property had been discontinued and/or abandoned for a continuous period of at least two calendar years, and that any use of the Subject Property must adhere to the current Zoning Code.

10. Notwithstanding the Planning Commission's decision to uphold the Director's Determination, the City Council has considered all factors set forth in SGMC 11.55.040(D) and all other evidence submitted in connection with this public hearing, and concurs that the recycling/metal processing use had been discontinued and/or abandoned for a continuous period of at least two calendar years, and that any use of the Subject Property must adhere to the current Zoning Code.

11. The City Council concurs with the Planning Commission's decision to uphold the Director's Determination, and independently determines, that the current use of the Subject Property for truck trailer storage unrelated to recycling or metal processing activities is not a legal nonconforming use, and, therefore, is not subject to the provisions of SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

12. The current use of the Subject Property for the storage of trucks, truck-trailers, and/or storage containers is considered a "truck storage/terminal" as that term is defined by SGMC §11.60.230 to mean "indoor or outdoor site for freight, truck terminals, truck storage yards, or similar commercial facilities."

13. "Truck storage/terminal" use is not authorized or allowed by the SGMC on any land within the Industrial Flex (IF) zone, of which the Subject Property is a part.

14. The use of the Subject Property as a truck storage/terminal must immediately cease.

15. The City Council rejects the Appellant's contentions that the Appellant's due process rights have been violated or that the termination of the right to continue a legal, nonconforming use that has been abandoned or discontinued constitutes an illegal regulatory taking.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** The City Council hereby finds that all of the facts set forth in the Recitals of this Resolution are true and correct, and are incorporated herein.

**SECTION 2.** The City Council hereby finds that the subject decision qualifies for a categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15321, (Class 21) "Enforcement Actions by Regulatory Agencies," in that the City is enforcing its municipal code.

**SECTION 3.** The City Council of the City of South Gate, pursuant to the facts noted above, does hereby uphold the decision of the Planning Commission to uphold the determination of the Director of Community Development, and independently finds, that the legal, nonconforming use for metal processing and/or recycling activities at a property located at 8530 Alameda Street have been abandoned and can no longer be conducted at the Subject Property, and that the use of the Subject Property for truck trailer storage ("truck storage/terminal") as a use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

**SECTION 4.** The City Clerk shall certify the adoption of this Resolution which shall be effective upon its adoption.

**PASSED, APPROVED,** and **ADOPTED** on this **22nd** day of **April 2025**.

**CITY OF SOUTH GATE:**

By: _____
Maria Davila, Mayor

**ATTEST:**

By: _____
Yodit Glaze, City Clerk
(SEAL)

**APPROVED AS TO FORM:**

By: _____
Raúl F. Salinas, City Attorney

# RESOLUTION NO. 2025-04

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DETERMINATION AND NONCOMPLIANCE NOTIFICATION REGARDING RECYCLING/METAL PROCESSING AND TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS,** on January 21, 2025, the Director of Community Development issued a Determination and Noncompliance Notification indicating that the legal, nonconforming use for a metal processing and/or recycling activities at a property located at 8530 Alameda Street ("Subject Property") has been abandoned/discontinued and can no longer be conducted, and that the use of the Subject Property for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated; and

**WHEREAS,** on February 6, 2025, Somos Law Group ("Somos"), on behalf of the property owner-appellant, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), timely submitted an appeal of the Director's Determination and Noncompliance Notification for the Subject Property. The Appellant requested to allow for the continued use of truck trailer and container storage facility at 8530 Alameda Street, a use which is prohibited at that location by the South Gate Municipal Code ("SGMC"); and

**WHEREAS,** the Appellant challenges the Director's Determination on the following grounds:

1. The Director's Determination is unsupported by the South Gate Municipal Code ("SGMC") in the following manners:
    a. The Director improperly differentiated ancillary from primary uses;
    b. The immediate termination of an existing use is inconsistent with the SGMC and the General Plan; and,
    c. The Director's Determination violates codified procedural requirements;
2. The City's management of the legal nonconforming use gives rise to substantive and procedural due process concerns;
3. Termination of the legal nonconforming use is a *de facto* regulatory taking; and,
4. The City's failure to comply with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq.

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on February 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission conducted the public hearing on this matter on March 18, 2025.

**WHEREAS,** the Planning Commission, after conducting the public hearing and having considered all testimony and other evidence submitted in connection therewith, makes the following findings:

1. The Subject Property had been used by Alameda Engle Properties, LLC ("AEP") and/or Jack Engel & Company ("JECO") from approximately 1973 through March 2020 for recycling/metal processing activities. Although the main metal processing occurred within a building or structure located on the Subject Property, it also included the use of trucks to take metal to the Subject Property for processing, and to disburse the processed metal thereafter – which necessitated said trucks being parked and/or temporarily stored at the Subject Property for these uses.

2. In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities – thereby making the recycling/metal processing use at the Subject Property legal, nonconforming.

3. On or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the South Gate Zoning Code and changed the zoning designation of the Subject Property to Industrial Flex ("IF") Zone – thereby further making the recycling/metal processing use at the Subject Property legal, nonconforming.

4. In or around March 2020, the owner of the Subject Property, AEP, voluntarily demolished the structure that was used for the recycling/metal processing activities, and all other activities associated with the recycling/metal processing use ceased at that time.

5. In or around March 2020, Fleet Yards, Inc. ("Fleet") commenced utilizing the Subject Property for the storage of truck trailers and/or containers as a principal use not related to any recycling/metal processing activities.

6. In July 2020, Fleet was issued Temporary Use Permit TUP 2020-01 by the City authorizing the use of the Subject Property for "truck storage for a one-year period of time with possible extensions up to a maximum of five years from the date of approval." TUP 2020-01 expired on July 16, 2021 – without a request from Fleet to renew.

7. Notwithstanding an untimely request by Fleet to renew TUP 2020-01, South Gate Municipal Code Section 11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar year.

8. Pursuant to SGMC 11.55.040(D), any industrial nonconforming use or structure that is wholly discontinued or abandoned for a continuous period of two calendar years loses its legal, nonconforming status, and all subsequent uses of the property shall conform to current provisions of the South Gate Zoning Code.

9. The Director sufficiently considered the factors set forth in SGMC 11.55.040(D) in the determination that the recycling/metal processing use at the Subject Property had been discontinued and/or abandoned for a continuous period of at least two calendar years,

and that any use of the Subject Property must adhere to the current Zoning Code.

10. Notwithstanding the Director's Determination, the Planning Commission has considered all factors set forth in SGMC 11.55.040(D) and all other evidence submitted in connection with this public hearing, and concurs that the recycling/metal processing use had been discontinued and/or abandoned for a continuous period of at least two calendar years, and that any use of the Subject Property must adhere to the current Zoning Code.

11. The Planning Commission concurs with the Director's Determination, and independently determines, that the current use of the Subject Property for truck trailer storage unrelated to recycling or metal processing activities is not a legal nonconforming use, and, therefore, is not subject to the provisions of SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

12. The current use of the Subject Property for the storage of trucks, truck-trailers, and/or storage containers is considered a "truck storage/terminal" as that term is defined by SGMC §11.60.230 to mean "indoor or outdoor site for freight, truck terminals, truck storage yards, or similar commercial facilities."

13. "Truck storage/terminal" use is not authorized or allowed by the SGMC on any land within the Industrial Flex (IF) zone, of which the Subject Property is a part.

14. The use of the Subject Property as a truck storage/terminal must immediately cease.

15. The Planning Commission rejects the Appellant's contentions that the Appellant's due process rights have been violated or that the termination of the right to continue a legal, nonconforming use that has been abandoned or discontinued constitutes an illegal regulatory taking.

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

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

**SECTION 2.** The Planning Commission hereby finds that the subject decision qualifies for a categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15321, (Class 21) "Enforcement Actions by Regulatory Agencies," in that the City is enforcing its municipal code.

**SECTION 3.** The Planning Commission of the City of South Gate, pursuant to the facts noted above, does hereby uphold the decision of the Director of Community Development, and independently finds, that the legal, nonconforming use for metal processing and/or recycling activities at a property located at 8530 Alameda Street have been abandoned and can no longer be conducted at the Subject Property, and that the use of the Subject Property for truck trailer storage ("truck storage/terminal") as a use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

This action was adopted by the following vote at the Planning Commission meeting of March 18, 2025.

**AYES:** Prieto, Ruiz, Ozaeta

**NOES:**

**ABSENT:** Laborin

**APPROVED and ADOPTED** this 18th of March 2025.

John F. Signo, AICP
Planning Manager

**APPROVED:**

Jimmy Ozaeta
Chairperson
City Planning Commission

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Attorneys for Appellant
ALAMEDA ENGLE PROPERTIES, LLC

**BEFORE THE CITY COUNCIL**

**FOR THE CITY OF SOUTH GATE**

| | |
|---|---|
| In the matter of the appeal of:<br><br>CITY OF SOUTH GATE PLANNING COMMISSION RESOLUTION NO. 2025-04, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DETERMINATION AND NONCOMPLIANCE NOTIFICATION REGARDING RECYCLING/METAL PROCESSING AND TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT | **APPELLANT ALAMEDA ENGLE PROPERTIES, LLC'S APPEAL OF CITY OF SOUTH GATE PLANNING COMMISSION RESOLUTION NO. 2025-04** |

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## I. INTRODUCTION

Pursuant to the City of South Gate Municipal Code ("SGMC") Section 11.50.040, Alameda Engle Properties, LLC ("AEP") appeals the City of South Gate Planning Commission's ("Planning Commission") Resolution No. 2025-04, *A Resolution Of The Planning Commission Of The City Of South Gate, State Of California, Denying An Appeal And Upholding The Director Of Community Development's Determination And Noncompliance Notification Regarding Recycling/Metal Processing And Truck Trailer Storage At 8530 Alameda Street, And Determining The Action Is Exempt From The California Environmental Quality Act* ("PC Res. 2025-04," **Exhibit 1**). PC Res. 2025-04 upholds the City Director of Community Development's ("Director") determination and noncompliance notification regarding the metal recycling/processing and truck trailer storage at 8530 Alameda Street ("Subject Property"), determines that the Planning Commission's action is exempt from the California Environmental Quality Act, asserts that the legal, nonconforming use ("LNCU") for a metal processing and/or recycling activities located on the Subject Property has been abandoned/discontinued and can no longer be conducted, and that the use of the Subject Property for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a LNCU and must be immediately terminated.

As discussed below, the determinations of the Planning Commission and Director in PC Res. 2025-04 are in error, are not supported by reference to fact or applicable law and should be reversed by the City Council.

## II. FACTUAL BACKGROUND

### A. Historical Use of the Subject Property

1. Jack and Rose Engle, as husband and wife, owned and operated Jack Engle & Company ("JECO"). Since the early 1960s, JECO operated on 8440 S. Alameda Street in unincorporated Los Angeles County. In 1973, JECO acquired the 8530 Alameda Avenue ("Subject Property") from Firestone Tire and Rubber Company and expanded its metal processing operations on the Subject Property.

2. The metal processing operations on the Subject Property included shipment of unprocessed scrap metal to the Subject Property *via* truck and trailers. When a container would arrive at the JECO facilities, the industrial scrap metal would be unloaded, weighed, graded, and sorted into like kind materials, and stored on site.

3. The storage of truck trailers and containers have consistently been central to the business, particularly in the collection, processing, storage, and shipment of industrial scrap metals.

4. JECO's suppliers would generate on average between 6 and 11 million pounds of scrap metal per month. This volume of material could not be processed in a matter of days or weeks. These materials would necessarily be stored onsite in truck trailers and in different containers until there was a sufficient amount for processing. These truck trailers and containers holding processed and unprocessed scrap metal were stored on the Subject Property for months or longer as necessary. Such storage has always been a critical part of JECO's operations.

5. JECO stored its own truck trailers and containers, as well as truck trailers and containers owner by others. At any given time, the Subject Property could be storing dozens of truck trailers, hundreds of medium-to-large roll-off containers comparable in size to shipping containers, as well as thousands of smaller containers which would be consolidated into the larger containers and truck trailers for shipment.

6. JECO would frequently use its own truck trailers and containers to purchase and store scrap metal materials at the Subject Property. For example, JECO purchased material from the City of South Gate as a supplier, who itself used JECO's services from 2002 through 2019.

7. Whether the materials were stored in truck trailers or other containers was determined by the product's end destination (international or domestic), and whether the material was to travel by rail, sea, or truck. The logistics of international shipping and the different requirements for international ports of entry required the onsite storage of materials at the Subject Property for a longer duration than domestic shipments. International shipments also often required inspectors to enter the Subject Property to inspect the shipments extending

the duration of onsite storage of the processed materials in truck trailers and containers.

8. In the case of either domestic or international shipments, truck trailers and containers would be loaded and stored onsite at the JECO facility until a truck driver was scheduled to retrieve the materials with a specific time slot booked with the appropriate shipping port or rail line. Given the continuous movement and coordination, truck trailers and containers were consistently stored onsite at the Subject Property and such truck trailers and containers constituted as integral and essential a part of JECO's operations as the metal processing itself. Indeed, no metal recycling operations would have been possible without the storage of these truck trailers and containers and this practice is consistent with industry standards for comparable metal processing operations nation-wide.

9. In 2009, Jack and Rose Engle's son, Alan Engle, acquired the Subject Property under his company, Alameda Engle Properties, LLC ("AEP"), to continue the family business.

**B. City Zoning Change and Legal Non-Conforming Use Status**

10. In 2015, the City of South Gate ("City") changed the zoning of the Subject Property from M3 (Heavy Manufacturing) to Industrial Flex ("IF").

11. At the same time, the City also included the Subject Property in the South Gate College District as indicated in the City's General Plan.

12. Consequently, when the property was appraised in 2015, a City representative from the City's Planning Department asserted the Subject Property was a storage yard in the IF zone of South Gate, but was a pre-existing, legal nonconforming or "grandfathered" use given the Subject Property's recent zone change from M3 to IF. ("Syn-Mar 2015 Appraisal Report," **Exhibit 3** at Page 19.)

13. This assertion was repeated in 2017, when another appraiser report indicated that a City representative asserted that "the subject as a storage yard in the industrial flex zone of South Gate is reportedly now a pre-existing, legal, non-conforming use ("grandfathered" use)." ("Syn-Mar 2017 Appraisal Report," **Exhibit 4** at Page17.)

### C. AEP Leases the Subject Property to Fleet Yards in Reliance on the LNCU Determination and City's Issuance and Assurances Regarding a Temporary Use Permit for the Subject Property

14. In March of 2020, at the height of the COVID-19 Pandemic, AEP ceased recycling and processing metal but continued to own and operate the Subject Property for truck trailer and container storage and delivery. While this change continued a primary use of the Subject Property for the purposes of the LNCU, the cessation of the metals recycling decreased the intensity of any environmental burdens associated with the Subject Property.

15. In early 2020, AEP leased the Subject Property to its current tenant, Fleet Yards.

16. In or around April 2020, the City (*via* then Director for Community Development, Joe Perez) and AEP began discussions regarding the City's goals for the Subject Property, wherein the City errantly required AEP and Fleet Yards to obtain a Temporary Use Permit ("TUP") for the Subject Property. The City's stated purpose for the TUP was to allow the City to explore ways to encourage the development of education facilities at or around the Subject Property.

17. In those discussions, the City made commitments to AEP and Fleet Yards, reiterated on numerous occasions, that the TUP would be extended annually and that the City would administer additional extensions in the future.

18. AEP and Fleet Yards reasonably relied on the City's representations regarding the TUP when making critical business decisions and investments in the Subject Property, including but not limited to the execution of a long-term lease agreement for Fleet Yards to continue to operate the truck trailer and container storage use onsite.

19. AEP engaged in these discussions with the City in good faith notwithstanding the fact that the long-standing uses of the site, including truck trailer and container storage, were vested LNCU under the law. Indeed, truck trailer and container storage at the Subject Property was not expressly discussed in relation to the TUP. The City did not address the LNCU issue at that time, nor did it suggest AEP or Fleet Yards pursue an appropriate entitlement, such as a Development Agreement ("DA") or Conditional Use Permit ("CUP").

20. On July 16, 2020, the City issued the TUP to Fleet Yards for its truck trailer use on the Subject Property, subject to six conditions:

(i) the approved temporary use for the site of 8530 Alameda Street is restricted to truck trailer storage *only*. No other outdoor storage is permitted including truck storage. No other use is permitted without the written authorization from the City;

(ii) the temporary use is approved for a term of one year, set to expire on July 16, 2021. A new application must be submitted at least thirty (30) days prior to the expiration date if an extension is desired. Additional one-year extensions will be considered for approval for up to a maximum period of 5 years from the original approval date of July 16, 2020. Additional extensions will be determined based on compliance with said conditions and written verification from the property owner that he/she/they/is/are in process of developing the land, selling the land and/or working with the Los Angeles Community College or a developer on a housing development project;

(iii) egress and ingress shall only be via Alameda street …. No other truck or trailers traveling to or from the site shall be allowed to drive upon any South Gate streets other than Alameda Street;

(iv) Operations shall be limited … as to the number, size and height of truck trailers that will be stored on site;

(v) any violations of these conditions or City Laws could result in the revocation of this Temporary Use Permit No. TUP2020-01; and

(vi) all conditions for a Temporary Use Permit No. TUP2020-01, shall be agreed to by the property owner in the form of a signed and notarized affidavit.

(" J. Perez's letter to D. Otting dated July 16, 2020," **Exhibit 5**.)

**D. The City Denies To Extend The TUP**

21. Despite the substantial disruptions to the City's administration caused by and during the COVID-19 pandemic and despite the assurances given to AEP and Fleet Yards during the TUP negotiations in 2020, Fleet Yard's July 11, 2022 TUP renewal request was

denied as untimely by Meredith Elguira, City Director of Community Development, successor to Joe Perez. ("M. Elguira letter to T. Newcomer dated December 20, 2022," **Exhibit 6**; "E.Martinez email to City dated December 23, 2022", **Exhibit 7**.)

22. The initial TUP revocation failed to consider the significant impacts on local businesses and timely government services resulting from and during the COVID-19 pandemic. On or around October 5, 2022, the City agreed to provide a one (1) year extension in order to provide AEP with enough time for [AEP] to go through [the City's] process. (*See* **Exhibit 7**.)

23. On December 20, 2022 however, the City abruptly changed course and denied the TUP extension for the storage of trucks and containers at the Subject Property on the grounds that the City erred in originally issuing the TUP and a new City assertion that the LNCU of truck and container storage at the Subject Property had been abandoned. Specifically, the City agued the TUP was only valid for one year, and a TUP extension could not be reissued because:

(i) that the City had erred in issuing the TUP because SGMC § 11.51.070(B)(4) restricts temporary use permits to a maximum of three consecutive days or ten working days in any calendar year, rendering the one-year duration unauthorized;

(ii) the business (Fleet Yards) failed to obtain the required business license;

(iii) Fleet Yards failed to submit a renewal application within the required time frame; and

(iv) under SGMC § 11.55.040, any prior nonconforming industrial use is deemed discontinued and cannot be resumed because the site was not used for such purposes for over two consecutive calendar years.

In conclusion, the City directed all truck trailer and container storage to be vacated and that the site be maintained as a vacant lot. (*See* **Exhibit 6**.)

24. On December 23, 2022, a representative for AEP and Fleet Yards contested the Director's decision and appealed the TUP denial. (*See* **Exhibit 7**.)

25. On January 12, 2023, the City Manager formally denied AEP's and Fleet Yard's request for an extension of the TUP and extending the appeal period to January 30, 2023. ("C.

Jeffers's TUP Denial Letter to D. Otting dated January 12, 2023," **Exhibit 8**.)

26. On January 26, 2023, AEP timely appealed the Director's denial of the TUP to the South Gate City Planning Commission ("CPC" or "Planning Commission"). (J. Engle Appeal Letter to C. Jeffers dated January 26, 2023," **Exhibit 9**.)

27. On or around April 27, 2023, prior to the hearing on the appeal, the City asserted the issue of LNCU was not related to the TUP extension and would not be considered as part of the TUP hearing. However, this is in direct contradiction to the City's December 20, 2022 correspondence wherein the TUP extension was denied, at least in part, based on the City's assertion that the LNCU had been abandoned.

28. AEP responded that same day, pointing out that:

(i) the LNCU issues were cited as a primary reason for the denial of the TUP extension;

(ii) that the LNCU of truck trailer and container storage had been legally established through decades of continuous operation;

(iii) that the TUP was only pursued and issued at the City's request and after assurances that the truck and trailer storage at the Subject Property would be allowed to continue;

(iv) that Fleet Yards had substantially complied with the TUP conditions and that any delay in renewal was due to COVID-19-related disruptions; and

(v) that the City's refusal to extend the TUP, issue zoning clearance, or acknowledge the LNCU contradicted prior City representations and misapplied the SGMC.

Accordingly, AEP requested that the City either formally recognize the truck trailer storage as a LNCU or, alternatively, reverse the Director's denial of the TUP extension. (AEP's Appeal of Director's Denial of TUP Extension dated April 27, 2023," **Exhibit 10**.)

29. On May 2, 2023, the CPC denied AEP's appeal of the Director's denial of the TUP extension in a close 3-2 decision. At the hearing, the City made numerous factual and legal misstatements regarding the LNCU of truck trailer and container storage at the Subject Property, including:

(i) that the LNCU was not "legally established";

(ii) that the LNCU doctrine was inapplicable because the operations "don't look like" the historic photos; and

(iii) that the SGMC requirements for the truck trailer and container storage applicable from approximately 1980 until 2015 were applicable to the Subject Property's operations, instead of the correct SGMC requirements from 1973 when truck trailer and container storage operations on the Subject Property legally commenced.

The misstatements and legal errors were not addressed or corrected by the City. (*See* Exhibit 10; "AEP's Appeal of CPC's Denial of TUP Extension dated May 16, 2023," **Exhibit 11**.)

30. Rather, instead of making a determination on the truck trailer and storage as a LNCU, the City instructed staff to work with AEP to find a solution. AEP, *via* its counsel, immediately conferred with the City to discuss a path forward for the LNCU at the Subject Property, continuing those conversations with the City Attorney's office and submitting evidence of truck trailer and container storage at the Subject Property dating back to the early 1970s.

31. On May 16, 2023, AEP timely appealed the CPC's determination in order to ensure exhaustion of its administrative remedies, but with the intent of continuing discussions with the City regarding the LNCU at the Subject Property. (*See* **Exhibit 11**.)

32. Also on May 16, 2023, the City asserted to the AEP that an appeal of the TUP decision to the City Council was "not available" notwithstanding the appeal provisions in the SGMC. ("M. Elguira's letter to A. Engle re Denial of Request by AEP for Extension of TUP dated May 16, 2023," **Exhibit 12**.)

33. In or around May 2023, AEP's appeal of the TUP extension to the City Council were stayed pending the City's determination regarding the Subject Property's LNCU.

**E. The City's Determination Regarding LNCU at the Subject Property**

34. On May 21, 2023 and in support of the discussions between the City and AEP surrounding the LNCU, AEP submitted a Public Records Act request (PRA) to the City to

gather evidence to demonstrate the longstanding LNCU at the property. The PRA requested records related to zoning, land use, and permitting for the Subject Property including:

(i) certificates of occupancy issued between 1970 and 2014;

(ii) zoning codes and maps in effect from 1973 through 2014;

(iii) administrative and discretionary permits issued through 2020;

(iv) documents and communications related to the 2015 zoning code amendments and the 2020 TUP; and

(v) correspondence between City officials and individuals or entities affiliated with the Subject Property.

("S. Atsbaha's Email to R. Larios re PRA Submittal dated May 21, 2023," **Exhibit 13**.)

35. On July 5, 2023, after numerous follow up inquiries and diligence by AEP's counsel, the City responded with certain documents responsive to the PRA request. As a result of the City's delays and lack of communication, AEP's counsel was not able to complete its legal arguments demonstrating the Subject Property's LNCU until August 17, 2023. (*See* **Exhibit 14**.)

36. On August 17, 2023, *via* its counsel, AEP requested a formal determination from the City that truck trailer and container storage at the Subject Property be recognized as a LNCU under the SGMC. In support of which, AEP asserted:

(i) The current use of the Subject Property for truck trailer and container storage had been ongoing since 1973 as an integral and necessary practice associated with the metal processing operations conducted by JECO.

(ii) No separate entitlement or CUP was required for truck and container storage as evidenced by the historic zoning code and SGMC provisions in place in 1973 that allowed such activities by right within the M-3 Heavy Manufacturing zone.

(iii) The City's own records, including Certificates of Occupancy and decades of business licenses identified metal manufacturing and outdoor storage, confirming that the use was legally established and did not require a CUP or any other entitlement under the

applicable version of the SGMC.

(iv) The City's historic practice did not require listing every component of a primary or by-right use on business permits until 1993, and the failure to separately list truck trailer and container storage did not negate its longstanding legality.

(v) The City had both direct and constructive notice of this use for decades, and was even a client of the Subject Property from 2002 until 2019.

(vi) The truck trailer and container storage at the Subject Property was not incidental, but rather essential to the core functions of the metal processing business at the Subject Property.

(vii) The storage of truck trailers and containers had never been abandoned or discontinued for the two-year period required to extinguish nonconforming rights under SGMC § 11.55.040, and that substantial documentary evidence—such as utility records, photographs, business licenses, and operational logs—confirmed this uninterrupted use.

(viii) Even assuming a change in certain operations, current activities by JECO and/or Fleet Yards were substantially similar to the historic use of the Subject Property and fall within the City's discretion to preserve or authorize minor, incidental modifications to existing LNCUs, as supported by SGMC § 11.55.030 and relevant case law.

("A. Fraijo Jr.'s Letter re Demonstration of Legal Nonconforming Use Letter to M. Elguira dated August 17, 2023," **Exhibit 15**.)

37. AEP requested to preserve truck trailer and container storage on the Property as a LNCU, or, in the alternative, have the City exercise its authority to continue allowing the use under its discretion to protect AEP's substantially similar or negligible expansions of historically permitted operations. (*See* **Exhibit 15**.)

38. On October 4, 2023, *via* counsel and again at the request of the City, AEP submitted proposed terms to the City Manager for a Development Agreement ("DA") to address the City's concerns regarding the use of the property, provide a framework for municipal oversight and future development, and resolve the City's erroneous 2020 requirement that Fleet

Yards obtain a TUP. ("Settlement Agreement Term Sheet to the City dated October 4, 2023," **Exhibit 16**.)

39. On November 3, 2023, despite the City's May 16, 2023 letter denying AEP the ability to appeal, the City advised that it now would allow AEP to appeal the CPC's May 2, 2023 denial determination for a TUP renewal. ("J. Eckart Letter to AEP re Denial of Extension of Temporary Use Permit dated November 3, 2023," **Exhibit 17**.)

40. On November 15, 2023, AEP submitted its "*Appeal & Determination of Legal Nonconforming Use*" to the City as requested. ("A. Fraijo Jr. Letter to Mayor P. Avalos re Request for Appeal and Determination of Legal Nonconforming Use dated November 15, 2023," **Exhibit 18**.)

41. On or around November 16, 2023, the City informed AEP's counsel that the City misplaced the appeal documents and accompanying check for the appeal fees. Despite the fact that it had already been timely submitted on November 15, 2023, on December 15, 2023, the City requested that the appeal and supporting documentation be re-submitted by December 18, 2023 to assist the City's determination regarding the LNCU of the truck trailer and container storage at the Subject Property. On December 18, 2023, the AEP complied with the City's request and re-submitted its appeal of the CPC's determination denial of the TUP renewal to the City ("J. Eckart letter to S. Atsbaha re Resubmittal of Appeal Packet and New Payment of Appeal Fees dated December 15, 2023," **Exhibit 19**.) On December 18, 2023, the AEP re-submitted its appeal of the CPC's determination denial of the TUP renewal to the City. ("Receipt re Somos Appeal Payment Fees to City dated December 18, 2023," **Exhibit 20**.)

42. On January 4, 2024 and pursuant to the City's request, AEP submitted supplemental documentation of the LNCU at the Subject Property. This supplemental documentation included:

(i) A comprehensive record of materials previously provided on April 27, May 16, August 17, and November 15, 2023, establishing that truck trailer and container storage had been a LNCU at the Subject Property since the early 1970s.

(ii) A timeline of operations by JECO and Fleet Yards, and description of all responsive City-issued business licenses, entitlements, and regulatory permits.

(iii) An explanation regarding AEP's inability to obtain an auxiliary business license due to the City's own requirement for a zoning clearance, which the City would not grant absent a determination on the LNCU issue.

(iv) Notation of the City's lack of response to the proposed DA terms submitted on October 4, 2023, which the AEP intended to address the City's concerns, provide for municipal oversight, establish a pathway for future development of the Property, and remedy the City's errant requirement for a TUP in 2020, and emphasis that while the prior City Manager declined to meet to discuss the DA, AEP remained willing to engage with the City's new leadership at the earliest opportunity to pursue a collaborative resolution.

("A. Fraijo Jr.'s letter to M. Elguira re Supplemental Documentation of Legal Nonconforming Use dated January 4, 2024," **Exhibit 21**.)

43. Between January and June of 2024, the City indicated that a settlement agreement regarding the future of the Subject Property may be possible. The City requested that AEP submit proposed terms for the agreement during conversations that occurred between counsel for the AEP and the City.

44. On June 19, 2024, *via* counsel and at the City's request, AEP proposed a settlement agreement in an attempt to resolve the outstanding determination regarding the LNCU. ("S. Atsbaha email to R. Salinas re Settlement Agreement Terms dated June 19, 2024," **Exhibit 22**.)

45. Based on multiple conversations with the City and at the City's request, AEP submitted several discussion proposals intended to correct the City's prior error in requiring a TUP for truck trailer storage at the Subject Property. These proposals included:

(i) draft terms for a potential DA;

(ii) market study to determine feasible future developments and alternate uses at the Subject Property;

(iii) identification of potential third-party partnerships consistent with the goals of the City's General Plan;

(iv) a medium-term phase-out of the existing use; and

(v) a proposed timeline with measurable milestones to guide redevelopment of the Subject Property and facilitate transition to an alternative use. The proposed timeline was modeled on the phase-out language included in the City's General Plan.

("S. Atsbaha letter to City regarding Proposed Solution Summary based on conversations with the City dated March 17, 2025," **Exhibit 23**.)

**F. AEP's Zone Change / General Plan Amendment Application**

46. On October 14, 2024, AEP submitted an Application for a Zone Change (ZC) and General Plan Amendment (GPA) for the property based on the recommendation of the City. ("S. Atsbaha email submittal re ZC and GPA to City Planning dated October 14, 2024," **Exhibit 24**; "ZC and GPA Application submitted to City dated October 14, 2024," **Exhibit 25**; "AEP's letter to R. Houston re Application for Zone Change and General Plan Amendment dated October 18, 2024," **Exhibit 26**.)

47. The GPA/ZC Application would have achieved the City's goals by adding text for structured phase-out, or alternatively reverting the Subject Property to its previous M3 designation until a viable use or development partner could be identified. (*See* **Exhibit 25**.)

48. Despite continued and numerous efforts by AEP's representatives and counsel, the City did not acknowledge its receipt of the GPA/ZC Application until January 2, 2025. ("AEP's outreach efforts to City regarding the ZC/GPA from October 18, 2024 to December 2, 2024," **Exhibit 27**.)

49. On January 21, 2025, the City determined the longstanding LNCU at the Subject Property to have been abandoned and can no longer be conducted at the Site. ("D. Crabtree's Letter to AEP re Director's Determination and Noncompliance Notification dated January 21, 2025," **Exhibit 28**.)

50. On or about January 23, 2025, AEP responded to the Director's determination

and noncompliance notification indicating its surprise to receive the letter in light of the City's indication that the delays to its consideration of the pending Development Agreement ("DA") and pending entitlement applications for a Zone Change ("ZC") and General Plan Amendment ("GPA") prepared and provided at the City's request. (A. Fraijo Jr.'s Letter to D. Crabtree re Director's Determination and Noncompliance Notification dated January 23, 2025," **Exhibit 29**.)

51. On January 28, 2025, the City requested additional information and noted that additional City departments were reviewing the ZC/GPA Amendment and provide additional comments. The City requested that the additional information be submitted by February 3, 2025, and, provided the project cleared departmental review, the matter could be scheduled for a public hearing before the Planning Commission on March 4, 2025. ("J. Signo's letter to S. Atsbaha regarding AEP's Request for Zone Change Designation from Industrial Flex (IF) to Heavy Manufacturing (M3) dated January 28,2025," **Exhibit 30**.)

52. On February 3, 2025, via counsel, AEP responded to the City's January 28, 2025 letter and submitted the additionally requested information, including:

(i) a check in the amount of $8,423;

(ii) an amended zoning map;

(iii) an amended general plan diagram;

(iv) a radius map (along with a physical copy *via* FedEx for arrival that day); and

(v) a Property Owners and Occupants List (also *via* FedEx to arrive that day).

("S. Atsbaha letter to J. Signo regarding AEP's Request for Zone Change Designation from Industrial Flex (IF) to Heavy Manufacturing (M3)," **Exhibit 31**.)

**G. City Planning Commission Resolutions 2025-04 and 2025-05**

53. On January 21, 2025, the City determined the longstanding LNCU at the Subject Property to have been abandoned. (*See* **Exhibit 28**.)

54. On February 6, 2025, AEP requested for an appeal of the Director's Determination and Noncompliance Notification to the CPC. AEP also requested that the City

consider alternative proposals and meet with AEP. The letter set forth multiple grounds for the appeal, including:

(i) the City's interpretation of the LNCU is inconsistent with the applicable code;

(ii) the Director's Determination does not comply with codified requirements;

(iii) the General Plan requires a gradual phase-out of existing uses to avoid vacancy, and the Determination raises both substantive and procedural due process concerns; and

(iv) the City failed to comply with the California Environmental Quality Act (CEQA).

("A. Fraijo Jr.'s letter to D. Crabtree regarding AEP's Request for Appeal of the Director's Determination and Noncompliance Notification dated February 6, 2025," **Exhibit 32**.)

55. On March 18, 2025, the City Planning Commission heard both AEP's appeal from the City Director's Determination and Noncompliance notification regarding the recycling/metal processing and truck trailer storage, as well as AEP's ZC/GPA Amendment request to change the zoning of 8530 Alameda Street from IF to M3 (heavy manufacturing) and remove subject property from the South Gate College District as shown in the community design element of the general plan.

56. On March 20, 2025, the City circulated City Planning Commission Resolution No. 2025-04 regarding the LNCU at the Subject Property, wherein the CPC's decision included:

(i) finding that "that the subject decision qualifies for a categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15321, (Class 21) 'Enforcement Actions by Regulatory Agencies,' in that the City is enforcing its municipal code"; and

(ii) upholding the decision of the Director of Community Development, and finding that "the legal, nonconforming use for metal processing and/or recycling activities at a property located at 8530 Alameda Street have been abandoned and can no longer be conducted at the Subject Property, and that the use of the Subject Property for truck trailer storage ('track storage/terminal') as a use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated."

("J. Eckart's Email to AEP regarding Resolutions No. 2025-04 and 2025-05," **Exhibit 33**); *(See* **Exhibit 1** at 3) (*Resolution No. 2025-04 - A Resolution Of The Planning Commission Of The City Of South Gate, State Of California, Denying An Appeal And Upholding The Director Of Community Development's Determination And Noncompliance Notification Regarding Recycling/Metal Processing And Truck Trailer Storage At 8530 Alameda Street, And Determining The Action Is Exempt From The California Environmental Quality Act*.)

57. Also on March 20, 2025, the City circulated City Planning Commission Resolution No. 2025-05 regarding AEP's ZC/GPA Application, wherein the CPC's decision included the recommendation "that the City Council deny the request to change the zoning of a property located at 8530 Alameda Street from IF to M3 and remove the Subject Property from the South Gate College District as shown in the Community Design Element of the General Plan. (*See* **Exhibit 31**; **Exhibit 2** at 2) (*Resolution No. 2025-05 - A Resolution Of The Planning Commission Of The City Of South Gate, State Of California, Recommending To The City Council Denial Of A Request To Change The Zoning Of A Property At 8530 Alameda Street From If (Industrial Flex) To M3 (Heavy Manufacturing) And Remove The Subject Property From The South Gate College District As Shown In The Community Design Element Of The General Plan*.)

58. Consistent with the SGMC, AEP timely appealed: (i) CPC Resolution 2025-04 regarding the LNCU at the Subject Property; (ii) CPC Resolution 2025-05 regarding AEP's ZC/GPA Application; and (iii) the City's denial of a TUP extension for the Subject Property.

## III. <u>ARGUMENTS</u>

By upholding the Director of Community Development's determination and noncompliance notification regarding AEP's recycling/metal processing and truck trailer storage at 8530 Alameda Street, the City acted in excess of its jurisdiction, prejudicially abused its discretion by failing to proceed in a manner required by law, and denied AEP a fair hearing, due process of law, and equal protection of the laws, in violation of the Fourteenth Amendment to the United States Constitution and Article I, section 7, of the California Constitution. The

City's decision was both procedurally and substantively prejudiced against AEP by a number of erroneous and incomplete factual and legal assertions leading to the City's decision to uphold the Director's determination that the LNCU for truck trailer and container storage at the Subject property had been abandoned. PC Res. 2025-04 would also result in an unconstitutional taking of AEP property and is in violation of the requirements of the California Environmental Quality Act ("CEQA"). Thus, the determinations of the Planning Commission and Director in PC Res. 2025-04 are in error, are not supported by reference to fact or applicable law, and should be reversed by the City Council.

### A. The Director's Determination And PC Res. 2025-04 Failed To Follow Applicable Provisions Of The SGMC And Are Arbitrary And Capricious Violations Of Constitutional Requirements Of Substantive And Procedural Due Process

AEP's rights to substantive and procedural due process are protected by the California Constitution. *See* Article I, section 7, of the California Constitution. Such protections prohibit the City's adjudication of land use issues in a manner which is arbitrary, capricious, or discriminatory. *See Bottini v. City of San Diego* (2018) 27 Cal. App. 5th 281 (substantive due process violations require conduct that is unreasonable, arbitrary, or capricious, and must have a real and substantial relation to the object sought to be attained); *Hobbs v. City of Pacific Grove* (2022) 85 Cal. App. 5th 311 (substantive due process protects against arbitrary government action and requires a rational relationship to a legitimate governmental interest). If a City fails to proceed in a manner required by law, the City's actions taken pursuant to such are, by definition, arbitrary, capricious, and/or discriminatory, and must be overturned. *See Topanga Assn. for a Scenic Community v. County of Los Angeles* (1974) 11 Cal. 3d 506 (invalidated a city's zoning variance because the planning commission failed to provide sufficient data to justify its decision, and emphasizing the need for adherence to legal standards in land use adjudications). Such constitutional protections prohibit the disparate treatment of one parcel, where said parcel is restricted and given lesser rights than the surrounding parcels. *See Ross v. City of Yorba Linda* (1991) 1 Cal. App. 4th 954 (overturning city action where a small parcel was restricted and given fewer rights than surrounding properties, holding such zoning to be

unreasonable and oppressive).

**1. The SGMC's Requirements**

SGMC Chapter 11.55 addresses *Nonconforming Uses and Buildings.* SGMC § 11.55.020 (*Applicability*) provides that "[t]he provisions of this chapter shall apply to all nonconforming buildings **or uses, including outdoor activities such as product storage or parking**" (emphasis added). SGMC § 11.55.030 provides, in relevant part

> M. Phasing of Compliance. **Partial conversions of properties or buildings to bring them into better compliance with this title are permitted and encouraged**. This applies to nonconforming **outdoor activities such as product storage or parking**. **When a portion of a property, building, or use is converted to bring it into conformance in phases, <u>the owner does not waive the right to maintain previously allowed uses of other parts of the building or property</u> under the conditions established in this chapter** (emphasis added).
>
> O. Interpretation of Existing Uses. For the purposes of this chapter, **an existing use of any part of a building or property will be assumed to be an existing use throughout that building or property, including outdoor activities** (emphasis added).

SGMC § 11.55.040.D (*Discontinuation/Abandonment Of A Nonconforming Use Or Structure*) provides that abandonment of an industrial nonconforming use or structure occurs when the use is wholly discontinued or abandoned **for a continuous period of <u>two calendar years</u>**.

> …The determination of discontinuance (*i.e.*, abandonment) **<u>shall</u> be supported by evidence**, satisfactory to the director, **and <u>shall</u>** include the following:
>
> 1. The **apparent <u>intent</u> of the owner to discontinue use of the nonconforming structure** is apparent [*sic*], as determined by the director.
>
> 2. Where **furnishings, equipment and other personal property associated with the use are absent**, and where lawful occupancy and/or use of the structure has been discontinued for two calendar years. **Evidence of a discontinuation of a nonconforming use <u>shall</u> include but not be limited to**: **(i) the absence of an active business license; the absence of an active State Board of Equalization permit; (ii) the absence of active electricity, gas and water service accounts; and (iii) the absence of an active waste collection account.**
>
> 3. If the previously conforming use has been discontinued for the purpose of repair, remodeling, or aesthetic improvements, the maintenance of an active building permit and continuance of a business license shall constitute conclusive evidence

> that such use has not been abandoned during the period of repair, remodeling, or aesthetic improvements; provided, that the work is conducted diligently to completion.

*See* SGMC § 11.55.040.D (emphasis added).

In order to establish that a use has been "wholly discontinued or abandoned" for the requisite two-year period per SGMC § 11.55.040.D., the Director is required to make specific findings, supported by evidence in the determination. That evidence should demonstrate "both [1] an intent to abandon and [2] 'an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use.'" *See Pallco Enterprises, Inc. v. Beam* (2005) 132 Cal.App.4th 1482, 1498) (quoting *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 569). Here, the City violated AEP's rights to substantive and procedural due process *via* the City's arbitrary and capricious disregard for its own municipal code and the fact that the City's findings that AEP discontinued and abandoned its LNCU at the Subject Property are wholly unsubstantiated by the record before the City.

**2. The SGMC does not permit the City to bifurcate different the LNCU into component parts in order to justify a finding of LNCU**

It is undisputed that AEP's use of the Subject Property for truck trailers and container storage has continued since the early 1970's. *See* Section II.A., *supra*. This has been documented at length in letters and materials submitted to the City, including on April 27, 2023, May 2, 2023, May 16, 2023, and August 17, 2023. *See* Sections II.B - E., *supra*.

Relevant to the issues here and the determination whether that LNCU has been abandoned, there is no language in the entirety of the SGMC, including Chapter 11.55's requisites for *Nonconforming Uses and Buildings*, that would permit the City Director to bifurcate the LNCU into component parts in order to justify a finding of abandonment. In fact, the SGMC unequivocally requires protection for **all parts** of an LNCU. The LNCU requisites protect "all nonconforming buildings **or uses, including outdoor activities such as product storage or parking**." *See* SGMC §§ 11.55.020 (Applicability), 11.55.030.M (Phasing of

Compliance), 11.55.030.O (Interpretation of Existing Uses) (emphasis added). This is reiterated in SGMC § 11.55.030.M's specific assertion that "[w]hen a portion of a property, building, or use is converted to bring it into conformance in phases, **the owner <u>does not waive</u> the right to maintain previously allowed uses of other parts of the building or property**…. (emphasis added)" And further clarified by SGMC § 11.55.030.O's assertion that "**an existing use of any part of a building or property will be assumed to be an existing use throughout that building or property**, including outdoor activities (emphasis added)."

As applied to AEP here, SGMC § 11.55.030.M. is plain: **when phasing out a LNCU, AEP does not waive the right to maintain previously allowed uses of the property, including outdoor activities such as storage or parking**. Separating the component parts of the LNCU is plainly contrary to the SGMC and is wholly inappropriate here. Indeed, such an interpretation would be contrary to applicable legal precedent as courts have found that a nonconforming use is **"not restricted to the identical use that was in existence at the time of the enactment of the zoning ordinance but embraces any use substantially the same or similar**," and certainly a use that had been in place consistently for over 50 years. *See Endara v. City of Culver* City (1956) 140 Cal.App.2d 33, 38 (emphasis added) (court allowed a change in nonconforming use when the property was originally designed and intended for manufacturing purposes, the premises had been continuously used for such purposes, there was no enlargement of the space devoted to the use, and no abandonment of a nonconforming use because the present use was substantially the same as it had been before the adoption of the zoning ordinance). Further, after diligent search and based on publicly available information, AEP is aware of no other instances where the City found that an LNCU had been abandoned simply because one element of the LNCU had ceased.

The City's attempt to bifurcate the LNCU into component parts to justify abandonment here is *ultra vires*, inconsistent with the plain reading the SGMC, the known practices of the City, and relevant legal precedent, and should be rejected.

### 3. The two-year period cited by the City is inaccurate and does not support the determination of abandonment

As described in Section II.C. – E. *supra*, the City required AEP to apply for and then issued a TUP supporting the ongoing operations at the Subject Property, assuring AEP that such a TUP would be continued. The TUP extension was formally denied on January 12, 2023, timely appealed on January 26, 2023, heard by the CPC on May 2, 2023, timely appealed by the AEP on May 16, 2023, and the issue was stayed by the City pending determination of the LNCU at the Subject Property until present. *See* Section II ¶¶ 25 – 33.

As no determination regarding the LNCU has yet been made and the TUP extension stayed through present, **the two-year period whereby "the use is wholly discontinued or abandoned for a continuous period" under the SGMC has not yet begun**. As such, the SGMC's prerequisites for determining that the abandonment of a LNCU have not been satisfied.

Notably, the requisite two-year period of abandonment referenced by the City Director on January 12, 2023 is equally defective. There, the City Director errantly includes the time when the TUP issued by the City and purportedly supporting AEP's operations was in effect as part of the requisite two-year period of discontinuance. Thus, even taking the City's depiction of the requisite two-year period as relevant (which, as explained immediately above, it is not given the City's own administrative actions staying the determination), it is clear that the then City Director effectively attempted to manufacture the requisite showing of two-years of abandonment in the January 12, 2023 rejection of the LNCU and denial of the TUP extension.

For these reasons, the City has failed to satisfy SGMC § 11.55.040.D.'s required showing that the abandonment of the LNCU at the Subject Property has been wholly discontinued or abandoned for a continuous period of two calendar years and the decision of the Planning Commission should be reversed.

**4. The City has failed to substantiate its determination of AEP's intent to abandon the LNCU and all evidence in the record before the City indicates the AEP neither intended nor did in fact abandon the LNCU**

The City has failed to substantiate its determination of AEP's intent to abandon the LNCU and all evidence in the record before the City indicates the AEP neither intended nor did in fact abandon the LNCU at the Subject Property. The "abandonment of a nonconforming use involves **both [1] an intent to abandon and [2] 'an overt act, or failure to act, which carries the implication the owner does not claim or retain any interest in the right to the nonconforming use**.'" *Pallco Enterprises, Inc. v. Beam* (2005) 132 Cal.App.4th 1482, 1498, emphasis added (quoting *Hansen Brothers Enterprises, Inc. v. Board of Supervisors* (1996) 12 Cal.4th 533, 569.) The court further reasoned that "mere cessation of use alone is not enough, 'although the duration of nonuse may be a factor in determining whether the nonconforming use has been abandoned.'" *Id.*

Here however, there is no evidence suggesting either AEP's intent to abandon the LNCU or an action demonstrating that AEP no longer retained an interest in maintaining the LNCU. *See* Section II.B – F, *supra*. In fact, the evidence that AEP submitted to the City clearly shows the exact opposite: that AEP intended to continue the LNCU at the Subject Property. *See id.* Specifically, AEP communicated directly to City that it intended to continue current operations until a viable alternative use or development partner was identified.

Further, on April 27, 2023 and August 17, 2023, per the evidence described in SGMC § 11.55.040.D.2., AEP provided photographs, utility records, historic licenses, business ledgers and comparable documentation demonstrating that the truck trailers and containers remained at the Subject Property, that the facilities to coordinate their storage was still located on the Subject Property, and that utility service to the Subject Property is and had been at all times present in order to continue the LNCU. *See* Section II.D – E., supra. In addition, AEP provided private tours of the Subject Property to City staff and elected officials as part of its ongoing good faith efforts to reach an equitable resolution for the reasonable continuation of the LNCU.

Because there is no evidence before the City satisfying the SGMC's requisite showing

of neither AEP's intent nor action implying the intent to abandon the LNCU, the City Council should reverse the recommendation of the Planning Commission in PC Res. 2025-04

**5. The City met none of its requisite evidentiary burdens under SGMC §11.55.040.D.2 in support of determination that AEP abandoned its LNCU**

Before a use or any part of a use can be terminated for abandonment or discontinuation, the Director must make substantiated findings that the use is "wholly discontinued or abandoned for a continuous period of two calendar years" and evidence supporting such a determination "**shall** include" the absence of "furnishings, equipment and other personal property…," as well as:

> (i) the absence of an active business license; [(i-a)] the absence of an active State Board of Equalization permit; (ii) the absence of active electricity, gas and water service accounts; **and** (iii) the absence of an active waste collection account.

SGMC § 11.55.040.D (emphasis added).

The required findings of SGMC § 11.55.040.D.2 were not made and are not supported by the administrative record before the City here. *See* Section II ¶¶ 21 - 27 (Community Development Director's determination contains none of the required findings), 56 (PC Res. 2025-04 refers to Determination as basis for decision). Indeed, the record here once again demonstrates the opposite. On April 27, 2023 and August 17, 2023, per the evidence described in SGMC § 11.55.040.D.2., AEP provided photographs, utility records, historic licenses, business ledgers and comparable documentation demonstrating that the truck trailers and containers remained at the Subject Property, that the facilities to coordinate their storage was still located on the Subject Property, and that utility service to the Subject Property is and had been at all times present in order to continue the LNCU. *See* Section II.B – F., *supra*.

Because the required findings of SGMC § 11.55.040.D.2 were not made and are not supported by the record before the City here, the Director's decision and PC Res. 2025-04's approval of same is an arbitrary and capricious government action in violation of its own regulations, the broader protections of the California Constitution, and should be reversed by the City Council.

### B. The City Violated AEP's Rights To Due Process And Deprived AEP Of A Fair And Impartial Adjudicatory Proceeding

Constitutional guarantees of due process of law govern the City's proceedings. *See Withrow v. Larkin* (1975) 421 U.S. 35, 46; *Morongo Band of Mission Indians v. State Water Resources Control Board* (2009) 45 Cal.4th 731,737. A violation of due process can be demonstrated by a showing of a situation, based on the totality of circumstances, "which experience teaches that the probability of actual bias on the part of the judge or decision-maker is too high to be constitutionally tolerable." *Withrow*, 421 U.S. at 47. The probability that a single decision maker is biased can be sufficient to warrant reversal of the adjudicatory decision. *See Woody's Group, Inc. v. City of Newport Beach* (2015) 233 Cal.App.4th 1012, 1021-1022. Unfortunately, and as generally described in Section II above, due process violations have pervaded the City's proceedings regarding AEP's LNCU.

#### 1. The City has abused its regulatory processes, demanding the AEP to pursue land use entitlements and regulatory fixes that the City then would not support in good faith or had no intention of approving

It is understood that land use rights are serious and fundamental to our national identities. Our governing bodies, municipalities and courts have long understood this, and protections of land use rights are codified in our laws and regulations. The abandonment of property rights is protected against by serious safeguards, codified here by the SGMC and by the laws and constitution of California and the United States for the benefit of all citizens. These concerns are not trivial or an issue to be treated as casually as the City has done here to date. Noone should lose a grandfathered property right where, as here, the City has repeatedly induced AEP to jeopardize its established LNCU status in the time-consuming and costly pursuit of land use entitlements only to have the City then decide it would not support such entitlements in good faith, or never had any intention of approving those entitlements in the first place.

Section III.A. above describes in detail the ways in which the City has failed to adhere to the requirements of the SGMC. Equally appalling, however, is the fact that the City's review

and adjudication of this matter has otherwise proceeded in an unfair and prejudicial manner. The City's ever-shifting requests, lack of response, weaponized uncertainty and conflicting requests kept AEP responding to directionless City requests for years and induced AEP's reliance and reasonable belief that the City was working in good faith to rectify its error in requiring the TUP and developing a long-term solution to gradually transition the LNCU at the Subject Property as directed by the CPC on May 2, 2023. For example,

(i) The City has refused to clarify the permitted uses in the IF zone within the South Gate College District, leaving the Subject Property's future uncertain and AEP without the ability to plan for its gradual transition. *See* Section III.C.1, *infra*. Unless the AEP has certainty as to what the City will allow the Subject Property to become, efforts to transition the Subject Property will be forever frustrated for lack of direction.

(ii) After demanding AEP apply for and secure a TUP in support of its operations at the Subject Property, the City asserts it was issued in an error and that the City failed to follow its own SGMC procedures, inducing reliance on the part of the AEP. *See* Section II ¶¶ 21 - 23.[1]

(iii) After City representatives demanded AEP submit a ZC/GPA Application (a time-consuming and costly undertaking), the City did not respond, acknowledge its receipt or seriously undertake its consideration. *See* Section II ¶¶ 46 - 48.

(iv) After City representatives demanded AEP submit proposed terms for a DA phasing out the current use (again, a time-consuming and costly undertaking), the City did not respond, acknowledge its receipt or seriously undertake its consideration. *See* Section II ¶ 38.

Furthermore, the City's delays and failures to provide documentation in response to

[1] This, despite the fact that options to unambiguously preserve the legal status of AEP's LNCU were available. For example, SGMC § 11.55.030.J allows for "alterations or expansions of a nonconforming industrial structure or use are permitted subject to the approval of the director through an administrative permit application" subject to five standards. The City never cited this as an option AEP could pursue, insisting instead that AEP pursue the TUP. Indeed, had the process under SGMC 11.55.030.J been offered to AEP instead of the City's erroneous insistence on the TUP and inducement of AEP to rely on same, the alleged abandonment of the LNCU would not be at issue today.

AEP's inquiries frustrated AEP's responses to and defenses against the City's actions. For example, AEP requested specific documents relating to the City's misstatements made during a May 2, 2024 Planning Commission hearing. *See* Section II ¶¶ 34-35. Despite this request and several inquiries about the City's allegations regarding changes to the SGMC, it took the City several months to respond. Even then, with its untimely production of documents, the City was unable to provide the majority of the documents AEP requested, including previous iterations of the code and older business licenses clearly in the City's possession. Specifically, the Director's Determination cites a 1988 change to the SGMC that required a Conditional Use Permit. While this information was specifically requested May 17, 2024, it was never provided by the City. The City's lack of diligence in responding to AEP's PRA request frustrated AEP's ability to demonstrate the LNCU at the Subject Property, as well as AEP's ability to effectively respond to the City's misstatements during the May 2, 2024 Planning Commission.

As such, the City abused its regulatory processes, demanding the AEP to pursue land use entitlements and regulatory fixes that the City then would not support in good faith or had no intention of approving, as evidenced by its lack of response and/or support for AEP's efforts to negotiate in good faith.

**2. The City allowed AEP insufficient time to respond to the arguments by the City Prosecutor at the March 18, 2025 Planning Commission Hearing**

During the March 18, 2025 Planning Commission hearing on the appeal of the City Director's Determination, the City Planning Commission did not provide AEP with an adequate opportunity to be heard when it provided AEP with three (3) minutes of rebuttal to the City Prosecutor's thirty (30) minute arguments. This imbalance of time allotted did not allow AEP adequate opportunity to rebut arguments presented by the City Attorney prior to the Planning Commission's decision, and is procedural error here.

**C. The City's Re-Zoning And Termination Of The LNCU For The Subject Property Are A *De Facto* Regulatory Taking**

The City's 2015 Zone Change and General Plan Amendment changed the zoning on of

the Subject Property from "M3" (Heavy Manufacturing) to "IF" (Industrial Flex), within Subarea 1 of the South Gate College District – a sub-district created by the 2015 General Plan Amendment. *See* Section II ¶¶ 10 - 11. The zone change was not immediately applied to the Subject Property given the LNCU present, but the City's discretionary action approving PC Res. 2025-04 would change that. *See* Section II ¶ 56. Moreover, the consequences of the City's approval of PC Res. 2025-04 stretch beyond the jurisdictional bounds of the City, as that decision will effectively island AEP property located in LA County immediately north of and contiguous with the Subject Property. *See* Section III.C.2, *supra*. In either case, the City's approval of PC Res. 2025-04 will result in an unconstitutional regulatory taking of AEP property without compensation.

**1. The application of the IF and South Gate College District Zones to the Subject Property severely curtail viable economic use of the Subject Property, resulting in an unconstitutional regulatory taking without just compensation**

Once applied to the Subject Property, the IF zoning and South Gate College District overlay will severely, if not completely, limit viable future uses of the Subject Property due to the Property's location, surrounding industrial land uses, and unique characteristics.

As is, the IF zone allows only a small range of uses, such as research and development facilities, mixed-use and residential uses. *See* SGMC § 11.22.060.A. (Industrial Flex zone (IF) "should incorporate light industrial development, research and development (R&D) integrated with office, and local- and regional-serving commercial"). When the South Gate College District is also applied, the potentially applicable uses are even further constrained. *See* South Gate General Plan 2035, Community Design Element at 105-106. In that subdistrict, the only uses permitted are civic/institutional facilities, open space, office/research and development and light industrial uses. *See id.* ("Allowable Place Types" table). Unlike the IF zone, single retail uses are discouraged. *See id*. at P.10. The subdistrict further suggests any use that is not affiliated with a community college district is precluded. *See id.* ("The South Gate College District is proposed to become a diverse, dense and vibrant area that contains a wide array of facilities such as classrooms, a library, public meeting spaces, parks and plazas, cultural

facilities and a hub for emerging green technology firms. The City envisions that educational, cultural and recreational facilities will be open to and shared with the residents of South Gate.") This overlapping zoning severely, if not completely, empties the pool of future potential uses for and occupants of Subject Property. Even the City has steadfastly refused to give clear guidance as to what uses are permitted on the Subject Property, in an apparent admission of the lack of potentially viable uses and users.

Even if such a unique potential occupant of the Subject Property is found however, they are not likely to be interested in the Subject Property as it will remain, into any foreseeable future, surrounded by industrial uses on three sides, including metal fabrication facilities, automotive repair yards, train tracks, warehouses, and similar uses. As such, the Subject Property's transition to a use consistent with the IF and South Gate College District zoning will have no appreciable benefit to the regional welfare given the surrounding industrial land uses that would remain.

Thus, the City's approval of PC Res. 2025-04 and immediate application of the IF and South Gate College District zoning to the Subject Property will constitute an impermissible form of "spot zoning," effectively depriving AEP of all feasible use, as well as being arbitrary, capricious, and unreasonable as it will bears no reasonable relationship to the regional welfare given the immediately surrounding industrial land uses and zoning that remain permitted by the City. This constitutes an unconstitutional regulatory taking of AEP property without compensation.

**2. PC Res. 2025-04 cuts off access to AEP property in LA County contiguous with the Subject Property, resulting in an unconstitutional regulatory taking without just compensation**

If approved, PC Res. 2025-04 would also "island" AEP property located in LA County, immediately north of and contiguous with the Subject Property, and which remains zoned industrial. *See* SGMC § 11.22.060, Figure 11.22-3 (*Zoning Location Map for the Industrial Flex (IF) Zone*). That AEP property is in the shape of a triangle, currently surrounded by train tracks, other industrial properties over which AEP has no rights of ingress or egress to the north,

and the Subject Property to the south. If PC Res. 2025-04 is approved, the Subject Property will effectively become an incompatible land use, resulting in a lack of effective access, islanding that property, and nullifying that property's properly zoned use pursuant to the rules and laws of Los Angeles County. This too, would constitute an unconstitutional regulatory taking of AEP property without compensation.

### D. The City Has Not Considered The Environmental Consequences Resulting From The Termination Of The Existing Land Use In Favor Of Alternative Land Uses Inconsistent With The Requirements Of CEQA

In issuing PC Res. 2025-04 and justifying its discretionary decision to uphold the City Director's Determination to remove the LNCU designation and apply the IF and South Gate College District zoning to the Subject Property, the Planning Commission asserted, in relevant part

> The Planning Commission hereby finds that **the subject decision qualifies for a categorical exemption** under the California Environmental Quality Act (CEQA) Guidelines Section 15321, (Class 21) 'Enforcement Actions by Regulatory Agencies,' in that the City is enforcing its municipal code.

PC Res. 2025-04 at 3.

In so finding, the City has failed to consider relevant exceptions to the Class 21 exemption described in Cal. Code Regs., title 14 ("CEQA Guidelines") § 15300.2 which would make this exemption inapplicable, including but not limited to potential cumulative impacts, unusual circumstances causing this decision to have a significant effect on the environment, and the fact that the project is located on a "Hazardous Waste Site" list compiled pursuant to CA. Gov't Code § 65962.5. At a minimum here, there is substantial evidence that the Hazardous Waste Sites exception to the Class 21 exemption applies, and thus the City cannot use the Class 21 categorical exemption from CEQA in support of its determination. *See* EnviroStor Database (Engle Northern Parcel, Rec. # 60000644, Firestone – Engle Southern Parcel, Rec # 70000165, last accessed April 5, 2025)); GeoTracker Database (Jack Engle Co (SL2049A1721, last accessed April 5, 2025)). The City's finding that its decision was exempt from CEQA *via* Class 21 is unsupported and flatly contradicted by substantial evidence in the administrative record.

Further, the environmental consequences of the City's discretionary action here are unpredictable and there is no evidence in the administrative record that reasonably foreseeable environmental impacts have been considered. For example, the forced application of zoning here will foster changes in land uses and new proposed construction and development on the site that will naturally have environmental impacts related to construction (*e.g.*, air quality, noise and vibration, traffic), regardless of the character of any new development. It is reasonably foreseeable that any such new development consistent with the IF zoning and South Gate College District Overlay will also have impacts related to land use and planning, traffic impacts (level of service impacts as well as impacts on the levels of service experienced by the surrounding communities), hazards and hazardous materials, and utilities and service systems.

The lack of applicable exemption requires the City to analyze the potential environmental impacts associated with its discretionary action here, disclose those impacts pursuant to the appropriate CEQA document (*e.g.*, negative declaration or environmental impact report), and then approve this decision supported by adequate findings based on substantial evidence in the administrative record. *See* CA. Pub. Res. Code §§ 21000, *et seq.*

**E. The City Director's Determination Makes For Poor Public Policy And Is Inconsistent With The SGMC's "Encouraged" Phasing Out Of LNCU Prescribed In SGMC And GP**

In addition to the legal deficiencies of the City Director's Determination as upheld by PC Res. 2025-04, the abrupt termination of the LNCU at the Subject Property is contrary to the "encouraged" gradual phasing out of legal nonconforming land uses in the SGMC and GP and makes for poor public policy.

SGMC § 11.55.030.M. (*Phasing of Compliance*) provides, in relevant part, that

> **Partial conversions of properties or buildings to bring them into better compliance with this title are permitted and encouraged**. This applies to nonconforming outdoor activities such as product storage or parking. When a portion of a property, building, or use is converted to bring it into conformance in phases, the owner does not waive the right to maintain previously allowed uses of other parts of the building or property under the conditions established in this chapter (emphasis added).

The SGMC § 11.22.060 (*Industrial Flex zone (IF)*) states in relevant part that "[t]he purpose of the industrial flex zone is to continue the industrial job base in the area, while allowing flexibility to incorporate a mix of uses and job options."

For its part, the South Gate General Plan 2035 states in relevant part that "[i]ndustrial and manufacturing uses should remain in the area but could be phased out as the college district expands." South Gate General Plan 2035, Community Design Element at 105-106 (South Gate College District, P.6); *see also id.* at 99 (Objective CD 8.4, P.3 ("Existing, non-conforming industrial uses should be phased out during the course of the General Plan"). The General Plan explains that this subdistrict was designed to be a redevelopment in partnership with local community college districts, only to be executed after the City prepared a Specific Plan or Precise Plan together with a community college partner. *See id.* at 106 (P.2). The purpose of this Specific Plan/Precise Plan was to identify viable alternative uses on the Property prior to phasing out the existing use. *See id.* at 106 (P.6). The City has had 10 years to initiate preliminary planning stages. *See id.* (current South Gate General Plan applicable until 2035). However, to date, the City has prepared no such plan.

As noted in Section II.C.1, the IF zone allows a small range of uses, which are then severely limited further by the South Gate College District designation. Given the development constraints place on the Subject Property by the IF zoning and the South Gate College District, the GP and SGMC policies encouraging the gradual phasing out of legal, nonconforming uses once viable alternatives make intuitive sense: vacant property is not in the interests of the City, its constituents, or the local businesses and community at large. As noted above, both the SGMC and the General Plan specifically allow and encourage the gradual phasing out of noncompatible existing uses as future uses become viable. *See id.* at 106 (P.6). The General Plan anticipates the phasing out of the existing uses consistent with the course of the current General Plan, which terminates in 2035. *See id.* (current South Gate General Plan applicable until 2035).

Here however, by refusing to negotiate a gradual and phased transition of the Subject

Property and inappropriately demanding the LNCU immediately cease, the City acts inconsistently with the SGMC and General Plan. Given the limited opportunities for development and/or new tenants consistent with both the General Plan and South Gate College District, if the City Council upholds the PC Res. 2025-04, the Subject Property will be left vacant, idle and unproductive, depriving the City of part of its tax base and resulting in an unconstitutional regulatory taking without just compensation. *See* discussion at Section III.C., *supra*. Such an outcome is unnecessary, would make for poor public policy, and should be reversed by the City Council.

## IV. CONCLUSION

In conclusion, the determinations of the City Director and Planning Commission in PC Res. 2025-04 are in error and are not supported by reference to fact or applicable law. In making these decisions, the City violated AEP's rights to substantive and procedural due process via the City's arbitrary and capricious disregard for its own municipal code and the fact that the City's findings that AEP discontinued and abandoned its LNCU at the Subject Property are wholly unsubstantiated by the record before the City. Furthermore, the City's approval of PC Res. 2025-04 and immediate application of the IF and South Gate College District zoning to the Subject Property will constitute an unconstitutional regulatory taking of AEP property without compensation and are in violation of CEQA.

For the reasons set forth above, PC Res. 2025-04 should be reversed by the City Council and the CPC's determination that the LNCU has been abandoned should be denied and set aside.

Dated: April 8, 2025

SOMOS LAW GROUP

*/s/ Ian M. Forrest*

By:_____

Ian M. Forrest, Esq.
Attorneys for Appellant, Alameda Engle Properties, LLC

**EXHIBIT 1**

**RESOLUTION NO. 2025-04**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, DENYING AN APPEAL AND UPHOLDING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DETERMINATION AND NONCOMPLIANCE NOTIFICATION REGARDING RECYCLING/METAL PROCESSING AND TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS,** on January 21, 2025, the Director of Community Development issued a Determination and Noncompliance Notification indicating that the legal, nonconforming use for a metal processing and/or recycling activities at a property located at 8530 Alameda Street ("Subject Property") has been abandoned/discontinued and can no longer be conducted, and that the use of the Subject Property for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated; and

**WHEREAS,** on February 6, 2025, Somos Law Group ("Somos"), on behalf of the property owner-appellant, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), timely submitted an appeal of the Director's Determination and Noncompliance Notification for the Subject Property. The Appellant requested to allow for the continued use of truck trailer and container storage facility at 8530 Alameda Street, a use which is prohibited at that location by the South Gate Municipal Code ("SGMC"); and

**WHEREAS,** the Appellant challenges the Director's Determination on the following grounds:

1. The Director's Determination is unsupported by the South Gate Municipal Code ("SGMC") in the following manners:
    a. The Director improperly differentiated ancillary from primary uses;
    b. The immediate termination of an existing use is inconsistent with the SGMC and the General Plan; and,
    c. The Director's Determination violates codified procedural requirements;
2. The City's management of the legal nonconforming use gives rise to substantive and procedural due process concerns;
3. Termination of the legal nonconforming use is a *de facto* regulatory taking; and,
4. The City's failure to comply with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq.

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on February 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission conducted the public hearing on this matter on March 18, 2025.

**WHEREAS,** the Planning Commission, after conducting the public hearing and having considered all testimony and other evidence submitted in connection therewith, makes the following findings:

1. The Subject Property had been used by Alameda Engle Properties, LLC ("AEP") and/or Jack Engel & Company ("JECO") from approximately 1973 through March 2020 for recycling/metal processing activities. Although the main metal processing occurred within a building or structure located on the Subject Property, it also included the use of trucks to take metal to the Subject Property for processing, and to disburse the processed metal thereafter – which necessitated said trucks being parked and/or temporarily stored at the Subject Property for these uses.

2. In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities – thereby making the recycling/metal processing use at the Subject Property legal, nonconforming.

3. On or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the South Gate Zoning Code and changed the zoning designation of the Subject Property to Industrial Flex ("IF") Zone – thereby further making the recycling/metal processing use at the Subject Property legal, nonconforming.

4. In or around March 2020, the owner of the Subject Property, AEP, voluntarily demolished the structure that was used for the recycling/metal processing activities, and all other activities associated with the recycling/metal processing use ceased at that time.

5. In or around March 2020, Fleet Yards, Inc. ("Fleet") commenced utilizing the Subject Property for the storage of truck trailers and/or containers as a principal use not related to any recycling/metal processing activities.

6. In July 2020, Fleet was issued Temporary Use Permit TUP 2020-01 by the City authorizing the use of the Subject Property for "truck storage for a one-year period of time with possible extensions up to a maximum of five years from the date of approval." TUP 2020-01 expired on July 16, 2021 – without a request from Fleet to renew.

7. Notwithstanding an untimely request by Fleet to renew TUP 2020-01, South Gate Municipal Code Section 11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar year.

8. Pursuant to SGMC 11.55.040(D), any industrial nonconforming use or structure that is wholly discontinued or abandoned for a continuous period of two calendar years loses its legal, nonconforming status, and all subsequent uses of the property shall conform to current provisions of the South Gate Zoning Code.

9. The Director sufficiently considered the factors set forth in SGMC 11.55.040(D) in the determination that the recycling/metal processing use at the Subject Property had been discontinued and/or abandoned for a continuous period of at least two calendar years,

and that any use of the Subject Property must adhere to the current Zoning Code.

10. Notwithstanding the Director's Determination, the Planning Commission has considered all factors set forth in SGMC 11.55.040(D) and all other evidence submitted in connection with this public hearing, and concurs that the recycling/metal processing use had been discontinued and/or abandoned for a continuous period of at least two calendar years, and that any use of the Subject Property must adhere to the current Zoning Code.

11. The Planning Commission concurs with the Director's Determination, and independently determines, that the current use of the Subject Property for truck trailer storage unrelated to recycling or metal processing activities is not a legal nonconforming use, and, therefore, is not subject to the provisions of SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

12. The current use of the Subject Property for the storage of trucks, truck-trailers, and/or storage containers is considered a "truck storage/terminal" as that term is defined by SGMC §11.60.230 to mean "indoor or outdoor site for freight, truck terminals, truck storage yards, or similar commercial facilities."

13. "Truck storage/terminal" use is not authorized or allowed by the SGMC on any land within the Industrial Flex (IF) zone, of which the Subject Property is a part.

14. The use of the Subject Property as a truck storage/terminal must immediately cease.

15. The Planning Commission rejects the Appellant's contentions that the Appellant's due process rights have been violated or that the termination of the right to continue a legal, nonconforming use that has been abandoned or discontinued constitutes an illegal regulatory taking.

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

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

**SECTION 2.** The Planning Commission hereby finds that the subject decision qualifies for a categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15321, (Class 21) "Enforcement Actions by Regulatory Agencies," in that the City is enforcing its municipal code.

**SECTION 3.** The Planning Commission of the City of South Gate, pursuant to the facts noted above, does hereby uphold the decision of the Director of Community Development, and independently finds, that the legal, nonconforming use for metal processing and/or recycling activities at a property located at 8530 Alameda Street have been abandoned and can no longer be conducted at the Subject Property, and that the use of the Subject Property for truck trailer storage ("truck storage/terminal") as a use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

This action was adopted by the following vote at the Planning Commission meeting of March 18, 2025.

**AYES:** Prieto, Ruiz, Ozaeta

**NOES:**

**ABSENT:** Laborin

**APPROVED and ADOPTED** this 18th of March 2025.

John F. Signo, AICP
Planning Manager

**APPROVED:**

Jimmy Ozaeta
Chairperson
City Planning Commission

**EXHIBIT 2**

**RESOLUTION NO. 2025-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL DENIAL OF A REQUEST TO CHANGE THE ZONING OF A PROPERTY AT 8530 ALAMEDA STREET FROM IF (INDUSTRIAL FLEX) TO M3 (HEAVY MANUFACTURING) AND REMOVE THE SUBJECT PROPERTY FROM THE SOUTH GATE COLLEGE DISTRICT AS SHOWN IN THE COMMUNITY DESIGN ELEMENT OF THE GENERAL PLAN**

**WHEREAS,** the applicant, Somos Law Group, on behalf of the property owner, Alameda Engle Properties, LLC (represented by Jason Engle), submitted an application for a Zone Change and General Plan Amendment for a property located at 8530 Alameda Street ("Subject Property"). The applicant requested a zone change and General Plan Amendment to change the zone from IF (Industrial Flex) to M3 (Heavy Manufacturing) and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on February 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission conducted the public hearing on this matter on March 18, 2025.

**WHEREAS,** the Planning Commission made the following findings:

1. In 2015, the City rezoned the Subject Property from M3 to IF to accommodate future growth of East Los Angeles Community College (ELACC) within the South Gate College District as described in the Community Design Element of the City's General Plan. ELACC anticipates a largely expanded campus complex that would include adaptive reuse of nearby industrial facilities along Firestone Boulevard. Changing the zone to M3 would be contrary to the vision and policies of the General Plan.

2. The Subject Property is located in the northwestern corner of the City in the IF zone, and changing the zoning and removing the Subject Property from the South Gate College District as shown in the Community Design Element of the General Plan would constitute "spot zoning," which is contrary to the vision and policies of the General Plan.

3. The legal, nonconforming use of the Subject Property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities – has been determined to be abandoned and can no longer be conducted at the Subject Property unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies). The City desires a land use compatible with the purpose and intent of the IF zoning district.

4. The IF zoning district allows for certain residential uses to be developed, and changing the zoning to M3 would preclude potential new housing development, which is contrary to the City's Housing Element and the Statewide regional housing needs.

5. Changing the zoning district to M3 would preclude a number of recreational, educational, public assembly, parks, plazas, and open space uses from being developed on the Subject Property.

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

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

**SECTION 2.** The Planning Commission's recommendation to the City Council on amendments to the Zoning Map and General Plan is not subject to California Environmental Quality Act (CEQA) review because it is not an "approval" as defined in California Code of Regulations, Title 14, Section 15352, but rather a recommendation, and therefore does not commit the City to any definite course of action regarding the Zoning Code Amendment and General Plan. Furthermore, CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

**SECTION 3.** The Planning Commission hereby recommends that the City Council deny the request to change the zoning of a property located at 8530 Alameda Street from IF to M3 and remove the Subject Property from the South Gate College District as shown in the Community Design Element of the General Plan.

This action was adopted by the following vote at the Planning Commission meeting of March 18, 2025.

**AYES:** Prieto, Ruiz, Ozaeta

**NOES:**

**ABSENT:** Laborin

**APPROVED and ADOPTED** this 18th of March, 2025.

John F. Signo, AICP
Planning Manager

**APPROVED:**

Jimmy Ozaeta
Chairperson
City Planning Commission

AS13772.0860893 4923-2538-6533v1

**EXHIBIT 3**

# Zoning

| LAND USE CONTROLS | |
|---|---|
| **Zoning Code:** | Industrial Flex (APN 6202-036-003) & M2 - Heavy Manufacturing (APN 6202-036-004) |
| **Zoning Description:** | These zonings provide for many industrial uses, among certain other uses. |
| **Current Use Legally Conforming:** | The subject is a pre-existing legal, non-conforming use. See comments. |
| **Zoning Change Likely:** | A zoning change is unlikely. |

**Comments:**

APN 6202-036-003, which is located in the City of South Gate, is zoned Industrial Flex. According to a representative with the City of South Gate planning department, the subject's zoning was recently changed to this from M2. APN 6202-036-004, which is located in unincorporated Los Angeles County area, is zoned M2 – Heavy Manufacturing. The subject as a storage yard in the Industrial Flex zone of South Gate is reportedly now a pre-existing, legal, non-conforming use ("grandfathered" use), while the subject as a storage yard in the M2 – Heavy Manufacturing zone of unincorporated Los Angeles County appears to be a permitted use.

According to South Gate's online municipal code,

″ **11.36.050 Removal of nonconforming buildings or structures.**
If any nonconforming building is removed or destroyed, any new structures built on the land on which the nonconforming building was located shall conform to the provisions of this title. Destruction for this purpose is defined as damage to the extent of more than fifty (50%) percent of the replacement cost at the time of destruction. Where any nonconforming building or structure is damaged or partially destroyed by fire, explosion, other casualty or natural disaster, the same may be restored to the condition in which it existed immediately prior to the occurrence of such casualty. The restoration may not result in any greater degree of nonconformity than previously existed. The reconstruction shall meet all current requirements of the Uniform Building Code as adopted by the city of South Gate and shall be completed within one (1) year of the disaster.
(Ord. 1747 § 1 (part), 8-25-87)″

The subject property has adequate room to meet the current parking requirements from South Gate and Los Angeles County, respectively.

**EXHIBIT 4**

# ZONING

## LAND USE CONTROLS

| | |
|---|---|
| **Zoning Code:** | Industrial Flex (APN 6202-036-003) & M2 - Heavy Manufacturing (APN 6202-036-004) |
| **Zoning Description:** | These zonings provide for many industrial uses, among certain other uses. |
| **Current Use Legally Conforming:** | The subject is a pre-existing legal, non-conforming use. See comments. |
| **Zoning Change Likely:** | A zoning change is unlikely. |

**Comments:**
APN 6202-036-003, which is located in the City of South Gate, is zoned Industrial Flex. APN 6202-036-004, which is located in unincorporated Los Angeles County area, is zoned M2 – Heavy Manufacturing. The subject as a storage yard in the Industrial Flex zone of South Gate is reportedly now a pre-existing, legal, non-conforming use ("grandfathered" use), while the subject as a storage yard in the M2 – Heavy Manufacturing zone of unincorporated Los Angeles County appears to be a permitted use.

According to South Gate's online municipal code:

*"11.36.050* **Removal of nonconforming buildings or structures.**
If any nonconforming building is removed or destroyed, any new structures built on the land on which the nonconforming building was located shall conform to the provisions of this title. Destruction for this purpose is defined as damage to the extent of more than fifty (50%) percent of the replacement cost at the time of destruction. Where any nonconforming building or structure is damaged or partially destroyed by fire, explosion, other casualty or natural disaster, the same may be restored to the condition in which it existed immediately prior to the occurrence of such casualty. The restoration may not result in any greater degree of nonconformity than previously existed. The reconstruction shall meet all current requirements of the Uniform Building Code as adopted by the city of South Gate and shall be completed within one (1) year of the disaster.(Ord. 1747 § 1 (part), 8-25-87)."

The subject property has adequate room to meet the current parking requirements from South Gate and Los Angeles County, respectively.

**EXHIBIT 5**

City of South Gate
8650 California Avenue
South Gate, Ca 90280
Phone: (323) 563-9526

**Planning Division**

July 16, 2020

Daniel Otting
Fleet Yards Inc.
893 West 16th Street
Newport Beach, CA 92663

[via email: dan@fleetyardsinc.com]

**Re: Temporary Use Permit No. TUP2020-01 8530 Alameda Street (APN: 6202-036-003)**

Dear Mr. Otting,

The City South Gate has received your temporary use permit application to permit the use of truck trailer storage for a one year period with possible one year extensions up to a maximum period of five years from the date of approval, at 8530 Alameda Street. The proposed project has been reviewed and it has been **approved subject to the following conditions:**

***Conditions of Approval***

1. The approved temporary use for the site of 8530 Alameda Street is restricted to truck trailer storage *only*. No other outdoor storage is permitted including truck storage. No other use is permitted without the written authorization from the City.
2. The temporary use is approved for a term of one year, set to expire on July 16, 2021. A new application must be submitted at least thirty **(30) days prior** to the expiration date if an extension is desired. Additional one-year extensions will be considered for approval for up to a maximum period of 5 years from the original approval date of July 16, 2020. Additional extensions will be determined based on compliance with said conditions and written verification from the property owner that he/she/they/ is/are in process of developing the land, selling the land and/or working with Los Angeles Community College or a developer on a housing development project.
3. Egress and ingress shall only be via Alameda Street as reflected in Attachment A. No truck or trailers traveling to or from the site shall be allowed to drive upon any South Gate streets other than Alameda Street.
4. Operations shall be limited to those described in Attachment B as to the number, size and height of truck trailers that will be stored on site.
5. Any violations of these conditions or City Laws could result in the revocation of this Temporary Use Permit No. TUP2020-01.
6. All conditions for a Temporary Use Permit No. TUP2020-01,shall be agreed to by the property owner in the form of a signed and notarized affidavit.

Joe Perez
Community Development Director
City of South Gate

Attachments: A. Site Plan
B. Operation Plan

Map should be updated to clarify the area covered by the permitted use permit (8530) and separately show the access point across 8440. The current map makes it appear as if the entire track is 8440, when the red shaded area also includes 8530.

# ATTACHMENT A

# Attachment B

# ADDENDUM: Description of Operation

**CITY OF SOUTH GATE**

**LAND USE ADMINISTRATIVE PERMIT APPLICATION**
**- TEMPORARY USE PERMIT**

**Property:** 8440 S Alameda St., Los Angeles, CA 90001
**APN:** 6202-036-003

Need do change to the correct address and correct APN: 8530 Alameda Street

**Applicant:** Dan Otting
**Mailing Address:** 893 W 16th Street, Newport Beach, CA 92663
**Phone:** 949-246-6000

## Description of Proposed Operation:

**Summary:**
Short- Term Truck Trailer Storage.

8530 Alameda Street

**Detailed:**
The property at 8440 S Alameda St. is approx. 9.7 acres (423,000 sq ft) in total, but 6.7 acres are a part of South Gate proper.

On the 3 acres in South Gate, approximately **125 trailers** will be parked for short- -term storage. Standard commercial trailers are either **40', 48', or 53' long** (usually 53'), **13'6" tall**, and **8' wide**. Please note that while we are proposing to use the entire property (9.7 acres) for storage, the 3 acres within South Gate proper will *only* be used for trailer storage, with no trucks being stored on that part of the yard.

The full yard will be active **24 hours a day, 7 days a week**, but most of the traffic (>90%) will be between the hours of **6:00 AM and 8:00 PM** each day.

For the entirety of the 9.7 acre property, we expect to see **up to 50-75 trucks and trailers** enter and exit the yard each business day.

6.7 acres

6.7 acres

**EXHIBIT 6**

| | |
|---|---|
| **From:** | Efren Martinez |
| **To:** | Meredith Elguira; cjeffers@sogate.org; ghurtado@sogate.org; mdavila@sogate.org |
| **Cc:** | tommy@fleetyardsinc.com; dan@fleetyardsinc.com; jasonbengle@outlook.com; alamedaprop@outlook.com; Yalini Siva |
| **Subject:** | Re: 8530 Alameda Street Temporary Use Permit |
| **Date:** | Friday, December 23, 2022 4:43:57 PM |
| **Attachments:** | image003.png<br>Untitled attachment 00049.htm<br>8530 Alameda TUP.pdf<br>Untitled attachment 00052.htm<br>TUP2020-01_Approval_8530 Alameda FINAL.pdf<br>Untitled attachment 00055.htm<br>Affidavit Use Permit.pdf<br>Untitled attachment 00058.htm |

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**City Manager and Councilmembers please see email below addressed to your Staff:**

Meredith,

With all due respect, we disagree with you email.

We were completely blindsided by your email and letter that contained misleading and swayed information.

We have been working with your office and had several conference calls and email communication with you and your staff regarding you deliberately denying our current FIVE (5) years agreement with the City of South Gate. This agreement took place before you were employed with the City of South Gate. You took it upon yourself to open, review, judge and cancel our fully operational agreement with the City. During our calls you continuously informed us that you strongly disagreed with how and why this agreement was done with us in the first-place. I consistently informed you that you cannot just go back on our current agreement just because you personally did not agree, and you disagreed with us and brought up that you could because you had a loophole stating that we were late in filing a particular form earlier this year and per your loophole this violated our conditions. Earlier this year you denied our yearly submitted form that according to our agreement it must be submitted yearly, 30 days prior to the anniversary date of the agreement because it was late and you state that is the reason that you are revoking our entire legal agreement. You then came-up with other excuses for which we have been able to rebuttal and prove otherwise. You also refused to accept and understand that Covid has played a major role on all sorts of delays to include in government and the financial impacts towards our loans, leasing or selling the property or even getting a developer to fully develop the property which we have committed with the City of South Gate to be one of our options.

I personally requested to sit with you and your staff to further discuss our disagreements before going in any other direction and to see if we can answer any of your questions and/or concerns but due to your COVID policies we agree to meeting online and on conference calls. After our conference calls we sent you numerous documents and historical background with supporting documentation such as previous emails, draft agreements to and from the city staff that led up to our current five(5) year agreement with the city. After all of that information was provided to you, you stated that you would consider giving us a one (1) year extension, we disagreed and stated that we have a five(5) year agreement and that we cannot settle for one year. At our last conference call on October 5th, 2022 at 9am with the following individuals on the call: tommy@fleetyardsinc.com, melguira@sogate.org, ysiva@sogate.org, jasonbengle@outlook.com, dan@fleetyardsinc.com you informed us ALL and even stated that you wanted to make it very clear that you concluded that because you Disagreed with our current City Agreement, that the only thing you were going to do was to provide us with a one(1) year extension in order to provide us with enough time for us go thru YOUR process "the way it should have been done in the first place" according to your standards.

Upon the end of our conference call with you on October 5th, it was concluded that you were officially informing us that you were giving us one year to go thru your process and that we had the right to appeal your decision with the Planning Commission or the City Council. In conclusion that is why the email that you just sent on December 20, 2022 which states that you are giving us 10 days to Cease-ALL-Operations at our property literally during the holidays and exactly 11 days before the new year is completely contradicting to what you informed all parties on

October 5, 2022's conference call which was to provide us with an one(1) year extension.

We believe your actions and decisions are reckless and inconsistent with the City of South Gate motto and tradition of being Business Friendly and working/partnering with the business community for the betterment and wellbeing of its residents. Your decision will have catastrophic results to our livelihood and those of our vendors and employees which most live in the local area.

Due to us being targeted and discriminated by you, please consider this email as our official complaint and appeal of your decision. I am also respectfully requesting from you to help us set-up and coordinate a meeting with the City Manager and/or City Council to discuss and resolve this matter. In the meantime, I also respectfully request that "your request of us Stoping all operations at our property" be put on hold so that we may continue to operate until we have a final determination by the City Manager and City Council regarding our matter.

Thank you and hope to hear from City Manager and/or City Council in order to resolve matters.

Efren Martinez, Jr.
323-646-2405

On Dec 20, 2022, at 7:02 PM, Meredith Elguira <melguira@sogate.org> wrote:

Hello Efren,

We are following up on your request for extension of the Temporary Use Permit (TUP) issued in July 2020 for the subject property. We have not heard back from regarding your plans moving forward. Per our discussion, we are unable to grant your request for extension due to non-compliance with the conditions of approval and more importantly, TUPs are issued for temporary use only for a maximum time of 10 working days. Please see the attached letter for further clarification. Please do not hesitate to contact me if you have any questions, the best way to reach me is through email.

Best regards,

**EXHIBIT 7**

**Planning Division**
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9565
www.cityofsouthgate.org

December 20, 2022

Tommy Newcomer
Fleetyards, Inc.
*tommy@fleetyardsinc.com; dan@fleetyardsinc.com; jasonbengle@outlook.com; alamedaprop@outlook.com; efrenm24@gmail.com*

***sent via email only***

Subject: 8530 Alameda Street (APN: 6202-036-003)

Mr. Newcomer, et al.:

Based on previous discussions and emails regarding the overall usage of the subject property at 8530 Alameda Street located in the City of South Gate, the Planning Division is not able to further process a Temporary Use Permit (TUP) for the storage of trucks/containers at the subject property. Although previous Community Development Department staff provided an approval for a TUP to permit the use of truck trailer storage (TUP 2020-01), this approval was granted for one year only. This TUP also included conditions of approval, which have since not been complied with.

A business license, pursuant to South Gate Municipal Code (SGMC) Chapter 2.10, was never applied for and obtained by the subject business to store trucks and containers at the subject property. Condition of Approval No. 2, listed within the approval of TUP 2020-01, required that the applicant submit for a new application "at least thirty (30) days prior to the expiration date...". TUP 2020-01 was approved for one (1) year, thereby expiring on July 16, 2021. Planning staff received an email regarding a new TUP on July 11, 2022.

Pursuant to SGMC Section 11.51.070 (B)(4) Temporary Use Permits: "Limits on the maximum duration will be specified in the permit, and shall not exceed three days in a row, or ten working days in any calendar year." The approval for TUP 2020-01 was granted in error, as the above mandatory approval condition would not allow for a temporary use to be permitted for longer than ten working days.

Lastly, the previous land use that was permitted at the subject site can no longer be re-activated as the SGMC Section 11.55.040, regarding discontinuation of nonconforming uses, allows industrial uses to be continued only if a land use is continued within two consecutive calendar years. Due to non-compliance, the Planning Division is requiring that the property be maintained as a vacant property and all truck trailer storage is to be vacated. Please let me know if you have any questions, the best way to reach me is through email at melguira@sogate.org.

Sincerely,

Meredith T. Elguira
Community Development Director

Attachments: TUP 2020-01 Approval, dated July 16, 2020
Affidavit Use Permit

| | |
|---|---|
| **From:** | Meredith Elguira |
| **To:** | tommy@fleetyardsinc.com; dan@fleetyardsinc.com; jasonbengle@outlook.com; alamedaprop@outlook.com; efrenm24@gmail.com |
| **Cc:** | Yalini Siva |
| **Subject:** | 8530 Alameda Street Temporary Use Permit |
| **Date:** | Tuesday, December 20, 2022 7:03:37 PM |
| **Attachments:** | image003.png<br>8530 Alameda TUP.pdf<br>TUP2020-01_Approval_8530 Alameda FINAL.pdf<br>Affidavit Use Permit.pdf |

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Hello Efren,

We are following up on your request for extension of the Temporary Use Permit (TUP) issued in July 2020 for the subject property. We have not heard back from regarding your plans moving forward. Per our discussion, we are unable to grant your request for extension due to non-compliance with the conditions of approval and more importantly, TUPs are issued for temporary use only for a maximum time of 10 working days. Please see the attached letter for further clarification. Please do not hesitate to contact me if you have any questions, the best way to reach me is through email.

Best regards,

**Meredith T. Elguira**
**Director of Community Development**
**City of South Gate | Community Development**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9529
**E:** melguira@sogate.org
**W:** cityofsouthgate.org

**EXHIBIT 8**

**Office of the City Manager**
8650 California Avenue, South Gate, CA 90280
P: (323) 563-9503 F: (323) 569-2678
www.cityofsouthgate.org

CENTENNIAL
100 YEARS

**CHRIS JEFFERS**
CITY MANAGER

January 12, 2023

Mr. Daniel Otting, CEO
*dan@fleetyardsinc.com*
Mr. Efren Martinez
*Efrenm24@gmail.com*
Fleet Yards Inc.
893 West 16th Street
Newport Beach, California 92663

***Re:*** ***City of South Gate's Denial of Request by Fleet Yards Inc. for Extension of Temporary Use Permit No. TUP 2020-01 for Truck-Trailer Storage at 8530 Alameda Street***

Dear Messrs. Otting and Martinez,

We are in receipt of Mr. Martinez's December 23, 2022, e-mail addressed to the South Gate City Manager, the City's Director of Community Development ("Director"), and certain members of the City Council. We understand that Mr. Martinez's e-mail is intended as a notice to the City that Fleet Yards Inc. wishes to appeal the Director's denial of your request for an extension of the above-referenced Temporary Use Permit. Such appeals should be filed along with the appropriate fees required under the adopted fee schedule with the City Clerk pursuant to South Gate Municipal Code ("SGMC") § 11.50.040. Those appeals, including fees, according to the SGMC, are to be submitted within 10 working days of the decision notification. Given the holidays, I am extending that time period for the applicant to January 30, 2023, at 5:00 PM.

The fees to be paid are the Appeal fee ($2,364) and the Public Notice fee ($1,570) for a total of $3,934. In addition, there should be a written letter signed by the property owner or authorized officer/agent of the property owner requesting the appeal. In that appeal letter, the property owner should clearly state what they are appealing and provide any supporting documents they wish to submit for the Planning Commission to review as part of the appeal. If a written appeal letter and fees are submitted on or before January 30, 2023, you will be notified of the date, time and location of the appeal hearing before the Planning Commission, in accordance with SGMC §§ 11.50.020

and 11.50.030. Failure to submit the formal request and fees by the date specified will result in the Director's decision being finalized and in effect.

At the hearing, the Director will be recommending that the Planning Commission uphold the Director's decision to deny the renewal of the subject permit, for the following reasons:

1. The truck-trailer storage use that is the subject of the permit is not authorized or allowed by the SGMC on any land within the Industrial Flex (IF) zone of which the subject property is a part. Table 11.21-3 shows that outside storage of vehicles is not permitted in the IF zone.

2. The permit was originally issued in error and in violation of City ordinances. SGMC § 11.51.070.A states that temporary use permits are to be used for "short-term activities" which are of a "short-term nature". SGMC § 11.51.070.B.4 specifies that the maximum duration of a temporary use permit shall not exceed three days in a row, or ten working days in any calendar year. This means that when the former City official issued his July 16, 2020, letter purporting to approve a temporary use permit having an initial term of one year and four potential annual extensions thereafter, that approval was void because it was issued in violation of the limitations imposed by the SGMC. That official had no authority to issue the permit, and Fleet Yards Inc. had no right to rely on the permit.

I would note, that under an appeal of a land use entitlement, the burden is upon the applicant to show the decision by the Director to be not consistent with or is a wrong interpretation of the South Gate Municipal Code and thus, the reason why the Planning Commission should alter that decision. In this situation, the burden will be on the applicant to demonstrate:

1. That the South Gate Municipal Code 11.51.070 permits temporary uses longer than three days in a row or ten days in a given calendar year.

2. Within the Industrial Flex (IF) zone, SGMC Table 11.21.3 allows for the outside storage of vehicles/containers.

3. The former City official had authority to override the SGMC in his capacity as the Director.

Your appeal will be heard at a regularly scheduled meeting of the South Gate Planning Commission. As indicated above, you will be notified well in advance of the date, time and place of the hearing. At the hearing, you will be given an opportunity to present your case to the Planning Commissioners as to why they should overturn the Director's denial of your application to conduct a business that is not permitted within the Industrial Flex zone, along with the renewal of the temporary use permit erroneously issued.

If you have any questions about the appeal or this letter, please contact Ms. Yalini Siva, Senior Planner at ysiva@sogate.org or (323) 563-9526.

Sincerely,

Chris Jeffers
City Manager

Cc: Community Development Director
Craig Hardwick, Deputy City Attorney
Senior Planner

**EXHIBIT 9**

# Alameda Engle Properties, LLC

2127 Century Woods Way
Los Angeles, CA 90067


Chris Jeffers
City Manager
8650 California Ave
South Gate, CA 90280

January 26, 2023

To the Attention of Chris Jeffers:

This letter shall serve as notice to the City of South Gate, that Alameda Engle Properties would like to appeal the "City of South Gate's Denial of Request by Fleet Yards Inc. for Extension of Temporary Use Permit No. TUP 2020-01 for Truck-Trailer Storage at 8530 Alameda Street." Accompanying this letter is a check for $3,934, which is comprised of $2,364 (Appeal Fee) and $1,570 (Public Notice Fee).

For over 50 years, the subject property has been Heavy Industrial and has been Truck Storage, Container/Trailer Storage, as well as a Metal Recycling Facility. Since the previous tenant (Jack Engle and Company) has vacated the property, it has remained in similar utilization (less the Truck Storage and Recycling operation). Upon the previous tenant departure, we inquired within the city of South Gate for a reduced utilization. Although we felt we didn't need to "check" with the city of South Gate, we did, as we have always maintained a good relationship, being on the property for over 50 years in Heavy Industrial. Since ownership of the property, no vehicle/container that moves in or out of the property does so through South Gate. All movements are through Los Angeles, as the exit/entrance on Alameda Street is a right turn only; heading away from the city of South Gate. Further to this, the property and its content are not visible from the street, as the property is surrounded by a 10-foot solid wall and then is offset further from Alameda Street due to the Alameda Corridor and ACTA owned land. Further to this, the current tenant has done community outreach events to build good repour with the community.

Upon bringing in a new tenant, we requested our item/situation to be brought before the City Council for a permanent solution to the matter but the Community Development Director, Joe Perez, chose to employ a TUP. This TUP had extensions that renewed yearly. The current tenant lease was based upon the Temporary Use Permit No. TUP2020-01 8530 Alameda Street (APN 6202-036-003). Why the Community Development Director chose a TUP with the noted conditions, was not our place, although we disagreed because we wanted the item brought to the City Council for approval. However, it was the permitting decision of the City. We are asking the City to continue with its signed contract, as many factors were put into motion based upon that document. Maybe the renewal should not be called a TUP, but it should reflect the 50+ years this property was Heavy Industrial and continue with the longtime usage of its past. Please see at the end of this letter the original document drawn-up to

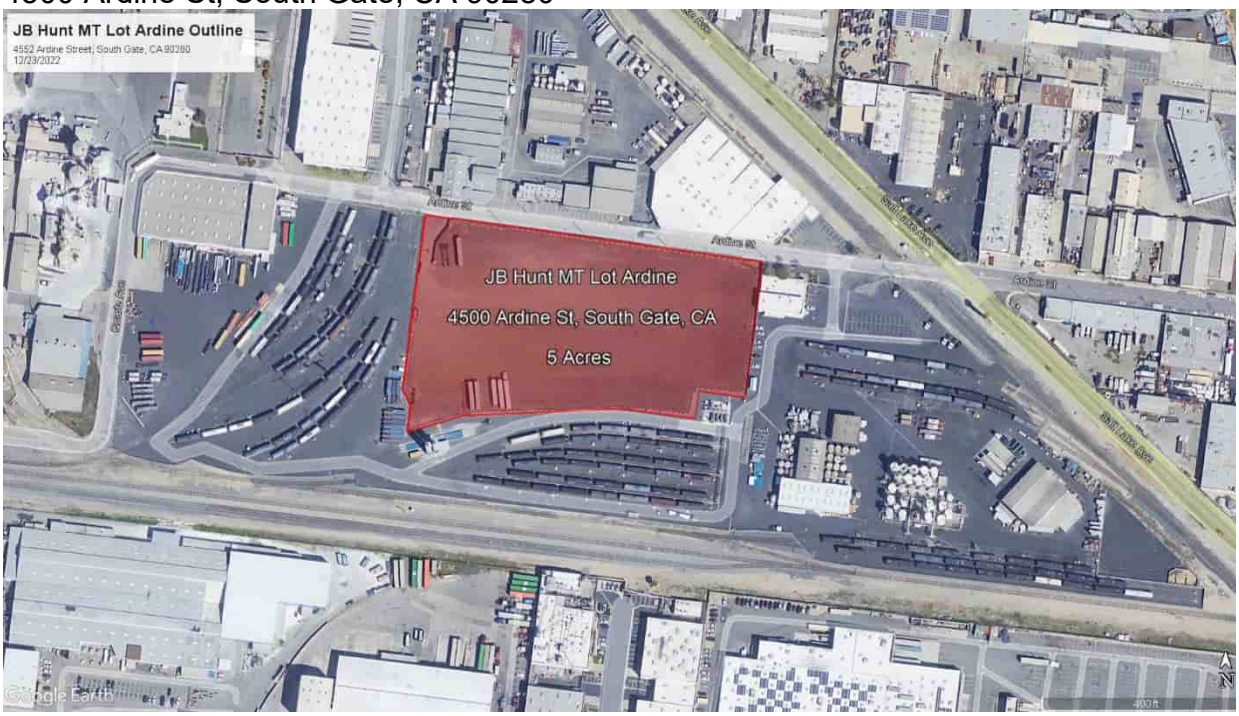
denote all our points that are consistent and relevant for this appeal. Hence, there is nothing different then versus now.

It is clear thru current written and verbal communication that the City of South Gate wants to rectify a mistake and/or wrongdoing by its previous employee (Joe Perez, Community Development Director). The City is within its full right to do so, but ask that the City of South Gate take a more humble and welcoming approach and do everything possible within reason, to work with us rather than punish us for an action that the City officially took.

This current reversal of a previously signed City document feels like discrimination of the landowner and seems to favor the bigger name companies that make use of Heavy Industrial for the same practice. The City has no solutions, just reversal of a previous decision. A decision to which (right or wrong), was decided by the Community Development Director of the City of South Gate with signing authority. Once again, if the City of South Gate wants to rectify a mistake and/or wrong-doing by its previous employee (Joe Perez, Community Development Director), the City is within its full right to do so, but we ask that this is done in a collaborative way that is mutually beneficial and allows us to continue to use the property in the way it has been for over 50 years.

Currently, this same type of Container Storage is within the City of South Gate, and we are asking for no different treatment. This takes place at the following location:

**JB Hunt MT Lot Ardine - 5 Acres**
4500 Ardine St, South Gate, CA 90280




Denying the previously signed City document, the City is not allowing the property to be utilized. This is ignoring the Grandfathered status. Alameda Engle Properties has a desire to engage the City of South

Gate to further understand its vision of possible development(s) on the property for the betterment and prosperity of the City of South Gate and its residents. During the course of any such due diligence, research and planning, the property owner desires to continue to put the Company property to good economic use. Furthermore, the current hardship times of the Covid-19 pandemic and local and National Financial Crisis (foreseen recession) of which has no foreseen end date, Company requires a temporary financial solution for itself and to keep its property in good standing.

I look forward to being notified of the date, time, and location of the appeal hearing, as I still strongly believe that our item should be taken to the South Gate City Council for a more permanent solution to the matter using the original draft Agreement placed after this signature page.

All methods of communication can be as follows:

(First choice)
Email- alamedaprop@outlook.com
-Please cc jasonbengle@outlook.com in all emails to alamedaprop@outlook.com

(Second choice)
Mailing Address:
Attn: Alan Engle
2127 Century Woods Way
Los Angeles, CA 90067

Regards,

Jason Engle
Property Representative
jasonbengle@outlook.com

# TEMPORARY USE AGREEMENT – CITY OF SOUTH GATE AND ALAMEDA ENGLE PROPERTIES, LLC

**THIS CONSULTING AGREEMENT** (this "Agreement") is made as of this 1st day of September, 2022 (the "Effective Date") between City of South Gate. herein referred to jointly as "CITY," and ALAMEDA ENGLE PROPERTIES, LLC a California limited liability company herein referred to as "Company."

**WHEREAS**, Company is located at and owns the property known as 8530 South Alameda Street, South Gate, CA 90280.

**WHEREAS**, Company through its affiliate Jack Engle & Company, Inc., a California corporation, has proudly been a part of the community at its current locations since 1963. Approximately 6.77 acres of the property of the Company is located in the City of South Gate and the remaining approximately 2.947 acres, known as 8440 South Alameda Street, is located in an unincorporated portion of the County of Los Angeles.

**WHEREAS**, for over 50 years, Company has continuously been operating as an Industrial Recycling Center (wholesale-not open to public), which operation includes: trucking (pickup and deliveries), processing of ferrous and non-ferrous materials (shredding, bailing, shearing, sorting, and picking), and includes container storage and container delivery.

**WHEREAS**, Company has owned its property and operated in the City so long that it has seen many zoning modifications throughout the years to include zoning modifications to its own and neighboring properties, which have resulted in, among other matters, making the property on which Company owns and operates its business a legal non-conforming (grandfathered-in) property.

**WHEREAS**, Company desires to work with and engage the City of South Gate to further understand its vision of possible development(s) to be developed on the Company property for the betterment and prosperity of the City of South Gate and its residents.

**WHEREAS**, Company has been exploring various ways to develop, or work with third parties to develop, the property for the betterment and prosperity of the City of South Gate and its residents.

**WHEREAS**, Company has determined that any such development will require extensive due diligence, research, planning, and approvals, all of which will require an adequate amount of time to complete.

**WHEREAS**, during the course of any such due diligence, research and planning, the Company desires to continue to put the Company property to good economic use.

**WHEREAS**, due to the current hardship times of the Covid-19 pandemic and local and National Financial Crisis of which has no foreseen end date, Company requires a temporary financial solution for itself and to keep its property in good standing.

**WHEREAS**, Fleet Yards, Inc., a Delaware corporation ("Fleet"), which operates a trailer storage company that distributes many essential products to third parties, desires to lease the Company's property, including the portion of the property located in the city of South Gate, for a term of five years for the temporary storage of trailers and containers, and the Company desires to lease its property to Fleet for a term of five years for such use.

**WHEREAS**, the City desires to cooperate with the efforts of the Company to lease the Company property as set forth above and in connection therewith to grant a temporary use for such use as set forth herein.

**NOW, THEREFORE**, in consideration of the premises and the mutual promises set forth in this Agreement, the Parties agree as follows:

**1.** **Temporary use**. The City hereby confirms and approves the use of the Company property for the storage of trailers, containers and related legal uses and the lease by the Company of the Company property to third parties for such uses.

**2.** **Term**. The term of this agreement shall commence as of September 1, 2022 and continue until September 1, 2027.

**3.** **Restrictions**. No truck or trailer traveling to or from the Company property located in the City of South Gate shall be allowed to drive on any street located within the City of South Gate other than on Alameda Street, and all ingress and egress to the Company property located in the City of South Gate shall be from Alameda Street.

**IN WITNESS WHEREOF**, the Parties hereto have entered into this Temporary Use Agreement as of the day and year first above written.

Land Owner:
Alameda Engle Properties, LLC,
a California limited liability company

_____ _____
By: Alan Engle Date
Its: Principal

**Contact Information**:
Alameda Engle Properties, LLC,
a California limited liability company
c/o Mr. Alan Engle
2127 Century Woods Way
Los Angeles, California 90067
Tel: (323) 394-5326
Email: AlamedaProp@outlook.com

CITY:
City of South Gate
A Local Government Municipality

_____ _____
By: Chris Jeffers Date
Its: City Manager

**Contact Information**:
City of South Gate
8650 California Ave,
South Gate, CA 90280
Tel: 323-563-9503
Email: mflad@sogate.org

_____ _____
By: Raul Salina Date
Its: City Attorney

**Contact Information**:
City of South Gate
8650 California Ave,
South Gate, CA 90280
Tel: 323-563-9538

**EXHIBIT 10**

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

April 27, 2023

VIA ELECTRONIC MAIL
City of South Gate
8650 California Ave
South Gate CA, 90280

**Re: 8530 Alameda Street – Appeal of Director's Denial of TUP Extension**

Dear Chairperson Delgado, and Honorable Members of the City Planning Commission,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP historically operated a recycling facility on the Property, including storage of truck trailers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers on the Property since 2020. The truck trailer storage use has been continuous on the Property during the AEP operations and subsequent Fleet Yards operations. As a family-owned business and longstanding member of the South Gate community, AEP is dedicated to working alongside its neighbors, fellow stakeholders, and the City to amicably resolve the City's concerns regarding historic uses on the Property.

We are writing to clarify the scope and nature of the operations on the Property and respectfully request that:

a. The City acknowledge the existing legal nonconforming use; and
b. The City allow Fleet Yards to continue its truck trailer storage operations pursuant to that use; or
c. In the alternative, that the City honor its previous commitments regarding the TUP extensions in light of City staff's error in requiring the TUP.

## 1. Background

At the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a Temporary Use Permit ("TUP") for truck trailer use on the Property, subject to six conditions. The City made several commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. We understand that many of these projects have been substantially delayed because of setbacks caused by the COVID-19 Pandemic, changing real estate market conditions, declining attendance for in-person academic programs, and environmental conditions in the Property vicinity. On December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's misapplication of the South Gate Municipal Code ("SGMC") and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[1]

## 2. Truck Trailer Storage is a Legal & Nonconforming Use at the Property

### a. The City has Authority to Remedy the Previous Administration's Errant Requirements for a TUP.

The SGMC states that "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E. AEP, and later, Fleet Yards have been operating a recycling facility, including truck trailer storage at the Property since the early 1970s. Fleet Yards obtained a TUP only at the City's direction and recommendations as a demonstration of their good faith efforts to comply with City policies and procedures. The original TUP and TUP extensions were not necessary because the truck trailer storage is an ongoing legal nonconforming use with over 50 years of history between the two operators on the Property. Fleet Yards agreed to the TUP only to demonstrate its willingness to work with the City regarding a shared vision for additional education facilities in South Gate. We understand that the zoning on the Property was only recently changed to "Industrial Flex."

We also understand that the City's did not issue certificates of occupancy regularly during the early 1970s when the operations started at the Property. However, we have attached the following documents that establish consistent storage of tractor trailers long before the zone change on the Property:

- A July 1, 2019, Business License to Jack Engle authorizing "outside storage" at 8530 Alameda Street since April 18, 1977;[2]

[1] Please note that the 2022 Rejection Letter failed to disclose the owner's appeal rights and the City's policies and procedures to file the appeal.
[2] See Exhibit A.

- Aerial Photos showing tractor trailers on the site dating back to 2012;[3]
- Documentation of Utility payments dating back to 2016;[4]
- A sewerage system connection fee invoice from the Los Angeles County Sanitation District dating back to 2007;
- An invoice from the South Coast Air Quality Management District for operations on the Property dating back to 2011.[5]

These documents demonstrate that the industrial operations on the Property, including truck trailer storage have been operating consistently for decades. For these reasons, we respectfully request that the City acknowledge that truck trailer storage is a legal nonconforming use on the Property.

b. The Legal Nonconforming Use has Not Been Abandoned or Discontinued, and the Right to Continue is Protected and Preserved Pursuant to the South Gate Municipal Code.

The SGMC states that a legal nonconforming industrial use is preserved so long as it is not abandoned or discontinued for two consecutive calendar years. SGMC § 11.55.040.B. In determining whether a legal nonconforming use has been abandoned, the Director is to evaluate (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection. SGMC § 11.55.040.D.1-2.

The SGMC specifically preserves legal nonconforming uses during transfers of ownership or tenancy. SGMC § 11.55.040.E. Although there are limitations on expansion, the nonconforming use provisions of the SGMC protect all established legal nonconforming uses under the code, regardless of the scope of the use.[6] There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[7] The South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan also specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands. [8] (emphasis added).

Here, between the two operations on the Property, truck trailer storage has been a continuous use at the Property since 1973 -- notwithstanding hardships caused by the

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[3] See Exhibit E1-E-4.
[4] See Exhibit C.
[5] See Exhibit D.
[6] SGMC §§ 11.55.030; 11.55.040
[7] *Id.* at 11.55.040.
[8] *South Gate General Plan: Community Design Element,* Policy P.6, pg. 106.

COVID-19 Pandemic, and by the City's error in requiring a TUP. AEP consistently held business licenses for the entirety of their operations on the Property.[9] Similarly, Fleet Yards has held a business license with the City for business operations including outdoor storage transportation, freight and cargo at its primary South Gate address at 4223 Independence Avenue, South Gate, CA 90280, but was informed that it did not need one for the Property. Although the scope and nature of operations for AEP and Fleet Yards were different, neither party ceased the truck trailer storage operations, vacated the premises, or terminated utility service at the Property for the requisite two consecutive year abandonment period. Documentation of consistent utilities payments are attached in **Exhibit C**. Aerial Photographs dating back to 2012 demonstrate that truck trailer storage has been a continuous use at the Property without substantial interruption.[10] In addition, Fleet Yards' intent to continue the legal nonconforming truck trailer storage use has been communicated to the City on multiple occasions, including in connection with the subsequent TUP extension.[11]

Based solely on this, Director Meredith Elguira's December 20, 2022 ("2022 Rejection Letter") communication that the use had been abandoned is inconsistent with the documents in the record, the open and continuous communications with the City declaring the intent to continue operations. In addition, preserving the legal nonconforming use is consistent with the policies in the General Plan. Truck trailer storage is an existing use on the Property and should not be displaced pursuant to General Plan policies. In addition, the Property is surrounded by industrial uses, and adjacent educational institutions have substantially delayed development plans due to environmental conditions in the Property vicinity, financing considerations, changes in class attendance, real estate market considerations and the COVID-19 Pandemic – indicating that forced changes in use within the South Gate College District at this time is inconsistent with the needs of the community. For these reasons, we respectfully request that the City acknowledge the substantial evidence indicating consistent truck trailer storage at the Property, and preservation of this use as legal and nonconforming.

c. Fleet Yards has Maintained an Active Business License with the City of South Gate Since 2014, and Cannot Obtain an Auxiliary Permit Without the City's Cooperation.

The SGMC states that lapse of a business license is one of many factors the City considers in determining whether the legal nonconforming use has been abandoned. Here, AEP maintained a business license for the entirety of its operations on the Property.[12] Fleet Yards has similarly maintained a business license with the City since 2014. AEP and Fleet Yards have maintained a good faith effort to comply with all City

[9] See Exhibit A.
[10] See Exhibit E.
[11] See January 26, 2023 letter from AEP to Chris Jeffers re TUP Extension, attached hereto as Exhibit F; September 27, 2022 Correspondence between Efren Martinez and Director Meredith Elguira regarding the legal nonconforming use on the Property, attached hereto as Exhibit G.
[12] See Exhibit A.

licensing policies and procedures, in addition to permits from other state and local jurisdictions.[13] However, on December 20, 2022 the City claimed that the business license had lapsed without reference to the existing licenses for the Fleet Yards operations. We understand that the City's position is that Fleet Yards requires a supplemental or auxiliary business license for its operations on the Property. However, to obtain a business license, an applicant must first obtain zoning clearance from the South Gate Planning Department. Based on communications from City staff, including the 2022 Rejection Letter, we understand that the City will not issue a zoning clearance because of the current zoning on the Property, notwithstanding the legal nonconforming use. It is inequitable to claim that the use has been abandoned due to lack of an auxiliary business permit when City staff members have indicated that they would not issue the prerequisite zoning clearance for that auxiliary business permit. For these reasons, in consideration of all of the determinative factors for abandonment, there is substantial evidence that the legal nonconforming use on the Property, including storage of tractor trailers has not been abandoned or discontinued.

d. Fleet Yards has Substantially Complied with all of the TUP Conditions.

On December 20, 2022, Director Meredith Elguira alleged that the TUP could not be extended because the conditions of approval had been violated. However, Fleet Yards has substantially complied with the TUP conditions to the extent feasible. On July 16, 2020, the City approved the TUP subject to the following conditions:

1. That the approved use be restricted to truck trailer storage only;
2. That the temporary use is approved for a term of one year, and that additional one-year extensions must be applied for at least 30 days prior to the expiration date of the previous term, for a period of 5 years;
3. That ingress and egress shall be only via Alameda Street;
4. That the number, size and height of truck trailers do not exceed those attached to the original approval;
5. That violations of these conditions or City laws could result in revocation of the TUP; and
6. That the property owner agree to all conditions in the form of a signed affidavit.

As explained above, AEP and later, Fleet Yards have used the Property continuously for truck trailer storage since 1973. Fleet Yards has used the Property for truck trailer storage since obtaining the TUP in July, 2020. The size, number, and height of the truck trailers as authorized in the TUP has not changed. Consistent with the requirements of the TUP, ingress and egress is permitted only on Alameda Street. Although the application for the TUP extension was missed in 2021 due to complications from the COVID-19 Pandemic, both AEP and Fleet Yards have been in consistent communication with the City regarding the nonconforming use on the Property. The owner's signed affidavit is attached as **Exhibit H**. The remaining condition cites

[13] *Id.*

violations of "City laws". As noted above, the City's cooperation is required to obtain an auxiliary business permit to supplement the active business license. For these reasons, we respectfully request that the City acknowledge that each of these conditions have been met to the extent possible.

### 3. Terminating the Legal Nonconforming Use Violates the Doctrine of Equitable Estoppel

The Doctrine of Equitable Estoppel was designed to promote fair and equitable business transactions. The doctrine is based on the principle that a party who has made a promise should be held accountable for it where reliance on the agreement was reasonable, and enforcement of the agreement is necessary to avoid injustice. *Drennan v. Star Paving Co.* (1958) 51 Cal.2d 409, 412-413; *Garcia v. World Sav. & Loan Assn.* (2010) 183 Cal.App.4th 1031,1037. Here, Fleet Yards only agreed to the TUP as a demonstration of good faith and willingness to work with the City regarding its vision for the community. Based on communications from City staff on July 8, 2020, in addition to the plain language of the TUP, the City was to consider additional extensions of the TUP in addition to the initial five-year term. In addition, both AEP and Fleet Yards agreed to the TUP as a measure of good faith and willingness to work with the City. It is inequitable for the City to renege on this agreement. AEP forwent multiple lucrative opportunities to sell the Property in reliance on the City's communications and the reasonable expectation that the City's permits, licenses, and representations are consistent notwithstanding changes in staff, changes in departmental priorities, and unilateral changes to the zoning code. If the City does not honor its prior commitments, both AEP and Fleet Yards will suffer substantial financial harm. In addition, this inconsistency in City policies discourages investment in our community and is a substantial deviation from the City's treatment of similarly situated legacy businesses.

### 4. Conclusion

For the reasons stated above, the equitable path forward is to acknowledge truck trailer storage on the Property as a preserved, legal nonconforming use in light of the substantial evidence supporting this finding, and the requirements of the General Plan. In the alternative, we respectfully request that the City reverse the Director's denial of the TUP extension. We understand that the City's position is that the TUP was issued in error. However, where, as here, immediately terminating the TUP causes substantial harm to the community, and there is substantial evidence supporting that the use is legal and nonconforming, we urge you to use this opportunity to make it right. As a further demonstration of good faith and willingness to work together, we respectfully request the City share any documentation indicating that the truck trailer storage is not authorized pursuant to the legacy operations on the Property, and procedures for obtaining a business permit zoning clearance where, as here, the use is legal nonconforming.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

**EXHIBIT 11**

Office of the
South Gate City Clerk
MAY 16 2023
FILED

SOMOS
LAW GROUP
304 South Broadway, Suite 350
Los Angeles, CA 90013

May 16, 2023

VIA ELECTRONIC MAIL

Maria del Pilar Avalos
Mayor, City of South Gate
8650 California Avenue
South Gate, CA 90280
Email:planninginfo@sogate.org

**Re: 8530 Alameda Street – Appeal of CPC's Denial of TUP Extension**

Dear Mayor del Pilar Avalos, and Honorable Members of City Council,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property"). AEP operated a recycling facility on the Property, including storage of truck trailers/containers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers/containers on the Property since 2020 pursuant to a Temporary Use Permit ("TUP") at the recommendation and requirement of the City's previous Director of Community Development. On December 20, 2023, the Current Director of Community Development denied the extension on the grounds that the City erred in issuing the TUP, and alleging that the legal nonconforming use had been abandoned. On January 26, 2023, AEP submitted a letter appealing the Director's decision to the South Gate City Planning Commission ("CPC").

Our firm sent a supplemental letter explaining justification for the appeal on April 27, 2023, ("Supplemental Letter") attached hereto as Exhibit A. On April 27, 2023 City Attorney, Craig Hardwick, kindly notified us that the legal nonconforming use issue is not related to the TUP extension. However, the current Director of Community Development alleged that the legal nonconforming use had been abandoned in her December 20, 2023 correspondence denying the TUP extension. Thus, the scope of the legal nonconforming use is at the center of this appeal ("Appeal"). On May 2, 2023, in a close, 3-2 decision, CPC denied the appeal of the Director's denial of the TUP

extension on the grounds that the TUP was issued in error.[1] The CPC did not make a determination on truck trailer/container storage as a legal nonconforming use at the Property. Immediately after the CPC hearing our office conferred regarding the path forward for the legal nonconforming use. Since the appeal hearing, we have been working with the City Attorney and the City Manager to reach a resolution.

In the interim, we are writing to appeal to CPC's denial of the TUP extensio. With regard to the Appeal, we respectfully request that City Council:

a. Acknowledge the existing legal nonconforming use, given the consistent truck trailer storage on the property since 1973; and
b. Allow Fleet Yards to continue its truck trailer/container storage operations pursuant to that use; or
c. In the alternative, postpone the City Council hearing on the appeal until we have had an opportunity to resolve the legal nonconforming use issue with the City Manager and City Attorney, which would moot the need for further appeal.

Justification for these requests is well-documented, as explained in the Supplemental Letter, the supporting exhibits to the Supplemental Letter, and in the appellants' presentation materials dated May 2, 2023. We are working with the City to obtain copies of additional supporting materials, and reserve the right to submit additional justification prior to the City Council hearing.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

[1] A copy of appellants' presentation materials during the May 2, 2023 CPC hearing are attached as Exhibit B.

cc:
Yalini Silva
Meredith Elguira
Vice Mayor Gil Hurtado
Councilmember Maria Davila
Councilmember Al Rios
Councilmember Joshua Barron
Raquel Larios

SOMOS

# EXHIBIT A

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

April 27, 2023

VIA ELECTRONIC MAIL
City of South Gate
8650 California Ave
South Gate CA, 90280

**Re: 8530 Alameda Street – Appeal of Director's Denial of TUP Extension**

Dear Chairperson Delgado, and Honorable Members of the City Planning Commission,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP historically operated a recycling facility on the Property, including storage of truck trailers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers on the Property since 2020. The truck trailer storage use has been continuous on the Property during the AEP operations and subsequent Fleet Yards operations. As a family-owned business and longstanding member of the South Gate community, AEP is dedicated to working alongside its neighbors, fellow stakeholders, and the City to amicably resolve the City's concerns regarding historic uses on the Property.

We are writing to clarify the scope and nature of the operations on the Property and respectfully request that:

a. The City acknowledge the existing legal nonconforming use; and
b. The City allow Fleet Yards to continue its truck trailer storage operations pursuant to that use; or
c. In the alternative, that the City honor its previous commitments regarding the TUP extensions in light of City staff's error in requiring the TUP.

## 1. Background

At the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a Temporary Use Permit ("TUP") for truck trailer use on the Property, subject to six conditions. The City made several commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. We understand that many of these projects have been substantially delayed because of setbacks caused by the COVID-19 Pandemic, changing real estate market conditions, declining attendance for in-person academic programs, and environmental conditions in the Property vicinity. On December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's misapplication of the South Gate Municipal Code ("SGMC") and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[1]

## 2. Truck Trailer Storage is a Legal & Nonconforming Use at the Property

### a. The City has Authority to Remedy the Previous Administration's Errant Requirements for a TUP.

The SGMC states that "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E. AEP, and later, Fleet Yards have been operating a recycling facility, including truck trailer storage at the Property since the early 1970s. Fleet Yards obtained a TUP only at the City's direction and recommendations as a demonstration of their good faith efforts to comply with City policies and procedures. The original TUP and TUP extensions were not necessary because the truck trailer storage is an ongoing legal nonconforming use with over 50 years of history between the two operators on the Property. Fleet Yards agreed to the TUP only to demonstrate its willingness to work with the City regarding a shared vision for additional education facilities in South Gate. We understand that the zoning on the Property was only recently changed to "Industrial Flex."

We also understand that the City's did not issue certificates of occupancy regularly during the early 1970s when the operations started at the Property. However, we have attached the following documents that establish consistent storage of tractor trailers long before the zone change on the Property:

- A July 1, 2019, Business License to Jack Engle authorizing "outside storage" at 8530 Alameda Street since April 18, 1977;[2]

[1] Please note that the 2022 Rejection Letter failed to disclose the owner's appeal rights and the City's policies and procedures to file the appeal.
[2] See Exhibit A.

- Aerial Photos showing tractor trailers on the site dating back to 2012;[3]
- Documentation of Utility payments dating back to 2016;[4]
- A sewerage system connection fee invoice from the Los Angeles County Sanitation District dating back to 2007;
- An invoice from the South Coast Air Quality Management District for operations on the Property dating back to 2011.[5]

These documents demonstrate that the industrial operations on the Property, including truck trailer storage have been operating consistently for decades. For these reasons, we respectfully request that the City acknowledge that truck trailer storage is a legal nonconforming use on the Property.

b. The Legal Nonconforming Use has Not Been Abandoned or Discontinued, and the Right to Continue is Protected and Preserved Pursuant to the South Gate Municipal Code.

The SGMC states that a legal nonconforming industrial use is preserved so long as it is not abandoned or discontinued for two consecutive calendar years. SGMC § 11.55.040.B. In determining whether a legal nonconforming use has been abandoned, the Director is to evaluate (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection. SGMC § 11.55.040.D.1-2.

The SGMC specifically preserves legal nonconforming uses during transfers of ownership or tenancy. SGMC § 11.55.040.E. Although there are limitations on expansion, the nonconforming use provisions of the SGMC protect all established legal nonconforming uses under the code, regardless of the scope of the use.[6] There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[7] The South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan also specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands. [8] (emphasis added).

Here, between the two operations on the Property, truck trailer storage has been a continuous use at the Property since 1973 -- notwithstanding hardships caused by the

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[3] See Exhibit E1-E-4.
[4] See Exhibit C.
[5] See Exhibit D.
[6] SGMC §§ 11.55.030; 11.55.040
[7] *Id.* at 11.55.040.
[8] *South Gate General Plan: Community Design Element,* Policy P.6, pg. 106.

COVID-19 Pandemic, and by the City's error in requiring a TUP. AEP consistently held business licenses for the entirety of their operations on the Property.[9] Similarly, Fleet Yards has held a business license with the City for business operations including outdoor storage transportation, freight and cargo at its primary South Gate address at 4223 Independence Avenue, South Gate, CA 90280, but was informed that it did not need one for the Property. Although the scope and nature of operations for AEP and Fleet Yards were different, neither party ceased the truck trailer storage operations, vacated the premises, or terminated utility service at the Property for the requisite two consecutive year abandonment period. Documentation of consistent utilities payments are attached in **Exhibit C**. Aerial Photographs dating back to 2012 demonstrate that truck trailer storage has been a continuous use at the Property without substantial interruption.[10] In addition, Fleet Yards' intent to continue the legal nonconforming truck trailer storage use has been communicated to the City on multiple occasions, including in connection with the subsequent TUP extension.[11]

Based solely on this, Director Meredith Elguira's December 20, 2022 ("2022 Rejection Letter") communication that the use had been abandoned is inconsistent with the documents in the record, the open and continuous communications with the City declaring the intent to continue operations. In addition, preserving the legal nonconforming use is consistent with the policies in the General Plan. Truck trailer storage is an existing use on the Property and should not be displaced pursuant to General Plan policies. In addition, the Property is surrounded by industrial uses, and adjacent educational institutions have substantially delayed development plans due to environmental conditions in the Property vicinity, financing considerations, changes in class attendance, real estate market considerations and the COVID-19 Pandemic – indicating that forced changes in use within the South Gate College District at this time is inconsistent with the needs of the community. For these reasons, we respectfully request that the City acknowledge the substantial evidence indicating consistent truck trailer storage at the Property, and preservation of this use as legal and nonconforming.

c. Fleet Yards has Maintained an Active Business License with the City of South Gate Since 2014, and Cannot Obtain an Auxiliary Permit Without the City's Cooperation.

The SGMC states that lapse of a business license is one of many factors the City considers in determining whether the legal nonconforming use has been abandoned. Here, AEP maintained a business license for the entirety of its operations on the Property.[12] Fleet Yards has similarly maintained a business license with the City since 2014. AEP and Fleet Yards have maintained a good faith effort to comply with all City

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[9] See Exhibit A.
[10] See Exhibit E.
[11] See January 26, 2023 letter from AEP to Chris Jeffers re TUP Extension, attached hereto as Exhibit F; September 27, 2022 Correspondence between Efren Martinez and Director Meredith Elguira regarding the legal nonconforming use on the Property, attached hereto as Exhibit G.
[12] See Exhibit A.

licensing policies and procedures, in addition to permits from other state and local jurisdictions.[13] However, on December 20, 2022 the City claimed that the business license had lapsed without reference to the existing licenses for the Fleet Yards operations. We understand that the City's position is that Fleet Yards requires a supplemental or auxiliary business license for its operations on the Property. However, to obtain a business license, an applicant must first obtain zoning clearance from the South Gate Planning Department. Based on communications from City staff, including the 2022 Rejection Letter, we understand that the City will not issue a zoning clearance because of the current zoning on the Property, notwithstanding the legal nonconforming use. It is inequitable to claim that the use has been abandoned due to lack of an auxiliary business permit when City staff members have indicated that they would not issue the prerequisite zoning clearance for that auxiliary business permit. For these reasons, in consideration of all of the determinative factors for abandonment, there is substantial evidence that the legal nonconforming use on the Property, including storage of tractor trailers has not been abandoned or discontinued.

d. Fleet Yards has Substantially Complied with all of the TUP Conditions.

On December 20, 2022, Director Meredith Elguira alleged that the TUP could not be extended because the conditions of approval had been violated. However, Fleet Yards has substantially complied with the TUP conditions to the extent feasible. On July 16, 2020, the City approved the TUP subject to the following conditions:

1. That the approved use be restricted to truck trailer storage only;
2. That the temporary use is approved for a term of one year, and that additional one-year extensions must be applied for at least 30 days prior to the expiration date of the previous term, for a period of 5 years;
3. That ingress and egress shall be only via Alameda Street;
4. That the number, size and height of truck trailers do not exceed those attached to the original approval;
5. That violations of these conditions or City laws could result in revocation of the TUP; and
6. That the property owner agree to all conditions in the form of a signed affidavit.

As explained above, AEP and later, Fleet Yards have used the Property continuously for truck trailer storage since 1973. Fleet Yards has used the Property for truck trailer storage since obtaining the TUP in July, 2020. The size, number, and height of the truck trailers as authorized in the TUP has not changed. Consistent with the requirements of the TUP, ingress and egress is permitted only on Alameda Street. Although the application for the TUP extension was missed in 2021 due to complications from the COVID-19 Pandemic, both AEP and Fleet Yards have been in consistent communication with the City regarding the nonconforming use on the Property. The owner's signed affidavit is attached as **Exhibit H**. The remaining condition cites

[13] *Id.*

violations of "City laws". As noted above, the City's cooperation is required to obtain an auxiliary business permit to supplement the active business license. For these reasons, we respectfully request that the City acknowledge that each of these conditions have been met to the extent possible.

### 3. Terminating the Legal Nonconforming Use Violates the Doctrine of Equitable Estoppel

The Doctrine of Equitable Estoppel was designed to promote fair and equitable business transactions. The doctrine is based on the principle that a party who has made a promise should be held accountable for it where reliance on the agreement was reasonable, and enforcement of the agreement is necessary to avoid injustice. *Drennan v. Star Paving Co.* (1958) 51 Cal.2d 409, 412-413; *Garcia v. World Sav. & Loan Assn.* (2010) 183 Cal.App.4th 1031,1037. Here, Fleet Yards only agreed to the TUP as a demonstration of good faith and willingness to work with the City regarding its vision for the community. Based on communications from City staff on July 8, 2020, in addition to the plain language of the TUP, the City was to consider additional extensions of the TUP in addition to the initial five-year term. In addition, both AEP and Fleet Yards agreed to the TUP as a measure of good faith and willingness to work with the City. It is inequitable for the City to renege on this agreement. AEP forwent multiple lucrative opportunities to sell the Property in reliance on the City's communications and the reasonable expectation that the City's permits, licenses, and representations are consistent notwithstanding changes in staff, changes in departmental priorities, and unilateral changes to the zoning code. If the City does not honor its prior commitments, both AEP and Fleet Yards will suffer substantial financial harm. In addition, this inconsistency in City policies discourages investment in our community and is a substantial deviation from the City's treatment of similarly situated legacy businesses.

### 4. Conclusion

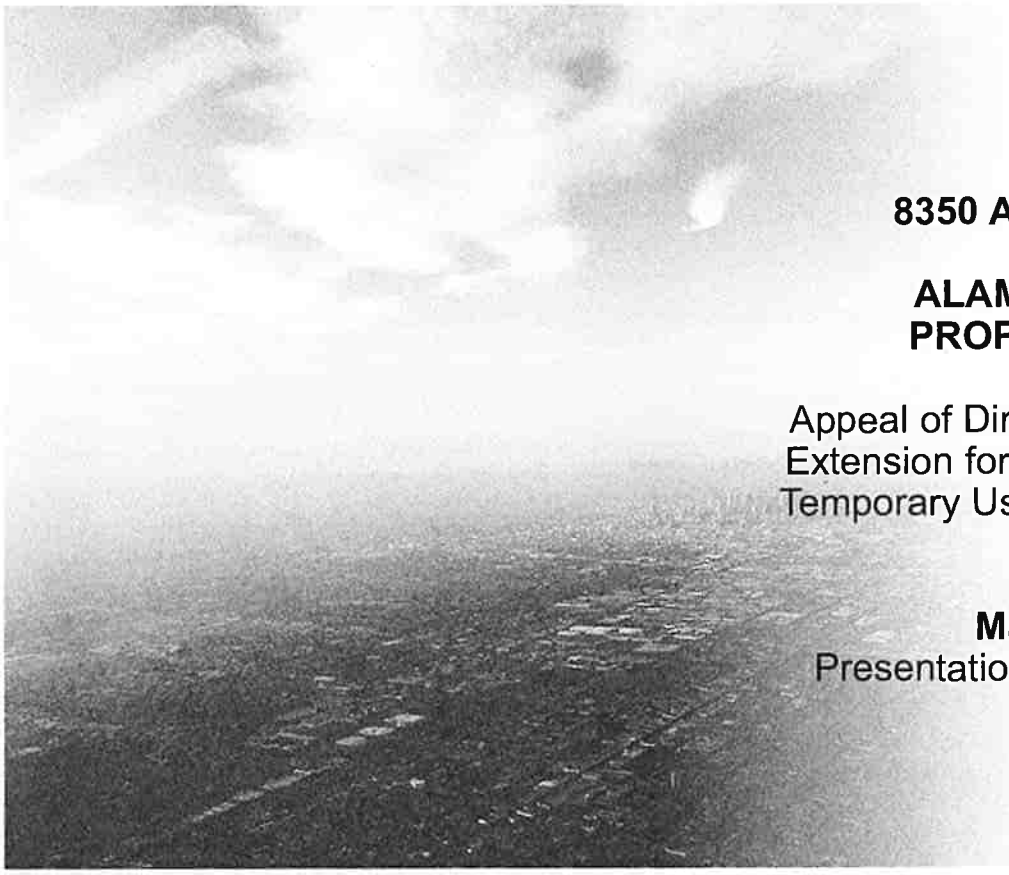
For the reasons stated above, the equitable path forward is to acknowledge truck trailer storage on the Property as a preserved, legal nonconforming use in light of the substantial evidence supporting this finding, and the requirements of the General Plan. In the alternative, we respectfully request that the City reverse the Director's denial of the TUP extension. We understand that the City's position is that the TUP was issued in error. However, where, as here, immediately terminating the TUP causes substantial harm to the community, and there is substantial evidence supporting that the use is legal and nonconforming, we urge you to use this opportunity to make it right. As a further demonstration of good faith and willingness to work together, we respectfully request the City share any documentation indicating that the truck trailer storage is not authorized pursuant to the legacy operations on the Property, and procedures for obtaining a business permit zoning clearance where, as here, the use is legal nonconforming.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

# EXHIBIT B



**8350 Alameda Street**

**ALAMEDA ENGLE PROPERTIES, LLC**

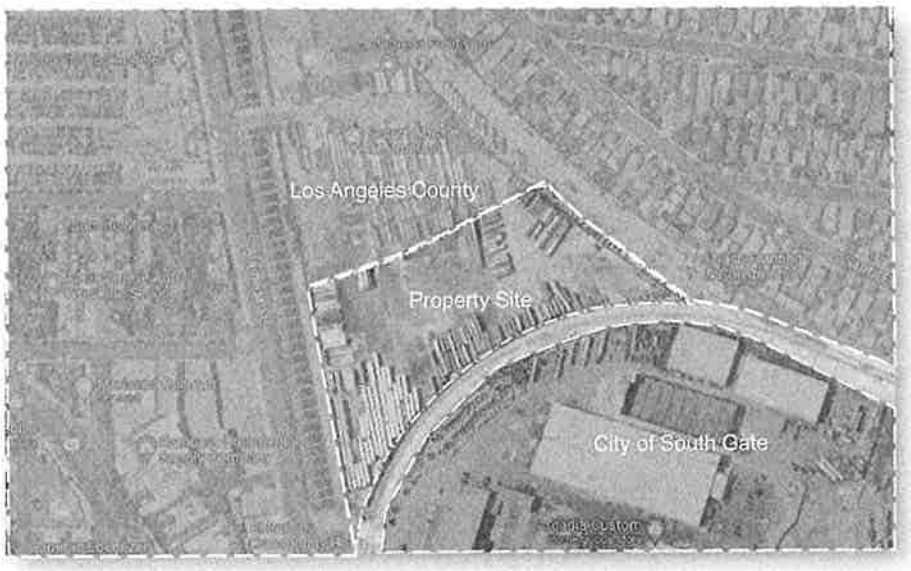
Appeal of Director's Denial of TUP Extension for Truck Trailer Storage Temporary Use Permit No. 2020-01

**May 2, 2023**

Presentation by Alfred Fraijo Jr.

SOMOS

# 8530 Alameda Street






SOMOS

## Request to Extend the TUP

- Pursuant to TUP Condition No. 2 and the City Planning Commission's review authority of the appeal, the Commission can grant a modest 60-day extension of the TUP to permit the Appellant and City to review the legal nonconforming use determination.

- Alternatively, Commission can opt to postpone its determination on the TUP extension until after the Planning Division completes its reviewing of the legal nonconforming use determination.

# Project Timeline

**EARLY 1970S TO 2020**

Alameda Engle Properties, LLC operated a recycling facility on the Property, including storage of truck trailers

**2020 TO PRESENT**

Tenant Fleet Yards, Inc. operating truck trailer storage on the Property

**JULY 16, 2020**

City approved TUP for truck trailer use on the Property

**DECEMBER 20, 2022**

Community Development Director claims City would no longer consider the TUP extensions

**JANUARY 26, 2023**

Appeal of Director's denial of the TUP extension



SOMOS

# Compliance with All TUP Conditions

| Conditions of Approval | Complies? |
|---|---|
| 1. The approved temporary use for the site is restricted to truck trailer storage only | ☑ |
| 2. The temporary use is approved for a term of one year. Additional one-year extensions will be considered for approval for up to a maximum of 5 years. Additional extensions will be determined based on compliance with conditions and written verification from owner that they are in the process of developing, selling, and/or working with LACCD or developer on a housing development project | ☑ |
| 3. Egress and ingress shall only be via Alameda Street | ☑ |
| 4. Operations shall be limited to the number, size, and height of truck trailers provided in the TUP | ☑ |
| 5. Any violations of the conditions or City laws could result in revocation of TUP | ☑ |
| 6. All conditions shall be agreed to by owner in a signed and notarized affidavit | ☑ |

# Truck Trailer Storage is a Legal Nonconforming Use

- The legal nonconforming use issue is dispositive for the future uses on the Property and informs the need for the TUP and subsequent TUP extensions.
- South Gate Municipal Code (SGMC) – "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E.
- Legal nonconforming industrial use is preserved so long as it is **not abandoned or discontinued** for two consecutive calendar years. SGMC § 11.55.040.B.

**Truck Trailer Storage**

SOMOS

# Historic Aerial Photographs

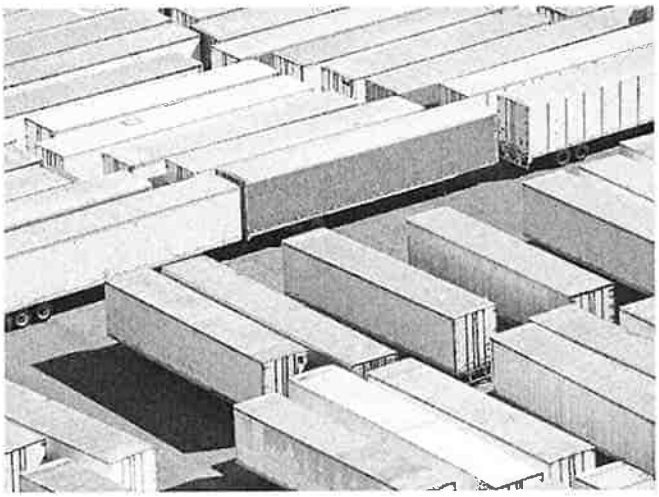
2012

2018

2020

2022

# 50+ Years of Continuous Truck Trailer Storage Use



**Director Shall Evaluate**
**<u>All</u> of the Following to Determine that a Legal Nonconforming Use is Abandoned:**

1. Owner's Intent
2. Furnishings Equipment & Personal Property
3. Abandoned 2+ Years
4. Licenses & Permits
5. Utilities



SOMOS

# General Plan Compliance

**"Industrial and manufacturing uses should remain in the [South Gate College District] but could be phased out as the college district expands." South Gate General Plan 2035, Community Design Element, p. 106.**



SOMOS

Thank you

# APPENDIX

# Business License Compliance

**1973 - 2020**

**AEP/Jack Engle License**

**Fleet Yards License**

**2014 - Present**

**Zoning Clearance**

**Fleet Yards Auxiliary Permit**



SOMOS

**EXHIBIT 12**

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9529
www.cityofsouthgate.org

May 16, 2023

Mr. Alan Engle
Manager
Alameda Engle Properties LLC
2127 Century Woods Way
Los Angeles, California 900667

Re: City of South Gate's Denial of Request by Alameda Engle Properties, LLC . for Extension of Temporary Use Permit No. TUP 2020-01 for Truck-Trailer Storage at 8530 Alameda Street in South Gate, California

Dear Mr. Engle,

On May 2, 2023, the South Gate Planning Commission conducted a public hearing on the request by Alameda Engle Properties, LLC's ("AEP") to extend, for a period of one year, the term of Temporary Use Permit No. 2020-01 (the "TUP"). Such an extension would have allowed the continued storage of trucks and truck-trailers at 8530 Alameda Street (the "Premises") by AEP's tenant, Fleet Yards, Inc. ("Fleet Yards"). At the conclusion of that hearing, the Planning Commission upheld the City's earlier decision to deny the extension and not renew the TUP. AEP has now asked to appeal that decision to the South Gate City Council. For the reasons explained by the City Attorney's Office at the May 2, Planning Commission meeting and reiterated below, an appeal of this matter to the City Council is not available.

As the City has repeatedly advised AEP and Fleet Yards, the TUP was initially issued in error, because it purported to allow a "temporary" use of the Premises for a period of at least one year and possibly as many as five years, far in excess of the limited duration mandated by the Zoning Code. Temporary use permits, as the name implies, are intended to allow only short-term uses of land. Specifically, Section 11.51.070 of the Zoning Code states that the maximum duration of a temporary use permit **shall not exceed three days in a row or ten days in any calendar year**. It is unfortunate that the TUP was erroneously issued in 2020 for a much longer one-year period and erroneously renewed in 2021 for an additional one-year period. But those earlier errors do not entitle AEP to further extensions of the TUP for periods far in excess of the maximum durations authorized by the Zoning Code. Simply put, there is no authority in the Zoning Code for issuing or renewing a temporary use permit for any period longer than three consecutive days or ten days in any calendar year.

Furthermore, the original issuance of the TUP in violation of the Zoning Code also meant that the City was not required to grant AEP a hearing on the matter of renewing the TUP. Again, as publicly stated by the City's legal counsel at the Planning Commission meeting, the City granted that hearing as a matter of courtesy – something that was also explained to AEP in the course of the May 2 meeting. No hearing was required because no decision by the Planning Commission could have resulted in validation and extension of the TUP. Section 11.51.020 of the Zoning Code states that any permit conflicting with the provisions of the Zoning Code "shall be null and void." Both the TUP and the requested one-year extension conflict with the provisions of the Zoning

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9529
www.cityofsouthgate.org

Code. Therefore, regardless of whether the Planning Commission had voted to uphold or overturn the denial of the requested TUP extension, the result would have been the same: no valid permit would exist. A hearing before the City Council would be equally futile, as AEP would still have no valid permit regardless of whether the Council voted to uphold or overturn the denial of AEP's request to extend the TUP for another year. Therefore, an appeal to the City Council is neither warranted nor available.

AEP and its attorneys contend that Fleet Yard's use of the Premises for the storage of trucks and truck-trailers constitutes a legal non-conforming use which can be continued in the absence of the TUP and despite the fact that such use is not allowed under the current version of the Zoning Code adopted in 2015. Because renewal of the TUP is an impossibility, we recommend that AEP promptly provide the City with evidence supporting that legal non-conforming use argument. Before the City can agree that Fleet Yard's use of the Premises constitutes a legal nonconforming use, AEP and/or Fleet Yards must provide the City with clear evidence which at a minimum establishes two things:

1. That the Premises were used for the storage of trucks and truck trailers since before the 2015 zone change, and that such use has continued from then until now without any interruption longer than two years. Evidence that a truck or trailer was occasionally parked on the Premises for purposes of loading or unloading will not suffice. The City requires evidence that the Premises were being used for the *storage* of trucks and truck-trailers consistent with the customary legal application of "legal non-conforming" use, not that such trucks or trailers were merely present on the Premises for short periods in the normal course of their travels associated with the primary approved use and the only city licensed business being operated at the location (Metal Recycling Center).

2. That in connection with such storage, a Conditional Use Permit had been issued as required by the former Zoning Code. The City can find no indication that such a CUP was ever issued to AEP, Fleet Yards, or any former occupant of the Premises. Under the former Zoning Code, storage of trucks and truck-trailers without a CUP would not have complied with the Zoning Code and therefore could not be the basis for a claim of legal non-conforming use.

Additional to the lack of a CUP, the City does not have a record of any business(s) being licensed for the operation of a storage facility of trucks and/or truck trailers prior to the zone change in 2015 or afterwards.

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9529
www.cityofsouthgate.org

We urge AEP, as soon as possible, to either provide the evidence requested above or cause Fleet Yards to discontinue its storage of trucks and truck-trailers at the Premises. Failure to do so will result in enforcement action by the City.

Sincerely,

Meredith T. Elguira, Director

*cc:* Mr. Chris Jeffers, City Manager
Raúl F. Salinas, Esq.
Craig D. Hardwick Esq.

**EXHIBIT 13**

**Subject:** FW: 8530 S Alameda Street - Request for Documents
**Date:** Wednesday, May 31, 2023 at 1:32:40 PM Pacific Daylight Time
**From:** Raquel Larios
**To:** Sara Atsbaha
**Attachments:** image913551.png, image477482.png, 2023-05-31 8530 Alameda Street Extension Letter 0.pdf

CAUTION EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon,

Per your PRA please see attached.

Thank you.

**From:** Sara Atsbaha <sara@somosgroup.org>
**Sent:** Sunday, May 21, 2023 10:01 PM
**To:** Raquel Larios <rlarios@sogate.org>; Yalini Siva <ysiva@sogate.org>
**Cc:** Kira T. Conlon <kira@somosgroup.org>; Alfred Fraijo Jr. <alfred@somosgroup.org>; Hardwick, Craig <chardwick@fbtlaw.com>; Raul Salinas <rsalinas@sogate.org>; Salinas, Raúl F. <rsalinas@fbtlaw.com>; Chris Jeffers <cjeffers@sogate.org>
**Subject:** 8530 S Alameda Street - Request for Documents

Good evening Raquel,

We are writing to request copies of the documents described below pursuant to the California Public Records Act, Government Code §§ 7920.000 *et seq*. We understand that the City of South Gate will have up to 10 days to provide a response to this request. Gov. Code § 7922.535. To the extent we can provide additional information that will help expedite document production, we are happy to work with the City of South Gate ("City") to facilitate transfer of the following documents:

1. Business permits, building permits, licenses, certificates of occupancy, and any and all ministerial or discretionary permits issued for 8530 S. Alameda Street (the "Property") between 1965 and 2015;
2. Any correspondence from the City to the property owners or their representatives and tenants concerning a change in zone for the Property, including the 2015 change from M3 to IF Zone, or the requirement to obtain a Conditional Use Permit or any other entitlement sent between 1965 and 2015;
3. A copy of the adopted City of South Gate Zoning Map in 1973;
4. A copy of the adopted City of South Gate General Plan Land Use Map in 1973; and
5. A copy of the City of South Gate Zoning Code applicable in 1973, including the definitions sections, the industrial use sections, and any sections relating to limitations on industrial uses.

Somos Law Group agrees to work with the City to determine reasonable copying costs for the

requested documents. We look forward to your response. If you have any questions or concerns about this request, please do not hesitate to contact us.

Thank you,

Sara Atsbaha

**Sara Atsbaha**
**Attorney**
+1 213-866-8609 | direct
sara@somosgroup.org

SOMOS
LAW GROUP
304 South Broadway, Suite 350
Los Angeles, CA 90013
+1 213-592-1185 | main
somosgroup.org

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# City of South Gate

8650 California Avenue. South Gate, Ca 90280-3075
(323) 563-9510 Fax (323) 563-5411

**Yodit Glaze**
**City Clerk**


May 31, 2023

**VIA E-MAILED- sara@somosgroup.org**

SUBJECT: PRA – 8530 Alameda Street

Dear Mrs. Atsbaha

In an Emailed Public Records Request dated May 21, 2023, and received on May 22, 2023 you submitted a request to the City Clerk's office for various documents under the Ralph M. Brown Act (Government Code §6253, et seq.)

Government Code § 6253(c) requires an agency, upon a request for a copy of records, to determine, within 10 days from receipt of the request, whether the request seeks copies of disclosable public records in its possession, and promptly notify the person making the request of the determination, in this case on or before June 1, 2023. Pursuant to Government Code § 6253(c), given the nature of the records sought, the City of South Gate ("City") requires a statutorily permitted fourteen-day extension to determine the disclosability of the documents, if any such documents exist. Thus, the city will be able to respond to your records request on or before June 15, 2023.

If you have any questions or concerns, please do not hesitate to contact my office at (323) 563-9510. In my absence, please ask to speak with my assistant Raquel Larios.

Very truly yours,

Yodit Glaze
City Clerk

YG:rl

**EXHIBIT 14**

**From:** Raquel Larios <rlarios@sogate.org>
**Sent:** Wednesday, July 5, 2023 12:32 PM
**To:** Sara Atsbaha <sara@somosgroup.org>
**Cc:** Yalini Siva <ysiva@sogate.org>
**Subject:** FW: FW: 8530 - Alameda Street; Documentation of Legal Nonconforming Use

CAUTION EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning, Sara

Please see attached responsive documents from planning department.

Thank you

**From:** Sara Atsbaha sara@somosgroup.org
**Sent:** Wednesday, May 17, 2023 4:50 PM
**To:** Yalini Siva ysiva@sogate.org
**Cc:** Alfred Fraijo Jr. alfred@somosgroup.org; Kira T. Conlon kira@somosgroup.org; chardwick@fbtlaw.com; Raul Salinas rsalinas@sogate.org; rsalinas@fbtlaw.com
**Subject:** 8530 Alameda Street - Request for Documents

Good afternoon Yalini,

We are in receipt of the City of South Gate's ("City") letter dated May 16, 2023, regarding the City's denial of the Temporary Use Permit extension at 8530 S. Alameda Street. As discussed with the City Attorney's office and with the City Manager, we are committed to providing the City with all documentation in support of the legal nonconforming use for truck/trailer & container storage at the property. To assist with our documentation to the City could you please answer the following questions and provide the following documents and records from the City Planning Department?

**Questions**

1. When did the City establish the requirement for a CUP at 8530 S. Alameda Street (the "Property")?
2. What was the zoning for the Property in 1973?
3. What types of entitlements were required for truck/trailer storage at the Property in 1973?

**Request for Documents**

1. Permits, licenses, or certificates of occupancy for the Property issued between 1973 and 2014;
2. Any correspondence from the City to the property owners or their representatives concerning the change in use or need for entitlements sent between 1973 and 2014;
3. A copy of the zoning map in 1973; and
4. A copy of the zoning code applicable in 1973, including the definitions sections, the industrial use sections, and any sections relating to limitations on industrial uses.

Thank you for your assistance. We look forward to working with you to resolve this matter quickly.

If you have any questions, could you please contact our office?

Thank you,

Sara

**EXHIBIT 15**

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

May 16, 2023

VIA ELECTRONIC MAIL

Maria del Pilar Avalos
Mayor, City of South Gate
8650 California Avenue
South Gate, CA 90280
Email:planninginfo@sogate.org

**Re: 8530 Alameda Street – Appeal of CPC's Denial of TUP Extension**

Dear Mayor del Pilar Avalos, and Honorable Members of City Council,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property"). AEP operated a recycling facility on the Property, including storage of truck trailers/containers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers/containers on the Property since 2020 pursuant to a Temporary Use Permit ("TUP") at the recommendation and requirement of the City's previous Director of Community Development. On December 20, 2023, the Current Director of Community Development denied the extension on the grounds that the City erred in issuing the TUP, and alleging that the legal nonconforming use had been abandoned. On January 26, 2023, AEP submitted a letter appealing the Director's decision to the South Gate City Planning Commission ("CPC").

Our firm sent a supplemental letter explaining justification for the appeal on April 27, 2023, ("Supplemental Letter") attached hereto as Exhibit A. On April 27, 2023 City Attorney, Craig Hardwick, kindly notified us that the legal nonconforming use issue is not related to the TUP extension. However, the current Director of Community Development alleged that the legal nonconforming use had been abandoned in her December 20, 2023 correspondence denying the TUP extension. Thus, the scope of the legal nonconforming use is at the center of this appeal ("Appeal"). On May 2, 2023, in a close, 3-2 decision, CPC denied the appeal of the Director's denial of the TUP

extension on the grounds that the TUP was issued in error.[1] The CPC did not make a determination on truck trailer/container storage as a legal nonconforming use at the Property. Immediately after the CPC hearing our office conferred regarding the path forward for the legal nonconforming use. Since the appeal hearing, we have been working with the City Attorney and the City Manager to reach a resolution.

In the interim, we are writing to appeal to CPC's denial of the TUP extensio. With regard to the Appeal, we respectfully request that City Council:

a. Acknowledge the existing legal nonconforming use, given the consistent truck trailer storage on the property since 1973; and
b. Allow Fleet Yards to continue its truck trailer/container storage operations pursuant to that use; or
c. In the alternative, postpone the City Council hearing on the appeal until we have had an opportunity to resolve the legal nonconforming use issue with the City Manager and City Attorney, which would moot the need for further appeal.

Justification for these requests is well-documented, as explained in the Supplemental Letter, the supporting exhibits to the Supplemental Letter, and in the appellants' presentation materials dated May 2, 2023. We are working with the City to obtain copies of additional supporting materials, and reserve the right to submit additional justification prior to the City Council hearing.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

[1] A copy of appellants' presentation materials during the May 2, 2023 CPC hearing are attached as Exhibit B.

cc:
Yalini Silva
Meredith Elguira
Vice Mayor Gil Hurtado
Councilmember Maria Davila
Councilmember Al Rios
Councilmember Joshua Barron
Raquel Larios

# EXHIBIT A

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

April 27, 2023

VIA ELECTRONIC MAIL
City of South Gate
8650 California Ave
South Gate CA, 90280

**Re: 8530 Alameda Street – Appeal of Director's Denial of TUP Extension**

Dear Chairperson Delgado, and Honorable Members of the City Planning Commission,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP historically operated a recycling facility on the Property, including storage of truck trailers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers on the Property since 2020. The truck trailer storage use has been continuous on the Property during the AEP operations and subsequent Fleet Yards operations. As a family-owned business and longstanding member of the South Gate community, AEP is dedicated to working alongside its neighbors, fellow stakeholders, and the City to amicably resolve the City's concerns regarding historic uses on the Property.

We are writing to clarify the scope and nature of the operations on the Property and respectfully request that:

a. The City acknowledge the existing legal nonconforming use; and
b. The City allow Fleet Yards to continue its truck trailer storage operations pursuant to that use; or
c. In the alternative, that the City honor its previous commitments regarding the TUP extensions in light of City staff's error in requiring the TUP.

## 1. Background

At the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a Temporary Use Permit ("TUP") for truck trailer use on the Property, subject to six conditions. The City made several commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. We understand that many of these projects have been substantially delayed because of setbacks caused by the COVID-19 Pandemic, changing real estate market conditions, declining attendance for in-person academic programs, and environmental conditions in the Property vicinity. On December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's misapplication of the South Gate Municipal Code ("SGMC") and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[1]

## 2. Truck Trailer Storage is a Legal & Nonconforming Use at the Property

### a. The City has Authority to Remedy the Previous Administration's Errant Requirements for a TUP.

The SGMC states that "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E. AEP, and later, Fleet Yards have been operating a recycling facility, including truck trailer storage at the Property since the early 1970s. Fleet Yards obtained a TUP only at the City's direction and recommendations as a demonstration of their good faith efforts to comply with City policies and procedures. The original TUP and TUP extensions were not necessary because the truck trailer storage is an ongoing legal nonconforming use with over 50 years of history between the two operators on the Property. Fleet Yards agreed to the TUP only to demonstrate its willingness to work with the City regarding a shared vision for additional education facilities in South Gate. We understand that the zoning on the Property was only recently changed to "Industrial Flex."

We also understand that the City's did not issue certificates of occupancy regularly during the early 1970s when the operations started at the Property. However, we have attached the following documents that establish consistent storage of tractor trailers long before the zone change on the Property:

- A July 1, 2019, Business License to Jack Engle authorizing "outside storage" at 8530 Alameda Street since April 18, 1977;[2]

[1] Please note that the 2022 Rejection Letter failed to disclose the owner's appeal rights and the City's policies and procedures to file the appeal.
[2] See Exhibit A.

- Aerial Photos showing tractor trailers on the site dating back to 2012;[3]
- Documentation of Utility payments dating back to 2016;[4]
- A sewerage system connection fee invoice from the Los Angeles County Sanitation District dating back to 2007;
- An invoice from the South Coast Air Quality Management District for operations on the Property dating back to 2011.[5]

These documents demonstrate that the industrial operations on the Property, including truck trailer storage have been operating consistently for decades. For these reasons, we respectfully request that the City acknowledge that truck trailer storage is a legal nonconforming use on the Property.

b. <u>The Legal Nonconforming Use has Not Been Abandoned or Discontinued, and the Right to Continue is Protected and Preserved Pursuant to the South Gate Municipal Code.</u>

The SGMC states that a legal nonconforming industrial use is preserved so long as it is not abandoned or discontinued for two consecutive calendar years. SGMC § 11.55.040.B. In determining whether a legal nonconforming use has been abandoned, the Director is to evaluate (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection. SGMC § 11.55.040.D.1-2.

The SGMC specifically preserves legal nonconforming uses during transfers of ownership or tenancy. SGMC § 11.55.040.E. Although there are limitations on expansion, the nonconforming use provisions of the SGMC protect all established legal nonconforming uses under the code, regardless of the scope of the use.[6] There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[7] The South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan also specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands.[8] (emphasis added).

Here, between the two operations on the Property, truck trailer storage has been a continuous use at the Property since 1973 -- notwithstanding hardships caused by the

[3] See Exhibit E1-E-4.
[4] See Exhibit C.
[5] See Exhibit D.
[6] SGMC §§ 11.55.030; 11.55.040
[7] *Id*. at 11.55.040.
[8] *South Gate General Plan: Community Design Element,* Policy P.6, pg. 106.

COVID-19 Pandemic, and by the City's error in requiring a TUP. AEP consistently held business licenses for the entirety of their operations on the Property.[9] Similarly, Fleet Yards has held a business license with the City for business operations including outdoor storage transportation, freight and cargo at its primary South Gate address at 4223 Independence Avenue, South Gate, CA 90280, but was informed that it did not need one for the Property. Although the scope and nature of operations for AEP and Fleet Yards were different, neither party ceased the truck trailer storage operations, vacated the premises, or terminated utility service at the Property for the requisite two consecutive year abandonment period. Documentation of consistent utilities payments are attached in **Exhibit C**. Aerial Photographs dating back to 2012 demonstrate that truck trailer storage has been a continuous use at the Property without substantial interruption.[10] In addition, Fleet Yards' intent to continue the legal nonconforming truck trailer storage use has been communicated to the City on multiple occasions, including in connection with the subsequent TUP extension.[11]

Based solely on this, Director Meredith Elguira's December 20, 2022 ("2022 Rejection Letter") communication that the use had been abandoned is inconsistent with the documents in the record, the open and continuous communications with the City declaring the intent to continue operations. In addition, preserving the legal nonconforming use is consistent with the policies in the General Plan. Truck trailer storage is an existing use on the Property and should not be displaced pursuant to General Plan policies. In addition, the Property is surrounded by industrial uses, and adjacent educational institutions have substantially delayed development plans due to environmental conditions in the Property vicinity, financing considerations, changes in class attendance, real estate market considerations and the COVID-19 Pandemic – indicating that forced changes in use within the South Gate College District at this time is inconsistent with the needs of the community. For these reasons, we respectfully request that the City acknowledge the substantial evidence indicating consistent truck trailer storage at the Property, and preservation of this use as legal and nonconforming.

c. Fleet Yards has Maintained an Active Business License with the City of South Gate Since 2014, and Cannot Obtain an Auxiliary Permit Without the City's Cooperation.

The SGMC states that lapse of a business license is one of many factors the City considers in determining whether the legal nonconforming use has been abandoned. Here, AEP maintained a business license for the entirety of its operations on the Property.[12] Fleet Yards has similarly maintained a business license with the City since 2014. AEP and Fleet Yards have maintained a good faith effort to comply with all City

[9] See Exhibit A.
[10] See Exhibit E.
[11] See January 26, 2023 letter from AEP to Chris Jeffers re TUP Extension, attached hereto as Exhibit F; September 27, 2022 Correspondence between Efren Martinez and Director Meredith Elguira regarding the legal nonconforming use on the Property, attached hereto as Exhibit G.
[12] See Exhibit A.

licensing policies and procedures, in addition to permits from other state and local jurisdictions.[13] However, on December 20, 2022 the City claimed that the business license had lapsed without reference to the existing licenses for the Fleet Yards operations. We understand that the City's position is that Fleet Yards requires a supplemental or auxiliary business license for its operations on the Property. However, to obtain a business license, an applicant must first obtain zoning clearance from the South Gate Planning Department. Based on communications from City staff, including the 2022 Rejection Letter, we understand that the City will not issue a zoning clearance because of the current zoning on the Property, notwithstanding the legal nonconforming use. It is inequitable to claim that the use has been abandoned due to lack of an auxiliary business permit when City staff members have indicated that they would not issue the prerequisite zoning clearance for that auxiliary business permit. For these reasons, in consideration of all of the determinative factors for abandonment, there is substantial evidence that the legal nonconforming use on the Property, including storage of tractor trailers has not been abandoned or discontinued.

d. Fleet Yards has Substantially Complied with all of the TUP Conditions.

On December 20, 2022, Director Meredith Elguira alleged that the TUP could not be extended because the conditions of approval had been violated. However, Fleet Yards has substantially complied with the TUP conditions to the extent feasible. On July 16, 2020, the City approved the TUP subject to the following conditions:

1. That the approved use be restricted to truck trailer storage only;
2. That the temporary use is approved for a term of one year, and that additional one-year extensions must be applied for at least 30 days prior to the expiration date of the previous term, for a period of 5 years;
3. That ingress and egress shall be only via Alameda Street;
4. That the number, size and height of truck trailers do not exceed those attached to the original approval;
5. That violations of these conditions or City laws could result in revocation of the TUP; and
6. That the property owner agree to all conditions in the form of a signed affidavit.

As explained above, AEP and later, Fleet Yards have used the Property continuously for truck trailer storage since 1973. Fleet Yards has used the Property for truck trailer storage since obtaining the TUP in July, 2020. The size, number, and height of the truck trailers as authorized in the TUP has not changed. Consistent with the requirements of the TUP, ingress and egress is permitted only on Alameda Street. Although the application for the TUP extension was missed in 2021 due to complications from the COVID-19 Pandemic, both AEP and Fleet Yards have been in consistent communication with the City regarding the nonconforming use on the Property. The owner's signed affidavit is attached as **Exhibit H**. The remaining condition cites

[13] *Id*.

violations of “City laws”. As noted above, the City’s cooperation is required to obtain an auxiliary business permit to supplement the active business license. For these reasons, we respectfully request that the City acknowledge that each of these conditions have been met to the extent possible.

### 3. Terminating the Legal Nonconforming Use Violates the Doctrine of Equitable Estoppel

The Doctrine of Equitable Estoppel was designed to promote fair and equitable business transactions. The doctrine is based on the principle that a party who has made a promise should be held accountable for it where reliance on the agreement was reasonable, and enforcement of the agreement is necessary to avoid injustice. *Drennan v. Star Paving Co.* (1958) 51 Cal.2d 409, 412-413; *Garcia v. World Sav. & Loan Assn.* (2010) 183 Cal.App.4th 1031,1037. Here, Fleet Yards only agreed to the TUP as a demonstration of good faith and willingness to work with the City regarding its vision for the community. Based on communications from City staff on July 8, 2020, in addition to the plain language of the TUP, the City was to consider additional extensions of the TUP in addition to the initial five-year term. In addition, both AEP and Fleet Yards agreed to the TUP as a measure of good faith and willingness to work with the City. It is inequitable for the City to renege on this agreement. AEP forwent multiple lucrative opportunities to sell the Property in reliance on the City’s communications and the reasonable expectation that the City’s permits, licenses, and representations are consistent notwithstanding changes in staff, changes in departmental priorities, and unilateral changes to the zoning code. If the City does not honor its prior commitments, both AEP and Fleet Yards will suffer substantial financial harm. In addition, this inconsistency in City policies discourages investment in our community and is a substantial deviation from the City’s treatment of similarly situated legacy businesses.

### 4. Conclusion

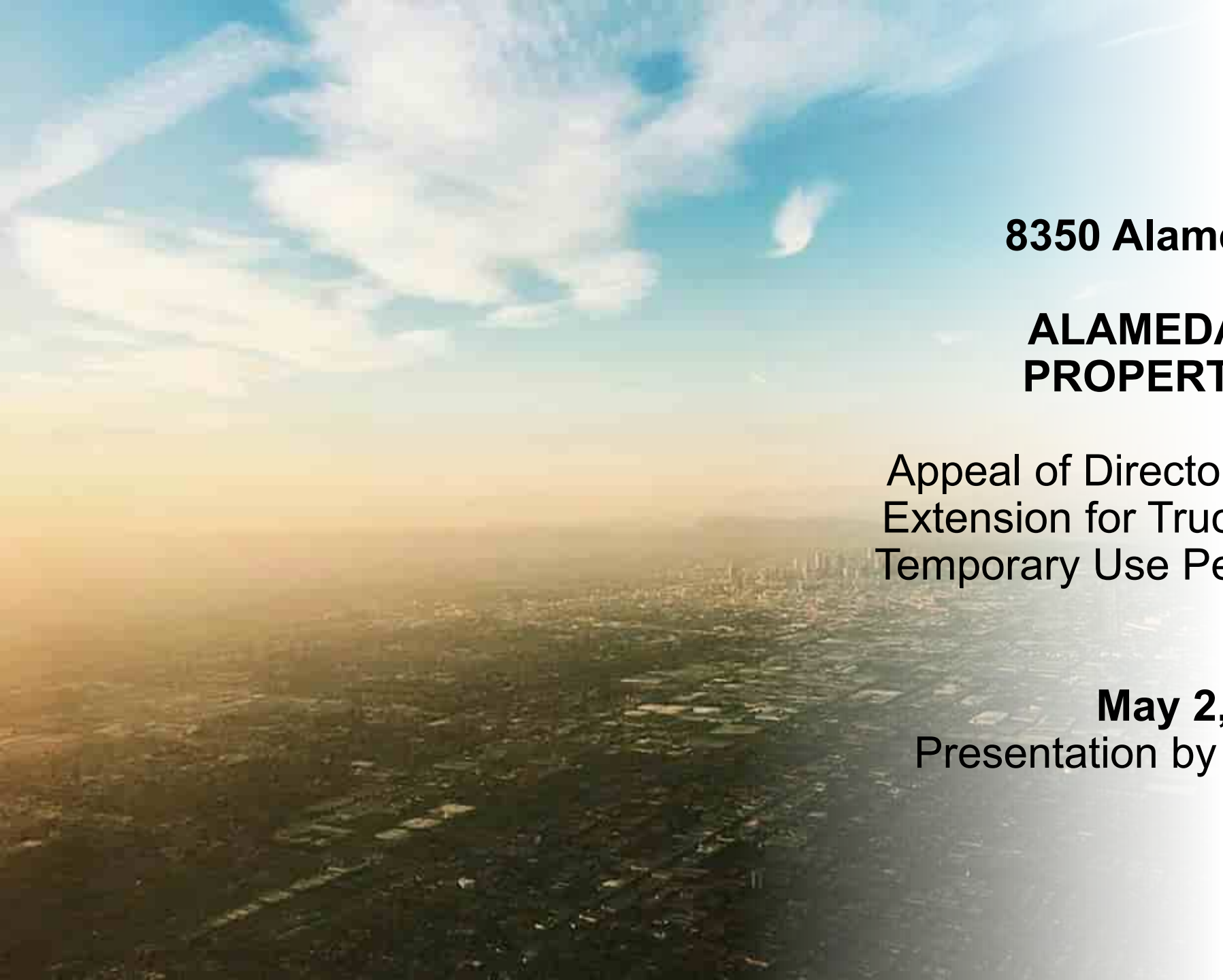
For the reasons stated above, the equitable path forward is to acknowledge truck trailer storage on the Property as a preserved, legal nonconforming use in light of the substantial evidence supporting this finding, and the requirements of the General Plan. In the alternative, we respectfully request that the City reverse the Director’s denial of the TUP extension. We understand that the City’s position is that the TUP was issued in error. However, where, as here, immediately terminating the TUP causes substantial harm to the community, and there is substantial evidence supporting that the use is legal and nonconforming, we urge you to use this opportunity to make it right. As a further demonstration of good faith and willingness to work together, we respectfully request the City share any documentation indicating that the truck trailer storage is not authorized pursuant to the legacy operations on the Property, and procedures for obtaining a business permit zoning clearance where, as here, the use is legal nonconforming.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

# EXHIBIT B



# 8350 Alameda Street

## ALAMEDA ENGLE PROPERTIES, LLC

Appeal of Director's Denial of TUP Extension for Truck Trailer Storage Temporary Use Permit No. 2020-01

**May 2, 2023**

Presentation by Alfred Fraijo Jr.



SOMOS

# 8530 Alameda Street

# Request to Extend the TUP

- Pursuant to TUP Condition No. 2 and the City Planning Commission's review authority of the appeal, the Commission can grant a modest 60-day extension of the TUP to permit the Appellant and City to review the legal nonconforming use determination.

- Alternatively, Commission can opt to postpone its determination on the TUP extension until after the Planning Division completes its reviewing of the legal nonconforming use determination.

# Project Timeline

**EARLY 1970S TO 2020**

Alameda Engle Properties, LLC operated a recycling facility on the Property, including storage of truck trailers

**2020 TO PRESENT**

Tenant Fleet Yards, Inc. operating truck trailer storage on the Property

**JULY 16, 2020**

City approved TUP for truck trailer use on the Property

**DECEMBER 20, 2022**

Community Development Director claims City would no longer consider the TUP extensions

**JANUARY 26, 2023**

Appeal of Director's denial of the TUP extension

# Compliance with All TUP Conditions

| Conditions of Approval | Complies? |
|---|---|
| 1. The approved temporary use for the site is restricted to truck trailer storage only | ☑ |
| 2. The temporary use is approved for a term of one year. Additional one-year extensions will be considered for approval for up to a maximum of 5 years. Additional extensions will be determined based on compliance with conditions and written verification from owner that they are in the process of developing, selling, and/or working with LACCD or developer on a housing development project | ☑ |
| 3. Egress and ingress shall only be via Alameda Street | ☑ |
| 4. Operations shall be limited to the number, size, and height of truck trailers provided in the TUP | ☑ |
| 5. Any violations of the conditions or City laws could result in revocation of TUP | ☑ |
| 6. All conditions shall be agreed to by owner in a signed and notarized affidavit | ☑ |

# Truck Trailer Storage is a Legal Nonconforming Use

- The legal nonconforming use issue is dispositive for the future uses on the Property and informs the need for the TUP and subsequent TUP extensions.

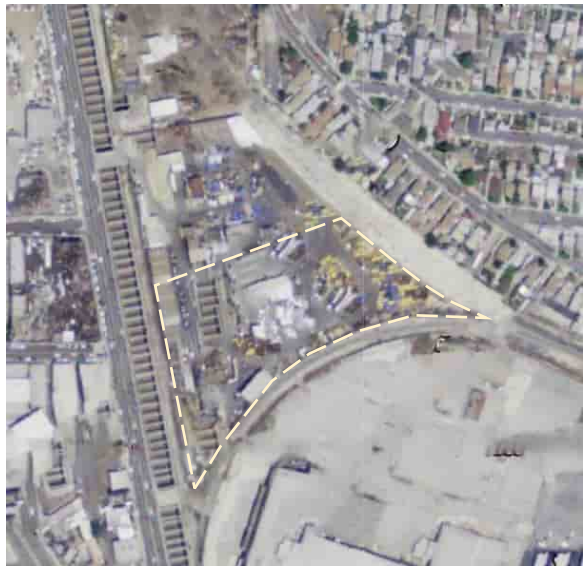
- South Gate Municipal Code (SGMC) – "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E.

- Legal nonconforming industrial use is preserved so long as it is **not abandoned or discontinued** for two consecutive calendar years. SGMC § 11.55.040.B.

**Truck Trailer Storage**

**1973 ---------- Present**

# Historic Aerial Photographs



2012

2018

2020

2022

# 50+ Years of Continuous Truck Trailer Storage Use

**Director Shall Evaluate**
**<u>All</u> of the Following to Determine that a Legal Nonconforming Use is Abandoned:**

1. Owner's Intent
2. Furnishings Equipment & Personal Property
3. Abandoned 2+ Years
4. Licenses & Permits
5. Utilities

# General Plan Compliance

**"Industrial and manufacturing uses should remain in the [South Gate College District] but could be phased out as the college district expands." South Gate General Plan 2035, Community Design Element, p. 106.**

# Thank you

# APPENDIX

# Business License Compliance

**1973 - 2020**

**AEP/Jack Engle License**

**Fleet Yards License**

**2014 - Present**

**Zoning Clearance**

**Fleet Yards Auxiliary Permit**

**EXHIBIT 16**

| | |
|---|---|
| **Subject:** | FW: 8530 Alameda Street - Confidential Settlement Communication - Evidence Code Section 1152 - Draft Settlement Terms |
| **Date:** | Tuesday, April 8, 2025 at 9:39:06 AM Pacific Daylight Time |
| **From:** | Jessica Rivas on behalf of Alfred Fraijo Jr. |
| **To:** | Patricia Ortega |
| **Attachments:** | image118048.png, image837246.png, image869628.png, image079061.png, 8530 Alameda Street - Condifential Settlement Communication - Draft Term Sheet 10.4.23.pdf |

FYI.

**Jessica Rivas**

SOMOS

+1 213-669-5751 | direct
jessica@somosgroup.org

---

**From:** Alfred Fraijo Jr. <alfred@somosgroup.org>
**Sent:** Wednesday, October 11, 2023 9:37 PM
**To:** Raúl F. Salinas <rsalinas@fbtlaw.com>; Raul Salinas <rsalinas@sogate.org>
**Cc:** Sara Atsbaha <sara@somosgroup.org>
**Subject:** Fwd: 8530 Alameda Street - Confidential Settlement Communication - Evidence Code Section 1152 - Draft Settlement Terms

Resending. Please confirm receipt.

Thank you.

**Alfred Fraijo Jr.**

SOMOS

+1 213-592-2966 | direct
alfred@somosgroup.org

Begin forwarded message:

> **From:** Sara Atsbaha <sara@somosgroup.org>
> **Date:** October 4, 2023 at 12:05:30 PM PDT

**To:** "Salinas, Raúl F." <rsalinas@fbtlaw.com>
**Cc:** "Alfred Fraijo Jr." <alfred@somosgroup.org>
**Subject: 8530 Alameda Street - Confidential Settlement Communication - Evidence Code Section 1152 - Draft Settlement Terms**

**CONFIDENTIAL SETTLEMENT COMMUNICATION- EVIDENCE CODE SECTION 1152**

Dear Mr. Salinas,

On behalf of Alfred, I am transmitting the attached draft terms for discussion at your next meeting. I understand you may be meeting tomorrow, Thursday.

Thank you for your continued attention to this matter.

Best regards,

Sara

**Sara Atsbaha**
**Attorney**
+1 213-866-8609 | direct
sara@somosgroup.org

304 South Broadway, Suite 350
Los Angeles, CA 90013
+1 213-592-1185 | main
somosgroup.org

*This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.*

**EXHIBIT 17**

LAW OFFICES
DAPEER, ROSENBLIT & LITVAK, LLP

WILLIAM LITVAK*
STEVEN H. ROSENBLIT
KENNETH B. DAPEER
JAMES C. ECKART
PATRICIA H. FITZGERALD
ERIC P. MARKUS
BRANDON SANCHEZ
JOCELYN CORBETT
ARIA GUILANI

*MANAGING PARTNER

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LOS ANGELES, CA 90064-1524
TELEPHONE (310) 477-5575
FACSIMILE (310) 477-7090

WRITER'S EMAIL
JECKART@DRLLAW.COM

3 November 2023

Somos Law Group, LLP
304 South Broadway, Suite 350
Los Angeles, CA 90013

[*Via First Class Mail and E-Mail: alfred@somosgroup.org*]

Attn: Alfred Fraijo, Jr., Esq.

Re: Alameda Engle Properties, LLC
Planning Commission Resolution No. 2023-05
Denial of Extension of Temporary Use Permit 2020-01
Truck Trailer Storage at 8530 Alameda Street, South Gate

Dear Mr. Fraijo:

I serve as the Code Enforcement Attorney and City Prosecutor for the City of South Gate (hereinafter, "City") in connection with the enforcement of the City's municipal code and applicable State law.

I am sending this correspondence to you as it is my understanding that you represented Alameda Engle Properties, LLC, earlier this year before the South Gate Planning Commission. If you would prefer me to send this directly to your client, please let me know immediately so that I may do so.

As you are aware, on May 2, 2023, the Planning Commission adopted Resolution No. 2023-05, upholding the Community Development Director's decision to deny your client's request to extend Temporary Use Permit 2020-01 - which had authorized truck trailer storage to be conducted at the real property commonly known as 8530 Alameda Street, South Gate (hereinafter, "Subject Property" or "Site"). A copy of Temporary Use Permit 2020-01 and Planning Commission Resolution 2023-05 are enclosed herein for your convenience.

Please be advised that, notwithstanding the correspondence from the City's Community Development Director to your client dated May 16, 2023, should your client desire to appeal the Planning Commission's determination (as set forth in Resolution No. 2023-05), your client must submit a written Request for Appeal with the South Gate City Clerk's Office [at South Gate City Hall, 8650

California Avenue, South Gate] within ten (10) working days of the date of this correspondence. The Request for Appeal must be accompanied by all corresponding Appeal and Public Notice fees, and should include a clear statement as to the grounds for appeal, along with any information and/or documents that support the appeal.

Upon the *timely* submission of the required Request for Appeal and corresponding fees, you and/or your client will be notified of the date, time, and location of the appeal hearing before the City Council. Failure to *timely* submit the required Request for Appeal and corresponding fees to the City Clerk's Office will result in the determination of the Planning Commission being final and binding.

Please also note that nothing in this correspondence negates the Community Development Director's prior determinations and current position that:

(i) The use of the Subject Property for storage of truck trailers was *not* an allowed use at the Site [which is located within the Industrial Flex ("IF") Transitional Overlay] at the time Temporary Use Permit 2020-01 was issued, at the time it was improperly extended in 2021, or at this time;

(ii) Although Temporary Use Permit 2020-01 had been issued authorizing such use, it had been improperly issued because it authorized the use in excess of the maximum time set forth in South Gate Municipal Code Section 11.51.070.B.4;[1]

(iii) The extension of Temporary Use Permit 2020-01 in 2021 was improper because it authorized the use in excess of the maximum time set forth in South Gate Municipal Code Section 11.51.070.B.4;

(iv) Any additional extension thereof would further violate SGMC §11.51.070.B.4;

(v) The operations at the Subject Property violated the Conditions of Approval of Temporary Use Permit 2020-01; and,

---

[1] It should be further noted that the purpose of a Temporary Use Permit is "to allow for short-term activities that warrant individual consideration are acceptable because of their temporary, short-term nature." [SGMC 11.51.070] Moreover, the temporary use "shall not exceed three days in a row, or ten working days in any calendar year" [SGMC 11.51.070.B.4]. Temporary Use Permit No. 2020-01 improperly authorized use of the Site for truck trailer storage for a period of one year, and authorized up to four (4) additional one-year extensions (not to exceed five (5) years from July 16, 2020).

(vi) The use of the Subject Property for truck trailer storage is detrimental to the property or improvements in the surrounding area, or to the public health, safety, or general welfare.[2]

Moreover, nothing in this correspondence should be interpreted to infer that the City Council can override requirements and/or prohibitions set forth in the South Gate Municipal Code as a part of any appeal process

If you have any questions regarding the appeal procedures or applicable fees, kindly contact Senior Planner Yalini Siva at (323) 563-9526 or via e-mail at YSiva@SoGate.org. If you have any other questions regarding the contents of this correspondence, please do not hesitate to contact me directly.[3]

Sincerely,

James Eckart
South Gate City Prosecutor

Encls.

Cc: Fleet Yards, Inc.
Attn: Daniel S. Otting, CEO
Brian Davis, Agent for Service
Senior Planner
Community Development Director
City Manager

---

2 Please note that the City has received complaints from local residents regarding adverse impacts of the noise, light, and pollution generated by the operations at the Site. A copy of a petition that was received by the City is enclosed herein for your review.

3 Please note that contacting either Ms. Yalini or the undersigned does not alter the process or timeline for filing an appeal.

City of South Gate
8650 California Avenue
South Gate, Ca 90280
Phone: (323) 563-9526

**Planning Division**

July 16, 2020

Daniel Otting
Fleet Yards Inc.
893 West 16th Street
Newport Beach, CA 92663

[via email: dan@fleetyardsinc.com]

**Re: Temporary Use Permit No. TUP2020-01 8530 Alameda Street (APN: 6202-036-003)**

Dear Mr. Otting,

The City South Gate has received your temporary use permit application to permit the use of truck trailer storage for a one year period with possible one year extensions up to a maximum period of five years from the date of approval, at 8530 Alameda Street. The proposed project has been reviewed and it has been approved subject to the following conditions:

***Conditions of Approval***

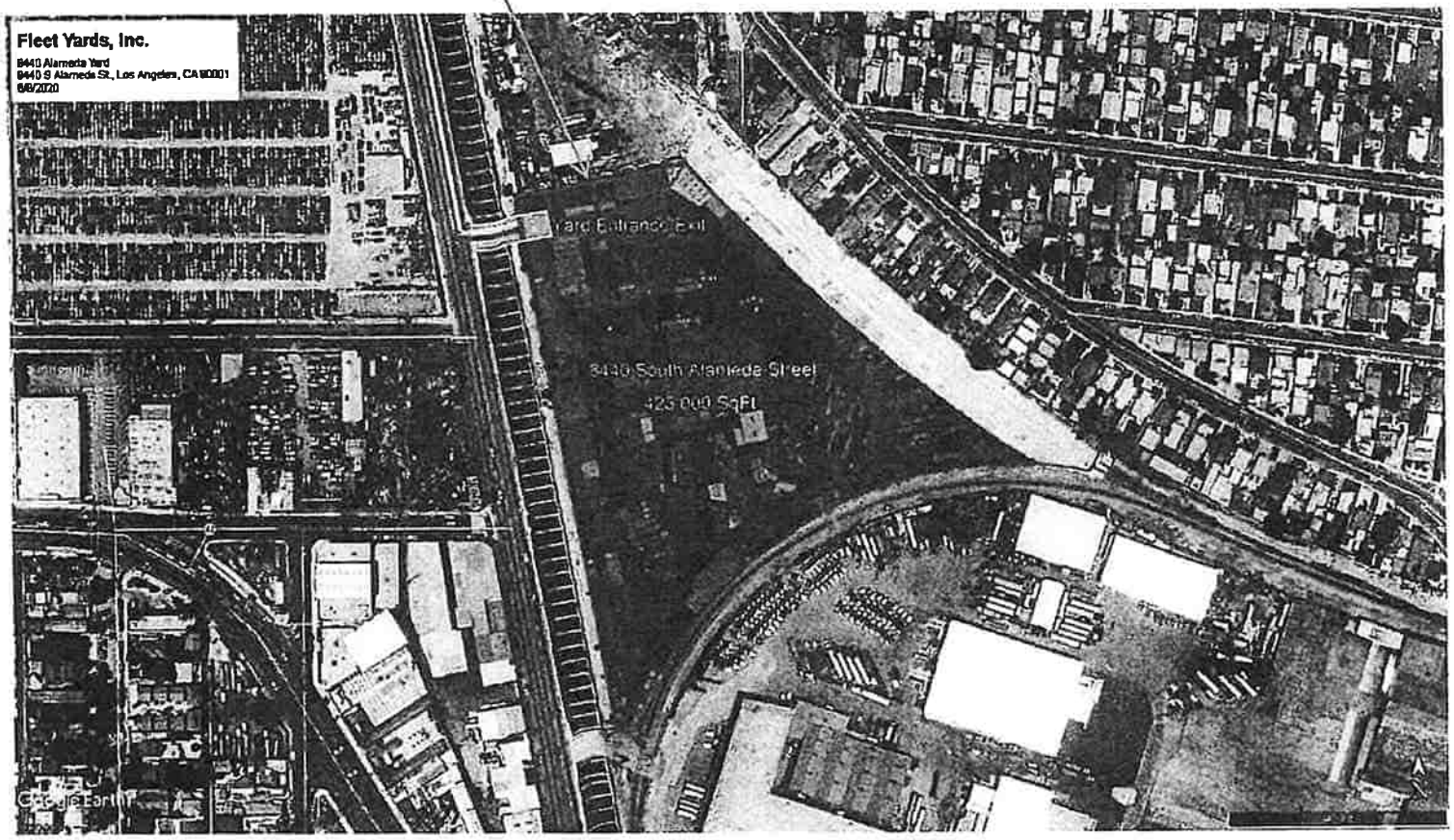
1. The approved temporary use for the site of 8530 Alameda Street is restricted to truck trailer storage *only*. No other outdoor storage is permitted including truck storage. No other use is permitted without the written authorization from the City.
2. The temporary use is approved for a term of one year, set to expire on July 16, 2021. A new application must be submitted at least thirty (30) days prior to the expiration date if an extension is desired. Additional one-year extensions will be considered for approval for up to a maximum period of 5 years from the original approval date of July 16, 2020. Additional extensions will be determined based on compliance with said conditions and written verification from the property owner that he/she/they/ is/are in process of developing the land, selling the land and/or working with Los Angeles Community College or a developer on a housing development project.
3. Egress and ingress shall only be via Alameda Street as reflected in Attachment A. No truck or trailers traveling to or from the site shall be allowed to drive upon any South Gate streets other than Alameda Street.
4. Operations shall be limited to those described in Attachment B as to the number, size and height of truck trailers that will be stored on site.
5. Any violations of these conditions or City Laws could result in the revocation of this Temporary Use Permit No. TUP2020-01.
6. All conditions for a Temporary Use Permit No. TUP2020-01,shall be agreed to by the property owner in the form of a signed and notarized affidavit.

Joe Perez
Community Development Director
City of South Gate

Attachments: A. Site Plan
B. Operation Plan

Map should be updated to clarify the area covered by the permitted use permit (8530) and separately show the access point across 8440. The current map makes it appear as if the entire track is 8440, when the red shaded area also includes 8530.

# ATTACHMENT A



# Attachment B

# ADDENDUM: Description of Operation

**CITY OF SOUTH GATE**

**LAND USE ADMINISTRATIVE PERMIT APPLICATION**
**- TEMPORARY USE PERMIT**

**Property:** 8440 S Alameda St., Los Angeles, CA 90001
**APN:** 6202-036-003

Need do change to the correct address and correct APN: 8530 Alameda Street

**Applicant:** Dan Otting
**Mailing Address:** 893 W 16th Street, Newport Beach, CA 92663
**Phone:** 949-246-6000

## Description of Proposed Operation:

**Summary:**
Short- Term Truck Trailer Storage.

8530 Alameda Street

**Detailed:**
The property at 8440 S Alameda St. is approx. 9.7 acres (423,000 sq ft) in total, but 6.7 acres are a part of South Gate proper.

On the 3 acres in South Gate, approximately **125 trailers** will be parked for short- -term storage. Standard commercial trailers are either **40', 48', or 53' long** (usually 53'), **13'6" tall**, and **8' wide**. Please note that while we are proposing to use the entire property (9.7 acres) for storage, the 3 acres within South Gate proper will *only* be used for trailer storage, with no trucks being stored on that part of the yard.

The full yard will be active **24 hours a day, 7 days a week**, but most of the traffic (>90%) will be between the hours of **6:00 AM and 8:00 PM** each day.

For the entirety of the 9.7 acre property, we expect to see **up to 50-75 trucks and trailers** enter and exit the yard each business day.

6.7 acres

6.7 acres

**RESOLUTION NO. 2023-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, UPHOLDING THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DECISION TO DENY AN EXTENSION OF TEMPORARY USE PERMIT NO. 2020-01 FOR TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET**

**WHEREAS,** the Applicant and property owner, Jason Engle on behalf of Alameda Engle Properties, LLC, requested an extension of Temporary Use Permit 2020-01 to allow for the continued use of truck trailer and container storage at 8530 Alameda Street, a use which is prohibited at that location by the South Gate Municipal Code ("SGMC"); and

**WHEREAS,** the Director of Community Development denied the extension request of Temporary Use Permit 2020-01, based on evidence and testimony provided by the Applicant and City records and provisions of the SGMC pertaining to the duration of temporary use permits; and

**WHEREAS,** the Applicant filed an Appeal of the Director's Decision on the ground that the temporary use permit was previously approved and granted; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on March 21, 2023, April 18, 2023, May 2, 2023; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing and conducted the public hearing on this matter on May 2, 2023, and adopted Planning Commission Resolution No. 2023-05.

**WHEREAS,** the Planning Commission made the following findings:

1. The land use of storage of truck trailers and containers is not authorized or allowed by the South Gate Municipal Code on any land within the Industrial Flex (IF) zone, of which the subject property is a part.

2. Temporary Use Permit 2020-01 was originally issued in error and in violation of City ordinances. Temporary use permits are to be used for "short-term activities" which are of a "short-term nature." In addition, the South Gate Municipal Code specifies that the maximum duration of a temporary use permit shall not exceed three days in a row, or ten working days in any calendar year. Temporary Use Permit 2020-01 was issued in error as the approval was granted for a longer period of time than the South Gate Municipal Code allows for.

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

**SECTION 1.** The Planning Commission hereby 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 that the subject decision is exempt from the California Environment Quality Act of 1970 ("CEQA"), because it can be seen with certainty that this decision has no likelihood of causing a significant negative effect on the environment and the effects derivative from the decision are exempt from the application of CEQA, pursuant to a Class 1 exemption under Section 15301 of the State CEQA Guidelines (15 Cal.Code Regs. § 15301).

**SECTION 3.** The Planning Commission of the City of South Gate, pursuant to the facts noted above, does hereby uphold the decision of the Director of Community Development to deny an extension of Temporary Use Permit 2020-01 at 8530 Alameda Street.

This action was adopted by the following vote at the Planning Commission meeting of May 2, 2023.

**AYES: Delgado, Duarte, Ozaeta**

**NOES: Laborin, Prieto**

**ABSENT:**

**APPROVED and ADOPTED** this 2nd of May, 2023.

Meredith T. Elguira
Community Development Director

**APPROVED:**

Jose Delgado
Chairperson
City Planning Commission

# PETITION TO REMOVE ILLEGAL AND UNPERMITTED TRUCK PARKING

RECEIVED
NOV 1 2023
CITY OF SOUTH GATE
COMMUNITY DEVELOPMENT DEPARTMENT

We, the undersigned, are residents of South Gate and the County Unincorporated areas, who are adversely affected by the pollution and noise generated by the constant stream of trucks coming in and out of the property at 8440 Alameda in South Gate. This yard is an ILLEGAL and UNPERMITTED yard that needs to be shut down. We are tired of hearing the noise, lights and pollution that is coming out of this yard day and night. In addition to the illegal trucking, there are homeless encampments that are now in front of the homes on Santa Fe Avenue. With the new ELAC satellite campus that is being built at the old Firestone plant, there will be students who will be endangered by the high-speed traffic on Santa Fe Avenue—much of which is caused by the incessant truck traffic. We demand that illegal truck parking be removed from 8440 S. Alameda, along with the homeless encampments. We demand that the students who will be attending the ELAC satellite campus, not be subjected to the illegal truck yard which is creating an enormous amount of truck traffic and is having adverse effects on our communities. As communities of color, we already bear disproportionate negative effects from the environmental injustices we suffer in our communities. Every day, these trucks spew toxic particulate matter into our homes and community. We want our representatives to enforce the zoning at 8440 S. Alameda which does not allow for truck parking. Please heed our voices.

| NO. | NAME | PHONE | EMAIL | ADDRESS | CITY |
|---|---|---|---|---|---|
| 1 | Alberto lopez | [redacted] | | [redacted] orchard pl | South Gate |
| 2 | Brian Moreno | | | [redacted] Orchard pl | South Gate |
| 3 | Claudia Moreno | | | [redacted] Orchard pl | South Gate |
| 4 | Samantha Lopez | | | [redacted] Orchard pl | South Gate |
| 5 | Rosa Jimenez | | | [redacted] orchard | South Gate |
| 6 | Elda Castro | | | [redacted] Orchard. Pl. | South gate |
| 7 | Lorena Alvarado | | | [redacted] orchard pl | south Gate |
| 8 | Ruby Navarro M. | [redacted] | | [redacted] Orchard Pl #A | South Gate CA 90280 |
| 9 | Olivia Medina | | | [redacted] Orchard Pl. Apt. [redacted] | SouthGate CA 90280 |
| 10 | Agustin Garcia | | | [redacted] orchard pl Apt [redacted] | southgate |
| 11 | BLANCA RAMIREZ | | | [redacted] orchard pl Apt. [redacted] | southgate 90280 |
| 12 | Rocio Orozco | | | [redacted] orchard pl Apt | Southgate 90280 |
| 13 | Manuel Saveda | | | | |

| NO. | NAME | PHONE | EMAIL | ADDRESS | CITY |
|---|---|---|---|---|---|
| 14 | Gustavo Nava | [redacted] | [redacted] | orchard pl Apt. [redacted] | Sout gate ca. 90280 |
| 15 | Iris Cardenas | [redacted] | [redacted] | Orchard pl | Southgate ca |
| 16 | David Reyes | | [redacted] | Orchard pl | Southgate ca |
| 17 | Santos Alberto | | [redacted] | orchard pl | South Gate |
| 18 | rosie Murillo | [redacted] | [redacted] | orchard pl | south gate ca 90280 |
| 19 | Angel Arpeitia | [redacted] | [redacted] | orchard pl | South gate ca 90280 |
| 20 | Saul Torres | [redacted] | [redacted] | orchard pl | South gate Ca. 90280 |
| 21 | Jose Carrera | [redacted] | | | |
| 22 | Socorro Rodriguez | [redacted] | | [redacted] | orchard pl 90280 |
| 23 | Aida Patricia Hernandez | | | [redacted] | orchard pl 90280 |
| 24 | | | | | |
| 25 | Alfredo Arce. P | | | | |
| 26 | Ricardo Cardenas | | | [redacted] | ORCHARD Pl SOUTHGATE 90280 |
| 27 | Martenz Cardenas | | | [redacted] | Orchard pl South Gate. |
| 28 | Lorena Soto | [redacted] | [redacted] | @gmail.com | [redacted] Orchard Pl. |
| 29 | | | | | |
| 30 | Samuel Hasse | | [redacted] | orchar pl | |
| 31 | Magdalena Dorado | | [redacted] | Ardmore ave # A S G CA | |
| 32 | MAYRA Velasquez | | [redacted] | [redacted] | Orchard pl |

| NO. | NAME | PHONE | EMAIL | ADDRESS | CITY |
|---|---|---|---|---|---|
| 52 | Amion Covena | | | [redacted] | In |
| 53 | Adriana Lopez | | | [redacted] | Independence Ave HP |
| 54 | Guillermina Zamorano | | | [redacted] | Independence Ave H.P. |
| 55 | DAVID GUZMAN | | | [redacted] | INDEPENDENCE AVE |
| 56 | Diana Martins | | | [redacted] | Independence Ave |
| 57 | Viviana Guzman | | | [redacted] | Santa Fe Ave. |
| 58 | Maria Molina | | | [redacted] | Santa Fe Ave |
| 59 | Reina Melendez (urgente place) | | | [redacted] | poplar pl Hp CA 90255 |
| 60 | ELISEO CARDOVA | | | [redacted] | SANTA FE AV |
| 61 | NAMIRO ESCOBAR | | | [redacted] | SANTA FE AV |
| 62 | Karen Alvarado | | | [redacted] | Santa Fe Ave HP CA 90255. |
| 63 | ABEL MARTINEZ | | | [redacted] | SANTA FE AVE HP 90255 |
| 64 | MAURICIO SARAVIA | | | [redacted] | SANTA FE AVE, HP. 90255 |
| 65 | Robert Saravia | | | [redacted] | Santa Fe Ave, HP, 90255 |
| 66 | Douglas Silva | | | [redacted] | Laurel pl South gate 90280 |
| 67 | Esperanza Ruiz | | | [redacted] | Laurel PL South Gate 90280 |
| 68 | Juan Covarrubias | | | [redacted] | LAUREL PL. SOUTH GATE, CA. 90280 |
| 69 | Alfredo Covarrubias | | | [redacted] | Laurel PL South gate CA. 90280. |
| 70 | Karen Gonzalez | | | [redacted] | Laurel PL #[redacted] South Gate 90280 |
| 71 | Nieves Ortiz | | | [redacted] | Laurel PL #[redacted] South Gate 90280 |

# PETITION TO REMOVE ILLEGAL AND UNPERMITTED TRUCK PARKING

We, the undersigned, are residents of South Gate and the County Unincorporated areas, who are adversely affected by the pollution and noise generated by the constant stream of trucks coming in and out of the property at 8440 Alameda in South Gate. This yard is an ILLEGAL and UNPERMITTED yard that needs to be shut down. We are tired of hearing the noise, lights and pollution that is coming out of this yard day and night. In addition to the illegal trucking, there are homeless encampments that are now in front of the homes on Santa Fe Avenue. With the new ELAC satellite campus that is being built at the old Firestone plant, there will be students who will be endangered by the high-speed traffic on Santa Fe Avenue—much of which is caused by the incessant truck traffic. We demand that illegal truck parking be removed from 8440 S. Alameda, along with the homeless encampments. We demand that the students who will be attending the ELAC satellite campus, not be subjected to the illegal truck yard which is creating an enormous amount of truck traffic and is having adverse effects on our communities. As communities of color, we already bear disproportionate negative effects from the environmental injustices we suffer in our communities. Every day, these trucks spew toxic particulate matter into our homes and community. We want our representatives to enforce the zoning at 8440 S. Alameda which does not allow for truck parking. Please heed our voices.

| NO. | NAME | PHONE | EMAIL | ADDRESS | CITY |
|---|---|---|---|---|---|
| 1 | Marilin Lopez | MLopez | | [redacted] | Ardmore South Gate |
| 2 | Nelson Melendez | | | [redacted] | Ardmore south gate |
| 3 | Kevin Cielo Alvarado | | | [redacted] | Ardmore South gate |
| 4 | Daritea Cielo | | | [redacted] | Ardmore Southgate |
| 5 | Maria Alvarado | | | [redacted] | Ardmore Southgate |
| 6 | Miguel Cielo | | | [redacted] | Ardmore Southgate |
| 7 | Walter Remolio | | | [redacted] | ARDMORE SOUTH GATE |
| 8 | Leticia Ocegueda | | | [redacted] | Ardmore Ave South Gate CA 90280 |
| 9 | Rubi Alcerv | | | [redacted] | Santa Fe ave H.P. CA 90255 |
| 10 | MARIO LOPEZ | | | [redacted] | INDependence Ave. H.P. 90255 |
| 11 | Ana Zavala | | | [redacted] | Independence Ave. H.P. |
| 12 | Rosario Chavez | | | [redacted] | Independence Ave H.P. |
| 13 | Jose Verduzco | | | [redacted] | Independence Ave |

| NO. | NAME | PHONE | EMAIL | ADDRESS | CITY |
|---|---|---|---|---|---|
| 33 | adan Iglesias | | | [redacted] ardmore | South gate. |
| 34 | Maria Fonte | | | [redacted] Admore ave | P.A.+C |
| 35 | Andrea Fuentes | | | [redacted] Ardmore Ave | South Gate |
| 35 | Maria Cealoez | | | | Sale PL HP. CA 90255 |
| 36 | Maria Avalos | | | | Ardmore Ave Apt A 90280 |
| 37 | Mario A Martinez | | | | Ardmore Apt A 90280 |
| 38 | Maria Aguire | | | | Ardmore Ave Southgate |
| 39 | Alex AVALOS | | | | ARdmore AVE Southgate |
| 40 | Maria Perez | | | [redacted] Independence Ave | Hp CA. 90250 |
| 41 | RAFAEL BUENROSTRO | | | | Independence Ave |
| 42 | Vanessa Martinez | | | [redacted] Independence ave. | |
| 43 | Jorge Daniel Cruz | | | [redacted]@gmail.com | |
| 44 | JAZMIN MORA | | | [redacted] Independence Ave | Huntington PARK |
| 45 | ELSA MAUROS | | | [redacted] INDEPENDENCE AVE | HP 90255 |
| 46 | Rosa Gomez | | | [redacted] Independence Ave. | H.P CA 90255 |
| 47 | Juan Cueva | | | [redacted] Independence Ave | Huntington Park |
| 48 | Melinda Luna | | | [redacted] Emergency Ave | Huntington Park |
| 49 | Walter Castillo. | | | | Santa fe. Ave. H.P. 90255 |
| 50 | Cristobal Tobia | | | | Santa fe Ave |
| 51 | Maria Teresa Cuja | | | | Santa Fe |

| NO. | NAME | PHONE | EMAIL | ADDRESS | CITY |
|---|---|---|---|---|---|
| 52 | Juan Carter | | | [redacted] Santa Fe Ave. | Huntington Park CA |
| 53 | DANIEL PEREZ | | | [redacted] | Santa Fe |
| 54 | Jesse Morales | | | [redacted] | Santa Fe Ave |
| 55 | | | | | Huntington Park CA 90255 |
| 56 | Rodolfo Mora | | | [redacted] | Santa fe Ave. HP. CA 90255 |
| 57 | Martha Mora | | | [redacted] | Santa Fe Ave CA 90255 |
| 58 | Juan Mora | | | [redacted] | santa fe ave Hp CA 90255 |
| 59 | [illegible] | | | [redacted] | Santa fe ave |
| 60 | [illegible] | | | [redacted] | santa fe Ave |
| 61 | [illegible] | | | [redacted] | Santa fe AVE |
| 62 | [illegible] | | | [redacted] | Santa fe AVE. |
| 63 | [illegible] | | | [redacted] | Laurel Pl 90280 |
| 64 | [illegible] | | | [redacted] | Laurel pl South Gate CA 90280 |
| 65 | Pablo A. Montalvo | | | [redacted] | Laurel Pl South Gate ca 902 |
| 66 | Lorena Rosa | | | [redacted] | Laurel Pl South Gate ca 902 |
| 67 | Maria T. Alejandre | | | [redacted] | Laurel Pl South Gate CA 90280 |
| 68 | Alfonso Rodriguez | | | [redacted] | Laurel Pl. South Gate CA 90280 |
| 69 | | | | | |
| 70 | | | | | |
| 71 | | | | | |

| NO. | NAME | PHONE | EMAIL | ADDRESS | CITY |
|---|---|---|---|---|---|
| 33 | Salvador Salinas | | [redacted] | Laurel Pl. # [redacted] | South Gate CA 90280 |
| 34 | Veronica Garrido | | | Laurel Pl. | South Gate CA 90280 |
| 35 | | | | | |
| 35 | | | | | |
| 36 | | | | | |
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[redacted] Omar Ruiz

**EXHIBIT 18**

ATTACHMENT D

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

November 15 , 2023

VIA ELECTRONIC MAIL

Mayor del Pilar Avalos
City of South Gate
8650 California Avenue
Council Chambers
South Gate, CA 90280

**Re: Request for Appeal & Determination of Legal Nonconforming Use**

Dear Mayor del Pilar Avalos and Honorable City Councilmembers,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP operated a recycling facility on the Property, including storage of truck trailers/containers, starting the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers/containers on the Property since 2020 pursuant to a Temporary Use Permit ("TUP") at the recommendation and requirement of the City's previous Director of Community Development. As noted in our previous correspondence to the Planning Commission, the City Attorneys and to Planning Staff, this use has been a consistent part of the site operations for over 50 years and is a legal nonconforming use. On December 20, 2022, the Current Director of Community Development denied the extension of the TUP on the grounds that the City erred in issuing the TUP, and alleged that the legal nonconforming use had been abandoned. Notwithstanding the City's error in issuing the TUP, the existing truck trailer and container storage use is preserved as legal and nonconforming. On January 26, 2023, AEP submitted a letter appealing the Director's decision to the South Gate City Planning Commission ("CPC").

On April 27, 2023 City Attorney, Craig Hardwick, notified us that the legal nonconforming use issue is not related to the TUP extension, and would not be considered as part of the TUP hearing. However, the current Director of Community Development alleged that the legal nonconforming use had been abandoned in her

December 20, 2022 correspondence denying the TUP extension. Ms. Elguira made similar statements regarding the legal nonconforming use during the May 2, 2023 appeal hearing before the City Planning Commission ("CPC Hearing"). Thus, the scope of the legal nonconforming use is at the center of this appeal ("Appeal").

During the CPC Hearing, the Planning Commission denied the appeal in a close, 3-2 decision. However, the Commissioners instructed Planning Staff to work together with our clients to resolve the legal nonconforming issue given the decades of successful business operations on the Property.

Our firm sent letters explaining justification for the Appeal on April 27, 2023, and a supplemental letter appealing the CPC's decision on May 16, 2023 (Exhibits A & B, respectively). In a letter dated May 16, 2023, The current Director of Community Development, asserted that an appeal of the TUP decision to the City Council was "not available" notwithstanding the appeal provisions in the South Gate Municipal Code ("SGMC"). Ms. Elguira's May 16, 2023 letter is attached hereto as Exhibit C.

Since then, we have been working closely with the City Attorney's office to provide evidence of truck trailer and container storage on the Property dating back to the early 1970s. After waiting several months for the City's response to our Public Records Act request, our office submitted comprehensive documentation of truck trailer and container storage use over several decades at the property to the City on August 17, 2023, attached hereto as Exhibit D. Ms. Elguira has provided no response to that letter, and has not made a formal determination on the legal nonconforming use issue as required by the SGMC.[1]

On November 3, 2023, our office received a letter from the City Prosecutor requesting our clients to again submit appeal documentation of the CPC"s May 2, 2023 decision regarding the TUP. In order to preserve our clients' rights, we are writing for a second time to appeal the CPC's determination., and to request that the City:

a. Accept this second appeal of the City Planning Commission's May 2, 2023 denial of our request to extend the TUP;
b. Require that the Director comply with her obligations under the SGMC to issue a determination on the legal nonconforming use;
c. Acknowledge that truck trailer and container storage has been a legal nonconforming use on the property, as demonstrated in the August 17 letter and supporting Exhibits; and
d. Allow Fleet Yards to continue its truck trailer/container storage operations pursuant to that use.

[1] Section 11.55.070 of the SGMC provides that the Director must issue a determination when a specific use has lost its legal nonconforming status. SGMC § 11.55.070.A The determination may then be appealed to the City Planning Commission. As of the date of this letter, we have not received any such determination from Ms. Elguira, or a response to our August 17, 2023 letter.

Justification for these requests is well-documented, as explained in the attached exhibits, and in the appellants' presentation materials dated May 2, 2023, attached hereto as Exhibit E. We reserve the right to submit additional justification prior to the City Council hearing.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc: James Eckart
Raul Salinas
Craig Hardwick
Meredith Elguira
Yalini Siva
Jason Engle
Alan Engle
Dan Otting
Tommy Newcomer

**EXHIBIT 19**

8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9526
**E:** ysiva@sogate.org
**W:** cityofsouthgate.org
*City Hall is Closed Every Friday*

**From:** James Eckart <jeckart@drllaw.com>
**Sent:** Friday, December 15, 2023 1:48 PM
**To:** Sara Atsbaha <sara@somosgroup.org>
**Cc:** Yalini Siva <ysiva@sogate.org>; Meredith Elguira <melguira@sogate.org>
**Subject:** Alameda Engle Properties, LLC / Truck Trailer Storage at 8530 Alameda Street, South Gate

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

Sara,

As you are aware, on November 3, 2023, I, on behalf of the City of South Gate, advised you that the City was granting your above-referenced client an opportunity to appeal the Planning Commission's determination to deny the renewal of Temporary Use Permit 2020-01 (as set forth in Resolution No. 2023-05) to the City Council.

Although you have provided our office with documentation demonstrating that you timely filed with the City the request for appeal (in accordance with my correspondence), the appeal packet and corresponding payment have not been located at City Hall.

**It has been agreed that you will cause another copy of the appeal packet (with a new payment of the appeal fees) to be delivered to Senior Planner Yalini Siva in the Community Development Department at South Gate City Hall on Monday, December 18, 2023, between 8 am and 12 pm (noon).**

*Should the City locate the prior submission (and payment), we will contact you to see if you want the original check to be shredded or returned to your office.*

~~~~

As I have also informed you, in accordance with SGMC Chapter 11.55, Community Development Director Meredith Elguira is evaluating your client's assertion that the storage of truck trailers at the Site is a legal, non-conforming use. **Prior to completing the evaluation, the City wants to provide your client with a final opportunity to submit any additional documentation that your client believes will assist the Director in this endeavor** - including, but not limited to, the following:

a)
Any business licenses, regulatory permits, or other entitlements issued BY THE CITY to your client or any tenant of the site; and,
~~~~

b)
Clarification of the timelines set forth within Exhibit B of the TUP appeal package. Specifically, I am providing you with two pages from Exhibit B. The first is the "Project Timeline", which states that your client's recycling business operated at the site from the early 70's to 2020. It also states that Fleet Yards, Inc. commenced truck trailer storage at the site in 2020 (and has continued to the present). The second page I am including with this e-mail is the "Business License Compliance" portion of Exhibit B - which seems to indicate that Fleet Yards has been operating at this Site since 2014 - and was first licensed in 2014. Is it your client's contention that Fleet Yards commenced operations at the Subject Property in 2014 or 2020, and when did Fleet Yards first obtain a business license, regulatory permit, or other entitlement (other than the TUP) from the City for this Site.

Please note that, for purposes of the determination on legal, non-conforming status, you do **NOT** need to resubmit any documents that you have already provided as part of the TUP appeal applications submitted in either April or November 2023.

**We are requesting that you submit all such documentation directly to Community Development Director Meredith Elguira [via e-mail at MElguira@sogate.org] on or before January 4, 2024, at 12:00 p.m. (noon). You are also requested to copy Senior Planner Yalini Siva [via e-mail at YSiva@sogate.org] and me [via e-mail at JEckart@drllaw.com].**

*Once the Director has issued her determination, your client will be provided a right to appeal to the Planning Commission any negative determination in accordance with SGMC §11.50.040.*

**It is my understanding from our preliminary discussions that your client will withdraw his appeal of the TUP denial upon the City's issuance of the legal, non-conforming determination.** That is, you agreed that if the City recognizes a legal, non-conforming right to store truck trailers at the Site, the appeal of the TUP would be moot. And, if the City does NOT recognize a legal, non-conforming right to store truck trailers at the Site, your client would prefer to focus all efforts on an appeal of THAT determination rather than on the TUP.

Accordingly, *the City has agreed to HOLD the TUP appeal payment* (i.e., refrain from negotiating the payment) until you advise us either (i) that your client wishes to withdraw the appeal; or (ii) that your client wishes to proceed with the appeal. If your client timely decides to withdraw the TUP appeal, the payment would either be shredded or returned to you (at your direction).

Please note, however, that if the City does NOT receive notification of your client's withdrawal of the TUP appeal within ten (10) working days of the Director's determination regarding the legal, non-conforming status [which is the appeal period set forth in SGMC §11.50.040], the City will deem your client's intention to proceed with the TUP appeal - and the payment would be negotiated and the appeal would proceed accordingly.

~~~~~

Thank you again for your continued professionalism and cooperation with this matter, and please do not hesitate to contact me if you have any questions or concerns, or if anything in this e-mail does not comport to our discussions.
~~~~~

—Jim

--

James Eckart, South Gate City Prosecutor
DAPEER, ROSENBLIT & LITVAK, LLP
11500 West Olympic Boulevard, Suite 550
Los Angeles, CA 90064-1524
Tel: (310) 477-5575
Fax: (310) 477-7090
jeckart@drllaw.com

NOTICE: This message is intended only for the addressee and may contain information that is privileged, confidential and/or attorney work product. If you are not the intended recipient, do not read, copy, retain or disseminate this message or any attachment. If you have received this message in error, please call the sender immediately at (323) 587-5221 and delete all copies of the message and any attachment. Neither the transmission of this message or any attachment, nor any error in transmission or misdelivery shall constitute waiver of any applicable legal privilege.

**EXHIBIT 20**

---

**From:** Yalini Siva <ysiva@sogate.org>
**Sent:** Monday, December 18, 2023 10:44 AM
**To:** James Eckart <jeckart@drllaw.com>; Sara Atsbaha <sara@somosgroup.org>
**Cc:** Meredith Elguira <melguira@sogate.org>
**Subject:** RE: Alameda Engle Properties, LLC / Truck Trailer Storage at 8530 Alameda Street, South Gate

CAUTION EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sara:
Please see the attached receipt of the Appeal fees you submitted this morning.

Thank you.

**Yalini Siva**
**Senior Planner**

City of South Gate – Community Development Department
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9526
**E:** ysiva@sogate.org
**W:** cityofsouthgate.org
*City Hall is Closed Every Friday*

City of South Gate
Planning Division
8650 California Ave., South Gate, CA 90280
Phone: (323) 563-9549 Fax: (323) 563-9571

**PERMIT NO. PL230000061**
**LEDGER/RECEIPT NO. 250923**
**Entered By:Yalini Siva**

**Received Date :12/18/2023**

# TRANSACTION RECEIPT

COMMUNITY DEVELOPMENT DEPARTMENT
8530 Alameda St
South Gate CA 90280

**Payee Address:**
Sara Atsbaha
304 S BROADWAY STE 350 SOMOS GROUP LLC
LOS ANGELES CA 90013

FEES

| TRANS ID | Fee Description | Fee Date | Trans Type | Units | Paid |
|---|---|---|---|---|---|
| **Invoice #** I-20231218-329529 | | | | | |
| 333841 | Appeal - Other | 12/18/2023 | check | 0.00 | $2,364.00 |
| 333842 | Public Noticing | 12/18/2023 | check | 0.00 | $1,570.00 |

**Payment**

| Transaction Mode | Payment Method | Register | Check or CC orAccount# | Amount |
|---|---|---|---|---|
| Payment of Balance Due | check | BS | 1206 | $3,934.00 |

**EXHIBIT 21**

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

January 4, 2024

VIA ELECTRONIC MAIL

Meredith Elguira
Director of Community Development
City of South Gate
8650 California Avenue
South Gate, CA 90280
Email: melguira@sogate.org

**Re: 8530 Alameda Street – Supplemental Documentation of Legal Nonconforming Use**

Dear Ms. Elguira:

Our firm represents Alameda Engle Properties LLC ("AEP"). We are writing in response to James Eckart's email dated December 15, 2023, requesting clarification about the truck trailer storage facility located at 8530 Alameda Street, (the "Property") a portion of which is located within the City of South Gate ("City").

Our office has submitted a significant volume of documents demonstrating that truck trailer and container storage has been a legal nonconforming use on the Property since the early 1970s. These documents were submitted as exhibits to our previous letters to the City dated April 27, 2023, May 16, 2023, August 17, 2023, and November 15, 2023. References to documents that have already been submitted to the City are listed in the Exhibit References, attached hereto as Exhibit A.[1] We will resend these letters and exhibits under separate cover for ease of reference. The documents that are responsive to each of Mr. Eckart's inquiries are described in more detail below.

[1] These documents are the only responsive documents in our Client's possession, after a comprehensive review of privately-held business records, and after reviewing the documents provided by the City in response to our Public Records Act request.

A. City-Issued Business Licenses, Regulatory Permits, or Entitlements issued by the City to JECO or to Fleet Yards.

1. Business Licenses

All business licenses for our clients have been submitted to the City as exhibits to previous correspondence. We have no further responsive documents. Please refer to the documents labeled "business licenses" in Exhibit A.[2] Our clients, doing business as Jack Engle and Company ("JECO"), operated a recycling facility, including truck trailer and container storage, at the Property between 1973 and 2020. All City-issued business licenses were issued to JECO during this time frame.

Fleet Yards has maintained an active business license with the City since it began its operations at a separate truck trailer and container storage facility located at 4223 Independence Avenue, also within the City of South Gate. A copy of that permit was shared with the City on April 27, 2023, and August 17, 2023.[3] This permit also contains the specific language authorizing outdoor storage, just like the business licenses issued to JECO while it was operating at 8530 Alameda.

Fleet Yards did not begin operating the truck trailer and container storage facility at the Property until 2020, pursuant to the Temporary Use Permit ("TUP") obtained at the direction of the Community Development Director at the time, Joe Perez.

Fleet Yards has been unable to obtain a supplemental or auxiliary permit for the 8530 Alameda Street location since the City issued the TUP in 2020 because South Gate requires a "zoning clearance" as part of its business license application and review process. As you know, pursuant to a City-driven zone change in 2015, the City changed the zoning for the Property from "heavy manufacturing" or M3, to "industrial flex". Because the "zoning clearance" requires the City to resolve the legal nonconforming use issue, Fleet Yards cannot obtain the auxiliary permit for the Alameda Street location without the City's cooperation.

In addition, despite months of communication with the City leading up to the City's issuance of the TUP in June, 2020 regarding permit and compliance requirements, the City did not notify Fleet Yards of the need for a supplemental or auxiliary permit for the 8530 Alameda Street location until recently—long after the City refused to process the TUP extension. Fleet Yards cannot obtain the auxiliary permit for the 8530 Alameda

[2] Document Numbers 1-3 reflect all copies of business licenses in our possession for JECO. Document Number 5 is a copy of the Renewal License dated June 15, 2019, along with a copy of the check for the business license renewal fee. . Although neither the City nor the Client have earlier copies of JECO's business licenses, Document Number 6 (provided by the City) demonstrates the City's record of JECO's business licenses from 1977 through 2020, when the Property was leased to Fleet Yards.

[3] See Document Number 4. Although the only business license for Fleet Yards in our possession is the 2022 copy, we are informed and believe that Fleet Yards has maintained an active business license for its Independence Avenue location since it commenced operations in 2014.

Street location without the City's determination on the legal nonconforming use issue, or without the City's cooperation and agreement to an alternative solution while the legal nonconforming use issue is resolved. Our clients and their tenants have made every effort to comply with all known licensing and permitting requirements – notwithstanding the misdirection from the City. Both parties continue in good faith to comply with all City requirements.

2. City-Issued Regulatory Permits

Our office previously submitted City-issued Industrial Waste Discharge Permits, building permits, and certificates of occupancy documenting the historic legal nonconforming use.[4] We have no further responsive documents. We are unaware of any ***regulatory*** permits required or issued by the City. Our office submitted regulatory permits from other agencies with jurisdiction over the Property, such as the Department of Toxic Substances Control, and jurisdiction over the historic use of the Property such as the Department of Transportation, the California Department of Motor Vehicles, the Department of Transportation, The South Coast Air Quality Management District, and associations such as the National Motor Freight Traffic Association. These regulatory permits were attached to our August 27, 2023 letter to the City Planning Commission.[5]

3. Entitlements

As explained in our previous correspondence, metal recycling and truck trailer and container storage were allowed by-right at the time JECO established these uses in the early 1970s. For this reason, the only "entitlement" in our possession for the Property is the TUP that the City issued in July, 2020 (TUP 2020-01). We have no further responsive documents. A copy of the TUP is attached hereto as Exhibit B.

B. Clarification of Fleet Yard Operations Timeline

You have asked for clarification of the timelines attached hereto as Exhibit C. Exhibit C.1 "Business License Compliance" depicts the records and significant events relating to business license compliance for the Property between 1973 and 2023, when the timelines were shared with the City. JECO maintained an active business license for the Property while it operated between 1973 and 2020. Fleet Yards did not begin operating at the Property until 2020, pursuant to the TUP. Fleet Yards has continuously operated at the Property since 2020. Fleet Yards has a separate truck trailer and container storage facility within the City of South Gate. We are informed and believe

[4] See Exhibit A, Document Numbers 7-11. The Industrial Waste Discharge Permits (Document 7-9) specifically reference the metal storage bins that were used as part of JECO's recycling operations.

[5] All regulatory permits in our possession issued by the County are organized under Exhibit A to the April 27, 2023 letter. They have been omitted from the Exhibit References list to avoid duplicative document sharing.

that Fleet Yards has operated at that location since approximately 2014.[6] As noted above, Fleet Yards was not informed that it required a supplementary business license until recently. In addition, the City cannot issue the auxiliary business license until it reaches a resolution of the legal nonconforming use issue. Exhibit C.2 depicts the events leading to the TUP appeal, including, but not limited to the duration of the JECO operations (1970s to 2020) the City's issuance of the TUP (July, 2020), Fleet Yards operations at the Property from 2020 – present. Not included in either timeline is the current lease with Fleet Yards, which does not expire until 2035. If you have further questions about the timelines, please don't hesitate to contact my office.

C. Reaching an Agreement

Our clients remain dedicated to resolving this issue amicably with the City. On October 4, 2023, our office submitted some proposed terms for a potential Development Agreement that would address the City's concerns, provide opportunities for municipal oversight, a pathway for future development of the Property, and correct the City's errant requirement to obtain a TUP in 2020. The previous City Manager was unwilling to meet with us to discuss these terms or potential solutions. To date, we have not yet been able to meet with the new City Manager, but we would appreciate the opportunity to discuss these options at his earliest convenience.

If you have any additional questions regarding the documents that we've submitted or the terms of the potential Development Agreement, please contact my office.

Thank you,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

[6] See Exhibit A, Document Number 4. The 2022 business license is the only Fleet Yards business license in our possession.

cc:

James Eckart, City of South Gate City Prosecutor
Yalini Silva, Senior Planner
Rob Houston, Director of Community Development
Alan Engle
Jason Engle

# EXHIBIT A

**8530 Alameda Street**

**Supplemental Documentation of Legal Nonconforming Use**

**Exhibit References**

| No. | Document Type | Description | Submitted to City |
|---|---|---|---|
| 1 | Business License | City of South Gate to JECO – 2015 (Specifically authorizes "Outside Storage"). | August 17, 2023, Letter Demonstrating Legal Nonconforming Use; Exhibit F |
| 2 | Business License | City of South Gate to JECO – 2016 (Specifically authorizes "Outside Storage"). | August 17, 2023, Letter Demonstrating Legal Nonconforming Use; Exhibit F |
| 3 | Business License | City of South Gate to JECO – 2017 (Specifically authorizes "Outside Storage"). | August 17, 2023, Letter Demonstrating Legal Nonconforming Use; Exhibit F; April 27, 2023, Supplemental Letter to City Planning Commission; Exhibit A.39 |

| | | | |
|---|---|---|---|
| 4 | Business License | City of South Gate to Fleet Yards – 2022 (Specifically authorizes "Special Permit For Outdoor Operations") | August 17, 2023, Letter Demonstrating Legal Nonconforming Use; Exhibit F; April 27, 2023, Supplemental Letter to City Planning Commission; Exhibit A.42 |
| 5 | Business License Renewal Notice | City of South Gate to JECO dated June 15, 2019 (Includes attached check for business license renewal fee and the City's description of the business as "outside storage") | April 27, 2023, Supplemental Letter to City Planning Commission; Exhibit A.42 |
| 6 | City Summary of JECO's Business Licenses | City of South Gate Summary of Business Licenses issued to JECO (Documenting the City's License history to JECO from 1977 to 2020) | August 17, 2023, Letter Demonstrating Legal Nonconforming Use; Exhibit E |
| 7 | Industrial Waste Discharge Permit | City of South Gate to JECO – June 28, 2007 (Authorizing "Wash bay to wash metal storage bins") | April 27, 2023, Supplemental Letter to City Planning Commission; Exhibit A.7 |

| | | | |
|---|---|---|---|
| 8 | Industrial Waste Discharge Permit | City of South Gate to JECO – October 15, 2012 (Authorizing "Wash bay to wash metal storage bins") | April 27, 2023, Supplemental Letter to City Planning Commission; Exhibit A.32 |
| 9 | Industrial Waste Discharge Permit | City of South Gate to JECO – October 25, 2017 (Authorizing "Wash bay to wash metal storage bins") | April 27, 2023, Supplemental Letter to City Planning Commission; Exhibit A.40 |
| 10 | Building Permit | City of South Gate – 8530 Alameda Street Permit No. 009-001-445 dated July 17, 2012 (permit renewals for building, electrical, and sewer) | April 27, 2023, Supplemental Letter to City Planning Commission; Exhibit A.16 |
| 11 | Certificates of Occupancy | City of South Gate to JECO dated 1977 (Acknowledging "metal processing" as the authorized use on the site, and referencing the former m-3 zoning at the time the use was established) | August 17, 2023, Letter Demonstrating Legal Nonconforming Use; Exhibit D |

# EXHIBIT B

City of South Gate
8650 California Avenue
South Gate, Ca 90280
Phone: (323) 563-9526

**Planning Division**

July 16, 2020

Daniel Otting
Fleet Yards Inc.
893 West 16th Street
Newport Beach, CA 92663

[via email: dan@fleetyardsinc.com]

**Re: Temporary Use Permit No. TUP2020-01 8530 Alameda Street (APN: 6202-036-003)**

Dear Mr. Otting,

The City South Gate has received your temporary use permit application to permit the use of truck trailer storage for a one year period with possible one year extensions up to a maximum period of five years from the date of approval, at 8530 Alameda Street. The proposed project has been reviewed and it has been **approved subject to the following conditions:**

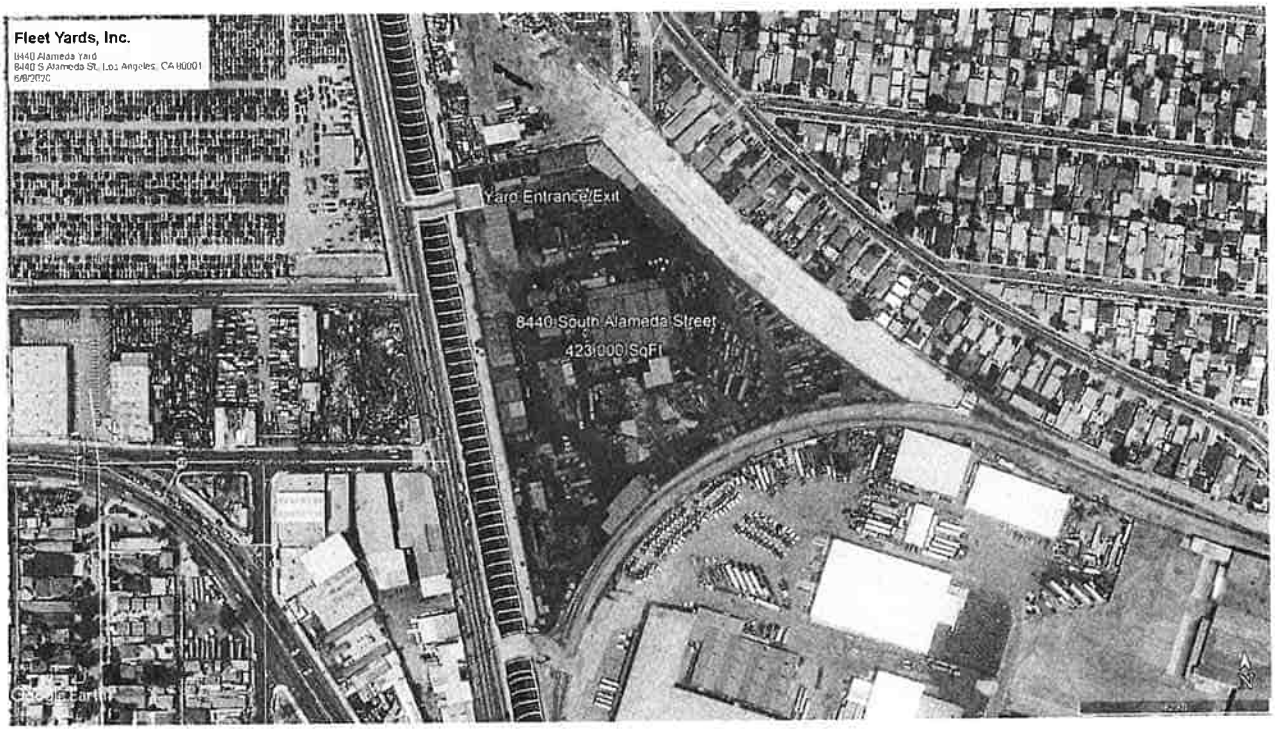
***Conditions of Approval***

1. The approved temporary use for the site of 8530 Alameda Street is restricted to truck trailer storage *only*. No other outdoor storage is permitted including truck storage. No other use is permitted without the written authorization from the City.
2. The temporary use is approved for a term of one year, set to expire on July 16, 2021. A new application must be submitted at least thirty **(30) days prior** to the expiration date if an extension is desired. Additional one-year extensions will be considered for approval for up to a maximum period of 5 years from the original approval date of July 16, 2020. Additional extensions will be determined based on compliance with said conditions and written verification from the property owner that he/she/they/ is/are in process of developing the land, selling the land and/or working with Los Angeles Community College or a developer on a housing development project.
3. Egress and ingress shall only be via Alameda Street as reflected in Attachment A. No truck or trailers traveling to or from the site shall be allowed to drive upon any South Gate streets other than Alameda Street.
4. Operations shall be limited to those described in Attachment B as to the number, size and height of truck trailers that will be stored on site.
5. Any violations of these conditions or City Laws could result in the revocation of this Temporary Use Permit No. TUP2020-01.
6. All conditions for a Temporary Use Permit No. TUP2020-01,shall be agreed to by the property owner in the form of a signed and notarized affidavit.

Joe Perez
Community Development Director
City of South Gate

Attachments: A. Site Plan
B. Operation Plan

# ATTACHMENT A



# Attachment B

# ADDENDUM: Description of Operation

**CITY OF SOUTH GATE**

**LAND USE ADMINISTRATIVE PERMIT APPLICATION**
**- TEMPORARY USE PERMIT**

**Property:** 8440 S Alameda St., Los Angeles, CA 90001
**APN:** 62020360031900049

**Applicant:** Dan Otting
**Mailing Address:** 893 W 16th Street, Newport Beach, CA 92663
**Phone:** 949-246-6000

## Description of Proposed Operation:

**Summary:**
Short- Term Truck Trailer Storage.

**Detailed:**
The property at 8440 S Alameda St. is approx. 9.7 acres (423,000 sq ft) in total, but only 3 acres are a part of South Gate proper.

On the 3 acres in South Gate, approximately **125 trailers** will be parked for short- -term storage. Standard commercial trailers are either **40', 48', or 53' long** (usually 53'), **13'6" tall**, and **8' wide**. Please note that while we are proposing to use the entire property (9.7 acres) for storage, the 3 acres within South Gate proper will *only* be used for trailer storage, with no trucks being stored on that part of the yard.

The full yard will be active **24 hours a day, 7 days a week**, but most of the traffic (>90%) will be between the hours of **6:00 AM and 8:00 PM** each day.

For the entirety of the 9.7 acre property, we expect to see **up to 50-75 trucks and trailers** enter and exit the yard each business day.

# EXHIBIT C

# Business License Compliance

**1973 - 2020**

**AEP/Jack Engle License**

**Fleet Yards License**

**2014 - Present**

**Zoning Clearance**

**Fleet Yards Auxiliary Permit**



SOMOS

# Project Timeline

**EARLY 1970S TO 2020**

Alameda Engle Properties, LLC operated a recycling facility on the Property, including storage of truck trailers

**2020 TO PRESENT**

Tenant Fleet Yards, Inc, operating truck trailer storage on the Property

**JULY 16, 2020**

City approved TUP for truck trailer use on the Property

**DECEMBER 20, 2022**

Community Development Director claims City would no longer consider the TUP extensions

**JANUARY 26, 2023**

Appeal of Director's denial of the TUP extension



SOMOS

**EXHIBIT 22**

**From:** Sara Atsbaha <sara@somosgroup.org>
**Sent:** Wednesday, June 19, 2024 6:59 PM
**To:** Raul Salinas <rsalinas@sogate.org>; Salinas, Raúl F. <rsalinas@fbtlaw.com>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>; Kira T. Conlon <kira@somosgroup.org>
**Subject:** 8530 Alameda Street - Confidential Settlement Communication

Good evening, Raul

Attached please find the draft settlement agreement for 8530 Alameda Street. Please let us know when you are available to discuss the agreement.

Best,

Sara

**Sara Atsbaha**
**Attorney**
+1 213-866-8609 | direct
sara@somosgroup.org

SOMOS

304 South Broadway, Suite 350
Los Angeles, CA 90013
+1 213-592-1185 | main
somosgroup.org

OneDrive

**EXHIBIT 23**

**8530 Alameda Street**

**Matter Summary**

Alameda Engle Properties, LLC ("AEP") has operated a metals recycling facility, including outdoor truck trailer and container storage on their property located at 8530 Alameda Street ("Property") since 1973. AEP has provided all available documents, including documents in the City's possession dating back to 1973 demonstrating that the metal recycling and outdoor truck trailer and container storage was authorized by right, without need for entitlements at the time the use was established. The City cannot require proof of permits that were not required at the time the use was established under the South Gate Municipal Code ("SGMC"). Accordingly, the Director's Determination is inappropriate based on the evidence in the record. In 2020, then director of community Development, Joe Perez, incorrectly advised the current tenants, Fleet Yards, to obtain a Temporary Use Permit ("TUP") to authorize the continued truck trailer parking on the Property. On July 16, 2020, Fleet Yards obtained the TUP from the City. The City would not have an argument that the use had "lapsed" if AEP had received correct instructions on the appropriate entitlements for the Property, such as a Development Agreement, or Zone Change/General Plan Amendment. AEP, together with Fleet Yards, has been proactive in attempting to resolve the City's error for several years.

**Evidence Provided**

AEP has provided substantial evidence demonstrating that outdoor truck trailer and container storage is a legal nonconforming use on the Property, including: historic copies of the zoning code, historic aerial photos of the property depicting the truck trailers and containers, historic business ledgers demonstrating the specific outdoor truck trailer and container storage use on the property, evidence of City representations to third parties documenting the legal nonconforming use, and recent business permits – which require "zoning clearance" prior to approval. These documents establish that the City 1) was aware of the legal nonconforming use 2) reviewed every application for a business permit for "clearance," and 3) consistently issued business permits that authorize "outdoor storage" on the Property. AEP has been proactive in attempting to resolve this issue with the City for the past few years. However, the City has allowed months to lapse before AEP receives responses to inquiries and proposals, responses to requests for information, or responses to AEP's offers to discuss alternate solutions that allow the uniquely-situated Property to remain productive.

**Proposed Solutions**

In March, 2024, City representatives suggested that AEP instead file a Zone Change and General Plan Amendment ("ZC/GPA"). Portions of this proposed ZC/GPA require initiation by the City. However, the City did not process the application for months after it was filed, and has refused to discuss the application despite consistent correspondence from AEP's representatives. City representatives suggested that AEP submit a proposed plan to transition the use. AEP submitted a draft Development Agreement that terminates the use over a 10 year period on June 18, 2024. The City never responded to the proposed terms despite months of follow-up from AEP's representatives. The City's delays have resulted in significant harm to AEP. An updated summary of the DA terms and explanation of the ZC/GPA are attached as Exhibit A and Exhibit B.

**Potential Challenges**

AEP requests the City's assistance in keeping the current use on the Property until a viable alternative is identified. The City rezoned the Property specifically to be used as part of an educational campus in 2015

pursuant to a General Plan Amendment. However, as part of this rezone, the City was supposed to engage with a community college redevelopment partner and complete a Precise Plan or Specific Plan to facilitate redevelopment of the property prior to terminating the use. Although it has been nearly a decade since the City's rezoning effort, the City has not completed any of the requisite steps for redevelopment—making immediate redevelopment or use transition infeasible.

In addition, the Property is uniquely situated in an historically industrial area. It is currently surrounded on three sides by industrial uses, and the fourth by train tracks not owned or operated by AEP. We understand that Los Angeles County intends to infill the adjacent space (not owned or operated by AEP) with a warehouse and truck parking. A map of the Property and surrounding areas is attached as Exhibit C. As depicted in the Map, the only point of ingress and egress to the Property is located outside of the City's jurisdiction, in unincorporated Los Angeles County. For this reason, the trucks that travel to and from the Property travel primarily on County property, and not within the City of South Gate. The Property is also subject to a restrictive covenant with DTSC, which prohibits soil disturbance, housing uses, and schools for persons under 18. For this reason, DTSC must be involved in the City's Precise Plan/Specific Plan efforts, which will add additional time to the redevelopment and use transition timeline. For these reasons, we ask that the City consider the attached proposals in lieu of immediate termination of the use.

## Exhibit A

### Proposed Development Agreement Terms

Assists the City in satisfying the redevelopment requirements in the General Plan. Identifies long-term redevelopment solution. Creates a contractual obligation to phase-out the current use based on market conditions. Provides market-driven data for the City's next iteration of the General Plan.

| Term | Timeline | Description |
|---|---|---|
| Feasibility Study | (1 Year)* | AEP to conduct Market Study within 1 Year to determine feasible future developments and alternate uses at the Property, including potential redevelopment partners. |
| Redevelopment Partner/ Future Tenant | (1 Year)* | AEP to retain a broker and begin marketing the Property to target and secure redevelopment partners and/or future tenants based on the Market Study. AEP to provide regular status updates to the City on its efforts. |
| Project Plans/Agency Involvement | (2-3 Years)* | Redevelopment Partner to secure funding, refine site plan, and coordinate entitlements package with the City and redevelopment plans with DTSC. AEP/Redevelopment Partner to provide regular project updates to the City during this period. |
| Precise Plan/Specific Plan | (1 Year)* | City to assist Redevelopment Partner & AEP with Precise Plan/Specific Plan (required by current General Plan) and advise on appropriate entitlements package. Redevelopment Partner to submit entitlements application. Parties to meet quarterly until the entitlements application is filed. |
| Entitlements Processing | (18 months)* | City to review entitlements application. AEP/Redevelopment Partner to prepare EIR. |
| Extension for Entitlements Processing | (Up to 3 Years) | Parties acknowledge that the timeframes marked with an asterisk are estimates, and may be delayed due to circumstances beyond the Parties' control. If an entitlements package for the redevelopment project has been filed with the City within 7 years, the Parties may extend the agreement term for up to 3 additional years to allow the City to complete processing of the entitlements. The total term shall not exceed 10 years. |
| Term | (7-10 Years) | |

**Implementation:**

- Reverse Director's Determination on appeal; and
- Add Proposed Development Agreement to 3/18 Planning Commission hearing for Commission's consideration

**Exhibit B**

**Zone Change/ General Plan Amendment**

Removes the use restrictions under the SGMC and General Plan. Reverts the zoning to the previous zoning designation, where the current use is allowed. City (Planning Commissioners or City Councilmembers) to initiate text changes that add termination date earlier that current 2035 deadline. Allows for faster resolution and more flexibility regarding future uses, as City will have to update its General Plan in 2035.

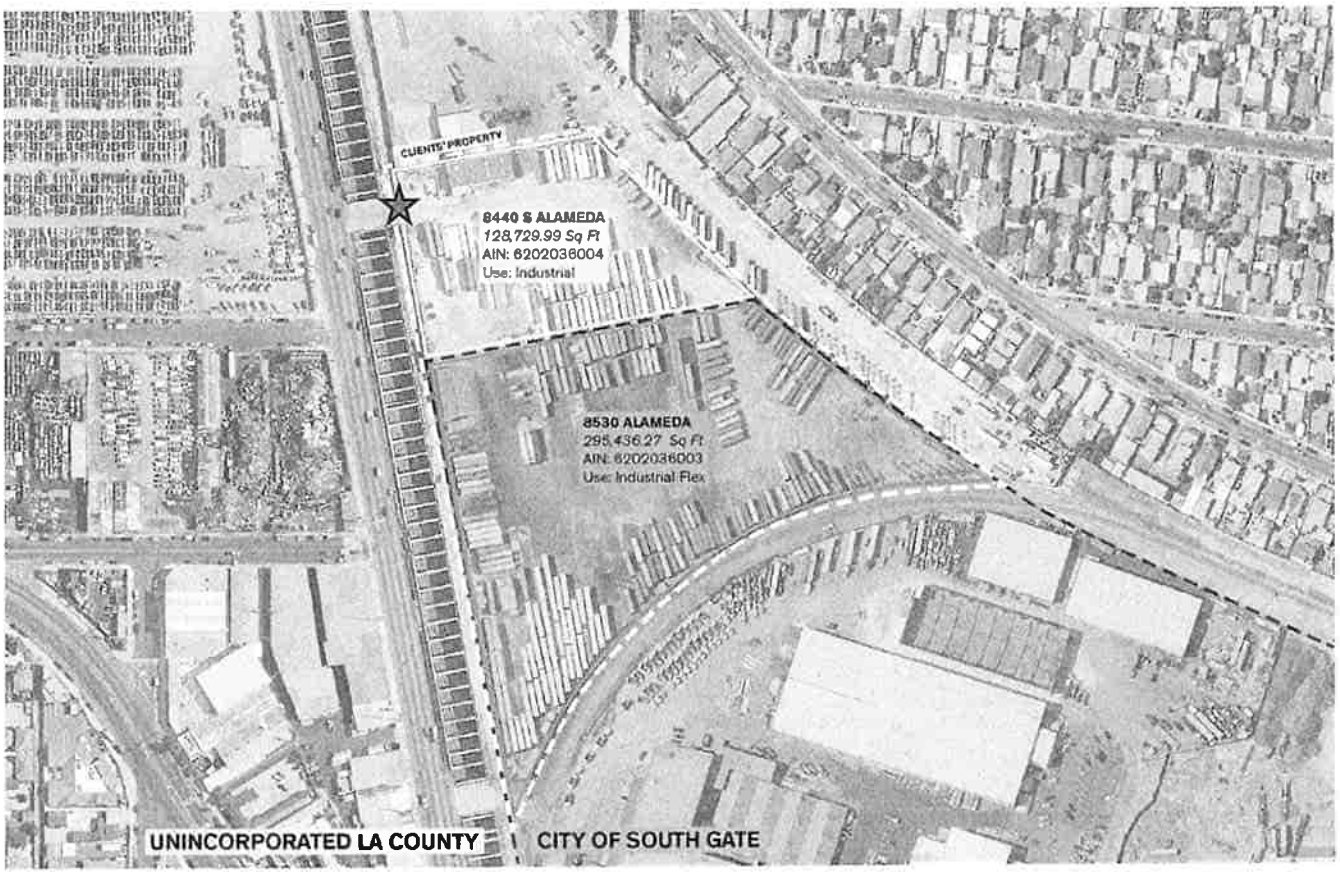
| Item | Description | Status |
|---|---|---|
| AEP Application for Zone Change/General Plan Amendment | Reverses the City's 2015 rezone. Removes the Property from South Gate Community College District Subarea 1 (requiring educational/institutional uses) and reverts the zoning back to M2 where industrial uses, including the current use are allowed with discretionary entitlements. | Pending. Application filed October, 2024. Scheduled for Planning Commission Consideration on 3/18. |
| City-Initiated Text Changes | Currently, the General Plan allows nonconforming uses in the IF zone to continue until 2035 – concurrent with the timing of the City's next General Plan update. To give the City more flexibility on a shorter timeframe and a guarantee of the end date as requested, the City would have to initiate a text change to the General Plan and Zoning Code. | Unknown. |

**Implementation:**

- Reverse Director's Determination on appeal; and
- Approve proposed map changes for underlying zoning and removal from South Gate Community College District Subarea 1; and
- City to propose additional termination language in General Plan and Zoning Code

**Exhibit C**

**Site Map**




Entrance/Exit

**EXHIBIT 24**

**From:** Sara Atsbaha <sara@somosgroup.org>
**Date:** Monday, October 14, 2024 at 6:36 PM
**To:** planninginfo@sogate.org <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>, Patricia Ortega <patricia@somosgroup.org>
**Subject:** 8530 Alameda Street - Application for ZC & GPA

Good evening,

Attached please find our application for a zone change ("ZC") and amendment to the General Plan ("GPA") for real property located at 8530 Alameda Street in the City of South Gate. Please contact my office if you have any questions about the application.

Thank you,

Sara Atsbaha

**Sara Atsbaha**
**Attorney**
+1 213-866-8609 | direct
sara@somosgroup.org

SOMOS

304 South Broadway, Suite 350
Los Angeles, CA 90013
+1 213-592-1185 | main
somosgroup.org

**EXHIBIT 25**

City of South Gate

8650 California Avenue
South Gate, Ca 90280
Phone: (323) 563-9526

**Community Development Department**
**Planning Division**

# LAND USE ENTITLEMENT (LUE) APPLICATION

- ☐ Conditional Use Permit
  - ☐ _____ Type
- ☐ Density Bonus Program
- ☒ General Plan Amendment
- ☐ Specific Plan
- ☐ Tentative Tract/Parcel Map
- ☐ Variance
- ☒ Zone Change

**For Office Use Only**
**Date Received:** _____
**Received By:** _____
**Case Number:** _____
**Receipt No.** _____

| PROJECT INFORMATION | | | |
|---|---|---|---|
| Project Address: | 8530 South Alameda Street, South Gate, CA 90280 | | |
| Project Description: | Zone change request from IF to M3 to legalize truck trailer and container storage. | | |
| Assessor's Parcel Number(s): | 6202-036-003 | Existing Zoning: | IF |
| Legal Description: | See attached. | | |

| PROPERTY OWNER INFORMATION | | | |
|---|---|---|---|
| Name of Owner: | Alameda Engle Properties, LLC | | |
| Mailing Address: | 10556 Ilona Avenue | | |
| City, State, Zip: | Los Angeles, CA, 90064 | | |
| Telephone: | 323-304-3084 | Email: | AlamedaProp@outlook.com; Jasonbengle@outlook.com |

| AUTHORIZED AGENT INFORMATION (This is the person who will be contacted regarding this application. This person will be named the applicant in all documents related to this application.) | | | |
|---|---|---|---|
| Name of Agent: | Sara Atsbaha | | |
| Mailing Address: | 304 South Broadway, Suite 350 | | |
| City, State, Zip: | Los Angeles, CA, 90013 | | |
| Telephone: | 213-866-8609 | Email: | sara@somosgroup.org |

I/We declared under the penalty of perjury that the information provided on this application is true and accurate and that I/we have familiarized myself/ourselves with the relevant provisions of the South Gate Zoning Code.

_____
Signature

Date 9/12/24

## Owner's Affidavit

I, (We), Jason Engle, hereby declare, under the penalty of perjury, that I (we) am (are) the owner(s) of the property involved in this request located at 8530 South Alameda Street, and identified as APN 6202-036-003, or if the owner is a corporation or other entity, that I (we) am (are) duly authorized to execute this affidavit on behalf of said corporation or entity. I (we) further declares that the foregoing statements and the information submitted herewith are true and correct.

Signature: _____

Mailing Address: 10556 Ilona Avenue, Los Angeles, CA 90064

Phone: 323-304-3084

Signature: _____

Mailing Address: _____

Phone: _____

**California All-Purpose Acknowledgment**

State of California )
County of Los Angeles ) ss.

On Sept 11th, 2024 before me, David S. Andrade, Notary Public, personally appeared Jason Brian Engle,

who proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledgement to me that he/she/they executed the same in his/her/their authorized capacity (ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PREJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature _____

DAVID S. ANDRADE
Notary Public - California
Los Angeles County
Commission # 2479188
My Comm. Expires Jan 11, 2028

The UPS Store
10578 W. Pico Blvd.

NOTE: This application must be signed by the property owner or authorized agent. If by authorized agent, a letter of authorization from the property owner must be filed with this application. An invalid signature would invalidate the requested procedure. If more than one person is involved in the ownership of the property being developed a separate page must be attached to this application which lists the names, addresses and notarized signatures of all persons having an interest in the ownership of the property.

Revised 3/2020

Print Form

City of South Gate

**Community Development Department**
**Planning Division**

8650 California Avenue
South Gate, Ca 90280
Phone: (323) 563-9526

## SUPPLEMENT FORM – ZONE CHANGE / GENERAL PLAN AMENDMENT

**Finding of Facts**

The following conditions and findings must be met before a **Zone Change/General Plan Amendment** can be granted. Please indicate how the proposed project meets these criteria (attach additional sheets as necessary):
(Yes or No responses are not acceptable)

1. The following new conditions warrant a revision of the Zoning/General Plan land use designation as it pertains to the property(ies) or area under consideration:

   See Attachment A - Response to Question 1.

2. The reclassification of the area under consideration will be in the interest of the public necessity, health, safety and general welfare for the following reasons:

   See Attachment A - Response to Question 2.

3. The approval of this application will be consistent with the goals, policies, and objectives of the City's adopted General Plan:

   See Attachment A - Response to Question 3.

**ATTACHMENT A**

## 8530 Alameda Street

### Zone Change / General Plan Amendment Findings

***1. The following new conditions warrant a revision of the Zoning/General Plan land use designation as it pertains to the property(ies) or area under consideration:***

***Response to Question 1:***

Alameda Engle Properties, LLC (the "Applicant") is the owner of real property located at 8530 Alameda Street (the "Property"), a portion of which is located within the City of South Gate ("City"). The remaining portion of the Property is located within unincorporated Los Angeles County ("County Property"). The County Property has been used since the early 1960s for truck trailer and container storage. The County Property is zoned for Heavy Manufacturing uses, or "M2" under the County's zoning ordinance and corresponding zoning maps. These operations expanded to the portion of the Property located in the City ("South Gate Property") in the early 1970's, and have operated continuously since then. The South Gate Property was also zoned for Heavy Manufacturing, or "M3" uses, including truck trailer and container storage, until 2015.

In 2015,[1] the City designated the South Gate Property as "Subarea 1" of the "South Gate College District" in the City's 2035 General Plan ("General Plan"). The South Gate College District was:

> "proposed to become a diverse, dense and vibrant area that contains a wide array of facilities such as classrooms, a library, public meeting spaces, parks and plazas, cultural facilities and a hub for emerging green technology firms."[2]

To accommodate this vision, the City also rezoned the South Gate Property from M3 to Industrial Flex, or "IF" to facilitate its vision for gradual redevelopment and mixed uses within the South Gate College District. The rezone created inconsistent land use designations over the Property. Truck trailer and container storage is not an allowed use in the IF zone, but continues to operate as a legal, nonconforming use. The uses currently surrounding the Property are primarily industrial, including outdoor storage and truck parking to the north (outside of the City boundary), an automobile auction facility, storage facility, and metal fabrication facility to the west, railroad tracks, an aluminum manufacturing facility, and mixed retail developments to the south, and a railroad easement bounded by residential uses to the east.

However, in May, 2015,[3] The Department of Toxic Substances Control ("DTSC") imposed a Land Use Covenant and Agreement ("Restrictive Covenant") over the Property (inclusive of the South Gate Property) prohibiting:

- residences;
- hospitals;

---

[1] Pre-2015 Zoning Map of the City of South Gate, Part I, pg. 1

[2] South Gate General Plan 2035; Community Design Element, pg. 105.

[3] Land Use Covenant and Agreement (Environmental Restrictions), Site Name: Engle Southern Parcel, File Code: 301249, Assessor's Parcel No. 6202-036-003, between the California Department of Toxic Substances Control and Alameda Engle Properties LLC, May 7, 2015.

- public or private schools for people under 18 years of age; and
- day care centers.

The Restrictive Covenant also prohibits soil disturbing activities, including excavation, grading, soil removal, trenching, earth movement, mining, or drilling without pre-approval from DTSC. These additional restrictions substantially limit the number of viable alternative uses appropriate for the South Gate Property.

The Applicant is proposing a Zone Change on the South Gate Property from "IF" to the previous "M3" zoning designation, and a General Plan Amendment to remove the South Gate Property from the South Gate College District. These changes will allow the historic operations on the Property to continue, consistent with the previous zoning designation until market conditions allow for future redevelopment.

***2. The reclassification of the area under consideration will be in the interest of the public necessity, health, safety, and general welfare for the following reasons:***

***Response to Question 2:***

Reverting the zoning back to the previous "M3" designation allows for continuity of the historic use until a viable development partner or project consistent with the City's vision for the South Gate College District, subject to the limitations in the Restrictive Covenant, can be identified. This ensures that in the interim, the South Gate Property can remain productive as a job generator and contributor to the local economy, and fixture for regional transportation and logistics infrastructure. No viable alternative uses have been identified by the City or by the Applicant for the South Gate Property since the 2015 rezone.[4] It is in the best interest of the City and the general welfare of the public to avoid policies or practices that lead to vacant properties and the associated public safety challenges that often result therefrom.

The purpose for the Zone Change and General Plan Amendment is to simplify City administration and governance of the existing legal nonconforming use while alternative uses and projects consistent with the South Gate College District are explored. The Zone Change and General Plan Amendment will not result in increased intensity of the use or any changes to the *status quo* because there are no proposed changes to the historic operations on the site—which have been in place for decades. Currently, truck traffic is limited to ingress and egress over the portion of the Property within unincorporated Los Angeles County. In addition, departing vehicles are required to exit right, heading north along Alameda Street, and away from the City of South Gate. The Zone Change and General Plan Amendment will not impact these protective measures. For these reasons, the Zone Change and General Plan Amendment are in the interest of the public necessity, health, and general welfare.

---

[4] The City's General Plan anticipates that the City will work together with the East Los Angeles Community College and the Los Angeles Community College District to develop a Specific Plan or Precise Plan for the South Gate College District, which would identify the specific uses and needs of the Community College District, the needs of the City, and the needs of the community. (*Community Design Element*, Policy P.2, pg. 106). As of the date of this application, we understand such Specific Plan or Precise Plan for the South Gate College District has not yet been drafted.

***3. The approval of this application will be consistent with the goals, policies, and objectives of the City's adopted General Plan:***

***Response to Question 3:***

The City's General Plan unequivocally protects existing industrial uses, including distribution, and favors gradual redevelopment such that current and future uses are allowed to coexist. For example:

- Objective CD 2.4 , Policy P.3 of the Community Design Element states that "[e]xisting manufacturing and distribution uses may remain in their current locations and configurations and may expand their current operations" to preserve and encourage job growth.[5]
- Goal E.4, Policy P.3 of the Economic Element similarly states that "[w]arehousing/distribution uses ***may remain in their current locations***."[6] (emphasis added).
- Policy P.6 of the Community Design Element specifically protects industrial uses within the South Gate College District, stating that "[i]ndustrial and manufacturing uses ***should remain in the area*** but could be phased out as the college district expands."[7] (emphasis added).

As noted above, the purpose of the proposed Zone Change and General Plan Amendment is to preserve the current scope of an existing truck trailer and container storage facility until such time that redevelopment becomes feasible. There is no proposed expansion or intensification of the existing use. Preserving current operations on the Property is consistent with the Community Design Element of the General Plan because it preserves jobs, protects a family and legacy business, and allows for optimization of the Property while future potential strategic redevelopment opportunities within and adjacent to the South Gate College District are explored. The proposed Zone Change and General Plan Amendment also align with the Economic Element of the General Plan by contributing to a diversified economic base and ensuring the economic viability of the Property.

For these reasons, the proposed Zone Change and corresponding General Plan Amendment are consistent with the goals, policies, and objectives of the City's adopted General Plan.

---

[5] South Gate General Plan 2035, Community Design Element, pg. 89.
[6] South Gate General Plan 2035, Economic Element, pg. 230.
[7] South Gate General Plan 2035, Economic Element, pg. 106.

**EXHIBIT 26**

ATTACHMENT B

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

October 18, 2024

VIA ELECTRONIC MAIL

Robert Houston
City Manager
City of South Gate
8650 California Ave.
South Gate, CA 90280
Email: rhouston@sogate.org

**Re: Application for Zone Change and General Plan Amendment at 8530 Alameda Street**

Dear Mr. Houston:

We are grateful for the City of South Gate's long-term collaboration on finding a viable solution for the historic use at 8530 Alameda Street ("the Property"). Consistent with our previous conversations, we are writing on behalf of Alameda Engle Properties, LLC ("AEP"), to provide more specificity on the proposed zone change ("ZC") and amendment to the General Plan ("GPA") that you suggested, along with other options for resolving the historic use issue. A copy of the application that we submitted on October 14, 2024, is attached for reference. We anticipate that further review and discussion will be required to reach a resolution that suits the needs and expectations of the City, and that allows the Property to remain productive. Per your request, we have identified the following legally-defensible solutions, including:

1. A GPA to add language to the Industrial Flex ("IF") zoning designation clarifying that existing truck trailer and container storage facilities within the South Gate College District are permitted to continue operating;
2. A zone change ("ZC") and amendment to the General Plan ("GPA") to revert the property to its previous "M3" zoning designation to remedy the split zoning on the Property; or
3. An agreement with the City that allows the historic use to continue for an agreed-upon term while AEP, in coordination with the City, determines viable alternative uses for the Property consistent with the City's vision for future developments in the area.

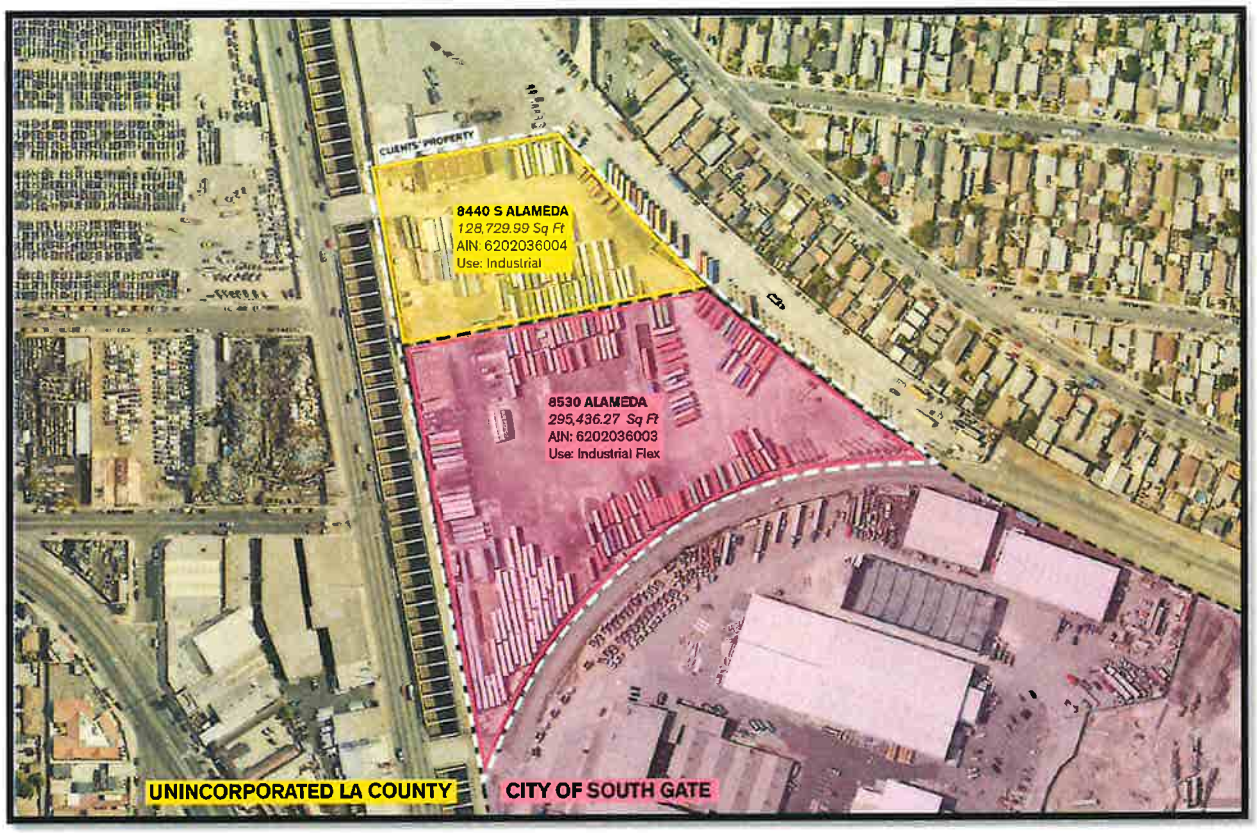
Based on our coordination with the City and prior conversations with you, we understand that a GPA or ZC/GPA are the most efficient and practical paths forward to formalize the long-standing industrial use at the Property.

As outlined in the application, this request for a ZC and GPA is consistent with all state and local requirements, and supported by the Property-specific facts below:

1. **The ZC ad GPA Prevents Challenges Re Use Continuity and Consistency**

The City rezoned the portion of the Property in South Gate from M3 to Industrial Flex "IF" in 2015. As depicted in the Property Map below, nearly one-third of the property (including the only point of ingress/egress) is located outside the City in unincorporated Los Angeles County ("County"). The portion of the Property located in the County is zoned "M2" for Heavy Manufacturing uses. The entirety of the Property has been used for truck trailer and container storage for over 50 years in the City of South Gate and over 60 years on the County side. The ZC and GPA approval will formalize consistent zoning and uses across the entirety of the Property. Split zoning over a single property, and/or inconsistencies in permitted uses between the northern (County) portion of the property and southern (City) portion of the property, together with the single point of ingress and egress severely restrict the scope viable alternative uses. The Proposed ZC ad GPA will enable use consistency over both portions of the Property and avoid additional challenges in implementing future uses.

Property Map




### 2. The ZC & GPA are Consistent with Uses in the Surrounding Area.

As depicted in the Site Map, the surrounding uses are predominantly industrial. The property is bounded by railroad tracks and an aluminum manufacturing facility to the south, railroad tracks to the east, waste management services, truck parking, truck repair facilities to the north, and an auto auction facility, auto parts facility, and metal manufacturing facility to the west. The residential development to the northeast of the Property is separated by railroad tracks and additional truck parking facilities that are not owned, operated or affiliated with AEP. The ZC and GPA revert the current zoning to the previous "M3" zoning designation, which is consistent with the surrounding industrial uses, and will allow the property to continue to operate as a vital part of the local economy without increasing the intensity of the use.

### 3. The ZC & GPA Facilitate Productive Use of the Property While the City Evaluates City-Wide Land Use & Policy Changes

The Property's unique characteristics, including its location in multiple jurisdictions, split zoning designations, and location adjacent to railway and heavy industrial uses substantially narrow the scope of viable alternative uses. If the historic use is not allowed to continue as a "bridge" to future regional redevelopment options,

the Property is at risk of becoming vacant. As you know, vacant properties can result in public health and safety concerns, deter investment in surrounding properties, and create lost opportunities for tax revenue. In recent years, variable market conditions have complicated identification of potential development partners and prevented the City's redevelopment goals for the region from materializing. The ZC and GPA will allow the current tenant to continue the historic operations at the property and maintain the Property's historic role as a job generator and contributor to the local economy until AEP, together with the City, identify a feasible redevelopment partner or plan. AEP remains dedicated to working with the City and supporting its long-term vision for the region.

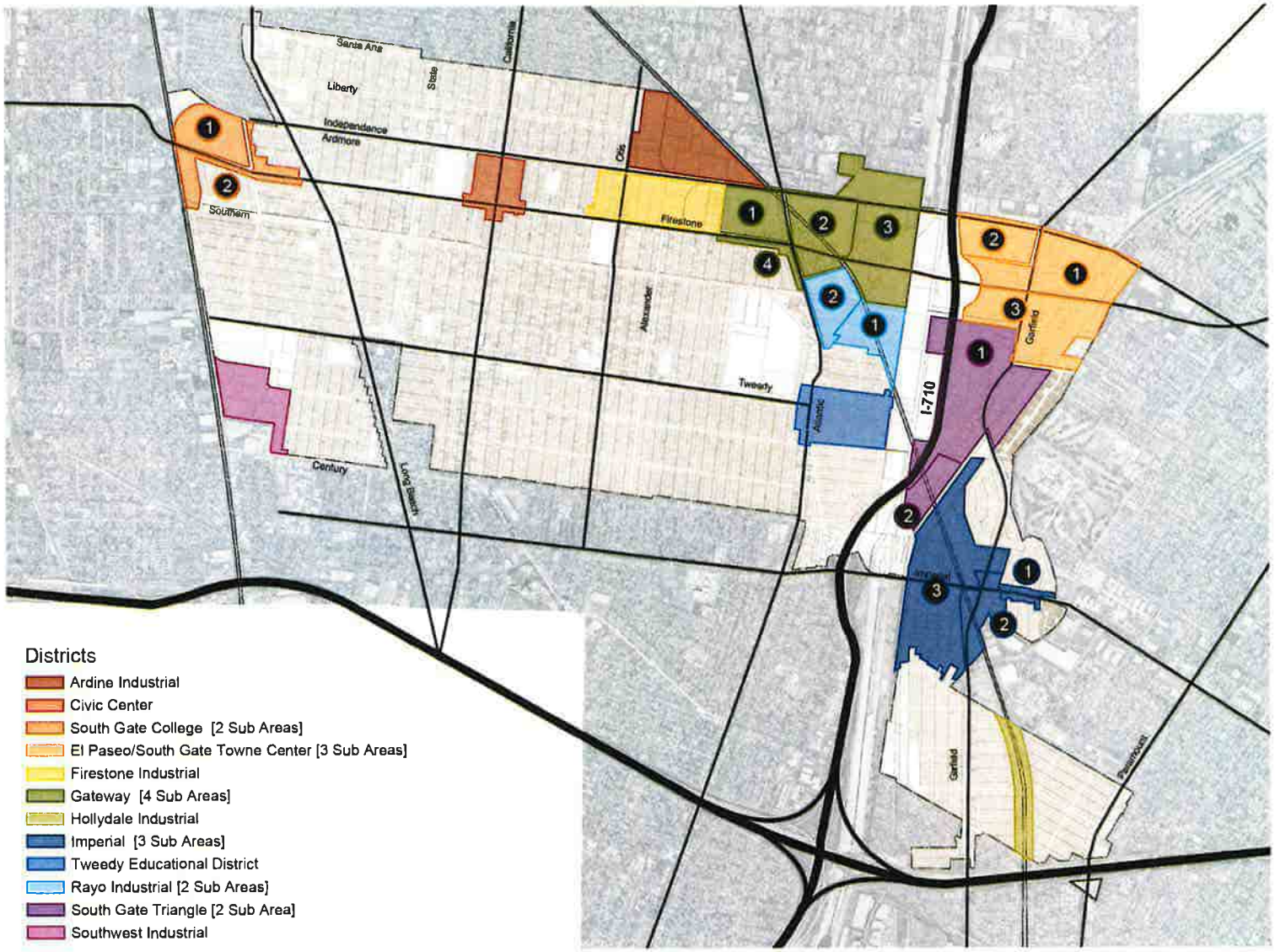
We look forward to discussing the application and alternate options with you in more depth.

Sincerely,

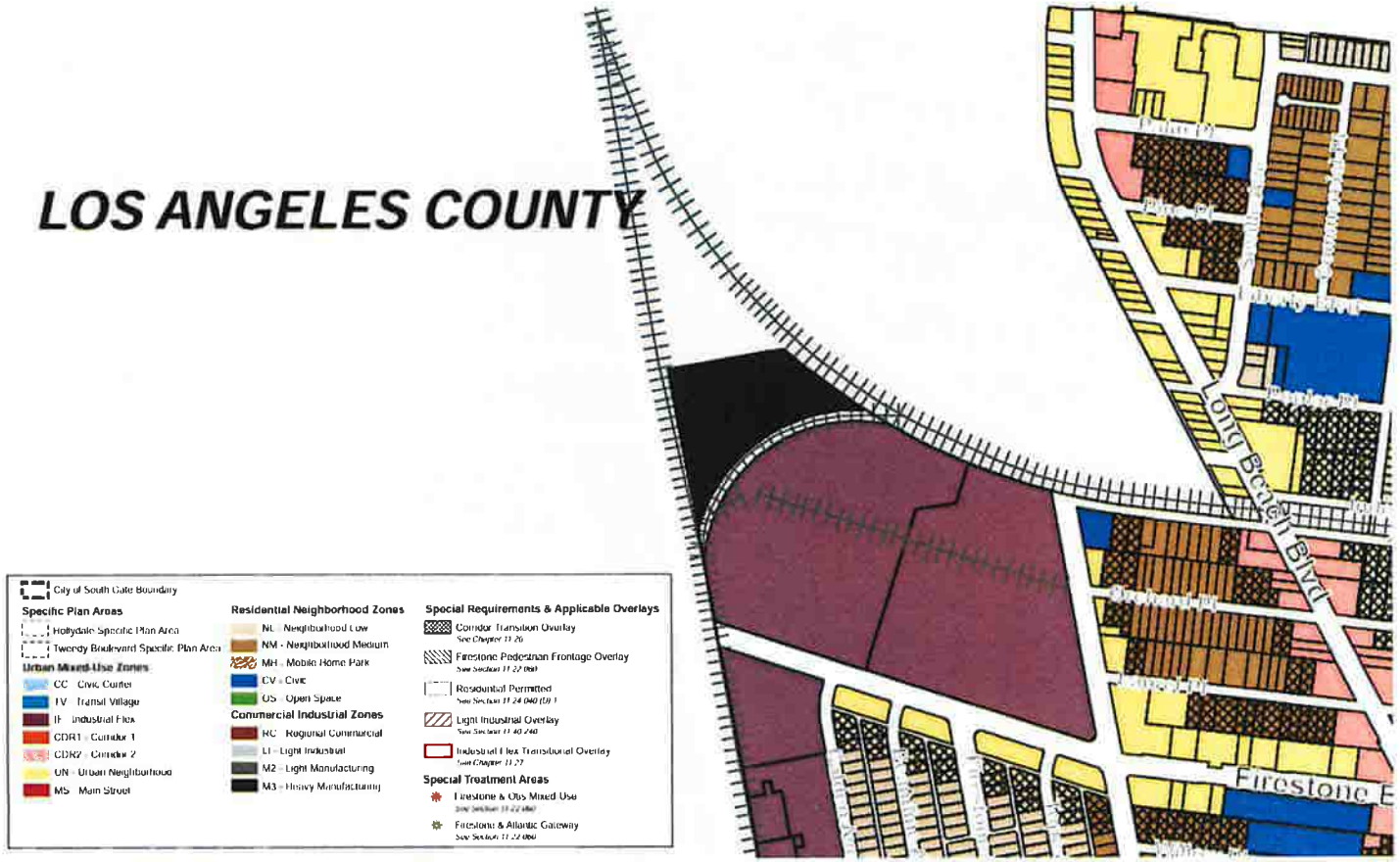
Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc: Raul Salinas

ATTACHMENT C



ATTACHMENT D



ATTACHMENT E

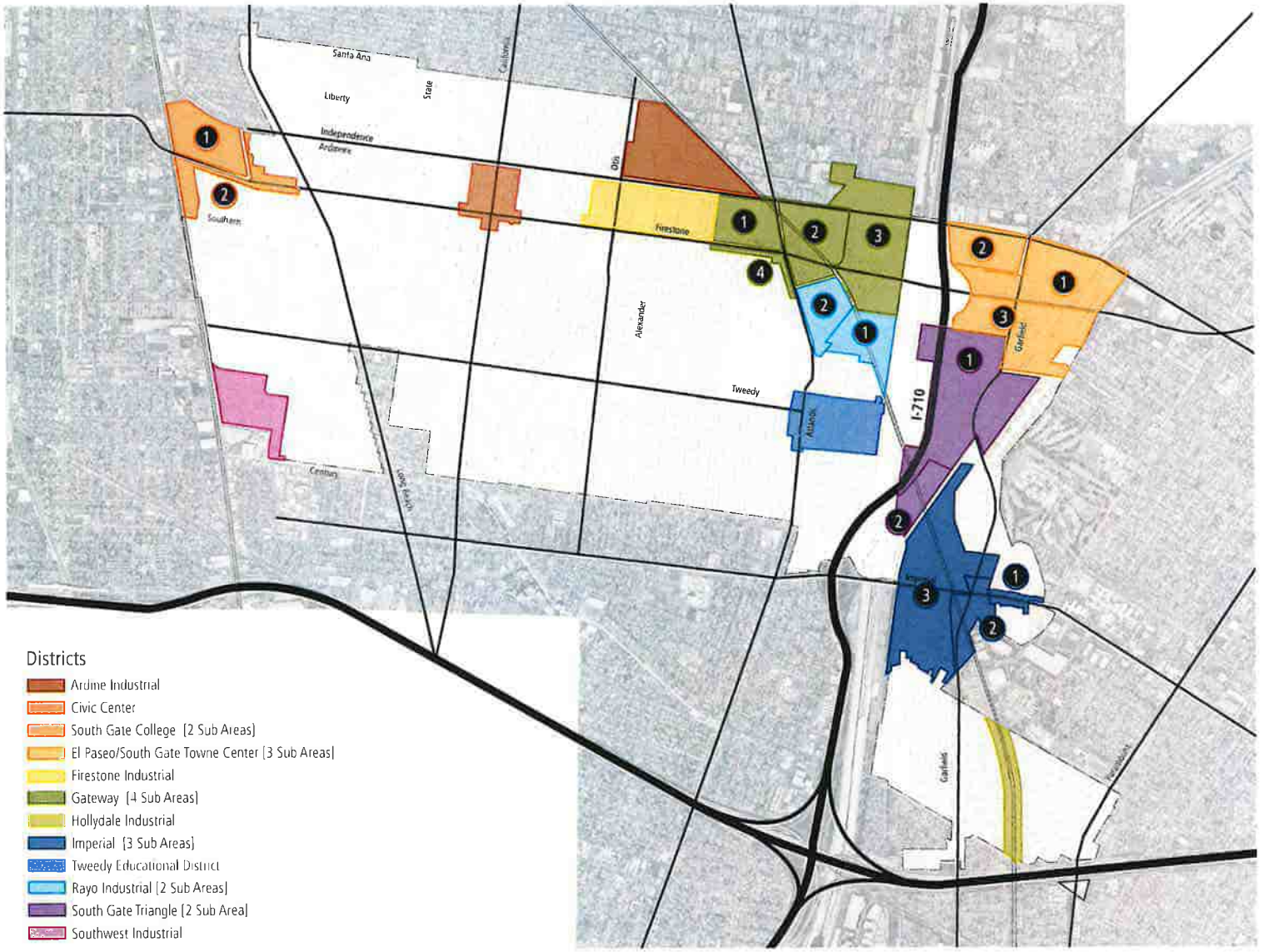
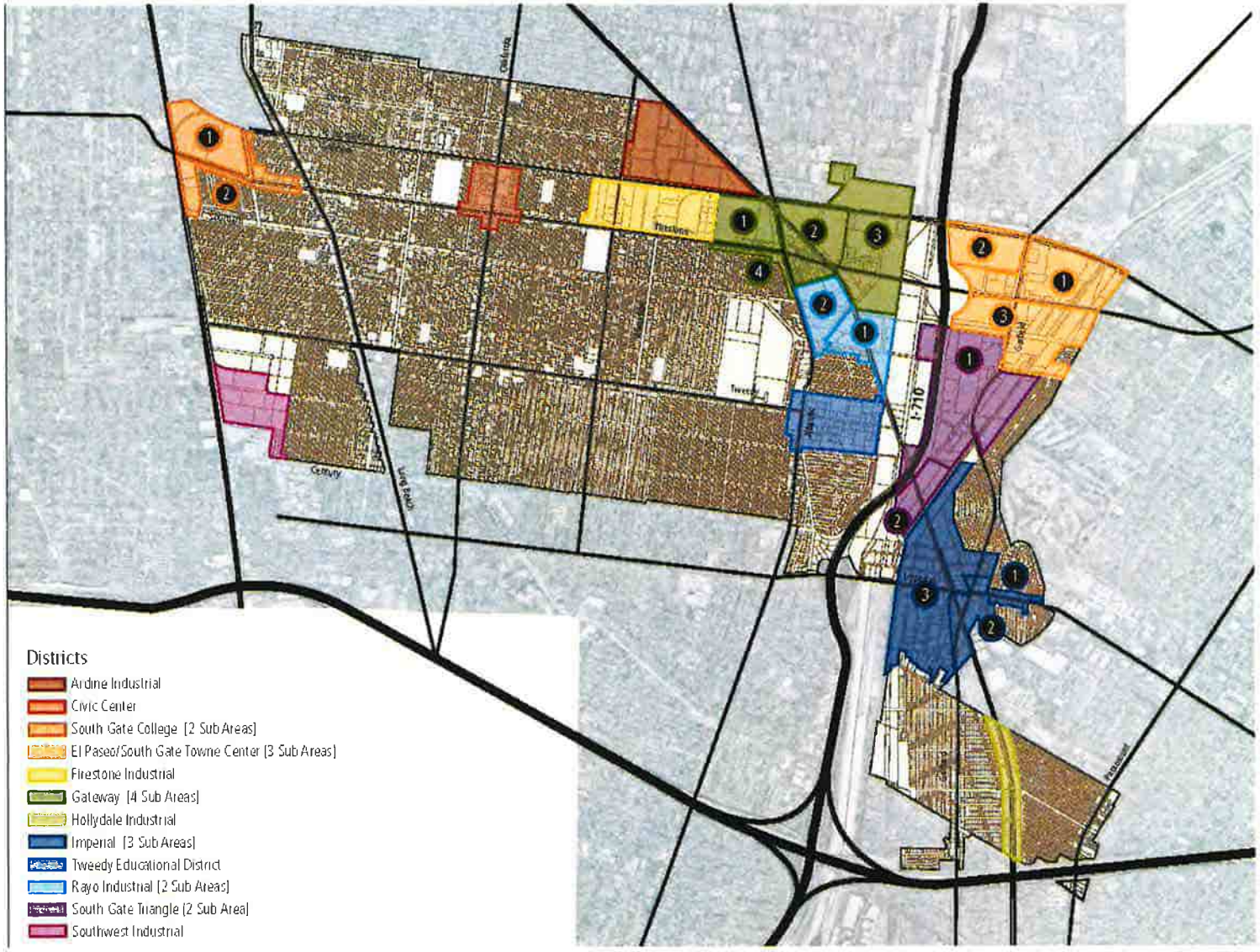



Figure CD 4 Districts

# ATTACHMENT F

**Figure HE-4: Districts**



# ATTACHMENT G

**Figure HE-6: Zoning Map**

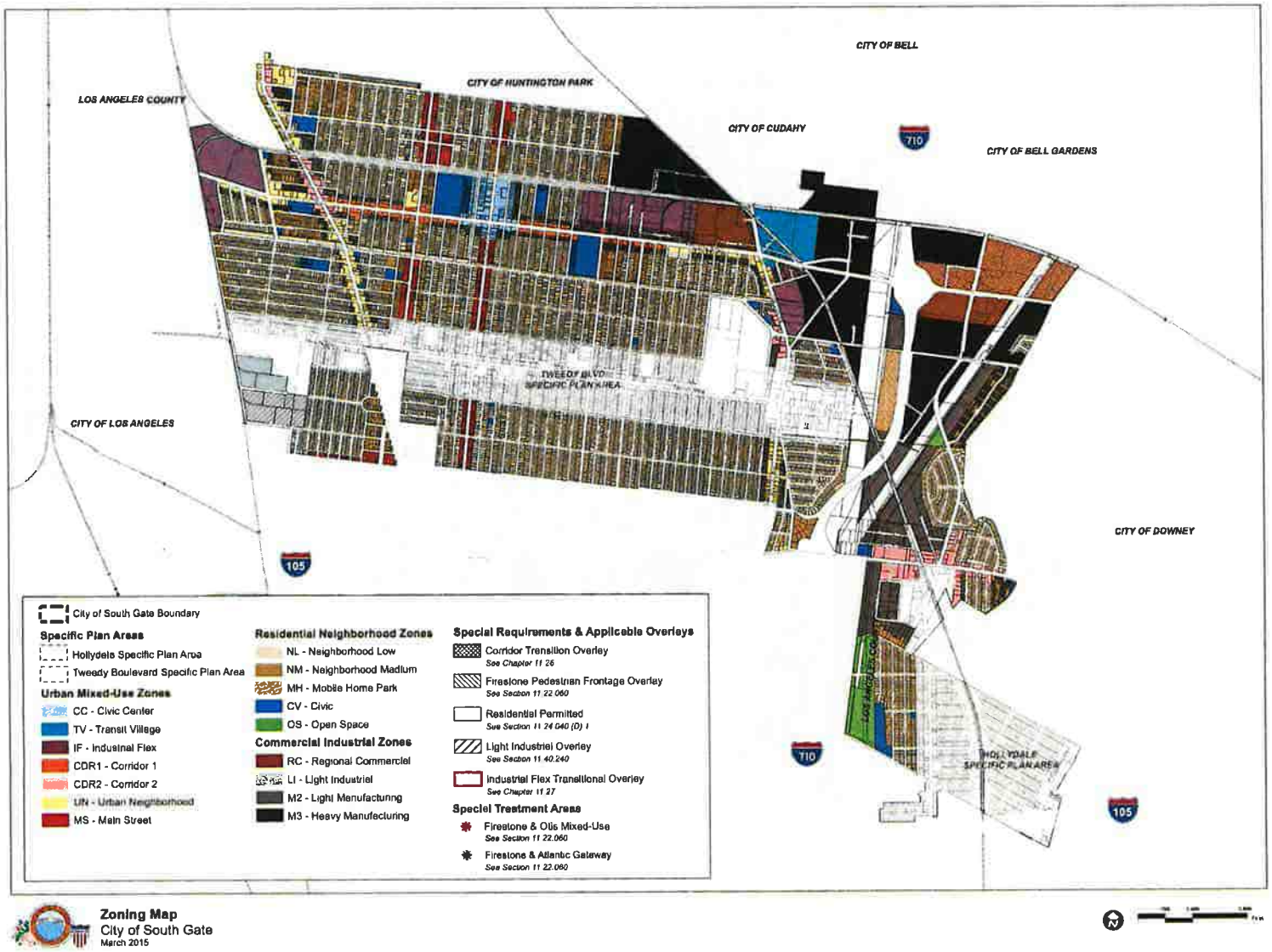


**Table HE-52: Outside of Specific Plan Areas**

| Zoning Designation | Base Density | No. of Parcels | Acres | Potential Units |
|---|---|---|---|---|
| NM (Neighborhood Medium) | 20 | 10 | 4.33 | 58 |
| CC (Civic Center) | 30 | 8 | 2.49 | 73 |
| CDR2 (Corridor-2) | 32 | 35 | 19.62 | 625 |
| MS (Main Street) | 40 | 47 | 9.86 | 260 |
| UN (Urban Neighborhood) | 40 | 59 | 24.37 | 968 |
| CDR1 (Corridor-1) | 75 | 42 | 13.94 | 1,040 |
| IF (Industrial Flex) | 75 | 29 | 25.18 | 1,886 |
| RC-R (Regional Commercial-Residential Overlay) | 30 | 1 | 6.54 | 203 |
| NL (Neighborhood Low) | 12 | 4 | 4.41 | 37 |
| **Total** | | **235** | **110.74** | **5,150** |

## City-Owned Sites

The City of South Gate and its Housing Authority own a number of properties throughout the City. Several of these properties have been identified for residential uses. Some of these properties have already been included in the "Pipeline Projects" discussion earlier. Four additional properties identified for residential development have no specific project proposals yet. While two parcels are currently zoned M2, as they are owned by the City, these properties can be developed as residential uses as the City sees appropriate. All city-owned properties would begin disposition of these properties starting in 2024.

### Development Potential

For the purpose of estimating development potential, the same density of Industrial Flex within a specific plan area is used for the two M2 properties. The City will also be able to maximize the density on site. However, for the purpose of this analysis, no density bonus is assumed. As a conservative estimate, the large projects are expected to be able to facilitate lower income housing. Smaller projects are credited toward the moderate income RHNA.

**Table HE-53: City-Owned Properties**

| Parcel | Location | Zoning | Existing Uses | Acres | Base Density (du/ac) | Potential Units |
|---|---|---|---|---|---|---|
| 6222039900 | --- | TMU1 | Vacant parcel | 0.13 | 20 | 3 |
| 6233001902 | --- | M2 | Vacant parcel (0.94 acre in Rio Hondo Channel – potential based on remaining 1.77 acres) | 2.71 | 40 | 71 |
| 6233002901 | --- | M2 | Vacant Parcel | 4.74 | 40 | 190 |
| 6205015906 | 2703 Tweedy | TMU1 | Amigos Market | 0.12 | 20 | 2 |
| **Total** | | | | **7.70** | | **266** |

Source: City of South Gate, 2021

ATTACHMENT I

**Table HE-54: Motel/Hotel Sites with HomeKey or Redevelopment Potential – Not Used for RHNA**

| Hotel | Parcels | Zoning | Acres | Density (du/ac) | Project HomeKey Potential (Existing No. of Rooms) | Redevelopment Potential |
|---|---|---|---|---|---|---|
| Sunrise Inn | 6204020015 | Urban Neighborhood | 0.62 | 40 | 30 | 25 |
| Valu Inn by Nendels | 6221003054 | Urban Neighborhood | 0.40 | 40 | 30 | 16 |
| Villa Luna Motel | 6221003065<br>6221003064 | Urban Neighborhood | 0.12<br>0.30 | 40 | Unknown[1] | 17 |
| Villa Motel | 6222009008<br>6222009009 | Urban Neighborhood | 0.13<br>0.13 | 40 | 11 | 10 |
| Vogue Motel | 6206016012 | Urban Neighborhood | 0.15 | 40 | 12 | 6 |
| | | | 12.0 | | 658 | 400 |

Notes:
1. No working phone numbers and County Assessor data does not contain information on the number of rooms.
Sources: City of South Gate, 2021; Los Angeles County Assessor's Office.

## Adequacy of Sites Inventory in Meeting RHNA

As shown below, the City has adequate capacity to accommodate the RHNA. This capacity can be increased based on the City's density incentives program, as demonstrated by the recent projects. A site-specific listing of parcels that could accommodate the RHNA within the planning period is included in Appendix C.

**Table HE-55: Summary of Sites Inventory**

| | Very Low | Low | Moderate | Above Moderate | Total |
|---|---|---|---|---|---|
| **RHNA** | **2,136** | **994** | **1,173** | **3,979** | **8,282** |
| ADU | 109 | 275 | 38 | 218 | 640 |
| Pipeline | 59 | 97 | 245 | 316 | 717 |
| Remaining RHNA | 1,968 | 622 | 890 | 3,445 | 6,925 |
| **Sites Inventory** | | | | | |
| **Gateway District SP** | | | | | |
| Transit Village | 562 | | 288 | 567 | 1,417 |
| Industrial Flex | 32 | | 17 | 33 | 82 |
| Urban Neighborhood | 12 | | 7 | 15 | 34 |
| Subtotal | 606 | | 312 | 615 | 1,533 |
| **Hollydale SP** | | | | | |
| Neighborhood Medium | 0 | | 0 | 7 | 7 |
| Corridor-3 | 0 | | 211 | 36 | 247 |
| Hollydale Mixed Use-1 | 0 | | 76 | 20 | 96 |
| Hollydale Mixed Use-2 | 102 | | 0 | 180 | 282 |

**EXHIBIT 27**

## OUTREACH EFFORTS

## ZONE CHANGE AND GENERAL PLAN AMENDMENT APPLICATION

- **October 14, 2024**: Initial application submission
- **October 28, 2024**. Telephone call to Planning Counter
- **October 31, 2024**: Email follow-up regarding submission status
- **November 7, 2024**: Email follow-up regarding submission status
- **November 15, 2024**: Email follow-up regarding submission status
- **November 22, 2024**: Email follow-up regarding submission status
- **December 2, 2024:** Email follow-up regarding submission status
- **January 2, 2025**: The City sent email correspondence acknowledging receipt of the submitted application on October 14th for a ZC and an amendment to the GPA for the Property.
- **January 28, 2025**: The City sent an email response to Somos following its review of the application submitted on October 14th for a Zone Change and General Plan Amendment for the Property.

**Subject:** RE: 8530 Alameda Street - Application for ZC & GPA Follow Up
**Date:** Monday, January 13, 2025 at 1:09:17 PM Pacific Standard Time
**From:** Joshua Valdez
**To:** Sara Atsbaha, Patricia Ortega, planninginfo
**CC:** Alfred Fraijo Jr., John Signo, Rodrigo Pelayo, Max Masuda-Farkas
**Attachments:** image001.png, image003.png, image006.png, image002.png, image004.png

Good Afternoon Sara,

I will let my supervisors Rodrigo and John - who are cc'd in this email - take over. Per SGMC 11.50.050, Table 11.50-1 amendments to Zoning Code text or Provisions shall be initiated by City Manager, Planning Commission Action, and City Council Action. Similarly, General Plan Text amendments shall be initiated by Planning Commission Action and City Council Action. Whereas applicants may initiate amendments to the Zoning Map or General Plan – Diagram.

Please direct all questions to my supervisors for further assistance.

Respectfully,

**Joshua Valdez**
**Associate Planner**
City of South Gate / Community Development
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9514
**E:** jvaldez@sogate.org
**W:** cityofsouthgate.org
PLEASE NOTE THAT CITY HALL IS CLOSED ON FRIDAYS.

**From:** Sara Atsbaha <sara@somosgroup.org>
**Sent:** Monday, January 6, 2025 3:13 PM
**To:** Joshua Valdez <jvaldez@sogate.org>; Patricia Ortega <patricia@somosgroup.org>; planninginfo <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>; John Signo <jsigno@sogate.org>; Rodrigo Pelayo <rpelayo@sogate.org>; Max Masuda-Farkas <Max@somosgroup.org>
**Subject:** RE: 8530 Alameda Street - Application for ZC & GPA Follow Up

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

Good afternoon, team.

Thank you for your emails. Confirming that the amendment will also include changes to the text. I suggest we meet this week or early next to discuss the application and to answer any additional questions you may have. Please let me know when you are available to discuss.

Best,

Sara

**Sara Atsbaha**

SOMOS

+1 213-866-8609 | direct
sara@somosgroup.org

*This message is sent by a law firm and may contain information that is privileged or confidential. If you received this transmission in error, please notify the sender by reply e-mail and delete the message and any attachments.*

**From:** Joshua Valdez <jvaldez@sogate.org>
**Sent:** Thursday, January 2, 2025 5:19 PM
**To:** Patricia Ortega <patricia@somosgroup.org>; planninginfo <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>; Sara Atsbaha <sara@somosgroup.org>
**Subject:** RE: 8530 Alameda Street - Application for ZC & GPA Follow Up

CAUTION EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Afternoon Patricia,

Apologies in the delay in response from staff, we have been going through a couple of staff changes. Can you confirm that you are proposing to change the Zoning Map and General Plan Diagram, not the text?

Please let me know if you have any questions.

Respectfully,

**Joshua Valdez**
**Associate Planner**
City of South Gate / Community Development
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9514
**E:** jvaldez@sogate.org
**W:** cityofsouthgate.org

PLEASE NOTE THAT CITY HALL IS CLOSED ON FRIDAYS.

**From:** Patricia Ortega <patricia@somosgroup.org>
**Sent:** Monday, December 2, 2024 11:58 AM
**To:** planninginfo <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>; Sara Atsbaha <sara@somosgroup.org>
**Subject:** Re: 8530 Alameda Street - Application for ZC & GPA Follow Up

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

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Good morning,

Just circling back about the application our office submitted on October 14th for a Zone Change (ZC) and an amendment to the General Plan (GPA) for the property located at 8530 Alameda Street in the City of South Gate.

Could you please provide an update on the processing of the application and let us know whether a planner has been assigned to review our application?

Best,
Patricia

**Patricia Ortega**

SOMOS

patricia@somosgroup.org

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**From:** Patricia Ortega <patricia@somosgroup.org>
**Date:** Friday, November 22, 2024 at 12:37 PM
**To:** planninginfo@sogate.org <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>, Sara Atsbaha <sara@somosgroup.org>
**Subject:** Re: 8530 Alameda Street - Application for ZC & GPA Follow Up

Good morning,

Just circling back about the application our office submitted on October 14th for a Zone Change (ZC) and an amendment to the General Plan (GPA) for the property located at 8530 Alameda Street in the City of South Gate.

Could you please provide an update on the processing of the application and let us know whether a planner has been assigned to review our application?

Best,

Patricia

**Patricia Ortega**

SOMOS

patricia@somosgroup.org

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---

**From:** Patricia Ortega <patricia@somosgroup.org>
**Date:** Friday, November 15, 2024 at 1:55 PM
**To:** planninginfo@sogate.org <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>, Sara Atsbaha <sara@somosgroup.org>
**Subject:** Re: 8530 Alameda Street - Application for ZC & GPA Follow Up

Good afternoon,

I am just following up on the application our office submitted on October 14th for a Zone Change (ZC) and an amendment to the General Plan (GPA) for the property located at 8530 Alameda Street in the City of South Gate.

Could you please provide an update on the processing of the application and let us know whether a planner has been assigned to review our application?

Best,
Patricia

**Patricia Ortega**

SOMOS

patricia@somosgroup.org

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---

**From:** Patricia Ortega <patricia@somosgroup.org>

**Date:** Thursday, November 7, 2024 at 3:39 PM
**To:** planninginfo@sogate.org <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>, Sara Atsbaha <sara@somosgroup.org>
**Subject:** Re: 8530 Alameda Street - Application for ZC & GPA Follow Up

Good afternoon,

I am following up on the application our office submitted on October 14th for a Zone Change (ZC) and an amendment to the General Plan (GPA) for the property located at 8530 Alameda Street in the City of South Gate.

Could you please provide an update on the processing of the application and let us know whether a planner has been assigned to review our application?

Best,
Patricia

**Patricia Ortega**

SOMOS

patricia@somosgroup.org

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---

**From:** Patricia Ortega <patricia@somosgroup.org>
**Date:** Thursday, October 31, 2024 at 2:23 PM
**To:** planninginfo@sogate.org <planninginfo@sogate.org>
**Subject:** FW: 8530 Alameda Street - Application for ZC & GPA

Good afternoon,

I am following up on an application our office submitted on October 14th for a zone change (ZC) and an amendment to the General Plan (GPA) for the property located at 8530 Alameda Street in the City of South Gate.

Could you please provide an update on the processing of the application and let us know whether a planner has been assigned to review our application?

Thank you,

Patricia

**Patricia Ortega**

SOMOS

patricia@somosgroup.org

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---

**From:** Sara Atsbaha <sara@somosgroup.org>
**Date:** Monday, October 14, 2024 at 6:36 PM
**To:** planninginfo@sogate.org <planninginfo@sogate.org>
**Cc:** Alfred Fraijo Jr. <alfred@somosgroup.org>, Patricia Ortega <patricia@somosgroup.org>
**Subject:** 8530 Alameda Street - Application for ZC & GPA

Good evening,

Attached please find our application for a zone change ("ZC") and amendment to the General Plan ("GPA") for real property located at 8530 Alameda Street in the City of South Gate. Please contact my office if you have any questions about the application.

Thank you,

Sara Atsbaha

**Sara Atsbaha**
**Attorney**
+1 213-866-8609 | direct
sara@somosgroup.org

SOMOS

304 South Broadway, Suite 350
Los Angeles, CA 90013
+1 213-592-1185 | main
somosgroup.org

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**EXHIBIT 28**

# ATTACHMENT B

Department of Community Development
Planning Division

8650 California Avenue
South Gate, CA 90280 3075
www.cityofsouthgate.org
P (323) 563 9529
F (323) 563 5358

January 21, 2025

Alameda Engle Properties, LLC
2127 Century Woods Way
Los Angeles, CA 90067

Attn: Alan Engle, Manager

Re: **DIRECTOR DETERMINATION AND NONCOMPLIANCE NOTIFICATION**
Nonconforming Land Use at
8530 Alameda Street, South Gate [APN 6202-036-003]

Mr. Engle:

The real property commonly known as 8530 Alameda Street, South Gate and identified by Assessor Parcel Number 6202-036-003 (hereinafter, "Subject Property" or "Site") is currently being utilized by Fleet Yards, Inc. for the principal use of truck trailer storage.

Fleet Yards and the property owner (Alameda Engle Properties, LLC) have asserted that truck trailer storage is a legal, nonconforming use at the Site and entitled to continue operation in accordance with the South Gate Municipal Code (hereinafter, "SGMC" or "Municipal Code"), and have requested a formal determination by the Director as to whether the truck trailer storage at the Site constitutes a legal, nonconforming use.

## History of Zoning and Land Use of Subject Property

As early as 1961, the Subject Property was designated as being within a Heavy Manufacturing ("M-3") Zone.

Based upon a review of public records and documents submitted by Alameda Engle Properties, LLC (hereinafter, "AEP" or "Property Owner"), the Site was used by Jack Engel & Company (hereinafter, "JECO") and/or AEP for a metal processing/recycling facility from as early as 1973 until approximately March 2020. During that time, the site was developed with a single-story industrial structure used for the recycling operations conducted by JECO and/or AEP.

The metal recycling operations conducted by JECO and/or AEP included, but was not limited to, the delivery of scrap metal product to the Site inside of truck trailers – which

would remain on site for up to several months while the scrap metal was sorted and processed on-site, and prepared for shipment to a final off-site destination.[1]

In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities. Thereafter, on or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the Zoning Code and changed the zoning classification of the Subject Property to Industrial Flex ("IF") Zone.

Pursuant to the Section 11.21.030 and Table 11.21-3 of the amended Zoning Code, recycling facilities require a Conditional Use Permit – however, the recycling operations at the Subject Property were deemed to be a legal, nonconforming land use that was allowed to continue in accordance with SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

According to public records and information submitted by AEP and/or its representatives, all metal recycling operations ceased in or around March 2020 and are no longer being conducted at the Site.

AEP has confirmed that around March 2020, Fleet Yards, Inc. commenced utilizing the Site solely for the storage of truck trailers and/or containers as a principal use. Moreover, the structure that was previously utilized to conduct the metal recycling at the Site was demolished.

In July 2020, the City issued approved Fleet Yards, Inc.'s application for a Temporary Use Permit and issued TUP2020-01, authorizing the use of the Subject Property for "truck trailer storage for a one-year period of time with possible extensions up to a maximum period of five years from the date of approval". TUP2020-01 expired on July 16, 2021, without a timely request for renewal from Fleet Yards, Inc.

In December 2022, the undersigned Director advised Fleet Yards, Inc. that several conditions of approval of the TUP had not been adhered to, and, moreover, that the TUP was ineligible for renewal as SGMC §11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar year.[2]

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1 *See* Section II.iii (Page 5) of the correspondence from Somos Law Group ("8530 Alameda Street – Demonstration of Legal Nonconforming Use") dated August 17, 2023, submitted on behalf of AEP.

2 After a duly-noticed appeal hearing, on May 2, 2023, the Planning Commission upheld the Director's Determination to deny an extension of the TUP (as set forth in Resolution 2023-05). AEP has filed an appeal to the City Council of the Planning Commission's decision – however, by agreement between AEP and the City, a hearing date has not yet been scheduled.

## Analysis

SGMC Chapter 11.55 ("Nonconforming Uses and Buildings") provides regulations governing the establishment, maintenance, and continuance of uses, structures, and parcels that were lawfully established but no longer conform to current City laws and regulations (commonly called "legal, nonconforming" or "nonconforming" uses and buildings). It further provides regulations for repair, maintenance, alterations, and expansions of legal, nonconforming buildings and uses – as well as grounds and procedures for the termination of legal, nonconforming uses and buildings.

The person claiming the existence of a nonconforming building or use has the burden of proof with regard to that claim.[3]

### Metal Processing/Recycling Operations

Although neither the City nor the Property Owner have been able to locate each annual business license for JECO and/or AEP since 1973, available records (including some business licenses, Certificates of Occupancy, and photographs) document that the use of the Site for metal processing/recycling appears to have been lawfully commenced and continued at the Subject Property as described hereinbelow in greater detail through March 2020.[4]

The use and storage of the truck trailers has been described by AEP and/or its representatives as an "integral part of metal processing operations" at the Site – and that "metal recycling operations cannot operate without a trucking and logistical component" and that "the metal processing operations cannot function without onsite truck trailer and container storage".[5] AEP's legal counsel has asserted that at an undisclosed point in time (although presumably prior to March 2020) former Director of Public Works Robert Dickey made recommendations to the Engles regarding the City's Business License Tax based on the Property's use as a "Materials Recycling Facility'"...[and] Although the truck trailer and container storage portion of the operations were open and visibly part of the operations during the tour, the City did not distinguish this use as separate from the legal nonconforming metal processing operations on the Property, or require a separate business license.[6]

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[3] SGMC 11.55.030.B. *See also* City and County of San Francisco v. Board of Permit Appeals (1989) 207 Cal. App. 3d 1099, 1107.

[4] The Director recognizes that although the Certificate of Occupancy issued on July 8, 1977 lists the business type as "Metal Processing", business licenses issued to JECO between 2015 and 2018 reference "outdoor storage". Nonetheless, AEP credibly asserts that metal processing/recycling operations continued at the Site through March 2020.

[5] *See* Section II.iii (Page 5) of the correspondence from Somos Law Group ("8530 Alameda Street – Demonstration of Legal Nonconforming Use") dated August 17, 2023, submitted on behalf of AEP.

[6] *See* Section II.iv (Page 6) of the correspondence from Somos Law Group ("8530 Alameda Street – Demonstration of Legal Nonconforming Use") dated August 17, 2023, submitted on behalf of AEP.

Although AEP has not provided any written record issued by Mr. Dickey with such recommendations, if AEP's assertions that the truck trailer and container storage at the Site was such an integral component of the metal processing/recycling operations, the City would reasonably *not* have distinguished the truck trailer storage as a separate use nor required a separate business license as such use would have been an aspect of the then legal and licensed metal processing/recycling operations.

SGMC 11.55.040.B provides, in pertinent part:

> Any discontinuance of such nonconforming use, as outlined in this chapter, for two consecutive calendar years shall be deemed to constitute an abandonment of any right to continue or maintain such nonconforming use, and any future land use shall conform to provisions of this title. The director may extend, in writing, for no longer than twelve months, the period of discontinuance upon making the findings required by this chapter.

City records and documents submitted by AEP and/or its representatives confirm that the recycling operations terminated at the Site in March 2020 – and, moreover, that the building at the Subject Property used for the indoor portion of the recycling operations was demolished.

South Gate Municipal Code Section11.55.040.D provides, in pertinent part:

> Any discontinuance of such nonconforming use, as outlined in [Chapter 11.55], for two consecutive calendar years shall be deemed to constitute an abandonment of any right to continue or maintain such nonconforming use, and any future land use shall conform to provisions of [Title 11].

Due to the passage of over four years since the discontinuation of the metal processing/recycling operations at the Site – including the demolition of the structure in which the metal processing/recycling occurred, *the Director hereby determines that the metal processing/recycling operation – and all integral functions/components of that use, has been abandoned*.

**Truck Trailer/Container Storage**

Although the City acknowledges that JECO and/or AEP stored truck trailers and/or containers at the site for limited periods of time, public records and other documents submitted to the City by AEP and/or its representatives demonstrate that such storage was an integral component of the recycling operations at the Site – and not an approved principal use unrelated to such operations.

Although AEP has asserted that "draying, freighting, or trucking yards or terminals" were a specifically authorized use of the Subject Property in 1976, AEP has not provided any compelling evidence that either JECO or AEP, in fact, *lawfully established* such use at the

property nor *lawfully continued* such use without termination since that time. Notwithstanding a use being permitted by right, this would not have relieved a property owner or business operator from the need to develop and improve the property being used for such use as otherwise required by applicable law (e.g., paving, landscaping, lighting, screening, and/or parking requirements), nor from the need to obtain all other required business licenses, permits, and/or inspections. No evidence has been submitted by AEP to demonstrate that JECO did, in fact, adhere to any such land-use and/or licensing requirements applicable to a draying, freighting, or trucking yards or terminals.

AEP has also submitted two appraisal reports prepared by Syn-Mar Associates for the "storage yard located at 8440-8530 South Alameda Street, South Gate, California 90001". An appraisal was prepared on or about July 15, 2015, and the other was prepared on or about May 8, 2017. After careful review and consideration of each of the appraisal reports, the Director has concluded that neither of the reports (jointly or combined) provides satisfactory evidence that the Subject Property was utilized for the storage of truck trailers/containers as a lawful use independent of the recycling facilities.

In this regard, the Director specifically notes that each appraisal report explicitly states "The subject property is utilized as a metal recycling plant/yard."[7] Although each of the appraisal reports also refer to the Site as a "storage yard", each report explains that

> Due to the fact that the subject improvements [consisting of 2 concrete-block industrial buildings and 3 metal industrial buildings, paving, and fencing, as well as sheds, covered structures, and temporary buildings/structures not included in the overall rentable building area] cover only 8% of the site, we have classified the subject as a storage yard.[8]

The 2015 appraisal report further states that

> Storage/rental yard properties are named as such because they are primarily used for onsite storage of vehicles, machinery, supplies, and/or other job-related materials. These sites usually have a smaller amount of building area specific to the needs of the given user (as compared to traditional industrial or office buildings), along with a relatively large yard area. We have found that storage yard properties will sell for more than just land value alone in recognition of the onsite building improvements.[9]

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7 *See* the cover letter and page 6 of each of the appraisal reports, as well as page 14 of the 2017 appraisal report.

8 *See* the cover letter of each appraisal report.

9 *See* page 3 of the 2015 appraisal report.

It should also be noted that neither of these appraisals were prepared by nor approved by the City of South Gate, and as such, statements contained therein as they relate to the legal status of any use or structure does not bind the City.[10]

Ultimately, the person claiming the existence of a nonconforming building or use has the burden of proof with regard to that claim.

Due to the lack of any compelling evidence that the storage of truck trailers and/or containers was lawfully established and continued at the Site *as a principal use* unrelated to a metal processing/recycling facility prior to 2000 when Fleet Yards, Inc. commenced business operations at the Site, *the Director hereby determines that such use does not have, nor ever had, a legal, non-conforming status at the Subject Property*.[11]

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[10] AEP asserts that the appraisals confirm that the City has made prior statements that the use of the Subject Property for truck trailer and container storage is a legal, nonconforming use – however, this assertion is not persuasive. As indicated, the City neither prepared nor approved the appraisal reports – and, as such, any statement therein lacks any binding impact upon the City. On page 19 of the 2015 appraisal, it attributes the statement that "the subject's zoning was recently changed to [Industrial Flex] from M2" to an unnamed representative of the City's Planning Department, and further states that "the subject as a storage yard…is reportedly now a pre-existing, legal non-conforming use". Since the use of the term "storage yard" in the appraisal is a result of the limited development of the Site (less than 8%) and *not* due to the specific use conducted at the Site (which both appraisal reports conclude was for a "metal recycling plant/yard"), the reference to the storage yard being a legal, nonconforming use may merely be a reference to the metal processing/recycling use that was occurring at the Site – and *not* a reference to the use of the Subject Property for truck trailer storage independent of the recycling activities. For that matter, neither appraisal report describes any truck trailer storage use of the Site independent of the recycling activities. Furthermore, the 2015 appraisal only attributes the statement regarding the change in zone to the unnamed City Official – and not the conclusion of any legal, nonconforming status. It should also be noted that the 2017 appraisal report does *not* contain any reference to the statement that was purportedly made at some unknown time by the unidentified City Official regarding legal, nonconformity – although on page 17, it does repeat the conclusion that the "storage yard" is a legal, nonconforming use.

[11] The Director is cognizant that on July 16, 2020, Temporary Use Permit 2020-01 was issued to Fleet Yards, Inc. to permit the use of the Site for truck trailer storage for a limited period of time. Specifically, TUP2020-01 authorized truck trailer storage at the Subject Property for a period of one (1) year with possible extensions of up to a maximum of five (5) years, subject to compliance with explicit terms and conditions. The Director subsequently concluded that Fleet Yards, Inc. failed to adhere to the Conditions of Approval – including, but not limited to, submitting for a renewal of the TUP at least thirty (30) days prior to expiration (which was scheduled for July 16, 2021). Moreover, the Director and Planning Commission determined that TUP2020-01 was issued in error as SGMC 11.51.070(B)(4) explicitly limits the issuance of Temporary Use Permits to uses that do not exceed three (3) days in a row, or ten (10) working days in any calendar year. The Director has not found or received any compelling evidence that Fleet Yards, Inc., was given any express or implied assurance that the *temporary* use authorized by TUP2020-01 would exceed the initial 1-year grant without compliance with the Conditions of Approval -- including submitting a timely request for renewal, nor that the *temporary* use would be allowed to continue beyond a maximum period of 5 years from the initial date of issuance (which was July 16, 2020). Notwithstanding same, a permit that purports to authorize a use in violation of applicable laws is void.

**CONCLUSION**

The legal, nonconforming use of the Subject Property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities, has been determined to be abandoned and can no longer be conducted at the Site unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies).

The use of the Site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use – and, as such, must be immediately terminated.

Any interested party (applicant or opponent) may appeal this Determination to the Planning Commission within ten (10) working days of this Determination by filing a written request to appeal with the City Clerk's Office (located at South Gate City Hall – 8650 California Avenue, South Gate) and tendering any applicable fees. Failure to timely file a request to appeal with the City Clerk's Office and to tender all requisite fees shall result in this Determination being deemed final and binding.

If you have any questions or wish to discuss this Determination in greater detail, you may contact the undersigned. However, please note that an appeal may only be requested as set forth hereinabove.

Sincerely,

David M. Crabtree, AICP
Interim Community Development Director

Cc: Fleet Yards, Inc. – Attn: Daniel S. Otting, CEO/CFO
/ 893 West 16th Street, Newport Beach, CA 92663
/ Via E-Mail: Dan@FleetYardsInc.com
Fleet Yards, Inc. – Attn: Brian Davis, Agent for Service
/ 4340 Von Karman Avenue, Suite 380, Newport Beach, CA 92660
Somos Law Group – Attn: Alred Fraijo, Jr. and Sara Atsbaha
/ 304 South Broadway, Suite 350, Los Angeles, CA 90013
/ Via E-Mail: Alfred@SomosGroup.org
/ Via E-Mail: Sara@SomosGroup.org
Rob Houston, City Manager
Raul Salinas, City Attorney
James Eckart, City Prosecutor

**EXHIBIT 29**

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

January 23, 2024

VIA ELECTRONIC MAIL

David Crabtree
Interim Director of Community Development
City of South Gate
8650 California Avenue
Email: Dcrabtree@sogate.org

**Re: Director's Determination and Noncompliance Notification**

Dear Mr. Crabtree,

We received your letter dated January 21, 2024 regarding the Director's Determination ("Determination Letter") of the legal nonconforming use at 8530 S. Alameda Street in the City of South Gate (the "City"). We were surprised to receive your letter in light of the City's indication that the delays were due to its consideration of a pending Development Agreement ("DA")and pending entitlement applications for a Zone Change ("ZC") and General Plan Amendment ("GPA") – both of which were prepared and provided at the City's request. However, the City has not considered, processed, or evaluated the ZC-GPA applications or responded to the proposed DA terms. These delays have not been justified or substantiated by City staff, demonstrating disregard for the owners' considerable good faith efforts to reach an amicable resolution with the City.

On June 19th, 2024, our office provided a detailed Development Agreement to phase out the current use and to identify a viable alternative consistent with the City's vision for future uses of the owners' property. On October 14th, 2025 at the request of the City Manager, we filed an application for a Zone Change and General Plan Amendment. The City did not acknowledge receipt of the entitlement applications for nearly three months after submittal. To date, our Clients have not received feedback on the proposed DA terms.

These delays are inconsistent with the procedural requirements in the South Gate Municipal Code ("SGMC") and the clients' right to due process. We are writing to formally request that the 10-day appeal period for the Director's Determination be held in abeyance until the entitlement applications are processed and considered as required

by the SGMC. We note that the Determination Letter does not fully or accurately describe the evidence that has been provided to the City in support of the legal nonconforming use. We reserve the right to provide a more thorough and detailed response at a future date.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc:
Alan Engle, Alameda Engle Properties, LLC
Jason Engle, Alameda Engle Properties, LLC
Daniel Otting, Fleet Yards
Rob Houston, City Manager
Raul Salinas, City Attorney
James Eckart, City Prosecutor

**EXHIBIT 30**

City of South Gate

Department of Community Development
Planning Division

8650 California Avenue
South Gate, CA 90280-3075
www.cityofsouthgate.org
P: (323) 563-9529
F: (323) 563-5358

January 28, 2025

*VIA EMAIL ONLY*

Somos Law Group
Attn: Sara Atsbaha
304 S. Broadway Ave.
Los Angeles, CA 90013
sara@somosgroup.org

**SUBJECT: REQUEST FOR ZONE CHANGE DESIGNATION FROM INDUSTRIAL FLEX (IF) TO HEAVY MANUFACTURING (M3)**
**ADDRESS: 8530 ALAMEDA STREET (APN: 6202-036-003)**
**CASE NO.: PL 25-0054**

Dear Ms. Atsbaha:

The Planning Division has reviewed your Zone Change application involving a request for a change in zoning designation from Industrial Flex (IF) to Heavy Manufacturing (M3) at the above-referenced address. Please be advised there are certain deficiencies in the project application that do not appear to meet the requirements and review procedures of the South Gate Municipal Code (SGMC). To provide you with more details, the deficiencies found in your project are noted in Attachment A.

The project application has been routed to other City departments for review. Comments will be forwarded to you when received. It is suggested that you address deficiencies and comments (if any) before proceeding further.

If the items described in Attachment A are addressed and received by February 3, 2025, and the project is cleared by the other departments, a public hearing with the Planning Commission can be scheduled for March 4, 2025. We will keep you informed of any updates regarding the scheduling of the public hearing.

If you have any questions, please feel free to contact me at (323) 563-9569 or jsigno@sogate.org.

Sincerely,

John Signo, AICP
Planning Manager

cc: AlamedaProp@outlook.com; Jasonbengle@outlook.com

Attachment A: Planning Comments

**Attachment A (Planning Comments)**

*General Requirements*

1. Fees are as follows:

| | |
|---|---|
| Public Noticing: | $1,570.00 |
| Zone Change: | $6,853.00 |
| TOTAL: | $8,423.00 |

2. Submit for staff review an enlarged/cropped, manipulated zoning map that depicts the proposed zoning designation (color coding) for the subject property and the existing adjacencies.

3. Submit a radius map and a Property Owners and Occupant List of property owners (prepared on gummed labels), occupants and residents of property within 1,000-feet of the subject property.

*General Plan Amendment*

4. Pursuant to Table 11.50-1 (Initiation of Amendments; see below) of SGMC Chapter 11.50.050(B), only the City Council or Planning Commission may initiate a General Plan *text* amendment. An applicant may only request a Zoning Map and General Plan *diagram* amendment. As such, your request will be forwarded to the Planning Commission, but the Commission would have to initiate the General Plan text amendment (and Zoning Code text amendment if necessary). At the hearing, the Planning Commission will have the following options:

    a. Direct staff to initiate the General Plan text amendment and Zoning Code text amendment, which will require staff to prepare a draft Ordinance to be considered by the Planning Commission at a future date, in which the Planning Commission may make a recommendation to City Council.

    b. Deny your request.

    c. Take another action the Planning Commission deems necessary.

**Table 11.50-1 Initiation of Amendments**

| | Amendment May Be Initiated By | | | |
|---|---|---|---|---|
| **Amendment Type** | **City Council Action** | **Planning Commission Action** | **City Manager** | **Applicant** |
| Zoning Code: Text or Provision | ✓ | ✓ | ✓ | |
| Zoning Map | ✓ | ✓ | | ✓ |
| General Plan: Text | ✓ | ✓ | | |
| General Plan: Diagram | ✓ | ✓ | | ✓ |

**EXHIBIT 31**

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

February 3, 2025

John Signo, AICP
Planning Manager
City of South Gate – Planning Division
8650 California Avenue
South Gate, CA 90280
Email: jsigno@sogate.org

**Re: Request for Zone Change Designation from Industrial Flex (IF) to Heavy Manufacturing (M3) – 8530 Alameda St. (Case No. PL 25-0054)**

Dear Mr. Signo,

Thank you for your letter dated January 28, 2025, regarding our application for a Zone Change and General Plan Amendment at 8530 Alameda Street in the City of South Gate, California. Per your request, the following documents are attached:

1. Check in the amount of $8,423
2. Amended Zoning Map
3. Amended General Plan Diagram
4. Radius Map

Our consultants at Atlas Radius Maps prepared a Radius Map and Property Owners and Occupants List (on gummed labels) last week. They are in transit to the City via FedEx and scheduled for delivery today [FedEx tracking number 7718 0243 7862]. Please contact our office if you have any questions about the application.

Sincerely,

Sara Atsbaha
213.592.1185 direct
Sara@somosgroup.org

SOMOS

**ALAMEDA ENGLE PROPERTIES, LLC**
2127 CENTURY WOODS WAY
LOS ANGELES, CA 90067

1185
16-1606/1220
1

2/1/25
Date

CHECK ARMOR

Pay to the Order of City of South Gate $ 8,423—

eight thousand four hundred twenty three + 00/100 Dollars

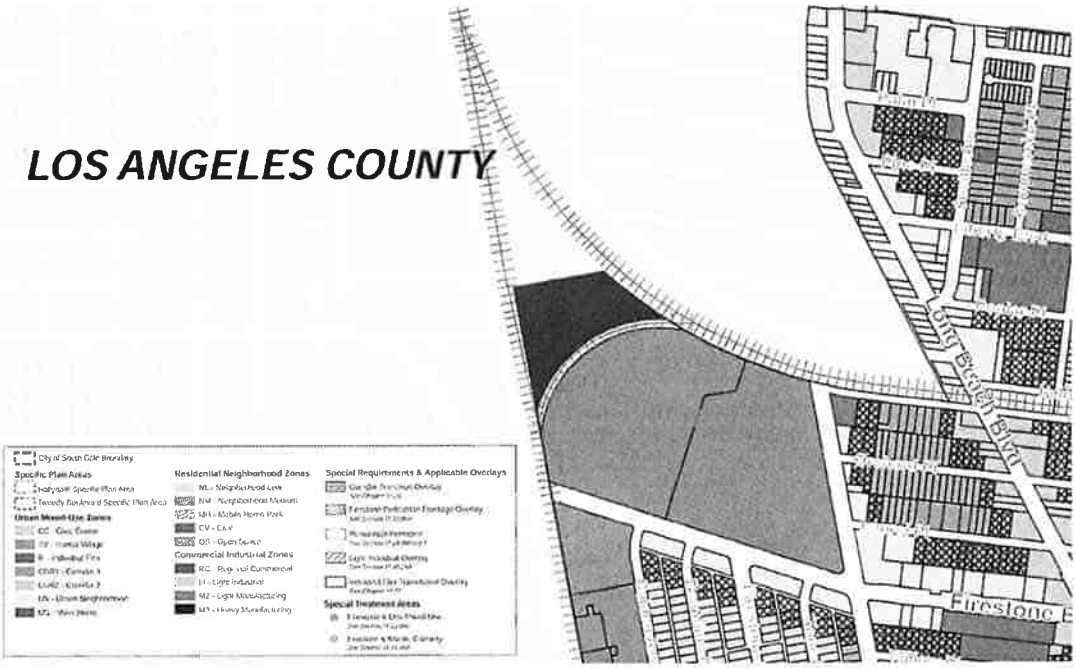
CITY NATIONAL BANK
AN RBC COMPANY
(800) 773-7100

PERSONAL & BUSINESS BANKING

For SG Fee (Case No: PL 25-0054)

⑆122016066⑆ 1185⑈ 2104386219⑈

## LOS ANGELES COUNTY



Districts
Ardine Industrial
Civic Center
South Gate College [2 Sub Areas]
El Paseo/South Gate Towne Center [3 Sub Areas]
Firestone Industrial
Gateway [4 Sub Areas]
Hollydale Industrial
Imperial [3 Sub Areas]
Tweedy Educational District
Rayo Industrial [2 Sub Areas]
South Gate Triangle [2 Sub Area]
Southwest Industrial
Liberty
Independence
Southern
Firestone
Alameda
Twenty
Century
Long Beach
I-710
Garfield
Rosecrans

**City Map**

Santa Ana St
Santa Ana St
Cudahy
Petco
South Gate
AutoZone Auto Parts
Starbucks
Rodeway Inn South Gate Los Angeles South
VINVALE
Southern Ave
Long Beach Blvd
State St
California Ave
O'Reilly Auto Parts
El Pollo Loco
Tweedy Blvd
Arts Center
Los Amigos Golf Course
Los Angeles River
Garfield Ave
Eastern Ave
Cozy Inn
Lynwood
Imperial Hwy
WORKMAN

**EXHIBIT 32**

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

February 6, 2025

Office of the
South Gate City Clerk

FEB - 6 2025

FILED

VIA ELECTRONIC MAIL

David Crabtree
Interim Director of Community Development
City of South Gate
8650 California Avenue
Email: Dcrabtree@sogate.org

**Re: Request for Appeal of Director's Determination and Noncompliance Notification**

Dear Mr. Crabtree,

We are in receipt of your letter dated January 21, 2025 ("Director's Determination") and writing on behalf of Alameda Engle Properties, LLC ("AEP") to appeal the Director's Determination, and to correct misstatements made in the letter. We have provided substantial information to the City demonstrating that the metal recycling operations and truck trailer and container storage at 8530 Alameda Street (the "Property") were legal and nonconforming when established by right in 1973. As explained in more detail below, the City's interpretation of the South Gate Municipal Code ("SGMC" or "Code") is inconsistent with the code language and with the express protections for legal nonconforming uses in the Code and in the City of South Gate's General Plan ("General Plan").

AEP is aware of the City's intent to phase out industrial uses in the area in favor of educational and institutional uses. AEP has supported the City in this endeavor and worked diligently to propose several solutions that will help the City achieve these long-term goals. However, we cannot reach a resolution if the City is not willing to discuss these issues with AEP.

We write first to appeal the Director's Determination, but also to respectfully request the City to consider the alternative proposals and to meet with our office and AEP in order to reach an equitable solution. AEP remains dedicated to working with the City to reach a mutually-acceptable resolution outside of the context of an appeal. If a resolution cannot be reached, our appeal will proceed on the following grounds:

i. The City's interpretation of the legal nonconforming use provisions of the SGMC are inconsistent with the Code;
ii. The Director's Determination does not comply with codified requirements;
iii. The General Plan requires gradual phase-out for existing uses to avoid vacancy;
iv. Due Process; and
v. The City's failure to comply with the California Environmental Quality Act ("CEQA"), Ca. Pub. Res. Code §§ 21000, *et seq.*

## I. Introduction

The reason this issue is before the City is because then Director of Community Development, Joe Perez, errantly required AEP to obtain a Temporary Use Permit in 2020 instead addressing the legal nonconforming use issue at that time, or pursuing an appropriate entitlement, such as a DA or CUP. The City did not communicate this failure to AEP for several years – until the current tenants, Fleet Yards, attempted to renew their operating permits. Since the City's communication that their 2020 requirements were in error, AEP, together with Fleet Yards, have worked diligently to resolve this issue with the City. As acknowledged in the Director's Determination, truck trailer and container storage has been a lawful use on the Property since 1973 as part of the metal recycling facilities that operated until 2020. This is demonstrated with Certificates of Occupancy and business licenses issued by the City that address the use. The truck trailer and container storage continued on the Property pursuant to entitlements that the City required of AEP, and continues to operate today.

At the City's recommendation, AEP submitted several options to correct the City's 2020 error. The solutions presented include 1) proposed terms for a Development Agreement ("DA") including market research to support viable alternate uses, third-party partnerships as envisioned in the General Plan, medium-term phase out of the current use, and a timeline with measurable milestones to facilitate redevelopment/alternative use. Our initial timeline was based on the phase-out language in the General Plan. The DA terms were submitted to the City on June 18, 2024 of last year. Although it has had 6 months to review the proposed terms, the City has not yet responded or provided feedback, or been willing to meet with our office to reach a resolution. Also at the recommendation of the City, our office submitted an application for a Zone Change ('ZC") and General Plan Amendment ("GPA") which can achieve the City's goals by 1) adding text for structured phase-out[1] or 2) reverting the Property to its previous M3 designation until a viable use or development partner is identified. The City did not acknowledge receipt of the application for nearly 2.5 months after it was filed – notwithstanding consistent follow-up from my office regarding the status of the

[1] We understand that only the City can initiate text changes to the SGMC and General Plan. These options were presented to the City in good faith and at the recommendation of City representatives, with the intention of adding the language required to help the City achieve its redevelopment goals in the South Gate Community College District and to provide structure for phasing out the current use.

application and invitations to discuss. These discussions are crucial because the Property is uniquely situated. Approximately 33 percent of the Property is located outside of the City in unincorporated Los Angeles County – and zoned for heavy industrial uses consistent with the current use. In addition, the only exit/entrance located on the property is located outside of the City's jurisdiction. As described in more detail below, the Property is also subject to additional development constraints. A viable solution for redevelopment of any kind must be compatible with these external constraints. Immediate termination of the existing use would result in a regulatory taking of the portion of the Property located in South Gate. To avoid this outcome, AEP again invites the City to discuss the proposed alternatives at any time convenient to the City.

## II. Analysis

### a. The Director's Determination is Unsupported by the SGMC

#### i. The Code Does not Allow the Director to Differentiate Ancillary from Primary Uses

The SGMC unequivocally requires protection for "all nonconforming buildings or uses, including outdoor activities such as product storage or parking."[2] The SGMC specifically protects all parts of a legal nonconforming use. Before a use or any part of a use can be terminated for abandonment or discontinuation, the Director must make substantiated findings that the use is "***wholly discontinued or abandoned*** for a continuous period of two calendar years."[3] The Director cannot make such findings based on the documentation submitted to the City. In addition, the City must treat "an existing use of any part of a building or property … to be an existing use throughout that building or property, including outdoor activities."[4] This language clarifies that once a use is legally established, it is legally established for the entirety of the property – indicating that separating parts of a property or parts of a use are inappropriate in a legal nonconforming use analysis. Here, the truck trailer and container use has been a continuous use on the property since the metal recycling operations began in 1973. This has been documented at length in letters and materials submitted to the City on April 27, 2023, May 2, 2023, May 16, 2023, and August 17, 2023. On August 17, 2023, our office provided copies of all available business licenses for the property. Any licenses that were not available were requested from the City, but not provided. The licenses issued to Jack Engle and Company ("JECO") for the Property span between 2015 and 2018, and specifically acknowledge that "outdoor storage" as an authorized use on the site. There is no delineation between primary and ancillary uses on the permits. In addition, our office provided licenses issued to Fleet Yards that specifically acknowledge a special permit for "outdoor storage." As you know, the City must

[2] SGMC § 11.55.020.
[3] SGMC § 11.55.040(D).
[4] SGMC § 11.55.030(O).

conduct zoning compliance review as part of its business license process,[5] the City reviewed, and issued business licenses specifically authorized "outdoor storage" repeatedly – first to JECO and then to Fleet Yards, as demonstrated by the business licenses that we provided to the City spanning between 2015 and 2020. By authorizing "outdoor storage" via the business licenses, the use was legally established as applied to the entirety of the Property pursuant to Section 11.55.030(O).

The Director cannot claim that the use been "wholly" discontinued based on this prior authorization of the metal recycling operations and specifically of the outdoor storage – even after the City rezoned the Property from M3 to IF. In addition, there is no language in the entirety of SGMC Chapter 11.55 – *Nonconforming Uses and Buildings*, that suggests that the Director is authorized to bifurcate different parts of a legal nonconforming use to justify termination. This interpretation is inconsistent with a plain read of the Code. In addition, based on publicly available information, there are no examples of the City using this interpretation for similarly-situated properties.

ii. Immediate Termination of the Existing Use is Inconsistent with the SGMC and the General Plan.

Because vacant property does not serve the City, its constituents, or the local community, both the SGMC and the General Plan specifically provide for gradual phasing out of noncompatible existing uses as future uses become viable. Section 11.22.060 of the SGMC states in relevant part that "The purpose of the industrial flex zone is to continue the industrial job base in the area, while allowing flexibility to incorporate a mix of uses and job options."[6] The General Plan states in relevant part that "**Industrial and manufacturing uses should remain in the area** but could be phased out as the college district expands."[7] In addition, the General Plan anticipates phasing out consistent with the course of the current plan, which does not terminate until 2035. Our initial DA proposal adopted the same timeline to ensure consistency with the General Plan. However, prior to the appeal hearing, we would appreciate the opportunity to meet with the City to discuss revised DA terms, including a revised timeline. As explained in more detail below, an immediate transition to an alternate use is not feasible or practical on the Property due to its unique location, an existing restrictive covenant, and heavy industrial surroundings both within and outside of the City's jurisdiction. As required by the Code and the General Plan, a gradual transition is better suited to address the interests and concerns of both the City and AEP.

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[5] See the City of South Gate's requirements for obtaining a new business license, Including review of a Zoning Clearance Form by the Community Development Department, available here: https://www.cityofsouthgate.org/Business-Development/Your-Business/Permits-Licenses/Business-Licenses

[6] SGMC § 11.22.060.

[7] General Plan Community Design Element, Policy P.6.

iii. The Director's Determination Violates Codified Procedural Requirements

The Director did not address codified requirements for legal nonconforming use analysis in the Director's Determination. In order to establish that a use has been "wholly discontinued or abandoned" [8] for the requisite two-year period, the Director is required to make specific findings, supported by evidence in the determination.[9] These findings must include:

1. The apparent intent of the owner;
2. Presence or absence of personal property associated with the use;
3. Presence or absence of furnishings, equipment and other property associated with the use; and
4. Continuity of utility service to the property[10]

The Director's findings do not address any of the criteria above. As noted in our previous correspondence, the evidence submitted to the City does not support a finding that the use has been wholly discontinued or abandoned. AEP has communicated directly to City[11] that its intent is to continue current operations until a viable alternative use or development partner is identified. The Director does not address the owner's intent in the Determination Letter. On April 27, 2023 and August 17, 2023, our office provided photographs, utility records, historic licenses, business ledgers and comparable documentation demonstrating that the truck trailers and containers are still located on the property, that the facilities to coordinate this use are still located on the property, and that utility service to the Property is and has been current so that the use can continue. In addition, AEP has provided private tours of the Property to City staff and elected officials as part of its ongoing good faith efforts to reach an equitable resolution. For these reasons, the Director's findings are not substantiated by evidence, or compliant with SGMC requirements.

b. <u>The City's Management of the Legal Nonconforming Use Gives Rise to Substantive and Procedural Due Process Concerns.</u>

The Applicant's rights to substantive and procedural due process is protected by the California Constitution.[12] This includes adjudication of land use issues free from arbitrary, capricious, or discriminatory determinations by City staff.[13] On several occasions, the City's management of this matter indicate violations of AEP's

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[8] SGMC § 11.55.040(D).

[9] SGMC § 11.55.040(D).

[10] SGMC § 11.55.040(D).

[11] On June 18, 2024, AEP submitted proposed terms for a Development Agreement that would phase out the current use over time while the parties worked together to identify viable alternative uses.

[12] Cal. Const. art I §7.

[13] *Arnel Development Co. v. City of Costa Mesa* (1981)126 Cal.App3d 330, 335-6 (A city cannot unfairly discriminate against a particular parcel of land, and the courts may properly inquire as to whether the scheme of classification has been applied fairly and impartially in each instance.") *Wilkins v. City of San Bernardino*, (1946) 29 Cal.2d 332, 338; *City of Orange v. Valenti* (1974) 37 Cal.App.3d 240, 243.

constitutional right to due process. This issue has been raised in previous correspondence, but more recently, on or around March 19, 2024, we were asked to file a request for a Zone Change and General Plan Amendment by City representatives. After months of follow-up correspondence with the City, we filed the application on October 14, 2024. Although our office has been in consistent contact with the City since filing the application, the City did not acknowledge receipt of the application, assign a planner, or begin processing the application until January, 2025 – nearly 2.5 months after filing. Similarly, at the request of City representatives, AEP submitted proposed terms for a Development Agreement that would phase out the current use. We shared this proposal on June 18, 2024, but have not received feedback from the City on the terms.

On May 17, 2024, our office requested specific documents relating to the City's misstatements during a May 2, 2024 Planning Commission hearing, and made several inquiries about the City's allegations regarding changes to the SGMC. Although it took the City several months to provide responsive documents, the City was unable to provide most of the documents that we requested, including previous iterations of the code and older business licenses. In addition, we did not receive responses to our questions about the previous code changes. Our office located some of these records independently, and immediately shared them with the City. The Director's Determination cites a 1988 change to the SGMC that required a Conditional Use Permit – This information was specifically requested by my office on May 17, 2024, but never provided in the City's responsive documents. In addition, where, as here, the uses on the Property were established in 1973, subsequent entitlement requirements from 1988 would apply only to new uses or facilities. We have provided substantial documentation that the previous uses on the Property, including metal recycling and truck trailer and container storage were allowed by right at the time they were established in 1973. Finally, as noted above, the Director's Determination does not substantiate several of the City's claims, as required in the code, and adopts an interpretation of the City's legal nonconforming use provisions that is inconsistent with the code language and is unique to AEP's property. Based on publicly-available information and the documents provided by the City, the City's treatment of this Property is unique and arguably arbitrary, capricious, and inconsistent with Constitutional due process requirements.

c. Termination of the Legal Nonconforming Use is a *de facto* Regulatory Taking.

The City's 2015 Zone Change and General Plan Amendment changed the zoning on the Property from "M3" – Heavy Manufacturing to "IF" -Industrial Flex, within Subarea 1 of the South Gate College District – a sub district created by the 2015 General Plan Amendment. However, the 2015 changes to the General Plan severely restrict future uses on the Property – many of which are not immediately viable because of the Property location and unique characteristics. For this reason, the SGMC and the General Plan specifically prioritize protecting existing businesses as noted above until alternative uses are identified.

Although the IF zone allows a small range of uses, such as research and development facilities, mixed-use and residential uses, these uses are severely limited by the South Gate College District designation. In this subdistrict, the only uses permitted are civic/institutional facilities, open space, office/research and development and light industrial uses. Residential uses are not permitted, and retail uses are discouraged. The General Plan explains that this subdistrict was designed to be a redevelopment in partnership with local community college districts, only to be executed after the City prepared a Specific Plan or Precise Plan together with a community college partner.[14] The purpose of this Specific Plan/Precise Plan was to identify viable alternative uses on the Property *prior* to phasing out the existing use. The City has had 10 years to initiate preliminary planning stages. However, to date, the City has prepared no such plan. For this reason, we included market studies and milestones in the DA proposal to help the City complete this preliminary requirement for redevelopment.

AEP has worked diligently and in good faith with the City to propose solutions that achieve its long-term vision for the Property. However, immediate transition to these uses is not feasible or practical.

The Property is surrounded by heavy industrial uses on 3 sides, including metal fabrication facilities, automotive repair yards, train tracks, warehouses, and similar uses. In addition, we understand from County representatives that adjacent property to the east (bordered by residential uses in South Gate) is slated for development of an additional warehouse facility – meaning that all four sides of the Property will eventually be bordered by heavy industrial uses. The majority of these uses are located outside of the City's jurisdiction.

The Property is also restricted pursuant to an agreement with the Department of Toxic Substances Control ("DTSC"). Pursuant to this agreement, the South Gate portion of the Property may not be used for residential uses, or for educational facilities for persons under 18 years of age. A copy of these restrictions is attached as Exhibit A. This means that prior to creating the Specific Plan or Precise Plan anticipated in the General Plan, coordination with DTSC on the proposed use, protection measures, and additional restrictions would need to be factored into an appropriate phase-out term that allows productive use of the Property while a viable future use or development partner is identified. For this reason, the General Plan does not allow immediate termination of existing uses.

In addition, the General Plan subdistrict designation appears to preclude any use that is not affiliated with a community college district. In light of the status of the Specific Plan/Precise Plan, the surrounding heavy industrial uses that are not subject to South Gate's jurisdiction, and additional use restrictions from DTSC – terminating the current use without a bridge solution would result in indefinite vacancy and a *de facto* regulatory taking.

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[14] General Plan, Community Design Element, Policy P.2.

d. The City Has Not Considered the Environmental Consequences Resulting from the Termination of the Existing Land Use in Favor of Alternative Land Uses Inconsistent with the Requirements of CEQA.

The City's termination of the long-standing use of the AEP property effectively changes the AEP property's land use designation in a way that is clearly intended to alter development patterns. Such changes would likely result in new significant environmental impacts, or at a minimum, would increase the severity of effects which may have been identified previously. For example, the land uses permitted by the South Gate College District designation (*e.g.*, civic/institutional facilities, open space, office/research and development and light industrial uses) will change the type and frequency of vehicles accessing the AEP Property and general area. This is, of course, why the General Plan envisioned the South Gate College subdistrict would be supported by a Specific Plan or Precise Plan which would comply with CEQA.

As mentioned previously however, no Specific Plan/Precise Plan to identify viable alternative uses on the AEP Property prior to phasing out the existing use has been completed and as such, no environmental analysis under CEQA in support of said Specific Plan/Precise Plan has been prepared. To terminate the long-standing land use at the AEP Property prior to completing this Specific Plan/Precise Plan and analyzing the environmental impacts of same is inconsistent with a core tenet of CEQA that environmental review must precede the approval of a definite course of action by the City.

Here, the City's termination of the existing land uses at the AEP Property in favor of alternative land uses whose environmental impacts have not been evaluated violates the requirements of CEQA.

## III. Conclusion

AEP remains dedicated to reaching a resolution with the City via the pending ZC/GPA application, revisiting the proposed DA terms, or such other structure that the Parties deem appropriate. We are available to coordinate a meeting to discuss additional options at your earliest convenience.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc:
Alan Engle, Alameda Engle Properties, LLC
Jason Engle, Alameda Engle Properties, LLC
Daniel Otting, Fleet Yards
Rob Houston, City Manager
Raul Salinas, City Attorney
James Eckart, City Prosecutor

**EXHIBIT A**

RECORDING REQUESTED
BY:

Alameda Engle Properties LLC
8440 South Alameda Street
Los Angeles, California 90001

WHEN RECORDED, MAIL TO:

Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311
Attention: Sayareh Amirebrahimi
Branch Chief, Cleanup Program

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

# LAND USE COVENANT AND AGREEMENT

## ENVIRONMENTAL RESTRICTIONS

County of Los Angeles, Assessor's Parcel Number: 6202-036-003
Site Name: Engle Southern Parcel
Site Code: 301249

This Land Use Covenant and Agreement ("Covenant") is made by and between Alameda Engle Properties LLC (the "Covenantor"), the current owner of property located at 8530 South Alameda Street, South Gate, in the County of Los Angeles, State of California, Assessor's Parcel Number 6202-036-003 (the "Property"), and the Department of Toxic Substances Control (the "Department"). Pursuant to Civil Code section 1471, the Department has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials as defined in Health and Safety Code section 25260. The Covenantor and the Department hereby agree that, pursuant to Civil Code section 1471 and Health and Safety Code section 25355.5, the use of the Property be restricted as set forth in this Covenant and that the Covenant shall conform with the requirements of California Code of Regulations, title 22, section 67391.1.

## ARTICLE I

## STATEMENT OF FACTS

1.1. Property Location. The Property that is subject to this Covenant, totaling approximately 6.8 acres, is more particularly described in the attached Exhibit A, "Legal Description", and depicted in Exhibit B, "Site Location Map." The Property is located in the area now generally bounded by Los Angeles County Assessor's Parcel Number 6202-036-004 to the north (the Engle Northern Parcel), a former railroad spur south of Santa Fe Avenue to the east, a railroad spur north of Los Angeles County Assessor's Parcel Number 6204-034-002 to the south, and a railroad along South Alameda Street to the west. The Property is also identified as County of Los Angeles, Assessor's Parcel Number 6202-036-003.

1.2. Investigation of Property. This Property has been investigated under the Department's oversight. The Department approved a Site Investigation Workplan and an Addendum to the Workplan in accordance with Health and Safety Code, division 20, chapter 6.8. The investigation activities conducted at the Property include soil, soil vapor and ground water testing. Hazardous substances in soil, soil vapor, and groundwater remain at the Property above levels acceptable for unrestricted use. Specifically, the following hazardous substances have been found: 1) in soil, arsenic up to 205 mg/kg (ppm), 2) in soil vapor, vinyl chloride up to 22.5 ug/L (ppb) and tetrachloroethene up to 248 ug/L, and 3) in groundwater, cis-1,2-dichloroethene up to 480 ug/L and vinyl chloride up to 44 ug/L.

1.3. Basis for Environmental Restrictions. As a result of the presence of hazardous substances, which are also hazardous materials as defined in Health and Safety Code section 25260, at the Property, the Department has concluded that it is reasonably necessary to restrict the use of the Property in order to protect present or future human health or safety or the environment, and that this Covenant is required as part of the Department-approved remedy for the Property. The Department has also concluded that the Property, as remediated and when used in compliance with the Environmental Restrictions of this Covenant, does not present an unacceptable risk to present and future human health or safety or the environment.

## ARTICLE II
## DEFINITIONS

2.1. Department. "Department" means the California Department of Toxic Substances Control and includes its successor agencies, if any.

2.2. Environmental Restrictions. "Environmental Restrictions" means all protective provisions, covenants, restrictions, requirements, prohibitions, and terms and conditions as set forth in this Covenant.

2.3. Improvements. "Improvements" includes, but is not limited to buildings, structures, roads, driveways, improved parking areas, wells, pipelines, or other utilities.

2.4. Lease. "Lease" means lease, rental agreement, or any other document that creates a right to use or occupy any portion of the Property.

2.5. Occupant. "Occupant" or "Occupants" means Owner and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

2.6. Owner. "Owner" or "Owners" means the Covenantor, and any successor in interest including any heir and assignee, who at any time holds title to all or any portion of the Property.

## ARTICLE III
## GENERAL PROVISIONS

3.1. Runs with the Land. This Covenant sets forth Environmental Restrictions that apply to and encumber the Property and every portion thereof no matter how it is improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. This Covenant: (a) runs with the land pursuant to Civil Code section 1471 and Health and Safety Code section 25355.5; (b) inures to the benefit of and passes with each and every portion of the Property; (c) is for the benefit of, and is enforceable by the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.2. Binding upon Owners/Occupants. This Covenant: (a) binds all Owners of the Property, their heirs, successors, and assignees; and (b) the agents, employees, and lessees of the Owners and the Owners' heirs, successors, and assignees.

Pursuant to Civil Code section 1471, all successive Owners of the Property are expressly bound hereby for the benefit of the Department; this Covenant, however, is binding on all Owners and Occupants, and their respective successors and assignees, only during their respective periods of ownership or occupancy except that such Owners or Occupants shall continue to be liable for any violations of, or non-compliance with, the Environmental Restrictions of this Covenant or any acts or omissions during their ownership or occupancy.

3.3. Incorporation into Deeds and Leases. This Covenant shall be incorporated by reference in each and every deed and Lease for any portion of the Property.

3.4. Conveyance of Property. The Owner and new Owner shall provide Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant) to the Department not later than 30 calendar days after any conveyance or receipt of any ownership interest in the Property (excluding Leases, and mortgages, liens, and other non-possessory encumbrances). The Notice shall include the name and mailing address of the new Owner of the Property and shall reference the site name and site code as listed on page one of this Covenant. The Notice shall also include the Assessor's Parcel Number(s) noted on page one. If the new Owner's property has been assigned a different Assessor's Parcel Number, each such Assessor's Parcel Number that covers the Property must be provided. The Department shall not, by reason of this Covenant, have authority to approve, disapprove, or otherwise affect proposed conveyance, except as otherwise provided by law or by administrative order.

3.5. Costs of Administering the Covenant to Be Paid by Owner. The Department has already incurred and will in the future incur costs associated with this Covenant. Therefore, the Covenantor hereby covenants for the Covenantor and for all subsequent Owners that, pursuant to California Code of Regulations, title 22, section 67391.1(h), the Owner agrees to pay the Department's costs in administering, implementing and enforcing this Covenant.

## ARTICLE IV

## RESTRICTIONS AND REQUIREMENTS

4.1. Prohibited Uses. The Property shall not be used for any of the following purposes without prior written approval by the Department:

(a) A residence, including any mobile home or factory built housing, constructed or installed for use as residential human habitation.

(b) A hospital for humans.

(c) A public or private school for persons under 18 years of age.

(d) A day care center for children.

4.2. Soil Management. Soil management activities at the Property are subject to the following requirements in addition to any other applicable Environmental Restrictions:

(a) No activities that will disturb the soil (e.g., excavation, grading, removal, trenching, filling, earth movement, mining, or drilling) shall be allowed at the Property without a Soil Management Plan pre-approved by the Department in writing.

(b) Any soil brought to the surface by grading, excavation, trenching or backfilling shall be managed in accordance with all applicable provisions of state and federal law.

4.3. Prohibited Activities. The following activities shall not be conducted at the Property:

(a) Drilling for any water, oil, or gas without prior written approval by the Department.

(b) Extraction or removal of groundwater without a Groundwater Management Plan pre-approved by the Department in writing.

(c) Activity that may alter, interfere with, or otherwise affect the integrity or effectiveness of, or the access to, any investigative, remedial, monitoring, operation or maintenance system *(e.g., cap, vapor extraction system, monitoring system, groundwater extraction system)* or activity required for the Property without prior written approval of the Department.

4.4. Access for Department. The Department shall have reasonable right of

**SOMOS LAW GROUP LLP**
304 S BROADWAY, SUITE 350
LOS ANGELES, CA 90013

90-4402/1222

1007

DATE 2/6/2025

PAY TO THE ORDER OF City of South Gate $ 2,364.00

Two thousand three hundred sixty-four DOLLARS

Security Features Included Details on back

CalPrivate BANK
SOUTH BAY

FOR

AUTHORIZED SIGNATURE

SAFEGUARD SECURE

⑈001007⑈ ⑆122244029⑆ 00506249⑈

THE FACE OF THIS DOCUMENT CONTAINS ULTRA-VIOLET INK. TOUCH OF FLUORESCENT MARK IS THE DISAPPEARANCE OF THE MARK.

**EXHIBIT 33**

## Sarah Jane Longalong

**Subject:** FW: Alameda Engle Properties, LLC / Truck Trailer Storage at 8530 Alameda Street, South Gate
**Attachments:** attachment.tiff; PC Reso_2025-04.pdf; PC Reso_2025-05.pdf

**From:** James Eckart <jeckart@drllaw.com>
**Date:** March 20, 2025 at 2:06:00 AM PDT
**To:** Sara Atsbaha <sara@somosgroup.org>, "Alfred Fraijo Jr." <alfred@somosgroup.org>
**Subject: Alameda Engle Properties, LLC / Truck Trailer Storage at 8530 Alameda Street, South Gate**

CAUTION EXTERNAL: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Sara and Alfred:

It was nice to meet each of you in person earlier this week at the South Gate Planning Commission.

Attached hereto [in Adobe Acrobat (*.pdf) format], please find a copy of the following Planning Commission Resolutions:

a) Resolution No. 2025-04 (upholding the Director's Determination and Noncompliance Notification); and,

b) Resolution No. 2025-05 (denying your client's request for a Zone Change and General Plan Amendment).

Please remember that your client may appeal either or both of the Planning Commission's decisions to the City Council by filing a Request for Appeal with the City Clerk within ten (10) working days of this notification. In order to keep the administrative record clean, the City requests that a separate Request for Appeal be filed for each Planning Commission decision your client intends on appealing.

Should the City Clerk not receive a timely filed Request for Appeal (along with any applicable appeal fees), the respective decisions of the Planning Commission would be deemed final and binding.

Thank you for your continuing professionalism, and please do not hesitate to contact me if you have any questions or concerns.

—Jim

--
James Eckart, City Prosecutor
DAPEER, ROSENBLIT & LITVAK, LLP
11500 West Olympic Boulevard, Suite 550

Los Angeles, CA 90064-1524
Tel: (310) 477-5575
Fax: (310) 477-7090
jeckart@drllaw.com

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# City of South Gate
## PLANNING COMMISSION
# AGENDA BILL

For the Regular Meeting of: ***March 18, 2025***

***Planning Manager***: *John F. Signo, AICP* ***Community Development Director***: *David Crabtree, AICP*

**SUBJECT: APPEAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DETERMINATION FOR A PROPERTY LOCATED AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**PURPOSE:** Public hearing to consider the following:

Appeal of Director's Determination: Consideration of an appeal of the Director's determination that the legal, nonconforming use for metal processing and/or recycling activities at a property located at 8530 Alameda Street have been abandoned and can no longer be conducted, and the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

**PROJECT OVERVIEW**

| | |
|---|---|
| 1. Project Location: | 8530 Alameda Street |
| 2. Assessor's Parcel Number: | 6202-036-003 |
| 3. Property Owner: | Alameda Engle Properties (Jason Engle) |
| 4. Appellant/Representative: | Sara Atsbaha, Somos Law Group |
| 5. General Plan Designation: | Industrial (Community Design Element, Figure CD 1, Existing Land Uses)<br>South Gate College District Subarea 1 (Community Design Element, Figure CD 4, Districts) |
| 6. Zoning: | IF (Industrial Flex) |

**RECOMMENDED ACTION:**

1. **CONDUCT** a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;
2. **ACCEPT** the determination that this matter is exempt from the California Environmental Quality Act;
3. **ADOPT** the findings as outlined in Resolution No. 2025-04 (Attachment A); and
4. **UPHOLD** the determination of the Director of Community Development that the legal, nonconforming use for a metal processing and/or recycling activities at the subject property have been abandoned and can no longer be conducted, and the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated.

**PUBLIC NOTIFICATION**
Advertising and notification of the public hearing for this item was conducted in compliance with Sections 11.50.020 and 11.50.030 of the South Gate Municipal Code ("SGMC"). Notices of the hearing were posted and published in the "South Gate Press" on February 27, 2025.

**ENVIRONMENTAL EVALUATION**
In accordance with the California Environmental Quality Act (CEQA), the Director's determination qualifies for a categorical exemption under CEQA Guidelines Section 15321, (Class 21) "Enforcement Actions by Regulatory Agencies," in that the City is enforcing the South Gate Municipal Code.

The Planning Commission's determination on the termination of the legal, non-conforming use of the subject property is not subject to California Environmental Quality Act (CEQA) review because it is not an "approval" as defined in California Code of Regulations, Title 14, Section 15352, but rather a determination of whether a use must terminate at a site, and therefore does not commit the City to any definite course of action regarding new uses or changes to the approved use of the subject property. Furthermore, CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

**BACKGROUND**
This is an appeal by the applicant, Somos Law Group ("Somos"), on behalf of the property owner, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), for a 6.78-acre property located at 8530 Alameda Street. Somos is appealing the Director of Community Development's decision that the legal, nonconforming use for metal processing and/or recycling activities at the subject property has been abandoned and can no longer be conducted, and the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use and must be immediately terminated. Somos is also requesting to change the zoning of the subject property from IF (Industrial Flex) to M3 (Heavy Manufacturing) and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan.

It should be noted that AEP also owns the abutting 2.9-acre site to the north at 8440 S. Alameda Street, which is located outside of the City and in the County of Los Angeles. Access to both properties is via a driveway from Alameda Street to the property at 8440 S. Alameda Street. This property is also being used for truck trailer storage and according to County staff, a conditional use permit (CUP) is currently being processed.

**<u>History of Zoning and Land Use of Subject Property</u>**
As early as 1961, the Subject Property was designated as being within a Heavy Manufacturing ("M-3") Zone.

Based upon a review of public records and documents submitted by AEP, the Site was used by Jack Engel & Company (hereinafter, "JECO") and/or AEP for a metal processing/recycling facility from as early as 1973 until approximately March 2020. During that time, the site was developed with a single-story industrial structure used for the recycling operations conducted by JECO and/or AEP.

The metal recycling operations conducted by JECO and/or AEP included, but was not limited to, the delivery of scrap metal product to the Site inside of truck trailers – which would remain on site for up to several months while the scrap metal was sorted and processed on-site, and prepared for shipment to a final off-site destination.

In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities. Thereafter, on or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the Zoning Code and changed the zoning classification of the Subject Property to Industrial Flex ("IF") Zone.

Pursuant to the Section 11.21.030 and Table 11.21-3 of the amended Zoning Code, recycling facilities require a Conditional Use Permit – however, the recycling operations at the Subject Property were deemed to be a legal, nonconforming land use that was allowed to continue in accordance with SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

According to public records and information submitted by AEP and/or its representatives, all metal recycling operations ceased in or around March 2020 and are no longer being conducted at the Site.

AEP has confirmed that around March 2020, Fleet Yards, Inc. commenced utilizing the Site solely for the storage of truck trailers and/or containers as a principal use. Moreover, the structure that was previously utilized to conduct the metal recycling at the Site was demolished.

In July 2020, the City approved Fleet Yards, Inc.'s application for a Temporary Use Permit and issued TUP2020-01, authorizing the use of the Subject Property for "truck trailer storage for a one-year period of time with possible extensions up to a maximum period of five years from the date of approval". TUP2020-01 expired on July 16, 2021, without a timely request for renewal from Fleet Yards, Inc.

In December 2022, the Director advised Fleet Yards, Inc. that several conditions of approval of the TUP had not been adhered to, and, moreover, that the TUP was ineligible for renewal as SGMC §11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar year.

On May 2, 2023, the Planning Commission upheld the Director's Determination to deny an extension of the TUP (as set forth in Resolution 2023-05).

Notwithstanding the issuance and subsequent ineligibility for renewal of the TUP, the appellant contended that the truck trailer storage activities are a legal, non-conforming use. As the appellant bears the burden of proving the legal, nonconforming status of the truck trailer storage, Staff

provided the appellant ample opportunity to present to the Director sufficient evidence to support its contention.

On January 21, 2025, Interim Community Development Director David M. Crabtree, AICP, issued a determination and noncompliance letter indicating the legal, nonconforming use of the subject property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities – was abandoned and can no longer be conducted unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies). The use for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use – and, as such, must be immediately terminated. A copy of that letter is attached hereto as Attachment B.

**ANALYSIS**:

**Appeal of Director's Determination**

On January 21, 2025, the City sent a Director's Determination and Noncompliance Notification letter to the applicant indicating the legal, nonconforming use of the Subject Property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities – has been determined to be abandoned and can no longer be conducted at the Site unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies). Furthermore, based on staff's research and information provided by Somos, the use of the Site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use – and, as such, must be immediately terminated.

On February 6, 2025, the applicant filed an appeal requesting the Planning Commission challenging the Director's determination based on the following grounds:

1. The Director's Determination is unsupported by the South Gate Municipal Code (SGMC) purportedly due to the Director's differentiation between an ancillary and primary use, that the immediate termination of a legal, nonconforming use is inconsistent with the SGMC and General Plan, and the Determination violates procedural requirements;
2. Substantive and procedural due process concerns; and
3. Termination of a legal, nonconforming use is a *de facto* regulatory taking; and,
4. The City's failure to comply with the California Environmental Quality Act (CEQA), Public Resources Code Section 21000, et seq.

Truck Storage/Terminal Use: AEP and its tenant have been using the subject property to store trucks, truck-trailers, and storage containers. Under the SGMC, this use is defined as "truck storage/terminal" use which, pursuant to the SGMC Section 11.60.230 "T" definitions, "means indoor or outdoor site for freight, truck terminals, truck storage yards, or similar commercial facilities."

SGMC Prohibits that Use at 8530 Alameda Street: The subject property is zoned Industrial Flex (IF). Table 11.21-3, under SGMC Section 11.21.030 "Land use permissions tables," lists allowed land uses within the IF zone. Truck storage/terminal use is not listed on that Table as an allowed

use within the IF zone. SGMC Section 11.21.020 notes that "Any land use that is not specifically listed in the land use tables for the applicable zone shall not be allowed or permitted within the zone." Therefore, the storage of trucks, truck-trailers and containers is a prohibited use in the IF zone.

It is undisputed that the recycling/metal processing activities that occurred at the subject property were legal, nonconforming, and that truck trailer storage is not currently a permitted use at the subject property pursuant to the South Gate Municipal Code (inclusive of the Zoning Code). The issues of contention are (i) whether the legal, nonconforming recycling/metal processing activities at the subject property have been abandoned; and/or (ii) whether the appellant has submitted sufficient evidence to substantiate that the current use of the site for truck trailer storage unrelated to recycling/metal processing activities constitutes a legal, nonconforming use of the subject property.

In response to the appellant's arguments set forth in the Request for Appeal, Staff submits the following.

**ASSERTION: The Director's Determination is unsupported by the South Gate Municipal Code.**

The appellant first argues that the Director failed to make a determination that the legal, nonconforming use is "wholly discontinued or abandoned for a continuous period of two calendar years" as required by SGMC 11.55.040(D). The Director, however, correctly determined that the legal, nonconforming recycling/metal processing use at the site was wholly discontinued and/or abandoned – as evidenced by the cessation of all activities associated with the recycling/metal processing activities in or around 2020, including the demolition of the structure that was previously utilized for such activities. Contrary to the appellant's contention, the Director did not distinguish between primary and ancillary legal, non-conforming uses. Rather, the Director accepted the appellants assertion that the storage of truck trailers at the site was an "integral part of metal processing operations," however, the Director did determine that the truck trailer storage was only done as part of the recycling/metal processing activities while those activities were occurring. The Director correctly determined that the current use of the site for truck trailer storage only is NOT a continuation of the use of the trucks for the recycling/metal processing activities, and, is, in fact, a wholly new use.

The appellant also argues that the immediate termination of the truck trailer storage is inconsistent with the South Gate Municipal Code and the General Plan – which the appellant contends promotes a more gradual transition to a conforming use. However, the appellant fails to recognize that it was the appellant's abandonment of the recycling/metal processing activities for more than 2 years that resulted in the termination of its legal, nonconforming rights – and not any action by the City. The City's requirement that the legal, nonconforming use be terminated for 2 continuous years does, in fact, provide for a gradual transition – but the appellant failed to utilize those 2 years to make a transition to a conforming use. Instead, the appellant transitioned to using the subject property for the prohibited truck trailer storage use.

The appellant further mistakenly argues that the Director failed to make findings required by Section 11.55.040(D) of the municipal code. Specifically, the appellant argues that the Director failed to consider and make a determination regarding (i) the property owner's intent; (ii) the presence or absence of personal property associated with the legal, nonconforming use; (iii) presence or absence of furnishings, equipment, and other property associated with the use; and, (iv) continuity of utility service to the property.

The appellant incorrectly interprets SGMC §11.55.040(D). Pursuant to SGMC §11.55.040(D)(1), in order to determine whether a property owner has abandoned/discontinued a legal, nonconforming use, the Director is required to determine the "apparent intent of the owner to discontinue use of the nonconforming **structure** is apparent, as determined by the director" (emphasis added). This particular requirement, however, is applicable to the intent to discontinue/abandon a nonconforming structure – and not the owner's intent to discontinue a legal, nonconforming use. That being said, the Director determined that the structure previously existing at the site was voluntarily demolished in or around March 2020 – and that all other activities associated with the recycling/metal processing use also terminated around the same time. The Director also determined that all other equipment, furnishings, and the structure itself used for the recycling/metal processing activities have been absent from the site for more than two years. Moreover, no additional business licenses have been acquired for recycling/metal processing activities for at least 2 years. Any continued utility use at the site (including electricity, gas, water or waste collection) does not negate the Director's determination that all use of the subject property for recycling/metal processing activities has been abandoned/discontinued for more than 2 years.

**ASSERTION: The City's management of the legal nonconforming use gives rise to substantive and procedural due process concerns.**

The appellant contends that the manner in which the City has handled requests from appellant's legal counsel has raised concerns regarding the appellant's substantive and procedural due process. Appellant also apparently incorrectly argues that the Director suggested that the appellant was required to obtain a Conditional Use Permit in 1988 as a result of a change in the City's Zoning Code. Lastly, appellant argues that Staff has been slow to acknowledge or process its request for a Zone Change and General Plan Amendment. It should be noted that Staff provided documents in its possession – however, was not required to provide copies of business licenses which were no longer in the possession of the City. [Business licenses are issued to business operators – and the appellant would have been in the best position to retain the prior business licenses.] Moreover, the Director did not assert that the appellant required a Conditional Use Permit, but rather that the change in the City's Zoning Code requiring a Conditional Use Permit for the recycling/metal processing use of the site is what converted the legal status of recycling/metal processing use of the site to "legal, nonconforming". Lastly, the processing of the Zone Change and General Plan Amendment is a separate matter before the Planning Commission, and arguments related to the processing of those requests are not related to the Director's Determination regarding the termination of the legal, nonconforming status of the recycling/metal processing activities or the lack of such status for the truck trailer storage.

**ASSERTION: Termination of the legal nonconforming use is a *de facto* regulatory taking.**

The appellant contends that the changes to the City's Zoning laws and General Plan amount to a regulatory taking because of the limited uses allowed at the subject property. However, the City provides for the continuation of nonconforming uses – and, as such, appellant would have been allowed to continue the recycling/metal processing use of the site had the appellant not abandoned the use or otherwise caused the termination of the use as set forth in SGMC Chapter 11.55. It is

the appellant's actions that have resulted in the termination of the ability to continue conducting recycling/metal processing activities – and it is the Director's determination that the truck trailer storage that is currently occurring has never been lawfully approved by the City. This hearing is not the venue to challenge the City's prior Zoning Code amendments related to permitted uses.

**ASSERTION: The City has Not Considered the Environmental Consequences Resulting from the Termination of the Existing Land Use in Favor of alternative Land Uses Inconsistent with the Requirements of CEQA**.

The appellant incorrectly asserts that the City's termination of the legal, nonconforming use of the subject property is tantamount to changing a land use designation – and would require review pursuant to the California Environmental Quality Act ("CEQA"). However, the Director determined that the actual use of the site for recycling/metal processing ceased in or about March 2020 – and the Director's Determination merely is a confirmation of the abandonment/discontinuance of the use of the site for recycling/metal processing by the owner. Although the commencement of a new conforming use *may* require CEQA review, that would be determined and occur at the time a conforming use is proposed by the appellant or other interested party – however, Staff has determined that this appeal is exempt from CEQA review.

Staff recommends that the Planning Commission uphold the Director's determination based on the findings in the attached resolution.

**CONCLUSION**

Staff recommends the Planning Commission uphold the Director's Determination that the legal, nonconforming use of the subject property for metal processing and/or recycling activities has been abandoned for more than two (2) continuous years, and can no longer be conducted at the site; and that the use of the site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use.

**ATTACHMENTS:**

~~A. PC Resolution No. 2025-04~~ SEE ATTACHMENT 2 OF COUNCIL REPORT

B. Director's Determination and Noncompliance Notification Letter
C. Request for Appeal from Somos Law Group of Director's Determination and Noncompliance Notification dated February 6, 2025
D. Request for Appeal from Somos Law Group of Director's Determination dated November 15, 2023
E. Director's Letter to Engle regarding TUP 2020-01 extension dated May 16, 2023
F. PC Agenda Bill dated May 2, 2023 (without attachments)
G. Letter from Somos regarding SELA letter dated March 13, 2025
H. Letter from SELA dated March 6, 2025

ATTACHMENT B

City of South Gate

Department of Community Development
Planning Division

8650 California Avenue
South Gate, CA 90280-3075
www.cityofsouthgate.org
P: (323) 563-9529
F: (323) 563-5358

January 21, 2025

Alameda Engle Properties, LLC
2127 Century Woods Way
Los Angeles, CA 90067

Attn: Alan Engle, Manager

Re: **DIRECTOR DETERMINATION AND NONCOMPLIANCE NOTIFICATION**
Nonconforming Land Use at
8530 Alameda Street, South Gate [APN 6202-036-003]

Mr. Engle:

The real property commonly known as 8530 Alameda Street, South Gate and identified by Assessor Parcel Number 6202-036-003 (hereinafter, "Subject Property" or "Site") is currently being utilized by Fleet Yards, Inc. for the principal use of truck trailer storage.

Fleet Yards and the property owner (Alameda Engle Properties, LLC) have asserted that truck trailer storage is a legal, nonconforming use at the Site and entitled to continue operation in accordance with the South Gate Municipal Code (hereinafter, "SGMC" or "Municipal Code"), and have requested a formal determination by the Director as to whether the truck trailer storage at the Site constitutes a legal, nonconforming use.

## History of Zoning and Land Use of Subject Property

As early as 1961, the Subject Property was designated as being within a Heavy Manufacturing ("M-3") Zone.

Based upon a review of public records and documents submitted by Alameda Engle Properties, LLC (hereinafter, "AEP" or "Property Owner"), the Site was used by Jack Engel & Company (hereinafter, "JECO") and/or AEP for a metal processing/recycling facility from as early as 1973 until approximately March 2020. During that time, the site was developed with a single-story industrial structure used for the recycling operations conducted by JECO and/or AEP.

The metal recycling operations conducted by JECO and/or AEP included, but was not limited to, the delivery of scrap metal product to the Site inside of truck trailers – which

would remain on site for up to several months while the scrap metal was sorted and processed on-site, and prepared for shipment to a final off-site destination.[1]

In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities. Thereafter, on or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the Zoning Code and changed the zoning classification of the Subject Property to Industrial Flex ("IF") Zone.

Pursuant to the Section 11.21.030 and Table 11.21-3 of the amended Zoning Code, recycling facilities require a Conditional Use Permit – however, the recycling operations at the Subject Property were deemed to be a legal, nonconforming land use that was allowed to continue in accordance with SGMC Chapter 11.55 ("Nonconforming Uses and Buildings").

According to public records and information submitted by AEP and/or its representatives, all metal recycling operations ceased in or around March 2020 and are no longer being conducted at the Site.

AEP has confirmed that around March 2020, Fleet Yards, Inc. commenced utilizing the Site solely for the storage of truck trailers and/or containers as a principal use. Moreover, the structure that was previously utilized to conduct the metal recycling at the Site was demolished.

In July 2020, the City issued approved Fleet Yards, Inc.'s application for a Temporary Use Permit and issued TUP2020-01, authorizing the use of the Subject Property for "truck trailer storage for a one-year period of time with possible extensions up to a maximum period of five years from the date of approval". TUP2020-01 expired on July 16, 2021, without a timely request for renewal from Fleet Yards, Inc.

In December 2022, the undersigned Director advised Fleet Yards, Inc. that several conditions of approval of the TUP had not been adhered to, and, moreover, that the TUP was ineligible for renewal as SGMC §11.51.070(B)(4) sets the maximum duration of Temporary Use Permits to no more than three days in a row or ten working days in any calendar year.[2]

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1 *See* Section II.iii (Page 5) of the correspondence from Somos Law Group ("8530 Alameda Street – Demonstration of Legal Nonconforming Use") dated August 17, 2023, submitted on behalf of AEP.

2 After a duly-noticed appeal hearing, on May 2, 2023, the Planning Commission upheld the Director's Determination to deny an extension of the TUP (as set forth in Resolution 2023-05). AEP has filed an appeal to the City Council of the Planning Commission's decision – however, by agreement between AEP and the City, a hearing date has not yet been scheduled.

## Analysis

SGMC Chapter 11.55 ("Nonconforming Uses and Buildings") provides regulations governing the establishment, maintenance, and continuance of uses, structures, and parcels that were lawfully established but no longer conform to current City laws and regulations (commonly called "legal, nonconforming" or "nonconforming" uses and buildings). It further provides regulations for repair, maintenance, alterations, and expansions of legal, nonconforming buildings and uses – as well as grounds and procedures for the termination of legal, nonconforming uses and buildings.

The person claiming the existence of a nonconforming building or use has the burden of proof with regard to that claim.[3]

### Metal Processing/Recycling Operations

Although neither the City nor the Property Owner have been able to locate each annual business license for JECO and/or AEP since 1973, available records (including some business licenses, Certificates of Occupancy, and photographs) document that the use of the Site for metal processing/recycling appears to have been lawfully commenced and continued at the Subject Property as described hereinbelow in greater detail through March 2020.[4]

The use and storage of the truck trailers has been described by AEP and/or its representatives as an "integral part of metal processing operations" at the Site – and that "metal recycling operations cannot operate without a trucking and logistical component" and that "the metal processing operations cannot function without onsite truck trailer and container storage".[5] AEP's legal counsel has asserted that at an undisclosed point in time (although presumably prior to March 2020) former Director of Public Works Robert Dickey made recommendations to the Engles regarding the City's Business License Tax based on the Property's use as a "Materials Recycling Facility'"…[and] Although the truck trailer and container storage portion of the operations were open and visibly part of the operations during the tour, the City did not distinguish this use as separate from the legal nonconforming metal processing operations on the Property, or require a separate business license.[6]

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3 SGMC 11.55.030.B. *See also* City and County of San Francisco v. Board of Permit Appeals (1989) 207 Cal. App. 3d 1099, 1107.

4 The Director recognizes that although the Certificate of Occupancy issued on July 8, 1977 lists the business type as "Metal Processing", business licenses issued to JECO between 2015 and 2018 reference "outdoor storage". Nonetheless, AEP credibly asserts that metal processing/recycling operations continued at the Site through March 2020.

5 *See* Section II.iii (Page 5) of the correspondence from Somos Law Group ("8530 Alameda Street – Demonstration of Legal Nonconforming Use") dated August 17, 2023, submitted on behalf of AEP.

6 *See* Section II.iv (Page 6) of the correspondence from Somos Law Group ("8530 Alameda Street – Demonstration of Legal Nonconforming Use") dated August 17, 2023, submitted on behalf of AEP.

Although AEP has not provided any written record issued by Mr. Dickey with such recommendations, if AEP's assertions that the truck trailer and container storage at the Site was such an integral component of the metal processing/recycling operations, the City would reasonably *not* have distinguished the truck trailer storage as a separate use nor required a separate business license as such use would have been an aspect of the then legal and licensed metal processing/recycling operations.

SGMC 11.55.040.B provides, in pertinent part:

> Any discontinuance of such nonconforming use, as outlined in this chapter, for two consecutive calendar years shall be deemed to constitute an abandonment of any right to continue or maintain such nonconforming use, and any future land use shall conform to provisions of this title. The director may extend, in writing, for no longer than twelve months, the period of discontinuance upon making the findings required by this chapter.

City records and documents submitted by AEP and/or its representatives confirm that the recycling operations terminated at the Site in March 2020 – and, moreover, that the building at the Subject Property used for the indoor portion of the recycling operations was demolished.

South Gate Municipal Code Section11.55.040.D provides, in pertinent part:

> Any discontinuance of such nonconforming use, as outlined in [Chapter 11.55], for two consecutive calendar years shall be deemed to constitute an abandonment of any right to continue or maintain such nonconforming use, and any future land use shall conform to provisions of [Title 11].

Due to the passage of over four years since the discontinuation of the metal processing/recycling operations at the Site – including the demolition of the structure in which the metal processing/recycling occurred, *the Director hereby determines that the metal processing/recycling operation – and all integral functions/components of that use, has been abandoned*.

**Truck Trailer/Container Storage**

Although the City acknowledges that JECO and/or AEP stored truck trailers and/or containers at the site for limited periods of time, public records and other documents submitted to the City by AEP and/or its representatives demonstrate that such storage was an integral component of the recycling operations at the Site – and not an approved principal use unrelated to such operations.

Although AEP has asserted that "draying, freighting, or trucking yards or terminals" were a specifically authorized use of the Subject Property in 1976, AEP has not provided any compelling evidence that either JECO or AEP, in fact, *lawfully established* such use at the

property nor *lawfully continued* such use without termination since that time. Notwithstanding a use being permitted by right, this would not have relieved a property owner or business operator from the need to develop and improve the property being used for such use as otherwise required by applicable law (e.g., paving, landscaping, lighting, screening, and/or parking requirements), nor from the need to obtain all other required business licenses, permits, and/or inspections. No evidence has been submitted by AEP to demonstrate that JECO did, in fact, adhere to any such land-use and/or licensing requirements applicable to a draying, freighting, or trucking yards or terminals.

AEP has also submitted two appraisal reports prepared by Syn-Mar Associates for the "storage yard located at 8440-8530 South Alameda Street, South Gate, California 90001". An appraisal was prepared on or about July 15, 2015, and the other was prepared on or about May 8, 2017. After careful review and consideration of each of the appraisal reports, the Director has concluded that neither of the reports (jointly or combined) provides satisfactory evidence that the Subject Property was utilized for the storage of truck trailers/containers as a lawful use independent of the recycling facilities.

In this regard, the Director specifically notes that each appraisal report explicitly states "The subject property is utilized as a metal recycling plant/yard."[7] Although each of the appraisal reports also refer to the Site as a "storage yard", each report explains that

> Due to the fact that the subject improvements [consisting of 2 concrete-block industrial buildings and 3 metal industrial buildings, paving, and fencing, as well as sheds, covered structures, and temporary buildings/structures not included in the overall rentable building area] cover only 8% of the site, we have classified the subject as a storage yard.[8]

The 2015 appraisal report further states that

> Storage/rental yard properties are named as such because they are primarily used for onsite storage of vehicles, machinery, supplies, and/or other job-related materials. These sites usually have a smaller amount of building area specific to the needs of the given user (as compared to traditional industrial or office buildings), along with a relatively large yard area. We have found that storage yard properties will sell for more than just land value alone in recognition of the onsite building improvements.[9]

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7 *See* the cover letter and page 6 of each of the appraisal reports, as well as page 14 of the 2017 appraisal report.

8 *See* the cover letter of each appraisal report.

9 *See* page 3 of the 2015 appraisal report.

It should also be noted that neither of these appraisals were prepared by nor approved by the City of South Gate, and as such, statements contained therein as they relate to the legal status of any use or structure does not bind the City.[10]

Ultimately, the person claiming the existence of a nonconforming building or use has the burden of proof with regard to that claim.

Due to the lack of any compelling evidence that the storage of truck trailers and/or containers was lawfully established and continued at the Site *as a principal use* unrelated to a metal processing/recycling facility prior to 2000 when Fleet Yards, Inc. commenced business operations at the Site, *the Director hereby determines that such use does not have, nor ever had, a legal, non-conforming status at the Subject Property*.[11]

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[10] AEP asserts that the appraisals confirm that the City has made prior statements that the use of the Subject Property for truck trailer and container storage is a legal, nonconforming use – however, this assertion is not persuasive. As indicated, the City neither prepared nor approved the appraisal reports – and, as such, any statement therein lacks any binding impact upon the City. On page 19 of the 2015 appraisal, it attributes the statement that "the subject's zoning was recently changed to [Industrial Flex] from M2" to an unnamed representative of the City's Planning Department, and further states that "the subject as a storage yard…is reportedly now a pre-existing, legal non-conforming use". Since the use of the term "storage yard" in the appraisal is a result of the limited development of the Site (less than 8%) and *not* due to the specific use conducted at the Site (which both appraisal reports conclude was for a "metal recycling plant/yard"), the reference to the storage yard being a legal, nonconforming use may merely be a reference to the metal processing/recycling use that was occurring at the Site – and *not* a reference to the use of the Subject Property for truck trailer storage independent of the recycling activities. For that matter, neither appraisal report describes any truck trailer storage use of the Site independent of the recycling activities. Furthermore, the 2015 appraisal only attributes the statement regarding the change in zone to the unnamed City Official – and not the conclusion of any legal, nonconforming status. It should also be noted that the 2017 appraisal report does *not* contain any reference to the statement that was purportedly made at some unknown time by the unidentified City Official regarding legal, nonconformity – although on page 17, it does repeat the conclusion that the "storage yard" is a legal, nonconforming use.

[11] The Director is cognizant that on July 16, 2020, Temporary Use Permit 2020-01 was issued to Fleet Yards, Inc. to permit the use of the Site for truck trailer storage for a limited period of time. Specifically, TUP2020-01 authorized truck trailer storage at the Subject Property for a period of one (1) year with possible extensions of up to a maximum of five (5) years, subject to compliance with explicit terms and conditions. The Director subsequently concluded that Fleet Yards, Inc. failed to adhere to the Conditions of Approval – including, but not limited to, submitting for a renewal of the TUP at least thirty (30) days prior to expiration (which was scheduled for July 16, 2021). Moreover, the Director and Planning Commission determined that TUP2020-01 was issued in error as SGMC 11.51.070(B)(4) explicitly limits the issuance of Temporary Use Permits to uses that do not exceed three (3) days in a row, or ten (10) working days in any calendar year. The Director has not found or received any compelling evidence that Fleet Yards, Inc., was given any express or implied assurance that the *temporary* use authorized by TUP2020-01 would exceed the initial 1-year grant without compliance with the Conditions of Approval – including submitting a timely request for renewal, nor that the *temporary* use would be allowed to continue beyond a maximum period of 5 years from the initial date of issuance (which was July 16, 2020). Notwithstanding same, a permit that purports to authorize a use in violation of applicable laws is void.

## CONCLUSION

The legal, nonconforming use of the Subject Property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities, has been determined to be abandoned and can no longer be conducted at the Site unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies).

The use of the Site for truck trailer storage as a principal use unrelated to metal processing/recycling activities is not a legal, nonconforming use – and, as such, must be immediately terminated.

Any interested party (applicant or opponent) may appeal this Determination to the Planning Commission within ten (10) working days of this Determination by filing a written request to appeal with the City Clerk's Office (located at South Gate City Hall – 8650 California Avenue, South Gate) and tendering any applicable fees. Failure to timely file a request to appeal with the City Clerk's Office and to tender all requisite fees shall result in this Determination being deemed final and binding.

If you have any questions or wish to discuss this Determination in greater detail, you may contact the undersigned. However, please note that an appeal may only be requested as set forth hereinabove.

Sincerely,

David M. Crabtree, AICP
Interim Community Development Director

Cc: Fleet Yards, Inc. – Attn: Daniel S. Otting, CEO/CFO
/ 893 West 16th Street, Newport Beach, CA 92663
/ Via E-Mail: Dan@FleetYardsInc.com
Fleet Yards, Inc. – Attn: Brian Davis, Agent for Service
/ 4340 Von Karman Avenue, Suite 380, Newport Beach, CA 92660
Somos Law Group – Attn: Alred Fraijo, Jr. and Sara Atsbaha
/ 304 South Broadway, Suite 350, Los Angeles, CA 90013
/ Via E-Mail: Alfred@SomosGroup.org
/ Via E-Mail: Sara@SomosGroup.org
Rob Houston, City Manager
Raul Salinas, City Attorney
James Eckart, City Prosecutor

ATTACHMENT C

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

February 6, 2025

Office of the
South Gate City Clerk
FEB - 6 2025
FILED

VIA ELECTRONIC MAIL

David Crabtree
Interim Director of Community Development
City of South Gate
8650 California Avenue
Email: Dcrabtree@sogate.org

**Re: Request for Appeal of Director's Determination and Noncompliance Notification**

Dear Mr. Crabtree,

We are in receipt of your letter dated January 21, 2025 ("Director's Determination") and writing on behalf of Alameda Engle Properties, LLC ("AEP") to appeal the Director's Determination, and to correct misstatements made in the letter. We have provided substantial information to the City demonstrating that the metal recycling operations and truck trailer and container storage at 8530 Alameda Street (the "Property") were legal and nonconforming when established by right in 1973. As explained in more detail below, the City's interpretation of the South Gate Municipal Code ("SGMC" or "Code") is inconsistent with the code language and with the express protections for legal nonconforming uses in the Code and in the City of South Gate's General Plan ("General Plan").

AEP is aware of the City's intent to phase out industrial uses in the area in favor of educational and institutional uses. AEP has supported the City in this endeavor and worked diligently to propose several solutions that will help the City achieve these long-term goals. However, we cannot reach a resolution if the City is not willing to discuss these issues with AEP.

We write first to appeal the Director's Determination, but also to respectfully request the City to consider the alternative proposals and to meet with our office and AEP in order to reach an equitable solution. AEP remains dedicated to working with the City to reach a mutually-acceptable resolution outside of the context of an appeal. If a resolution cannot be reached, our appeal will proceed on the following grounds:

i. The City's interpretation of the legal nonconforming use provisions of the SGMC are inconsistent with the Code;
ii. The Director's Determination does not comply with codified requirements;
iii. The General Plan requires gradual phase-out for existing uses to avoid vacancy;
iv. Due Process; and
v. The City's failure to comply with the California Environmental Quality Act ("CEQA"), Ca. Pub. Res. Code §§ 21000, *et seq.*

## I. Introduction

The reason this issue is before the City is because then Director of Community Development, Joe Perez, errantly required AEP to obtain a Temporary Use Permit in 2020 instead addressing the legal nonconforming use issue at that time, or pursuing an appropriate entitlement, such as a DA or CUP. The City did not communicate this failure to AEP for several years – until the current tenants, Fleet Yards, attempted to renew their operating permits. Since the City's communication that their 2020 requirements were in error, AEP, together with Fleet Yards, have worked diligently to resolve this issue with the City. As acknowledged in the Director's Determination, truck trailer and container storage has been a lawful use on the Property since 1973 as part of the metal recycling facilities that operated until 2020. This is demonstrated with Certificates of Occupancy and business licenses issued by the City that address the use. The truck trailer and container storage continued on the Property pursuant to entitlements that the City required of AEP, and continues to operate today.

At the City's recommendation, AEP submitted several options to correct the City's 2020 error. The solutions presented include 1) proposed terms for a Development Agreement ("DA") including market research to support viable alternate uses, third-party partnerships as envisioned in the General Plan, medium-term phase out of the current use, and a timeline with measurable milestones to facilitate redevelopment/alternative use. Our initial timeline was based on the phase-out language in the General Plan. The DA terms were submitted to the City on June 18, 2024 of last year. Although it has had 6 months to review the proposed terms, the City has not yet responded or provided feedback, or been willing to meet with our office to reach a resolution. Also at the recommendation of the City, our office submitted an application for a Zone Change ('ZC") and General Plan Amendment ("GPA") which can achieve the City's goals by 1) adding text for structured phase-out[1] or 2) reverting the Property to its previous M3 designation until a viable use or development partner is identified. The City did not acknowledge receipt of the application for nearly 2.5 months after it was filed – notwithstanding consistent follow-up from my office regarding the status of the

[1] We understand that only the City can initiate text changes to the SGMC and General Plan. These options were presented to the City in good faith and at the recommendation of City representatives, with the intention of adding the language required to help the City achieve its redevelopment goals in the South Gate Community College District and to provide structure for phasing out the current use.

application and invitations to discuss. These discussions are crucial because the Property is uniquely situated. Approximately 33 percent of the Property is located outside of the City in unincorporated Los Angeles County – and zoned for heavy industrial uses consistent with the current use. In addition, the only exit/entrance located on the property is located outside of the City's jurisdiction. As described in more detail below, the Property is also subject to additional development constraints. A viable solution for redevelopment of any kind must be compatible with these external constraints. Immediate termination of the existing use would result in a regulatory taking of the portion of the Property located in South Gate. To avoid this outcome, AEP again invites the City to discuss the proposed alternatives at any time convenient to the City.

## II. Analysis

### a. The Director's Determination is Unsupported by the SGMC

#### i. The Code Does not Allow the Director to Differentiate Ancillary from Primary Uses

The SGMC unequivocally requires protection for "all nonconforming buildings or uses, including outdoor activities such as product storage or parking."[2] The SGMC specifically protects all parts of a legal nonconforming use. Before a use or any part of a use can be terminated for abandonment or discontinuation, the Director must make substantiated findings that the use is "***wholly discontinued or abandoned*** for a continuous period of two calendar years."[3] The Director cannot make such findings based on the documentation submitted to the City. In addition, the City must treat "an existing use of any part of a building or property … to be an existing use throughout that building or property, including outdoor activities."[4] This language clarifies that once a use is legally established, it is legally established for the entirety of the property – indicating that separating parts of a property or parts of a use are inappropriate in a legal nonconforming use analysis. Here, the truck trailer and container use has been a continuous use on the property since the metal recycling operations began in 1973. This has been documented at length in letters and materials submitted to the City on April 27, 2023, May 2, 2023, May 16, 2023, and August 17, 2023. On August 17, 2023, our office provided copies of all available business licenses for the property. Any licenses that were not available were requested from the City, but not provided. The licenses issued to Jack Engle and Company ("JECO") for the Property span between 2015 and 2018, and specifically acknowledge that "outdoor storage" as an authorized use on the site. There is no delineation between primary and ancillary uses on the permits. In addition, our office provided licenses issued to Fleet Yards that specifically acknowledge a special permit for "outdoor storage." As you know, the City must

[2] SGMC § 11.55.020.
[3] SGMC § 11.55.040(D).
[4] SGMC § 11.55.030(O).

conduct zoning compliance review as part of its business license process,[5] the City reviewed, and issued business licenses specifically authorized "outdoor storage" repeatedly – first to JECO and then to Fleet Yards, as demonstrated by the business licenses that we provided to the City spanning between 2015 and 2020. By authorizing "outdoor storage" via the business licenses, the use was legally established as applied to the entirety of the Property pursuant to Section 11.55.030(O).

The Director cannot claim that the use been "wholly" discontinued based on this prior authorization of the metal recycling operations and specifically of the outdoor storage – even after the City rezoned the Property from M3 to IF. In addition, there is no language in the entirety of SGMC Chapter 11.55 – *Nonconforming Uses and Buildings*, that suggests that the Director is authorized to bifurcate different parts of a legal nonconforming use to justify termination. This interpretation is inconsistent with a plain read of the Code. In addition, based on publicly available information, there are no examples of the City using this interpretation for similarly-situated properties.

ii. Immediate Termination of the Existing Use is Inconsistent with the SGMC and the General Plan.

Because vacant property does not serve the City, its constituents, or the local community, both the SGMC and the General Plan specifically provide for gradual phasing out of noncompatible existing uses as future uses become viable. Section 11.22.060 of the SGMC states in relevant part that "The purpose of the industrial flex zone is to continue the industrial job base in the area, while allowing flexibility to incorporate a mix of uses and job options."[6] The General Plan states in relevant part that "**Industrial and manufacturing uses should remain in the area** but could be phased out as the college district expands."[7] In addition, the General Plan anticipates phasing out consistent with the course of the current plan, which does not terminate until 2035. Our initial DA proposal adopted the same timeline to ensure consistency with the General Plan. However, prior to the appeal hearing, we would appreciate the opportunity to meet with the City to discuss revised DA terms, including a revised timeline. As explained in more detail below, an immediate transition to an alternate use is not feasible or practical on the Property due to its unique location, an existing restrictive covenant, and heavy industrial surroundings both within and outside of the City's jurisdiction. As required by the Code and the General Plan, a gradual transition is better suited to address the interests and concerns of both the City and AEP.

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[5] See the City of South Gate's requirements for obtaining a new business license, including review of a Zoning Clearance Form by the Community Development Department, available here: https://www.cityofsouthgate.org/Business-Development/Your-Business/Permits-Licenses/Business-Licenses

[6] SGMC § 11.22.060.

[7] General Plan Community Design Element, Policy P.6.

iii. The Director's Determination Violates Codified Procedural Requirements

The Director did not address codified requirements for legal nonconforming use analysis in the Director's Determination. In order to establish that a use has been "wholly discontinued or abandoned" [8] for the requisite two-year period, the Director is required to make specific findings, supported by evidence in the determination.[9] These findings must include:

1. The apparent intent of the owner;
2. Presence or absence of personal property associated with the use;
3. Presence or absence of furnishings, equipment and other property associated with the use; and
4. Continuity of utility service to the property[10]

The Director's findings do not address any of the criteria above. As noted in our previous correspondence, the evidence submitted to the City does not support a finding that the use has been wholly discontinued or abandoned. AEP has communicated directly to City[11] that its intent is to continue current operations until a viable alternative use or development partner is identified. The Director does not address the owner's intent in the Determination Letter. On April 27, 2023 and August 17, 2023, our office provided photographs, utility records, historic licenses, business ledgers and comparable documentation demonstrating that the truck trailers and containers are still located on the property, that the facilities to coordinate this use are still located on the property, and that utility service to the Property is and has been current so that the use can continue. In addition, AEP has provided private tours of the Property to City staff and elected officials as part of its ongoing good faith efforts to reach an equitable resolution. For these reasons, the Director's findings are not substantiated by evidence, or compliant with SGMC requirements.

b. <u>The City's Management of the Legal Nonconforming Use Gives Rise to Substantive and Procedural Due Process Concerns.</u>

The Applicant's rights to substantive and procedural due process is protected by the California Constitution.[12] This includes adjudication of land use issues free from arbitrary, capricious, or discriminatory determinations by City staff.[13] On several occasions, the City's management of this matter indicate violations of AEP's

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[8] SGMC § 11.55.040(D).

[9] SGMC § 11.55.040(D).

[10] SGMC § 11.55.040(D).

[11] On June 18, 2024, AEP submitted proposed terms for a Development Agreement that would phase out the current use over time while the parties worked together to identify viable alternative uses.

[12] Cal. Const. art I §7.

[13] *Arnel Development Co. v. City of Costa Mesa* (1981)126 Cal.App3d 330, 335-6 (A city cannot unfairly discriminate against a particular parcel of land, and the courts may properly inquire as to whether the scheme of classification has been applied fairly and impartially in each instance.") *Wilkins v. City of San Bernardino*, (1946) 29 Cal.2d 332, 338; *City of Orange v. Valenti* (1974) 37 Cal.App.3d 240, 243.

constitutional right to due process. This issue has been raised in previous correspondence, but more recently, on or around March 19, 2024, we were asked to file a request for a Zone Change and General Plan Amendment by City representatives. After months of follow-up correspondence with the City, we filed the application on October 14, 2024. Although our office has been in consistent contact with the City since filing the application, the City did not acknowledge receipt of the application, assign a planner, or begin processing the application until January, 2025 – nearly 2.5 months after filing. Similarly, at the request of City representatives, AEP submitted proposed terms for a Development Agreement that would phase out the current use. We shared this proposal on June 18, 2024, but have not received feedback from the City on the terms.

On May 17, 2024, our office requested specific documents relating to the City's misstatements during a May 2, 2024 Planning Commission hearing, and made several inquiries about the City's allegations regarding changes to the SGMC. Although it took the City several months to provide responsive documents, the City was unable to provide most of the documents that we requested, including previous iterations of the code and older business licenses. In addition, we did not receive responses to our questions about the previous code changes. Our office located some of these records independently, and immediately shared them with the City. The Director's Determination cites a 1988 change to the SGMC that required a Conditional Use Permit – This information was specifically requested by my office on May 17, 2024, but never provided in the City's responsive documents. In addition, where, as here, the uses on the Property were established in 1973, subsequent entitlement requirements from 1988 would apply only to new uses or facilities. We have provided substantial documentation that the previous uses on the Property, including metal recycling and truck trailer and container storage were allowed by right at the time they were established in 1973. Finally, as noted above, the Director's Determination does not substantiate several of the City's claims, as required in the code, and adopts an interpretation of the City's legal nonconforming use provisions that is inconsistent with the code language and is unique to AEP's property. Based on publicly-available information and the documents provided by the City, the City's treatment of this Property is unique and arguably arbitrary, capricious, and inconsistent with Constitutional due process requirements.

c. Termination of the Legal Nonconforming Use is a *de facto* Regulatory Taking.

The City's 2015 Zone Change and General Plan Amendment changed the zoning on the Property from "M3" – Heavy Manufacturing to "IF" -Industrial Flex, within Subarea 1 of the South Gate College District – a sub district created by the 2015 General Plan Amendment. However, the 2015 changes to the General Plan severely restrict future uses on the Property – many of which are not immediately viable because of the Property location and unique characteristics. For this reason, the SGMC and the General Plan specifically prioritize protecting existing businesses as noted above until alternative uses are identified.

Although the IF zone allows a small range of uses, such as research and development facilities, mixed-use and residential uses, these uses are severely limited by the South Gate College District designation. In this subdistrict, the only uses permitted are civic/institutional facilities, open space, office/research and development and light industrial uses. Residential uses are not permitted, and retail uses are discouraged. The General Plan explains that this subdistrict was designed to be a redevelopment in partnership with local community college districts, only to be executed after the City prepared a Specific Plan or Precise Plan together with a community college partner.[14] The purpose of this Specific Plan/Precise Plan was to identify viable alternative uses on the Property *prior* to phasing out the existing use. The City has had 10 years to initiate preliminary planning stages. However, to date, the City has prepared no such plan. For this reason, we included market studies and milestones in the DA proposal to help the City complete this preliminary requirement for redevelopment.

AEP has worked diligently and in good faith with the City to propose solutions that achieve its long-term vision for the Property. However, immediate transition to these uses is not feasible or practical.

The Property is surrounded by heavy industrial uses on 3 sides, including metal fabrication facilities, automotive repair yards, train tracks, warehouses, and similar uses. In addition, we understand from County representatives that adjacent property to the east (bordered by residential uses in South Gate) is slated for development of an additional warehouse facility – meaning that all four sides of the Property will eventually be bordered by heavy industrial uses. The majority of these uses are located outside of the City's jurisdiction.

The Property is also restricted pursuant to an agreement with the Department of Toxic Substances Control ("DTSC"). Pursuant to this agreement, the South Gate portion of the Property may not be used for residential uses, or for educational facilities for persons under 18 years of age. A copy of these restrictions is attached as Exhibit A. This means that prior to creating the Specific Plan or Precise Plan anticipated in the General Plan, coordination with DTSC on the proposed use, protection measures, and additional restrictions would need to be factored into an appropriate phase-out term that allows productive use of the Property while a viable future use or development partner is identified. For this reason, the General Plan does not allow immediate termination of existing uses.

In addition, the General Plan subdistrict designation appears to preclude any use that is not affiliated with a community college district. In light of the status of the Specific Plan/Precise Plan, the surrounding heavy industrial uses that are not subject to South Gate's jurisdiction, and additional use restrictions from DTSC – terminating the current use without a bridge solution would result in indefinite vacancy and a *de facto* regulatory taking.

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[14] General Plan, Community Design Element, Policy P.2.

d. The City Has Not Considered the Environmental Consequences Resulting from the Termination of the Existing Land Use in Favor of Alternative Land Uses Inconsistent with the Requirements of CEQA.

The City's termination of the long-standing use of the AEP property effectively changes the AEP property's land use designation in a way that is clearly intended to alter development patterns. Such changes would likely result in new significant environmental impacts, or at a minimum, would increase the severity of effects which may have been identified previously. For example, the land uses permitted by the South Gate College District designation (*e.g.*, civic/institutional facilities, open space, office/research and development and light industrial uses) will change the type and frequency of vehicles accessing the AEP Property and general area. This is, of course, why the General Plan envisioned the South Gate College subdistrict would be supported by a Specific Plan or Precise Plan which would comply with CEQA.

As mentioned previously however, no Specific Plan/Precise Plan to identify viable alternative uses on the AEP Property prior to phasing out the existing use has been completed and as such, no environmental analysis under CEQA in support of said Specific Plan/Precise Plan has been prepared. To terminate the long-standing land use at the AEP Property prior to completing this Specific Plan/Precise Plan and analyzing the environmental impacts of same is inconsistent with a core tenet of CEQA that environmental review must precede the approval of a definite course of action by the City.

Here, the City's termination of the existing land uses at the AEP Property in favor of alternative land uses whose environmental impacts have not been evaluated violates the requirements of CEQA.

## III. Conclusion

AEP remains dedicated to reaching a resolution with the City via the pending ZC/GPA application, revisiting the proposed DA terms, or such other structure that the Parties deem appropriate. We are available to coordinate a meeting to discuss additional options at your earliest convenience.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc:
Alan Engle, Alameda Engle Properties, LLC
Jason Engle, Alameda Engle Properties, LLC
Daniel Otting, Fleet Yards
Rob Houston, City Manager
Raul Salinas, City Attorney
James Eckart, City Prosecutor

**EXHIBIT A**

RECORDING REQUESTED
BY:

Alameda Engle Properties LLC
8440 South Alameda Street
Los Angeles, California 90001

WHEN RECORDED, MAIL TO:

Department of Toxic Substances Control
9211 Oakdale Avenue
Chatsworth, California 91311
Attention: Sayareh Amirebrahimi
Branch Chief, Cleanup Program

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

# LAND USE COVENANT AND AGREEMENT

## ENVIRONMENTAL RESTRICTIONS

County of Los Angeles, Assessor's Parcel Number: 6202-036-003
Site Name: Engle Southern Parcel
Site Code: 301249

This Land Use Covenant and Agreement ("Covenant") is made by and between Alameda Engle Properties LLC (the "Covenantor"), the current owner of property located at 8530 South Alameda Street, South Gate, in the County of Los Angeles, State of California, Assessor's Parcel Number 6202-036-003 (the "Property"), and the Department of Toxic Substances Control (the "Department"). Pursuant to Civil Code section 1471, the Department has determined that this Covenant is reasonably necessary to protect present or future human health or safety or the environment as a result of the presence on the land of hazardous materials as defined in Health and Safety Code section 25260. The Covenantor and the Department hereby agree that, pursuant to Civil Code section 1471 and Health and Safety Code section 25355.5, the use of the Property be restricted as set forth in this Covenant and that the Covenant shall conform with the requirements of California Code of Regulations, title 22, section 67391.1.

## ARTICLE I
## STATEMENT OF FACTS

1.1. Property Location. The Property that is subject to this Covenant, totaling approximately 6.8 acres, is more particularly described in the attached Exhibit A, "Legal Description", and depicted in Exhibit B, "Site Location Map." The Property is located in the area now generally bounded by Los Angeles County Assessor's Parcel Number 6202-036-004 to the north (the Engle Northern Parcel), a former railroad spur south of Santa Fe Avenue to the east, a railroad spur north of Los Angeles County Assessor's Parcel Number 6204-034-002 to the south, and a railroad along South Alameda Street to the west. The Property is also identified as County of Los Angeles, Assessor's Parcel Number 6202-036-003.

1.2. Investigation of Property. This Property has been investigated under the Department's oversight. The Department approved a Site Investigation Workplan and an Addendum to the Workplan in accordance with Health and Safety Code, division 20, chapter 6.8. The investigation activities conducted at the Property include soil, soil vapor and ground water testing. Hazardous substances in soil, soil vapor, and groundwater remain at the Property above levels acceptable for unrestricted use. Specifically, the following hazardous substances have been found: 1) in soil, arsenic up to 205 mg/kg (ppm), 2) in soil vapor, vinyl chloride up to 22.5 ug/L (ppb) and tetrachloroethene up to 248 ug/L, and 3) in groundwater, cis-1,2-dichloroethene up to 480 ug/L and vinyl chloride up to 44 ug/L.

1.3. Basis for Environmental Restrictions. As a result of the presence of hazardous substances, which are also hazardous materials as defined in Health and Safety Code section 25260, at the Property, the Department has concluded that it is reasonably necessary to restrict the use of the Property in order to protect present or future human health or safety or the environment, and that this Covenant is required as part of the Department-approved remedy for the Property. The Department has also concluded that the Property, as remediated and when used in compliance with the Environmental Restrictions of this Covenant, does not present an unacceptable risk to present and future human health or safety or the environment.

## ARTICLE II
## DEFINITIONS

2.1. Department. "Department" means the California Department of Toxic Substances Control and includes its successor agencies, if any.

2.2. Environmental Restrictions. "Environmental Restrictions" means all protective provisions, covenants, restrictions, requirements, prohibitions, and terms and conditions as set forth in this Covenant.

2.3. Improvements. "Improvements" includes, but is not limited to buildings, structures, roads, driveways, improved parking areas, wells, pipelines, or other utilities.

2.4. Lease. "Lease" means lease, rental agreement, or any other document that creates a right to use or occupy any portion of the Property.

2.5. Occupant. "Occupant" or "Occupants" means Owner and any person or entity entitled by ownership, leasehold, or other legal relationship to the right to occupy any portion of the Property.

2.6. Owner. "Owner" or "Owners" means the Covenantor, and any successor in interest including any heir and assignee, who at any time holds title to all or any portion of the Property.

## ARTICLE III
## GENERAL PROVISIONS

3.1. Runs with the Land. This Covenant sets forth Environmental Restrictions that apply to and encumber the Property and every portion thereof no matter how it is improved, held, used, occupied, leased, sold, hypothecated, encumbered, or conveyed. This Covenant: (a) runs with the land pursuant to Civil Code section 1471 and Health and Safety Code section 25355.5; (b) inures to the benefit of and passes with each and every portion of the Property; (c) is for the benefit of, and is enforceable by the Department; and (d) is imposed upon the entire Property unless expressly stated as applicable only to a specific portion thereof.

3.2. Binding upon Owners/Occupants. This Covenant: (a) binds all Owners of the Property, their heirs, successors, and assignees; and (b) the agents, employees, and lessees of the Owners and the Owners' heirs, successors, and assignees.

Pursuant to Civil Code section 1471, all successive Owners of the Property are expressly bound hereby for the benefit of the Department; this Covenant, however, is binding on all Owners and Occupants, and their respective successors and assignees, only during their respective periods of ownership or occupancy except that such Owners or Occupants shall continue to be liable for any violations of, or non-compliance with, the Environmental Restrictions of this Covenant or any acts or omissions during their ownership or occupancy.

3.3. Incorporation into Deeds and Leases. This Covenant shall be incorporated by reference in each and every deed and Lease for any portion of the Property.

3.4. Conveyance of Property. The Owner and new Owner shall provide Notice ("Notice" as used herein includes any demand or other communication with respect to this Covenant) to the Department not later than 30 calendar days after any conveyance or receipt of any ownership interest in the Property (excluding Leases, and mortgages, liens, and other non-possessory encumbrances). The Notice shall include the name and mailing address of the new Owner of the Property and shall reference the site name and site code as listed on page one of this Covenant. The Notice shall also include the Assessor's Parcel Number(s) noted on page one. If the new Owner's property has been assigned a different Assessor's Parcel Number, each such Assessor's Parcel Number that covers the Property must be provided. The Department shall not, by reason of this Covenant, have authority to approve, disapprove, or otherwise affect proposed conveyance, except as otherwise provided by law or by administrative order.

3.5. Costs of Administering the Covenant to Be Paid by Owner. The Department has already incurred and will in the future incur costs associated with this Covenant. Therefore, the Covenantor hereby covenants for the Covenantor and for all subsequent Owners that, pursuant to California Code of Regulations, title 22, section 67391.1(h), the Owner agrees to pay the Department's costs in administering, implementing and enforcing this Covenant.

## ARTICLE IV

## RESTRICTIONS AND REQUIREMENTS

4.1. Prohibited Uses. The Property shall not be used for any of the following purposes without prior written approval by the Department:

(a) A residence, including any mobile home or factory built housing, constructed or installed for use as residential human habitation.

(b) A hospital for humans.

(c) A public or private school for persons under 18 years of age.

(d) A day care center for children.

4.2. Soil Management. Soil management activities at the Property are subject to the following requirements in addition to any other applicable Environmental Restrictions:

(a) No activities that will disturb the soil (e.g., excavation, grading, removal, trenching, filling, earth movement, mining, or drilling) shall be allowed at the Property without a Soil Management Plan pre-approved by the Department in writing.

(b) Any soil brought to the surface by grading, excavation, trenching or backfilling shall be managed in accordance with all applicable provisions of state and federal law.

4.3. Prohibited Activities. The following activities shall not be conducted at the Property:

(a) Drilling for any water, oil, or gas without prior written approval by the Department.

(b) Extraction or removal of groundwater without a Groundwater Management Plan pre-approved by the Department in writing.

(c) Activity that may alter, interfere with, or otherwise affect the integrity or effectiveness of, or the access to, any investigative, remedial, monitoring, operation or maintenance system *(e.g., cap, vapor extraction system, monitoring system, groundwater extraction system)* or activity required for the Property without prior written approval of the Department.

4.4. Access for Department. The Department shall have reasonable right of

ATTACHMENT D

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

November 15 , 2023

VIA ELECTRONIC MAIL

Mayor del Pilar Avalos
City of South Gate
8650 California Avenue
Council Chambers
South Gate, CA 90280

**Re: Request for Appeal & Determination of Legal Nonconforming Use**

Dear Mayor del Pilar Avalos and Honorable City Councilmembers,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP operated a recycling facility on the Property, including storage of truck trailers/containers, starting the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers/containers on the Property since 2020 pursuant to a Temporary Use Permit ("TUP") at the recommendation and requirement of the City's previous Director of Community Development. As noted in our previous correspondence to the Planning Commission, the City Attorneys and to Planning Staff, this use has been a consistent part of the site operations for over 50 years and is a legal nonconforming use. On December 20, 2022, the Current Director of Community Development denied the extension of the TUP on the grounds that the City erred in issuing the TUP, and alleged that the legal nonconforming use had been abandoned. Notwithstanding the City's error in issuing the TUP, the existing truck trailer and container storage use is preserved as legal and nonconforming. On January 26, 2023, AEP submitted a letter appealing the Director's decision to the South Gate City Planning Commission ("CPC").

On April 27, 2023 City Attorney, Craig Hardwick, notified us that the legal nonconforming use issue is not related to the TUP extension, and would not be considered as part of the TUP hearing. However, the current Director of Community Development alleged that the legal nonconforming use had been abandoned in her

December 20, 2022 correspondence denying the TUP extension. Ms. Elguira made similar statements regarding the legal nonconforming use during the May 2, 2023 appeal hearing before the City Planning Commission ("CPC Hearing"). Thus, the scope of the legal nonconforming use is at the center of this appeal ("Appeal").

During the CPC Hearing, the Planning Commission denied the appeal in a close, 3-2 decision. However, the Commissioners instructed Planning Staff to work together with our clients to resolve the legal nonconforming issue given the decades of successful business operations on the Property.

Our firm sent letters explaining justification for the Appeal on April 27, 2023, and a supplemental letter appealing the CPC's decision on May 16, 2023 (Exhibits A & B, respectively). In a letter dated May 16, 2023, The current Director of Community Development, asserted that an appeal of the TUP decision to the City Council was "not available" notwithstanding the appeal provisions in the South Gate Municipal Code ("SGMC"). Ms. Elguira's May 16, 2023 letter is attached hereto as Exhibit C.

Since then, we have been working closely with the City Attorney's office to provide evidence of truck trailer and container storage on the Property dating back to the early 1970s. After waiting several months for the City's response to our Public Records Act request, our office submitted comprehensive documentation of truck trailer and container storage use over several decades at the property to the City on August 17, 2023, attached hereto as Exhibit D. Ms. Elguira has provided no response to that letter, and has not made a formal determination on the legal nonconforming use issue as required by the SGMC.[1]

On November 3, 2023, our office received a letter from the City Prosecutor requesting our clients to again submit appeal documentation of the CPC"s May 2, 2023 decision regarding the TUP. In order to preserve our clients' rights, we are writing for a second time to appeal the CPC's determination., and to request that the City:

a. Accept this second appeal of the City Planning Commission's May 2, 2023 denial of our request to extend the TUP;
b. Require that the Director comply with her obligations under the SGMC to issue a determination on the legal nonconforming use;
c. Acknowledge that truck trailer and container storage has been a legal nonconforming use on the property, as demonstrated in the August 17 letter and supporting Exhibits; and
d. Allow Fleet Yards to continue its truck trailer/container storage operations pursuant to that use.

[1] Section 11.55.070 of the SGMC provides that the Director must issue a determination when a specific use has lost its legal nonconforming status. SGMC § 11.55.070.A The determination may then be appealed to the City Planning Commission. As of the date of this letter, we have not received any such determination from Ms. Elguira, or a response to our August 17, 2023 letter.

Justification for these requests is well-documented, as explained in the attached exhibits, and in the appellants' presentation materials dated May 2, 2023, attached hereto as Exhibit E. We reserve the right to submit additional justification prior to the City Council hearing.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc: James Eckart
Raul Salinas
Craig Hardwick
Meredith Elguira
Yalini Siva
Jason Engle
Alan Engle
Dan Otting
Tommy Newcomer

# EXHIBIT A

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

April 27, 2023

VIA ELECTRONIC MAIL
City of South Gate
8650 California Ave
South Gate CA, 90280

**Re: 8530 Alameda Street – Appeal of Director's Denial of TUP Extension**

Dear Chairperson Delgado, and Honorable Members of the City Planning Commission,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP historically operated a recycling facility on the Property, including storage of truck trailers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers on the Property since 2020. The truck trailer storage use has been continuous on the Property during the AEP operations and subsequent Fleet Yards operations. As a family-owned business and longstanding member of the South Gate community, AEP is dedicated to working alongside its neighbors, fellow stakeholders, and the City to amicably resolve the City's concerns regarding historic uses on the Property.

We are writing to clarify the scope and nature of the operations on the Property and respectfully request that:

a. The City acknowledge the existing legal nonconforming use; and
b. The City allow Fleet Yards to continue its truck trailer storage operations pursuant to that use; or
c. In the alternative, that the City honor its previous commitments regarding the TUP extensions in light of City staff's error in requiring the TUP.

## 1. Background

At the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a Temporary Use Permit ("TUP") for truck trailer use on the Property, subject to six conditions. The City made several commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. We understand that many of these projects have been substantially delayed because of setbacks caused by the COVID-19 Pandemic, changing real estate market conditions, declining attendance for in-person academic programs, and environmental conditions in the Property vicinity. On December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's misapplication of the South Gate Municipal Code ("SGMC") and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[1]

## 2. Truck Trailer Storage is a Legal & Nonconforming Use at the Property

### a. The City has Authority to Remedy the Previous Administration's Errant Requirements for a TUP.

The SGMC states that "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E. AEP, and later, Fleet Yards have been operating a recycling facility, including truck trailer storage at the Property since the early 1970s. Fleet Yards obtained a TUP only at the City's direction and recommendations as a demonstration of their good faith efforts to comply with City policies and procedures. The original TUP and TUP extensions were not necessary because the truck trailer storage is an ongoing legal nonconforming use with over 50 years of history between the two operators on the Property. Fleet Yards agreed to the TUP only to demonstrate its willingness to work with the City regarding a shared vision for additional education facilities in South Gate. We understand that the zoning on the Property was only recently changed to "Industrial Flex."

We also understand that the City's did not issue certificates of occupancy regularly during the early 1970s when the operations started at the Property. However, we have attached the following documents that establish consistent storage of tractor trailers long before the zone change on the Property:

- A July 1, 2019, Business License to Jack Engle authorizing "outside storage" at 8530 Alameda Street since April 18, 1977;[2]

[1] Please note that the 2022 Rejection Letter failed to disclose the owner's appeal rights and the City's policies and procedures to file the appeal.
[2] See Exhibit A.

- Aerial Photos showing tractor trailers on the site dating back to 2012;[3]
- Documentation of Utility payments dating back to 2016;[4]
- A sewerage system connection fee invoice from the Los Angeles County Sanitation District dating back to 2007;
- An invoice from the South Coast Air Quality Management District for operations on the Property dating back to 2011.[5]

These documents demonstrate that the industrial operations on the Property, including truck trailer storage have been operating consistently for decades. For these reasons, we respectfully request that the City acknowledge that truck trailer storage is a legal nonconforming use on the Property.

b. <u>The Legal Nonconforming Use has Not Been Abandoned or Discontinued, and the Right to Continue is Protected and Preserved Pursuant to the South Gate Municipal Code.</u>

The SGMC states that a legal nonconforming industrial use is preserved so long as it is not abandoned or discontinued for two consecutive calendar years. SGMC § 11.55.040.B. In determining whether a legal nonconforming use has been abandoned, the Director is to evaluate (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection. SGMC § 11.55.040.D.1-2.

The SGMC specifically preserves legal nonconforming uses during transfers of ownership or tenancy. SGMC § 11.55.040.E. Although there are limitations on expansion, the nonconforming use provisions of the SGMC protect all established legal nonconforming uses under the code, regardless of the scope of the use.[6] There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[7] The South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan also specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands. [8] (emphasis added).

Here, between the two operations on the Property, truck trailer storage has been a continuous use at the Property since 1973 -- notwithstanding hardships caused by the

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[3] See Exhibit E1-E-4.
[4] See Exhibit C.
[5] See Exhibit D.
[6] SGMC §§ 11.55.030; 11.55.040
[7] *Id.* at 11.55.040.
[8] *South Gate General Plan: Community Design Element,* Policy P.6, pg. 106.

COVID-19 Pandemic, and by the City's error in requiring a TUP. AEP consistently held business licenses for the entirety of their operations on the Property.[9] Similarly, Fleet Yards has held a business license with the City for business operations including outdoor storage transportation, freight and cargo at its primary South Gate address at 4223 Independence Avenue, South Gate, CA 90280, but was informed that it did not need one for the Property. Although the scope and nature of operations for AEP and Fleet Yards were different, neither party ceased the truck trailer storage operations, vacated the premises, or terminated utility service at the Property for the requisite two consecutive year abandonment period. Documentation of consistent utilities payments are attached in **Exhibit C**. Aerial Photographs dating back to 2012 demonstrate that truck trailer storage has been a continuous use at the Property without substantial interruption.[10] In addition, Fleet Yards' intent to continue the legal nonconforming truck trailer storage use has been communicated to the City on multiple occasions, including in connection with the subsequent TUP extension.[11]

Based solely on this, Director Meredith Elguira's December 20, 2022 ("2022 Rejection Letter") communication that the use had been abandoned is inconsistent with the documents in the record, the open and continuous communications with the City declaring the intent to continue operations. In addition, preserving the legal nonconforming use is consistent with the policies in the General Plan. Truck trailer storage is an existing use on the Property and should not be displaced pursuant to General Plan policies. In addition, the Property is surrounded by industrial uses, and adjacent educational institutions have substantially delayed development plans due to environmental conditions in the Property vicinity, financing considerations, changes in class attendance, real estate market considerations and the COVID-19 Pandemic – indicating that forced changes in use within the South Gate College District at this time is inconsistent with the needs of the community. For these reasons, we respectfully request that the City acknowledge the substantial evidence indicating consistent truck trailer storage at the Property, and preservation of this use as legal and nonconforming.

c. Fleet Yards has Maintained an Active Business License with the City of South Gate Since 2014, and Cannot Obtain an Auxiliary Permit Without the City's Cooperation.

The SGMC states that lapse of a business license is one of many factors the City considers in determining whether the legal nonconforming use has been abandoned. Here, AEP maintained a business license for the entirety of its operations on the Property.[12] Fleet Yards has similarly maintained a business license with the City since 2014. AEP and Fleet Yards have maintained a good faith effort to comply with all City

[9] See Exhibit A.
[10] See Exhibit E.
[11] See January 26, 2023 letter from AEP to Chris Jeffers re TUP Extension, attached hereto as Exhibit F; September 27, 2022 Correspondence between Efren Martinez and Director Meredith Elguira regarding the legal nonconforming use on the Property, attached hereto as Exhibit G.
[12] See Exhibit A.

licensing policies and procedures, in addition to permits from other state and local jurisdictions.[13] However, on December 20, 2022 the City claimed that the business license had lapsed without reference to the existing licenses for the Fleet Yards operations. We understand that the City's position is that Fleet Yards requires a supplemental or auxiliary business license for its operations on the Property. However, to obtain a business license, an applicant must first obtain zoning clearance from the South Gate Planning Department. Based on communications from City staff, including the 2022 Rejection Letter, we understand that the City will not issue a zoning clearance because of the current zoning on the Property, notwithstanding the legal nonconforming use. It is inequitable to claim that the use has been abandoned due to lack of an auxiliary business permit when City staff members have indicated that they would not issue the prerequisite zoning clearance for that auxiliary business permit. For these reasons, in consideration of all of the determinative factors for abandonment, there is substantial evidence that the legal nonconforming use on the Property, including storage of tractor trailers has not been abandoned or discontinued.

d. Fleet Yards has Substantially Complied with all of the TUP Conditions.

On December 20, 2022, Director Meredith Elguira alleged that the TUP could not be extended because the conditions of approval had been violated. However, Fleet Yards has substantially complied with the TUP conditions to the extent feasible. On July 16, 2020, the City approved the TUP subject to the following conditions:

1. That the approved use be restricted to truck trailer storage only;
2. That the temporary use is approved for a term of one year, and that additional one-year extensions must be applied for at least 30 days prior to the expiration date of the previous term, for a period of 5 years;
3. That ingress and egress shall be only via Alameda Street;
4. That the number, size and height of truck trailers do not exceed those attached to the original approval;
5. That violations of these conditions or City laws could result in revocation of the TUP; and
6. That the property owner agree to all conditions in the form of a signed affidavit.

As explained above, AEP and later, Fleet Yards have used the Property continuously for truck trailer storage since 1973. Fleet Yards has used the Property for truck trailer storage since obtaining the TUP in July, 2020. The size, number, and height of the truck trailers as authorized in the TUP has not changed. Consistent with the requirements of the TUP, ingress and egress is permitted only on Alameda Street. Although the application for the TUP extension was missed in 2021 due to complications from the COVID-19 Pandemic, both AEP and Fleet Yards have been in consistent communication with the City regarding the nonconforming use on the Property. The owner's signed affidavit is attached as **Exhibit H**. The remaining condition cites

[13] *Id.*

violations of "City laws". As noted above, the City's cooperation is required to obtain an auxiliary business permit to supplement the active business license. For these reasons, we respectfully request that the City acknowledge that each of these conditions have been met to the extent possible.

### 3. Terminating the Legal Nonconforming Use Violates the Doctrine of Equitable Estoppel

The Doctrine of Equitable Estoppel was designed to promote fair and equitable business transactions. The doctrine is based on the principle that a party who has made a promise should be held accountable for it where reliance on the agreement was reasonable, and enforcement of the agreement is necessary to avoid injustice. *Drennan v. Star Paving Co.* (1958) 51 Cal.2d 409, 412-413; *Garcia v. World Sav. & Loan Assn.* (2010) 183 Cal.App.4th 1031,1037. Here, Fleet Yards only agreed to the TUP as a demonstration of good faith and willingness to work with the City regarding its vision for the community. Based on communications from City staff on July 8, 2020, in addition to the plain language of the TUP, the City was to consider additional extensions of the TUP in addition to the initial five-year term. In addition, both AEP and Fleet Yards agreed to the TUP as a measure of good faith and willingness to work with the City. It is inequitable for the City to renege on this agreement. AEP forwent multiple lucrative opportunities to sell the Property in reliance on the City's communications and the reasonable expectation that the City's permits, licenses, and representations are consistent notwithstanding changes in staff, changes in departmental priorities, and unilateral changes to the zoning code. If the City does not honor its prior commitments, both AEP and Fleet Yards will suffer substantial financial harm. In addition, this inconsistency in City policies discourages investment in our community and is a substantial deviation from the City's treatment of similarly situated legacy businesses.

### 4. Conclusion

For the reasons stated above, the equitable path forward is to acknowledge truck trailer storage on the Property as a preserved, legal nonconforming use in light of the substantial evidence supporting this finding, and the requirements of the General Plan. In the alternative, we respectfully request that the City reverse the Director's denial of the TUP extension. We understand that the City's position is that the TUP was issued in error. However, where, as here, immediately terminating the TUP causes substantial harm to the community, and there is substantial evidence supporting that the use is legal and nonconforming, we urge you to use this opportunity to make it right. As a further demonstration of good faith and willingness to work together, we respectfully request the City share any documentation indicating that the truck trailer storage is not authorized pursuant to the legacy operations on the Property, and procedures for obtaining a business permit zoning clearance where, as here, the use is legal nonconforming.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

# EXHIBIT B

Office of the
South Gate City Clerk
MAY 16 2023
FILED

SOMOS
LAW GROUP
304 South Broadway, Suite 350
Los Angeles, CA 90013

May 16, 2023

VIA ELECTRONIC MAIL

Maria del Pilar Avalos
Mayor, City of South Gate
8650 California Avenue
South Gate, CA 90280
Email:planninginfo@sogate.org

**Re: 8530 Alameda Street – Appeal of CPC's Denial of TUP Extension**

Dear Mayor del Pilar Avalos, and Honorable Members of City Council,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property"). AEP operated a recycling facility on the Property, including storage of truck trailers/containers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers/containers on the Property since 2020 pursuant to a Temporary Use Permit ("TUP") at the recommendation and requirement of the City's previous Director of Community Development. On December 20, 2023, the Current Director of Community Development denied the extension on the grounds that the City erred in issuing the TUP, and alleging that the legal nonconforming use had been abandoned. On January 26, 2023, AEP submitted a letter appealing the Director's decision to the South Gate City Planning Commission ("CPC").

Our firm sent a supplemental letter explaining justification for the appeal on April 27, 2023, ("Supplemental Letter") attached hereto as Exhibit A. On April 27, 2023 City Attorney, Craig Hardwick, kindly notified us that the legal nonconforming use issue is not related to the TUP extension. However, the current Director of Community Development alleged that the legal nonconforming use had been abandoned in her December 20, 2023 correspondence denying the TUP extension. Thus, the scope of the legal nonconforming use is at the center of this appeal ("Appeal"). On May 2, 2023, in a close, 3-2 decision, CPC denied the appeal of the Director's denial of the TUP

extension on the grounds that the TUP was issued in error.[1] The CPC did not make a determination on truck trailer/container storage as a legal nonconforming use at the Property. Immediately after the CPC hearing our office conferred regarding the path forward for the legal nonconforming use. Since the appeal hearing, we have been working with the City Attorney and the City Manager to reach a resolution.

In the interim, we are writing to appeal to CPC's denial of the TUP extensio. With regard to the Appeal, we respectfully request that City Council:

a. Acknowledge the existing legal nonconforming use, given the consistent truck trailer storage on the property since 1973; and
b. Allow Fleet Yards to continue its truck trailer/container storage operations pursuant to that use; or
c. In the alternative, postpone the City Council hearing on the appeal until we have had an opportunity to resolve the legal nonconforming use issue with the City Manager and City Attorney, which would moot the need for further appeal.

Justification for these requests is well-documented, as explained in the Supplemental Letter, the supporting exhibits to the Supplemental Letter, and in the appellants' presentation materials dated May 2, 2023. We are working with the City to obtain copies of additional supporting materials, and reserve the right to submit additional justification prior to the City Council hearing.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

[1] A copy of appellants' presentation materials during the May 2, 2023 CPC hearing are attached as Exhibit B.

cc:
Yalini Silva
Meredith Elguira
Vice Mayor Gil Hurtado
Councilmember Maria Davila
Councilmember Al Rios
Councilmember Joshua Barron
Raquel Larios

SOMOS

# EXHIBIT A

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

April 27, 2023

VIA ELECTRONIC MAIL
City of South Gate
8650 California Ave
South Gate CA, 90280

**Re: 8530 Alameda Street – Appeal of Director's Denial of TUP Extension**

Dear Chairperson Delgado, and Honorable Members of the City Planning Commission,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property").

AEP historically operated a recycling facility on the Property, including storage of truck trailers, since the early 1970s. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property, and has been storing truck trailers on the Property since 2020. The truck trailer storage use has been continuous on the Property during the AEP operations and subsequent Fleet Yards operations. As a family-owned business and longstanding member of the South Gate community, AEP is dedicated to working alongside its neighbors, fellow stakeholders, and the City to amicably resolve the City's concerns regarding historic uses on the Property.

We are writing to clarify the scope and nature of the operations on the Property and respectfully request that:

a. The City acknowledge the existing legal nonconforming use; and
b. The City allow Fleet Yards to continue its truck trailer storage operations pursuant to that use; or
c. In the alternative, that the City honor its previous commitments regarding the TUP extensions in light of City staff's error in requiring the TUP.

## 1. Background

At the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a Temporary Use Permit ("TUP") for truck trailer use on the Property, subject to six conditions. The City made several commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. We understand that many of these projects have been substantially delayed because of setbacks caused by the COVID-19 Pandemic, changing real estate market conditions, declining attendance for in-person academic programs, and environmental conditions in the Property vicinity. On December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's misapplication of the South Gate Municipal Code ("SGMC") and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[1]

## 2. Truck Trailer Storage is a Legal & Nonconforming Use at the Property

### a. The City has Authority to Remedy the Previous Administration's Errant Requirements for a TUP.

The SGMC states that "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E. AEP, and later, Fleet Yards have been operating a recycling facility, including truck trailer storage at the Property since the early 1970s. Fleet Yards obtained a TUP only at the City's direction and recommendations as a demonstration of their good faith efforts to comply with City policies and procedures. The original TUP and TUP extensions were not necessary because the truck trailer storage is an ongoing legal nonconforming use with over 50 years of history between the two operators on the Property. Fleet Yards agreed to the TUP only to demonstrate its willingness to work with the City regarding a shared vision for additional education facilities in South Gate. We understand that the zoning on the Property was only recently changed to "Industrial Flex."

We also understand that the City's did not issue certificates of occupancy regularly during the early 1970s when the operations started at the Property. However, we have attached the following documents that establish consistent storage of tractor trailers long before the zone change on the Property:

- A July 1, 2019, Business License to Jack Engle authorizing "outside storage" at 8530 Alameda Street since April 18, 1977;[2]

[1] Please note that the 2022 Rejection Letter failed to disclose the owner's appeal rights and the City's policies and procedures to file the appeal.
[2] See Exhibit A.

- Aerial Photos showing tractor trailers on the site dating back to 2012;[3]
- Documentation of Utility payments dating back to 2016;[4]
- A sewerage system connection fee invoice from the Los Angeles County Sanitation District dating back to 2007;
- An invoice from the South Coast Air Quality Management District for operations on the Property dating back to 2011.[5]

These documents demonstrate that the industrial operations on the Property, including truck trailer storage have been operating consistently for decades. For these reasons, we respectfully request that the City acknowledge that truck trailer storage is a legal nonconforming use on the Property.

b. <u>The Legal Nonconforming Use has Not Been Abandoned or Discontinued, and the Right to Continue is Protected and Preserved Pursuant to the South Gate Municipal Code.</u>

The SGMC states that a legal nonconforming industrial use is preserved so long as it is not abandoned or discontinued for two consecutive calendar years. SGMC § 11.55.040.B. In determining whether a legal nonconforming use has been abandoned, the Director is to evaluate (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection. SGMC § 11.55.040.D.1-2.

The SGMC specifically preserves legal nonconforming uses during transfers of ownership or tenancy. SGMC § 11.55.040.E. Although there are limitations on expansion, the nonconforming use provisions of the SGMC protect all established legal nonconforming uses under the code, regardless of the scope of the use.[6] There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[7] The South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan also specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands.[8] (emphasis added).

Here, between the two operations on the Property, truck trailer storage has been a continuous use at the Property since 1973 -- notwithstanding hardships caused by the

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[3] See Exhibit E1-E-4.
[4] See Exhibit C.
[5] See Exhibit D.
[6] SGMC §§ 11.55.030; 11.55.040
[7] *Id.* at 11.55.040.
[8] *South Gate General Plan: Community Design Element,* Policy P.6, pg. 106.

COVID-19 Pandemic, and by the City's error in requiring a TUP. AEP consistently held business licenses for the entirety of their operations on the Property.[9] Similarly, Fleet Yards has held a business license with the City for business operations including outdoor storage transportation, freight and cargo at its primary South Gate address at 4223 Independence Avenue, South Gate, CA 90280, but was informed that it did not need one for the Property. Although the scope and nature of operations for AEP and Fleet Yards were different, neither party ceased the truck trailer storage operations, vacated the premises, or terminated utility service at the Property for the requisite two consecutive year abandonment period. Documentation of consistent utilities payments are attached in **Exhibit C**. Aerial Photographs dating back to 2012 demonstrate that truck trailer storage has been a continuous use at the Property without substantial interruption.[10] In addition, Fleet Yards' intent to continue the legal nonconforming truck trailer storage use has been communicated to the City on multiple occasions, including in connection with the subsequent TUP extension.[11]

Based solely on this, Director Meredith Elguira's December 20, 2022 ("2022 Rejection Letter") communication that the use had been abandoned is inconsistent with the documents in the record, the open and continuous communications with the City declaring the intent to continue operations. In addition, preserving the legal nonconforming use is consistent with the policies in the General Plan. Truck trailer storage is an existing use on the Property and should not be displaced pursuant to General Plan policies. In addition, the Property is surrounded by industrial uses, and adjacent educational institutions have substantially delayed development plans due to environmental conditions in the Property vicinity, financing considerations, changes in class attendance, real estate market considerations and the COVID-19 Pandemic – indicating that forced changes in use within the South Gate College District at this time is inconsistent with the needs of the community. For these reasons, we respectfully request that the City acknowledge the substantial evidence indicating consistent truck trailer storage at the Property, and preservation of this use as legal and nonconforming.

c. Fleet Yards has Maintained an Active Business License with the City of South Gate Since 2014, and Cannot Obtain an Auxiliary Permit Without the City's Cooperation.

The SGMC states that lapse of a business license is one of many factors the City considers in determining whether the legal nonconforming use has been abandoned. Here, AEP maintained a business license for the entirety of its operations on the Property.[12] Fleet Yards has similarly maintained a business license with the City since 2014. AEP and Fleet Yards have maintained a good faith effort to comply with all City

[9] See Exhibit A.
[10] See Exhibit E.
[11] See January 26, 2023 letter from AEP to Chris Jeffers re TUP Extension, attached hereto as Exhibit F; September 27, 2022 Correspondence between Efren Martinez and Director Meredith Elguira regarding the legal nonconforming use on the Property, attached hereto as Exhibit G.
[12] See Exhibit A.

licensing policies and procedures, in addition to permits from other state and local jurisdictions.[13] However, on December 20, 2022 the City claimed that the business license had lapsed without reference to the existing licenses for the Fleet Yards operations. We understand that the City's position is that Fleet Yards requires a supplemental or auxiliary business license for its operations on the Property. However, to obtain a business license, an applicant must first obtain zoning clearance from the South Gate Planning Department. Based on communications from City staff, including the 2022 Rejection Letter, we understand that the City will not issue a zoning clearance because of the current zoning on the Property, notwithstanding the legal nonconforming use. It is inequitable to claim that the use has been abandoned due to lack of an auxiliary business permit when City staff members have indicated that they would not issue the prerequisite zoning clearance for that auxiliary business permit. For these reasons, in consideration of all of the determinative factors for abandonment, there is substantial evidence that the legal nonconforming use on the Property, including storage of tractor trailers has not been abandoned or discontinued.

d. Fleet Yards has Substantially Complied with all of the TUP Conditions.

On December 20, 2022, Director Meredith Elguira alleged that the TUP could not be extended because the conditions of approval had been violated. However, Fleet Yards has substantially complied with the TUP conditions to the extent feasible. On July 16, 2020, the City approved the TUP subject to the following conditions:

1. That the approved use be restricted to truck trailer storage only;
2. That the temporary use is approved for a term of one year, and that additional one-year extensions must be applied for at least 30 days prior to the expiration date of the previous term, for a period of 5 years;
3. That ingress and egress shall be only via Alameda Street;
4. That the number, size and height of truck trailers do not exceed those attached to the original approval;
5. That violations of these conditions or City laws could result in revocation of the TUP; and
6. That the property owner agree to all conditions in the form of a signed affidavit.

As explained above, AEP and later, Fleet Yards have used the Property continuously for truck trailer storage since 1973. Fleet Yards has used the Property for truck trailer storage since obtaining the TUP in July, 2020. The size, number, and height of the truck trailers as authorized in the TUP has not changed. Consistent with the requirements of the TUP, ingress and egress is permitted only on Alameda Street. Although the application for the TUP extension was missed in 2021 due to complications from the COVID-19 Pandemic, both AEP and Fleet Yards have been in consistent communication with the City regarding the nonconforming use on the Property. The owner's signed affidavit is attached as **Exhibit H**. The remaining condition cites

[13] *Id.*

violations of "City laws". As noted above, the City's cooperation is required to obtain an auxiliary business permit to supplement the active business license. For these reasons, we respectfully request that the City acknowledge that each of these conditions have been met to the extent possible.

### 3. Terminating the Legal Nonconforming Use Violates the Doctrine of Equitable Estoppel

The Doctrine of Equitable Estoppel was designed to promote fair and equitable business transactions. The doctrine is based on the principle that a party who has made a promise should be held accountable for it where reliance on the agreement was reasonable, and enforcement of the agreement is necessary to avoid injustice. *Drennan v. Star Paving Co.* (1958) 51 Cal.2d 409, 412-413; *Garcia v. World Sav. & Loan Assn.* (2010) 183 Cal.App.4th 1031,1037. Here, Fleet Yards only agreed to the TUP as a demonstration of good faith and willingness to work with the City regarding its vision for the community. Based on communications from City staff on July 8, 2020, in addition to the plain language of the TUP, the City was to consider additional extensions of the TUP in addition to the initial five-year term. In addition, both AEP and Fleet Yards agreed to the TUP as a measure of good faith and willingness to work with the City. It is inequitable for the City to renege on this agreement. AEP forwent multiple lucrative opportunities to sell the Property in reliance on the City's communications and the reasonable expectation that the City's permits, licenses, and representations are consistent notwithstanding changes in staff, changes in departmental priorities, and unilateral changes to the zoning code. If the City does not honor its prior commitments, both AEP and Fleet Yards will suffer substantial financial harm. In addition, this inconsistency in City policies discourages investment in our community and is a substantial deviation from the City's treatment of similarly situated legacy businesses.

### 4. Conclusion

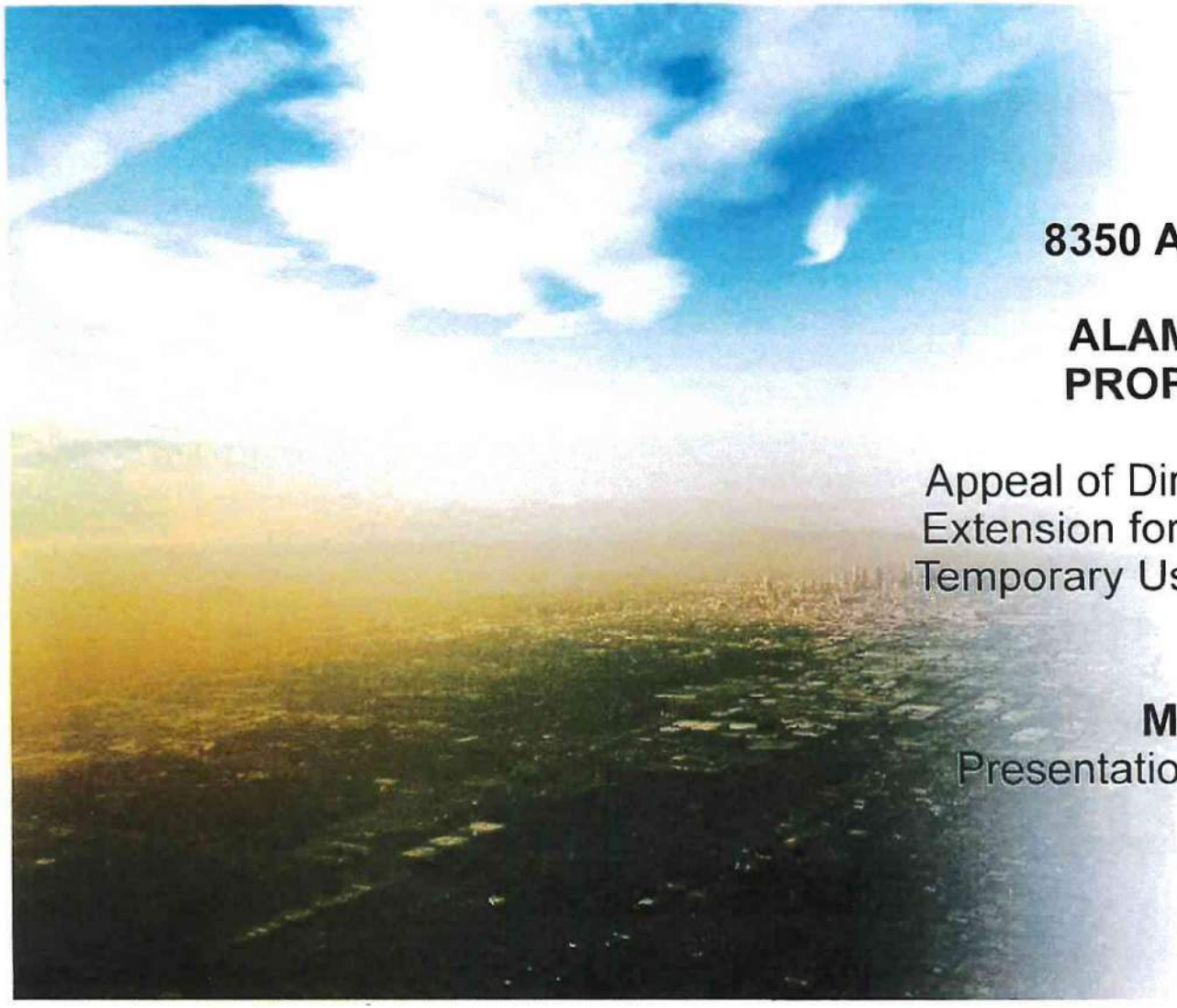
For the reasons stated above, the equitable path forward is to acknowledge truck trailer storage on the Property as a preserved, legal nonconforming use in light of the substantial evidence supporting this finding, and the requirements of the General Plan. In the alternative, we respectfully request that the City reverse the Director's denial of the TUP extension. We understand that the City's position is that the TUP was issued in error. However, where, as here, immediately terminating the TUP causes substantial harm to the community, and there is substantial evidence supporting that the use is legal and nonconforming, we urge you to use this opportunity to make it right. As a further demonstration of good faith and willingness to work together, we respectfully request the City share any documentation indicating that the truck trailer storage is not authorized pursuant to the legacy operations on the Property, and procedures for obtaining a business permit zoning clearance where, as here, the use is legal nonconforming.

Please contact my office if you have any questions.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

# EXHIBIT B



# 8350 Alameda Street

## ALAMEDA ENGLE PROPERTIES, LLC

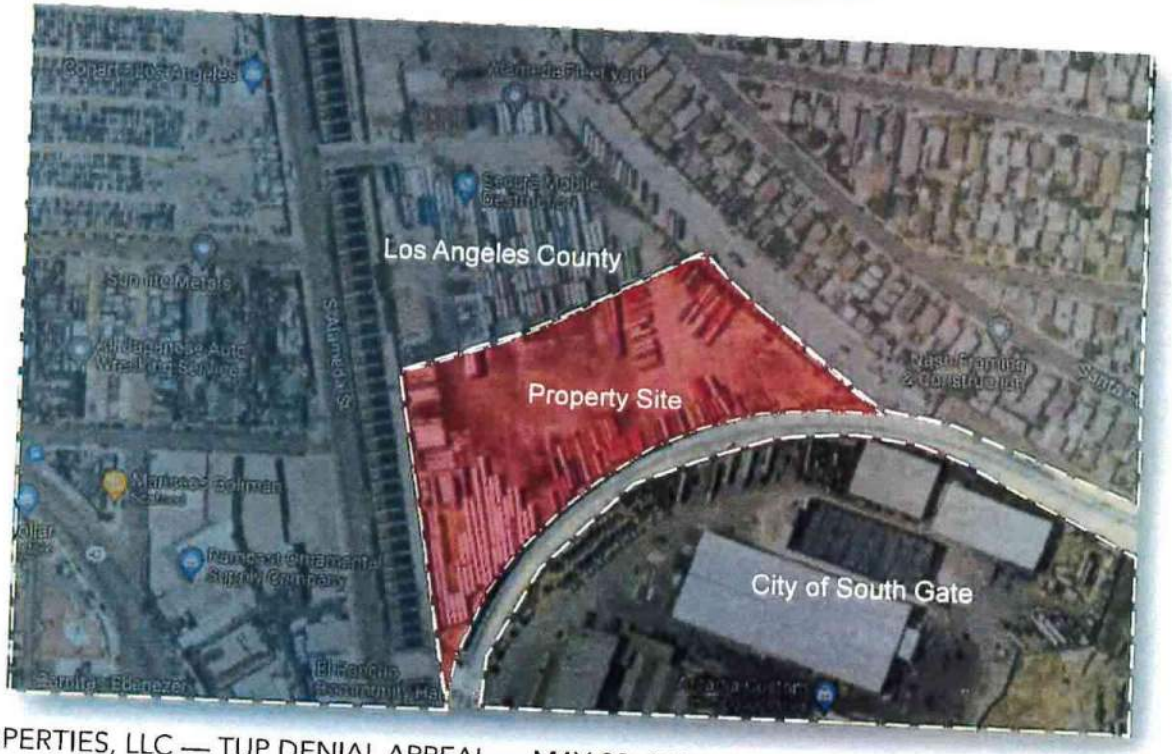
Appeal of Director's Denial of TUP Extension for Truck Trailer Storage Temporary Use Permit No. 2020-01

**May 2, 2023**

Presentation by Alfred Fraijo Jr.

SOMOS

# 8530 Alameda Street






SOMOS

# Request to Extend the TUP

- Pursuant to TUP Condition No. 2 and the City Planning Commission's review authority of the appeal, the Commission can grant a modest 60-day extension of the TUP to permit the Appellant and City to review the legal nonconforming use determination.

- Alternatively, Commission can opt to postpone its determination on the TUP extension until after the Planning Division completes its reviewing of the legal nonconforming use determination.



SOMOS

# Project Timeline

**EARLY 1970S TO 2020**

Alameda Engle Properties, LLC operated a recycling facility on the Property, including storage of truck trailers

**2020 TO PRESENT**

Tenant Fleet Yards, Inc. operating truck trailer storage on the Property

**JULY 16, 2020**

City approved TUP for truck trailer use on the Property

**DECEMBER 20, 2022**

Community Development Director claims City would no longer consider the TUP extensions

**JANUARY 26, 2023**

Appeal of Director's denial of the TUP extension



SOMOS

# Compliance with All TUP Conditions

| Conditions of Approval | Complies? |
|---|---|
| 1. The approved temporary use for the site is restricted to truck trailer storage only | ☑ |
| 2. The temporary use is approved for a term of one year. Additional one-year extensions will be considered for approval for up to a maximum of 5 years. Additional extensions will be determined based on compliance with conditions and written verification from owner that they are in the process of developing, selling, and/or working with LACCD or developer on a housing development project | ☑ |
| 3. Egress and ingress shall only be via Alameda Street | ☑ |
| 4. Operations shall be limited to the number, size, and height of truck trailers provided in the TUP | ☑ |
| 5. Any violations of the conditions or City laws could result in revocation of TUP | ☑ |
| 6. All conditions shall be agreed to by owner in a signed and notarized affidavit | ☑ |



SOMOS

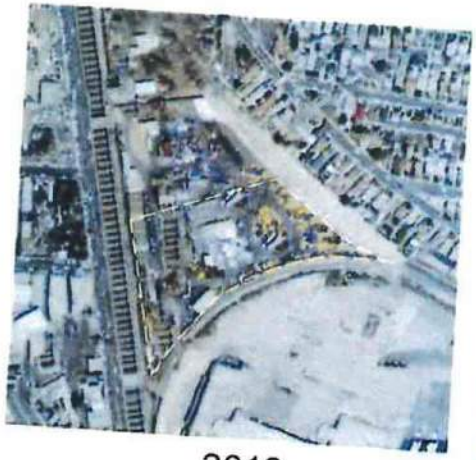
# Truck Trailer Storage is a Legal Nonconforming Use

- The legal nonconforming use issue is dispositive for the future uses on the Property and informs the need for the TUP and subsequent TUP extensions.
- South Gate Municipal Code (SGMC) – "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E.
- Legal nonconforming industrial use is preserved so long as it is **not abandoned or discontinued** for two consecutive calendar years. SGMC § 11.55.040.B.

**Truck Trailer Storage**

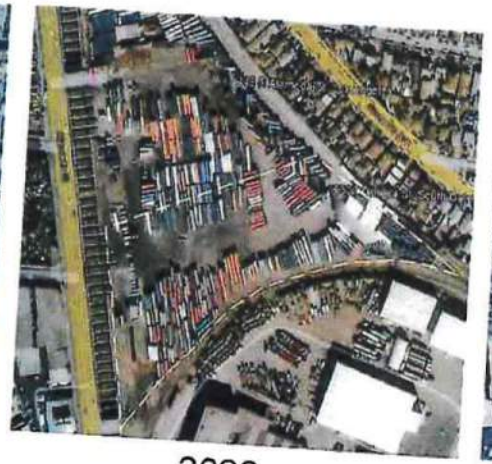
SOMOS

# Historic Aerial Photographs



2012

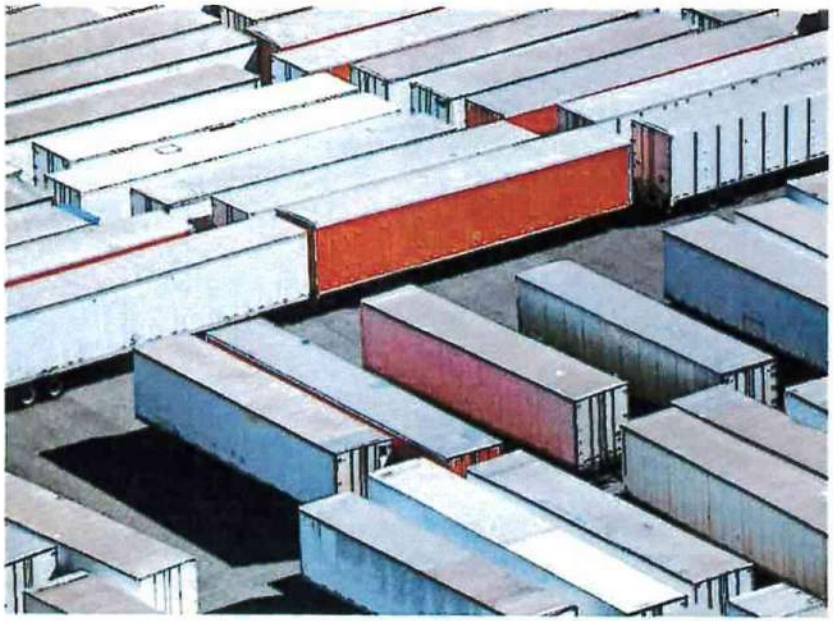
2018



2020

2022

# 50+ Years of Continuous Truck Trailer Storage Use



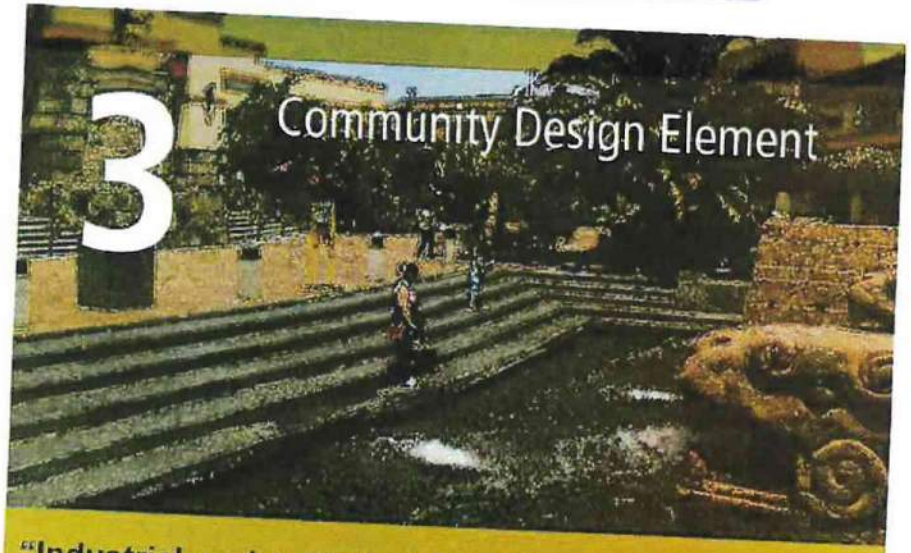
**Director Shall Evaluate**
**<u>All</u> of the Following to Determine that a Legal Nonconforming Use is Abandoned:**

1. **Owner's Intent**
2. **Furnishings Equipment & Personal Property**
3. **Abandoned 2+ Years**
4. **Licenses & Permits**
5. **Utilities**



SOMOS

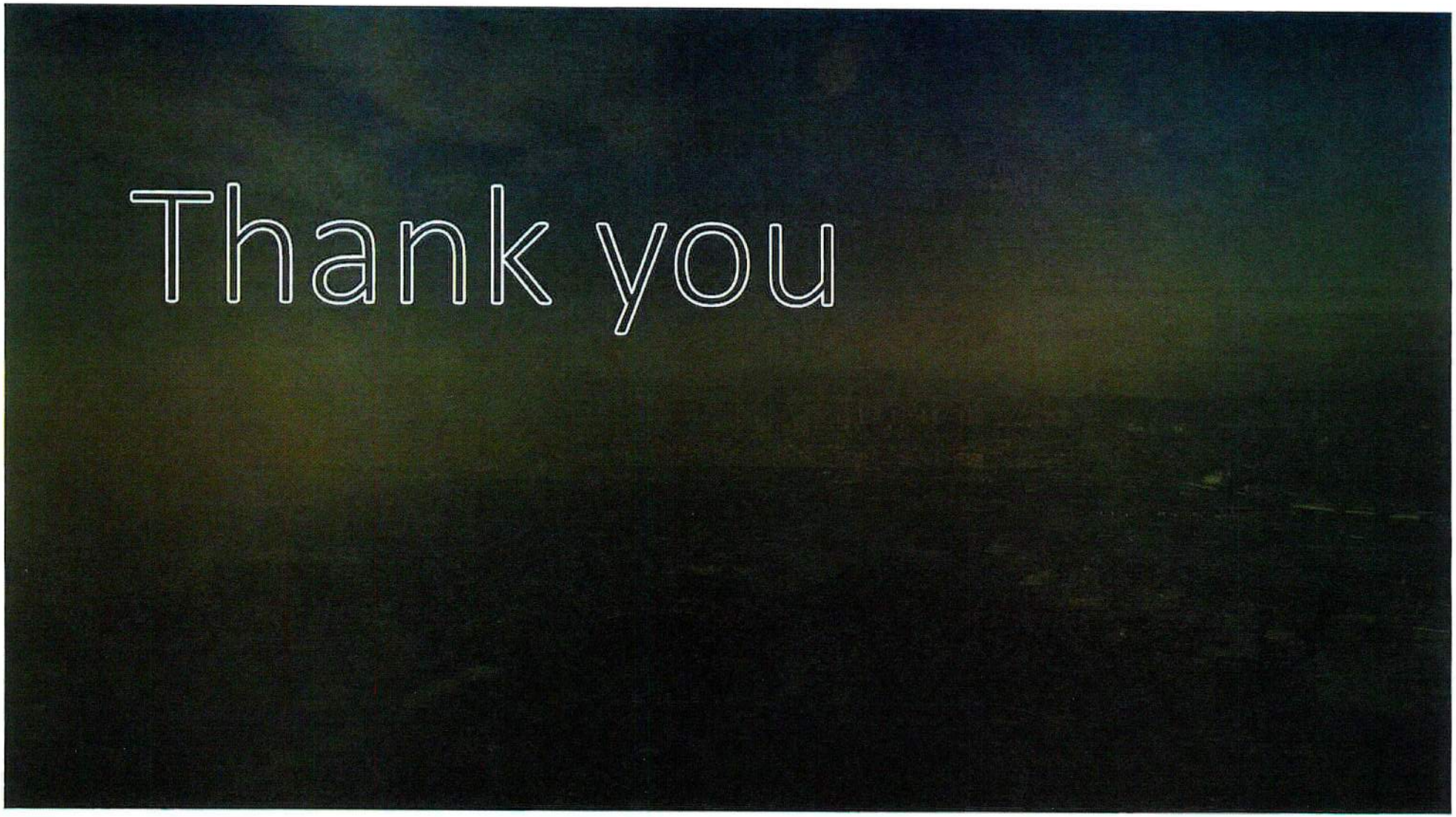
# General Plan Compliance




**"Industrial and manufacturing uses should remain in the [South Gate College District] but could be phased out as the college district expands." South Gate General Plan 2035, Community Design Element, p. 106.**



SOMOS


Thank you

# APPENDIX

# Business License Compliance

**1973 - 2020**

**AEP/Jack Engle License**

**Fleet Yards License**

**2014 - Present**

**Zoning Clearance**

**Fleet Yards Auxiliary Permit**



SOMOS

# EXHIBIT C

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9529
www.cityofsouthgate.org

May 16, 2023

Mr. Alan Engle
Manager
Alameda Engle Properties LLC
2127 Century Woods Way
Los Angeles, California 900667

Re: City of South Gate's Denial of Request by Alameda Engle Properties, LLC . for Extension of Temporary Use Permit No. TUP 2020-01 for Truck-Trailer Storage at 8530 Alameda Street in South Gate, California

Dear Mr. Engle,

On May 2, 2023, the South Gate Planning Commission conducted a public hearing on the request by Alameda Engle Properties, LLC's ("AEP") to extend, for a period of one year, the term of Temporary Use Permit No. 2020-01 (the "TUP"). Such an extension would have allowed the continued storage of trucks and truck-trailers at 8530 Alameda Street (the "Premises") by AEP's tenant, Fleet Yards, Inc. ("Fleet Yards"). At the conclusion of that hearing, the Planning Commission upheld the City's earlier decision to deny the extension and not renew the TUP. AEP has now asked to appeal that decision to the South Gate City Council. For the reasons explained by the City Attorney's Office at the May 2, Planning Commission meeting and reiterated below, an appeal of this matter to the City Council is not available.

As the City has repeatedly advised AEP and Fleet Yards, the TUP was initially issued in error, because it purported to allow a "temporary" use of the Premises for a period of at least one year and possibly as many as five years, far in excess of the limited duration mandated by the Zoning Code. Temporary use permits, as the name implies, are intended to allow only short-term uses of land. Specifically, Section 11.51.070 of the Zoning Code states that the maximum duration of a temporary use permit **shall not exceed three days in a row or ten days in any calendar year**. It is unfortunate that the TUP was erroneously issued in 2020 for a much longer one-year period and erroneously renewed in 2021 for an additional one-year period. But those earlier errors do not entitle AEP to further extensions of the TUP for periods far in excess of the maximum durations authorized by the Zoning Code. Simply put, there is no authority in the Zoning Code for issuing or renewing a temporary use permit for any period longer than three consecutive days or ten days in any calendar year.

Furthermore, the original issuance of the TUP in violation of the Zoning Code also meant that the City was not required to grant AEP a hearing on the matter of renewing the TUP. Again, as publicly stated by the City's legal counsel at the Planning Commission meeting, the City granted that hearing as a matter of courtesy – something that was also explained to AEP in the course of the May 2 meeting. No hearing was required because no decision by the Planning Commission could have resulted in validation and extension of the TUP. Section 11.51.020 of the Zoning Code states that any permit conflicting with the provisions of the Zoning Code "shall be null and void." Both the TUP and the requested one-year extension conflict with the provisions of the Zoning

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
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Code. Therefore, regardless of whether the Planning Commission had voted to uphold or overturn the denial of the requested TUP extension, the result would have been the same: no valid permit would exist. A hearing before the City Council would be equally futile, as AEP would still have no valid permit regardless of whether the Council voted to uphold or overturn the denial of AEP's request to extend the TUP for another year. Therefore, an appeal to the City Council is neither warranted nor available.

AEP and its attorneys contend that Fleet Yard's use of the Premises for the storage of trucks and truck-trailers constitutes a legal non-conforming use which can be continued in the absence of the TUP and despite the fact that such use is not allowed under the current version of the Zoning Code adopted in 2015. Because renewal of the TUP is an impossibility, we recommend that AEP promptly provide the City with evidence supporting that legal non-conforming use argument. Before the City can agree that Fleet Yard's use of the Premises constitutes a legal nonconforming use, AEP and/or Fleet Yards must provide the City with clear evidence which at a minimum establishes two things:

1. That the Premises were used for the storage of trucks and truck trailers since before the 2015 zone change, and that such use has continued from then until now without any interruption longer than two years. Evidence that a truck or trailer was occasionally parked on the Premises for purposes of loading or unloading will not suffice. The City requires evidence that the Premises were being used for the *storage* of trucks and truck-trailers consistent with the customary legal application of "legal non-conforming" use, not that such trucks or trailers were merely present on the Premises for short periods in the normal course of their travels associated with the primary approved use and the only city licensed business being operated at the location (Metal Recycling Center).

2. That in connection with such storage, a Conditional Use Permit had been issued as required by the former Zoning Code. The City can find no indication that such a CUP was ever issued to AEP, Fleet Yards, or any former occupant of the Premises. Under the former Zoning Code, storage of trucks and truck-trailers without a CUP would not have complied with the Zoning Code and therefore could not be the basis for a claim of legal non-conforming use.

Additional to the lack of a CUP, the City does not have a record of any business(s) being licensed for the operation of a storage facility of trucks and/or truck trailers prior to the zone change in 2015 or afterwards.

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
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We urge AEP, as soon as possible, to either provide the evidence requested above or cause Fleet Yards to discontinue its storage of trucks and truck-trailers at the Premises. Failure to do so will result in enforcement action by the City.

Sincerely,

Meredith T. Elguira, Director

*cc:* Mr. Chris Jeffers, City Manager
Raúl F. Salinas, Esq.
Craig D. Hardwick Esq.

# EXHIBIT D

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

August 17, 2023

VIA ELECTRONIC MAIL

Meredith Elguira
Director of Community Development
City of South Gate
8650 California Avenue
South Gate, CA 90280
Email: Melguira@sogate.org

**Re: 8530 Alameda Street – Demonstration of Legal Nonconforming Use**

Dear Ms. Elguira,

Our firm represents Alameda Engle Properties, LLC ("AEP"), the owners of real property located at 8530 Alameda Street in City of South Gate ("City"), California (the "Property"). We are in receipt of your letter dated May 16, 2023 requesting documentation of truck trailer and container storage at the Property as a legal nonconforming use. Pursuant to City of South Gate Municipal Code ("SGMC") Section 11.55.070.A, we are applying to request a determination from your office that the onsite uses are legal and nonconforming based on the substantial evidence attached hereto.

While this formal request shall be reviewed *de novo* pursuant to the Department's authority under Section 11.55.070 and in consideration of the complete application herein, we are also writing to correct the misstatements in the record made about the nature of the historic operations on the Property, which have always included truck trailer and container storage.[1]

[1] Inaccurate statements about the historic operations on the Property were made during the May 2, 2023 City Planning Commission appeal hearing ("CPC Hearing") on the TUP Extension and in the May 16, 2023 letter from Director of Community Development to Alan Engle. During the CPC Hearing, City staff stated "metal plating" was the only authorized use on the Property. This is incorrect. Our clients are not aware of any history of metal plating at the Property and did not engage in metal plating at the Property at any time during Jack Engle & Company's ("JECO") operations. Fleet Yards' current operations at the Property do not include metal plating. The metal *processing* operations described in the City's Record of JECO's Business Licenses, the Fleet Yards Business Licenses, and the Certificates of Occupancy regarding metal processing have never included metal plating -- even as an ancillary use. In addition, as early as 2018, the City has issued business licenses for the Property with the business description

As noted in our letter to the City Planning Commission ("CPC") dated April 27, 2023, and during the CPC Hearing, the Engles, for three generations have operated this family business in the City. Metal recycling, including storage of truck trailers and containers, has been conducted onsite since the early 1970s. Between 1973 to April 2009, Jack and Rose Engle, as husband and wife, owned the Property at which JECO operated. Then commencing in 2009, Jack and Rose Engle's son Alan Engle acquired the Property under his company AEP to continue the family business until March 2020. Fleet Yards, Inc. ("Fleet Yards") is the current tenant on the Property and has continued storing truck trailers and containers on the Property since 2020 pursuant to a Temporary Use Permit ("TUP") obtained at the recommendation and requirement of the City's previous Director of Community Development. The CPC denied the appeal of the TUP extension on May 2, 2023. We submitted an appeal to City Council on behalf of the owners on May 18, 2023. The scope and nature of the legal nonconforming use is central to the appeal. The CPC did not make a determination on truck trailer/container storage as a legal nonconforming use at the Property. Since the CPC Hearing, we have been working with City Planning staff, the City Attorney, and the City Manager to gather additional information to reach a resolution on the legal nonconforming use.

If you have any questions about the nature of the historic operations on the Property, including container storage, we would appreciate the opportunity to discuss them with you and with the City Attorney to ensure that this matter is resolved efficiently.

## I. BACKGROUND

As you know, at the recommendation of Joe Perez, the Director of Community Development at the time, on July 16, 2020, Fleet Yards obtained a TUP for truck trailer use on the Property, subject to several conditions. The City made multiple commitments to AEP and to Fleet Yards during the discussions leading to the TUP, including that the TUP would be extended annually and that the City would consider additional extensions in the future. The purpose of the TUP was to allow the City to explore its priorities for development of education facilities at or around the Property. AEP and tenant Fleet Yards reasonably relied on the City's instructions and final action on the TUP when making critical business decisions and investments in the Property, including but not limited to the execution of a long-term lease agreement for Fleet Yards to continue to operate the truck trailer and container storage use onsite. AEP engaged in these negotiations in good faith notwithstanding its position that the longstanding uses on the site, including truck trailer and container storage were vested under the law. Despite AEP's vested rights and good faith reliance on the City's granted entitlements, on December 20, 2022, the current Community Development Director informed Fleet Yards that the City would no longer consider the TUP extension because of the City's

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"outside storage only". *See*, Business License No. 004434. If the City has additional questions about the scope of past or present operations at the Property after reviewing the materials attached to this letter, please contact our office. Our clients have worked with the City of South Gate successfully for over 50 years, and remain committed to working with the City to resolve this matter. By working together, we can avoid any additional misstatements or misinformation made during public hearings.

misapplication of the SGMC and because the conditions of approval have been violated. On January 26, 2023, AEP informed the City that they would be appealing the determination.[2] As noted in our letters to the City dated April 27, 2023 and May 16, 2023, City staff made several misstatements about truck trailer and container storage as a legal nonconforming use on the Property during the CPC Hearing, including, (i) that the use was not legally established, (ii) that the legal nonconforming use doctrine would not apply because the operations "don't look like" the historic photos, and (iii) that the Municipal Code requirements for truck trailer and container storage from the early 1980s to 2015 apply to the onsite operations instead of the Municipal Code requirements from 1973, when operations on the Property commenced. The CPC did not make a determination on these issues during the CPC Hearing on the TUP extension. Our office filed an appeal of the Planning Commission's determination on May 16, 2023.

Based on subsequent conversations with City Attorney Craig Hardwick, we understand that City Council will not be considering the TUP extension, and that all administrative challenges at the municipal level with regard to the TUP extension have been satisfied. We also understand that the City will be evaluating the legal nonconforming use issue separately from the TUP extension for the purposes of municipal review and exhaustion of administrative remedies.

## II. ANALYSIS

### A. Truck Trailer and Container Storage Is Preserved Legal and Nonconforming as a Primary and Active Use on the Property.

The SGMC protects nonconforming industrial uses so long as they are (i) legally established,[3] and (ii) the use is not abandoned or discontinued for two consecutive calendar years.[4]

#### i. Truck Trailer and Container Storage has Been a Legally-Established Use on the Property Since 1973 As a Necessary Requirement for Metal Processing and Manufacturing Operations.

According to the City's zoning map attached hereto as Exhibit A, as early as 1961, the Property was zoned for "Heavy Manufacturing" or "M-3". "Draying, freighting, or trucking yards or terminals" were specifically authorized as a by-right use in the M-2 and M-3 zones according to the 1976 version[5] of the SGMC provided by the City,

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[2] Please note that the 2022 Rejection Letter failed to disclose the owner's appeal rights and the City's policies and procedures to file the appeal.
[3] SGMC § 11.55.030.E.
[4] SGMC § 11.55.040.B.
[5] Pursuant to our Public Records Act Request dated May 17, 2023 ("PRA Request"), the City provided a copy of the municipal code with sections dating between the late 1960's and early 1990's. However, the City's copy is not a complete version for each year or decade. In addition, the City was unable to verify when the applicable provisions of the SGMC were amended. For the purposes of this analysis, we

attached hereto as Exhibit B.[6] These terms are not defined in the historic version of the code provided by the City. Our office secured earlier sections of the code from the Los Angeles County Law Library, attached hereto as "Exhibit C." These terms are also not defined in Exhibit C. "Draying" is a form of trucking service that connects intermodal shipping services, such as ground, ocean or air freight typically as a shorter portion of a longer journey.[7] As late as 1975, ore reduction, metal foundries, and reclamation of iron, copper, and aluminum were also permitted by right in the M-3 zone.[8] As late as 1989, "[m]anufacture, processing, or treatment of articles from previously prepared materials ..." specifically including metal was also allowed by right in the M-3 zone.[9] This is consistent with the two Certificates of Occupancy ("COO") dated 1977 authorizing "metal processing" on the Property, attached hereto as Exhibit D.[10] This is also consistent with the City Record of JECO's Business Licenses ("City Bus. Lic. Records"), attached hereto as Exhibit E. The City Bus. Lic. Records establish that JECO was operating with a valid business license for "Manufacturing – Metal" between 1977 and 2020.[11] For clarity, however, attached as Exhibit F are electronic copies of business licenses issued to JECO for 2015-2018. Each of these business licenses specifically reference "Outdoor Storage ..." as the description of the site operations. Similarly, the recent business licenses for Fleet Yards Inc. specifically note the "Special Permit For Outdoor Operations."[12] There is nothing in the historic versions of the zoning code indicating the need for any entitlement, including a conditional use permit ("CUP") for either processing or manufacturing uses in 1977 when the City issued the COOs.[13] "Metal processing" and "metal manufacturing" are not defined in the historic sections of the SGMC.[14] However, a plain read of this use describes metal "recycling" without calling it "recycling." Merriam-Webster includes "processing something, such as ... glass or cans in order to regain material for human use" in the definition of "recycling."[15]

These documents, along with the historic by-right uses in the M-3 zone in Exhibit B, Exhibit C, and Exhibit D clearly demonstrate that the historic metal processing

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assume that the applicable date for historic sections of the SGMC correlate with the date stamp in the lower right hand corner of each page provided by the City, unless the section is notated with an earlier date reference to the applicable ordinance. We have provided references to the applicable ordinances where appropriate.

[6] See Sections 11.22.010(17);

[7] See "What is Drayage and Why is it Important?", Nexttrucking.com, available here.

[8] See LA County Law Library SGMC Copy -1969-1992, SGMC § 11.24.010.15-26.

[9] See LA County Law Library SGMC Copy -1969-1992, SGMC §§ 11.22.010.26;

[10] See Exhibit D.

[11] See Exhibit E. The City provided this summary of JECO's business licenses in response to a Public Records Act request from our office. We understand that the City has been unable to locate business license records between 1973 and 1977. Notwithstanding this missing documentation, we are informed and believe that at the time operations commenced at the Property in 1973, JECO complied with all then-applicable rules, regulations, and ordinances relating to operating its metal processing business. See Declaration of J. Engle,

[12] See Exhibit G.

[13] Based on the City's response to our PRA Request and the similarities between "metal processing" as defined and "metal recycling," the evidence does not suggest that the JECO operations were processed as an "Unclassified Use" pursuant to Section 11.26.010 of the historic provisions of the SGMC.

[14] Exhibit B § 11.04 *et seq*; Exhibit C § 11.04 *et seq*.

[15] Merriam-Webster Dictionary, "Recycling," July, 2023, available here.

operations, including related shipping operations and necessary truck yards and terminals, were by right uses at the time JECO expanded operations to the Property in 1973, and after the COOs were issued in 1977. Accordingly, these uses are legally established and preserved pursuant to the SGMC.

ii. The City did not List All Allowable By Right and Incidental Uses on its Business Permits.

During the CPC Hearing, City staff stated that truck trailer and container storage "could not" be a legal nonconforming use where there is no separate business permit for that use. This is factually inaccurate. Based on the historic code provisions provided by the City, we understand that the licensure requirement for multiple "business activities" was not enacted until May 25, 1993 with the City's adoption of Ordinance No. 1948, the City's "Business Regulation Ordinance.[16] Accordingly, South Gate's historic business licenses did not list every ancillary or related use because in the early 1960's and 1970's, the historic versions of the code are silent -- indicating that this was not yet a requirement. This is consistent with the City's own summary of JECO's business license activity.[17] The summary includes only "Manufacturing – Metal" as the listed use, without mention of the many by-right uses specifically authorized in the M3 zone at that time, including freight, drayage, and storage of truck trailers and containers. According to the historic code provisions provided by the City, the City would not have required a separate business license at the time for by-right uses. Once this requirement changed, as described in more detail below, our clients worked together with the City to determine the applicable permitting requirements and fees for the metal processing and recycling operations, and complied with those requirements as directed by the City. In addition, the more recent business licenses issued to both JECO and Fleet Yards specifically reference outdoor storage as the business description.

These documents, along with the historic by-right uses in the M-3 zone in Exhibit B, Exhibit C, and Exhibit D clearly demonstrate that the historic metal processing operations, including related shipping operations and necessary truck yards and terminals, were by right uses at the time JECO expanded operations to the Property in 1973, and after the COOs were issued in 1977. Accordingly, these uses are legally established and preserved pursuant to the SGMC.

[16] See SGMC § 20.10.010 *et seq.*
[17] See Exhibit E.

iii. Truck Trailer and Container Storage is an Integral Part of Metal Processing Operations.

Your May 16, 2023 letter states that the truck trailer and container storage was only "occasional" or "for the purpose of loading and unloading" only.[18] This is factually inaccurate.

As noted in the Declaration of Mr. Jason Engle, Chief Operating Officer at JECO, ("Declaration") the metal processing operations required scrap metal product to be delivered to the Property by truck, with truck trailers and containers in tow. These truck trailers and containers would remain on the site for sorting, processing, and preparation for shipment for up to several months while the scrap metal was being processed and while JECO coordinated shipment logistics. JECO's suppliers and customers would generate between 6 and 11 million pounds of product for processing every month.[19] The precise storage period for truck trailers and containers could take days, weeks, months, or longer depending on the volume of product, the end destination for the product, and whether the following legs of the product's journey were by ground, air, or sea.[20] The processed material would be loaded into an empty container (or the same container) for shipment to its final destination. The shipments for railway or overseas shipping required much larger containers, as depicted in Exhibit J. During the processing and shipment preparation stage, these large containers were stored at the Property, consistent with industry standards and practices. Processed product with a domestic destination would be placed in empty truck trailers or smaller storage containers, which were also stored on the Property. Images of these truck trailers and smaller storage containers are attached hereto as Exhibit K.

Beyond the metal recycler's standard day to day truck trailer and container storage, the storage of truck trailers and containers was so crucial to the metal processing operations on the Property that JECO billed some of its clients for truck trailer and container storage as a separate line item for services rendered.[21] JECO had entire departments dedicated within the business that exclusively handled the logistics for truck trailer/container storage and clean/maintenance. These departments employed in total up to six employees at a time. We have provided a copy of the billing log for truck trailer and container storage attached hereto as Exhibit L. Because metal recycling operations cannot operate without a trucking and logistical component of their operations, it is common practice for metal recycling operators to become SCAC-holding members of the National Motor Freight Traffic Association ("NMFTA"). The Standard Carrier Alpha Code ("SCAC") is an identification numbering system for domestic carriers and transporters to track cargo moving within the United States. During JECO's tenure on the Property, it was a SCAC-holding member of NMFTA. Like many similar operations throughout California and Nationwide, this aspect of the metal processing operations cannot function without onsite truck trailer and container storage.

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[18] See Exhibit H, pg. 2.
[19] *Declaration*, pg. 1.
[20] See JECO Materials Shipping Logs, attached hereto as Exhibit I.
[21] See Exhibit L.

Accordingly, the truck trailer and container storage use at the Property is preserved as part of the metal processing operations as an authorized legal nonconforming use.

iv. The City has had Direct and Constructive Notice of the Legal Nonconforming Use, Including Truck Trailer and Container Storage for Decades.

The City has implicitly acknowledged that truck trailer and container storage at the Property is an authorized part of the existing legal nonconforming use for many years. For example, after touring the Property, the Director of Public Works at the time, Robert Dickey, made recommendations to the Engles regarding the City's Business License Tax based on the Property's use as a "Materials Recycling Facility." Although the truck trailer and container storage portion of the operations were open and visibly part of the operations during the tour, the City did not distinguish this use as separate from the legal nonconforming metal processing operations on the Property, or require a separate business license. In addition, the City was a client of JECO's for approximately 17 years,[22] during which time City employees would frequently visit the Property. Because JECO's operations were outdoors and in plain sight, the City had several decades of both direct and constructive notice that the JECO operations necessarily included truck trailer and container storage as an integral component of the services offered to the City. The City did not deviate from its position that the uses were interconnected as part of the same legal nonconforming use until recently.

These abrupt changes in City policy, coupled with the City-driven misdirection regarding the need for a TUP create uncertainty for small local businesses, and discourage investment within the City. Municipal consistency and stability, including preservation of legally established nonconforming uses – is a foundational element needed to facilitate the City's vision for future uses within the South Gate College District.

v. No CUP is Required to Demonstrate Legal Nonconforming Use Pursuant to the Applicable Version of the SGMC.

In your letter dated May 16, 2023, attached hereto as Exhibit H, you state that:

> [U]nder the former Zoning Code, storage of trucks and truck-trailers without a CUP would not have complied with the Zoning Code and therefore could not be the basis for a claim of legal nonconforming use.

This is factually incorrect. As noted above, "metal processing" and "trucking yards or terminals" did not require a CUP at the time that the City authorized the JECO operations on the Property, or in 1977 – the earliest available COOs that were issued to JECO. In addition, the historic versions of the SGMC do not require a CUP for

[22] *Declaration*, pg. 3.

"recycling" operations until 1988 – nearly 15 years after the operations on the Property commenced.[23] The SGMC did not include definitions for "recycling" until 1990.[24] These definitions did not replace "metal recycling" as an allowed use. Instead, these definitions are for recycling of hazardous materials only – which has never been part of the operations on the Property. Because the metal processing operations on the property, including the necessary truck trailer and container storage was permitted by right in the early 1970s, no CUP or other entitlement would be required. For this reason, the authorized uses are preserved notwithstanding the lack of CUP.

vi. <u>The City Requires that Ancillary and Incidental Uses be Preserved as Legal Nonconforming Uses.</u>

Your May 16, 2023 letter implies that ancillary or secondary uses even when lawfully established, are not preserved as legal or nonconforming based on the scope of the use. This is inconsistent with a plain reading of the SGMC. Even assuming *arguendo* that truck trailer and container storage was only a small portion of the authorized uses on the Property, the SGMC requires that partial uses be afforded the same protections and assumptions as the primary use. The SGMC provides that, "Nonconforming industrial uses may continue in any zone where they were legally established."[25] In addition, "an existing use of ***any part*** of a building or property will be assumed to be an existing use throughout that building or property, including outdoor activities."[26] (emphasis added).

Here, we have provided substantial evidence of the truck trailer and container storage on the Property pursuant to the historic metal processing operations, including service logs, billing invoices, a declaration describing the day-to-day operations from an industry professional with decades of experience, and photos depicting the types of truck trailers and containers that were used. There is no language in the SGMC indicating that a portion of a legal nonconforming use is abandoned due to the scope of the use at the time it is established.[27] Instead, the assumptions for partial uses and structures are consistent with the City's general policy and obligation to preserve legal nonconforming uses where, as here, the use is legally established.[28] For this reason,

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[23] See Exhibit C, § 11.22.10.22.6 (referencing "Large Collection Facilities" subject to the issuance of a CUP). See also, Ordinance No. 1760, 1988. We assume for the purposes of this analysis that the City's May 16th letter to Alan Engle is referencing this use. However, we note that "metal processing" and "trucking yards or terminals," the uses at issue here, did not require a CUP under the historic versions of the code. For this reason, we assume that the City's May 16, 2023 assertion regarding the CUP is based on a misinterpretation of the approved uses, or reference to a subsequent version of the Zoning Code.
[24] SGMC § 11.55.040.E; Ordinance No. 1835 §§ 9-11 (referring exclusively to recycling and recovery of "hazardous materials").
[25] SGMC §§ 11.55.030.E.
[26] SGMC §§ 11.55.030.O.
[27] *Id.* at 11.55.040.
[28] For example, the South Gate General Plan's Community Design Element ("General Plan") specifically anticipates legal nonconforming uses in the South Gate College District given the existing surrounding industrial uses. The General Plan Specifically requires that "[i]ndustrial and manufacturing uses ***should*** remain in the area" until such time that the college district expands. South Gate General Plan, Community Design Element, Policy P.6., pg. 106.

based on a plain reading of the zoning code and the evidence above establishing truck trailer and container storage as a legal nonconforming use, truck trailer storage must be considered as an "existing use" for the purpose of the legal nonconforming analysis.

vii. Truck Trailer and Container Storage Has Not Been Abandoned for the Requisite Two-Year Period.

As noted in our letter to the City dated April 27, 2023 attached hereto as Exhibit M, the SGMC has mandatory procedures and requirements for finding that an industrial use has been abandoned or discontinued. In determining whether a legal nonconforming use has been abandoned, the Director is required to make a formal finding of discontinuance or abandonment, ***supported by evidence*** in consideration of the following factors: (i) the apparent intent of the owner to discontinue, (ii) whether furnishings equipment, or personal property have been removed, (iii) whether the use has been discontinued for a period of two years, (iv) whether there is an active business license and State Board of Equalization permit, and (v) whether there are active utilities accounts, including electricity, gas, water, and waste collection.[29]

Here, the evidence does not support a finding that the truck trailer or container use has been abandoned. Our office provided substantial evidence attached to our April 27, 2023 letter documenting continuous utility service to the Property for several decades, aerial photographs depicting truck trailer and container storage on the Property, permits and authorizations from state agencies pursuant to ongoing operations on the Property, old business licenses, a description of the tenant operations on the Property over time, an explanation of the recent business license anomaly due to the City's zoning clearance process for business licenses, and the unique operational requirements for a property subject to dueling jurisdictional requirements in the City of South Gate and the County of Los Angeles. Coupled with the substantial volume of additional documentation attached to this letter, including the correct municipal code requirements applicable to the nonconforming use determination, certificates of occupancy, summaries clarifying business operations, business logs and ledgers establishing the crucial nature of truck trailer and container storage to historic operations, and the declarations of industry experts with decades of experience with this specific Property, the City cannot make a good faith determination that truck trailer and container storage onsite was discontinued or abandoned for the requisite two-year period. Any such finding in light of the evidence herein would be an abuse of the City's discretion, and a violation of the City's responsibility to its constituents to fairly and equitably administer the law.

For all of these reasons, the truck trailer and container storage on the Property has been a protected, legal nonconforming use since 1973.

[29] SGMC § 11.55.040.D.1-2.

## B. The City Has Authority to Allow the Legal Nonconforming Use on the Property.

Our position is that Fleet Yards' current operations are a continuation of the historic truck trailer and container storage on the Property, and are therefore protected as a legal nonconforming use pursuant to the SGMC. However, even if the City does not acknowledge the critical role of truck trailer and container storage for metal processing operations as a part of that use, the code encourages the Director to protect operations that are substantially similar or comparable to the legal nonconforming use.[30] The Director is specifically authorized to allow alterations and expansions of industrial legal nonconforming uses on the site where: (i) there is a one-time expansion of up to 10% of the existing square footage; (ii) the expansion is of an incidental character and does not constitute a complete remodel; (iii) the expansion will architecturally integrate into the existing structure and not negatively impact the overall site design; (iv) the expansion does not reduce the number of on-site parking spaces or access to the building; (v) the expansion complies with all other provisions of the zoning code.[31] Here, there is arguably no expansion of use.

As noted above, the truck trailer and container storage component of the operations on the Property have been consistent since the early 1970s. JECO, and now Fleet Yards, have operated substantially similar operations on the same site for over 50 years. There is no expansion of the existing square footage. Any perceived "expansion" of the historic and legal nonconforming truck trailer and container storage operations on the Property is negligible, and does not require a "complete remodel". The current truck trailer and container storage operations are consistent with the existing structures and layout of the Property, and will not require any changes to the site design. In addition, the current operations will not impact the current number of parking spaces or building access.[32] Finally, given the legal nonconforming use status of the current operations, allowing the use to continue would not result in a violation of the current SGMC.

This authority to allow comparable uses or minor expansions or alterations of legal nonconforming uses is well established in case law. For example, In *Endara v. City of Culver City* ("*Endara*"), the court allowed a substantially similar legal nonconforming use to be substituted for the original use.[33] The Court noted that,

> "a nonconforming use is not restricted to the identical particular use which was in existence at the time of the enactment of the zoning ordinance but embraces any use

[30] SGMC § 11.55.030.J.
[31] *Id.*
[32] During the CPC Hearing, City staff raised that the center structure on the Property was demolished without a permit from the City. We can confirm that this structure was in fact demolished on or around August 8, 2020, and that despite best efforts, we have been unable to locate a demolition permit. This fact notwithstanding, the continued truck trailer and container storage on the Property has remained onsite continuously and is a legal nonconforming use for the reasons detailed herein.
[33] *Endara v. City of Culver City* (1956) 140 Cal.App.2d 33.

> ***substantially the same or similar***. The adoption of more modern instrumentalities, suitable in carrying on a business should not, in legal contemplation, work a change of use."[34]

Similarly here, the JECO metal processing operations specifically included truck trailer and container storage as part of its business plan, as documented by the service logs and billing statements for truck trailer and container storage on the Property for prolonged periods of time. Fleet Yards' current operations for truck trailer and container storage are virtually identical, and include storage of truck trailers and containers pursuant to drayage operations for prolonged periods of time. Although the size of the containers and truck trailers were more varied during JECO's tenure on the Property, truck trailer and container storage has been a consistent use onsite since the early 1970s.

For these reasons, under the SGMC and consistent with case law, the City has authority to allow Fleet Yards to continue operating on the Property as a legal nonconforming use, as a substantially similar legal nonconforming use, or as a negligible expansion of an existing legal nonconforming use. Given all of these options for preserving the truck trailer and container storage operations onsite, and the City's policy of preserving legal nonconforming uses when possible, and the substantial amount of evidence establishing truck trailer and container storage on the Property, the City has legal and evidentiary support and authority for preserving the legal nonconforming use at the Property.

## III. CONCLUSION

As longstanding members of South Gate's business community, our clients remain dedicated to preserving a positive legacy of community involvement based on over 50 years of service. As a measure of good faith, our clients have expressed interest in partnering with the City to achieve its broader planning goals for the region as we plan together for future uses and development within the South Gate College District. Based on our conversation with the City Attorney, our clients are open to discussing opportunities for "living walls" or public art installations such as murals in or around the Property to further buffer the legal nonconforming uses from the public right-of-way and to visually enhance the pedestrian realm along the public-facing corridor, subject to the authorization of the Alameda Corridor Transit Authority ("ACTA") as applicable. We look forward to discussing these options in more detail with the City Attorney, and will schedule a follow-up meeting shortly.

For the reasons stated above, the City has substantial evidence, legal authority, and compelling policy incentives to preserve truck trailer and container storage on the Property as a legal nonconforming use. We remain confident that by working together, we can support the City's development goals while preserving local jobs, family businesses, and the Engle's substantial contributions to the local community.

---

[34] *Endara* at 38.

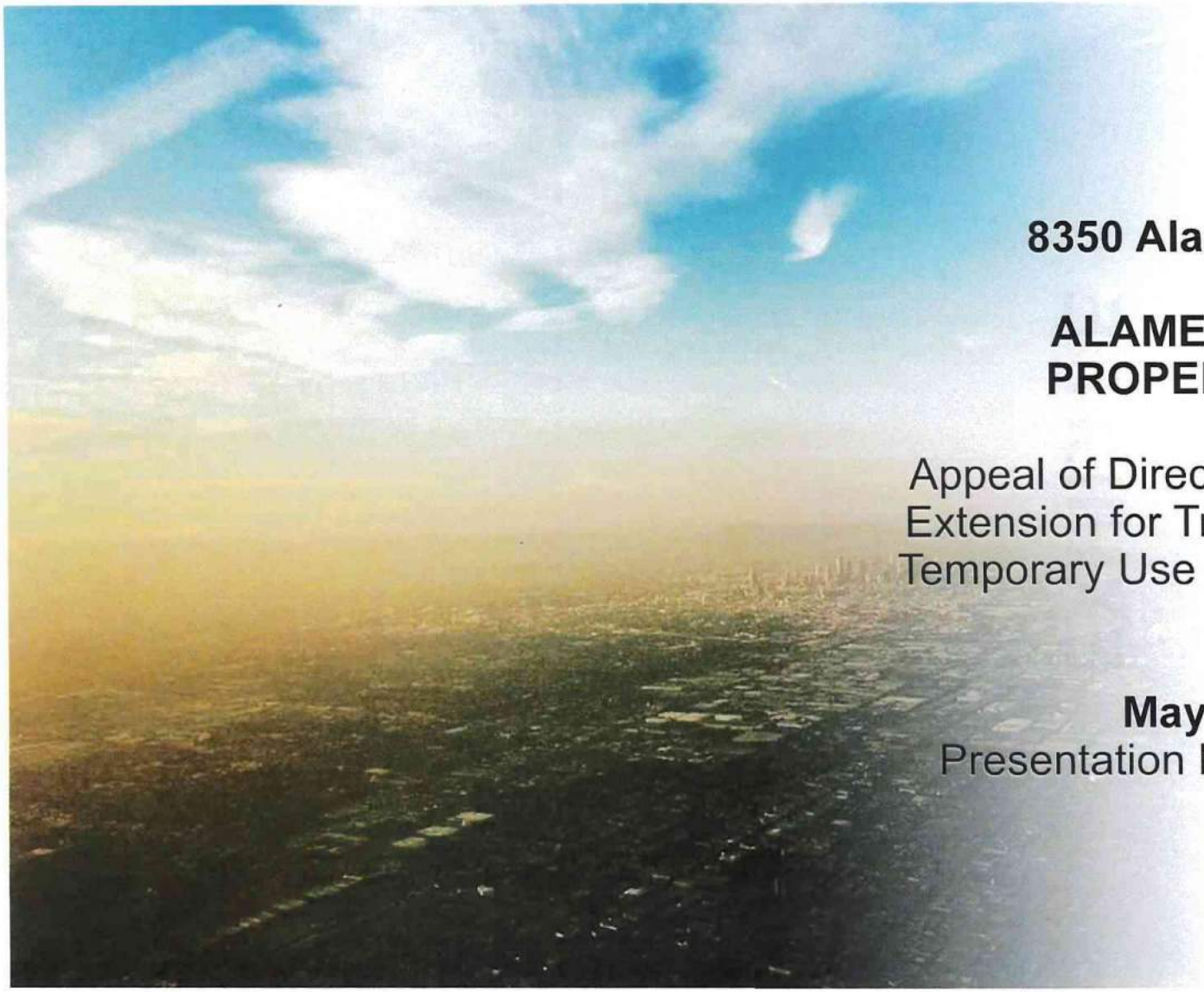
If you have any questions about the documentation that we provided or about the scope or nature of the legal nonconforming uses on the Property, please contact me directly.

Thank you,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc:
Raul Salinas, City Attorney
Craig Hardwick, City Attorney
Yalini Silva, Senior Planner
Yodit Glaze, City Clerk
Raquel Larios, Office of the City Clerk

# EXHIBIT E



# 8350 Alameda Street

## ALAMEDA ENGLE PROPERTIES, LLC

Appeal of Director's Denial of TUP Extension for Truck Trailer Storage Temporary Use Permit No. 2020-01

**May 2, 2023**

Presentation by Alfred Fraijo Jr.

SOMOS

# 8530 Alameda Street

SOMOS

# Request to Extend the TUP

- Pursuant to TUP Condition No. 2 and the City Planning Commission's review authority of the appeal, the Commission can grant a modest 60-day extension of the TUP to permit the Appellant and City to review the legal nonconforming use determination.

- Alternatively, Commission can opt to postpone its determination on the TUP extension until after the Planning Division completes its reviewing of the legal nonconforming use determination.



SOMOS

# Project Timeline

**EARLY 1970S TO 2020**

Alameda Engle Properties, LLC operated a recycling facility on the Property, including storage of truck trailers

**2020 TO PRESENT**

Tenant Fleet Yards, Inc. operating truck trailer storage on the Property

**JULY 16, 2020**

City approved TUP for truck trailer use on the Property

**DECEMBER 20, 2022**

Community Development Director claims City would no longer consider the TUP extensions

**JANUARY 26, 2023**

Appeal of Director's denial of the TUP extension



SOMOS

# Compliance with All TUP Conditions

| Conditions of Approval | Complies? |
|---|---|
| 1. The approved temporary use for the site is restricted to truck trailer storage only | ☑ |
| 2. The temporary use is approved for a term of one year. Additional one-year extensions will be considered for approval for up to a maximum of 5 years. Additional extensions will be determined based on compliance with conditions and written verification from owner that they are in the process of developing, selling, and/or working with LACCD or developer on a housing development project | ☑ |
| 3. Egress and ingress shall only be via Alameda Street | ☑ |
| 4. Operations shall be limited to the number, size, and height of truck trailers provided in the TUP | ☑ |
| 5. Any violations of the conditions or City laws could result in revocation of TUP | ☑ |
| 6. All conditions shall be agreed to by owner in a signed and notarized affidavit | ☑ |



SOMOS

# Truck Trailer Storage is a Legal Nonconforming Use

- The legal nonconforming use issue is dispositive for the future uses on the Property and informs the need for the TUP and subsequent TUP extensions.
- South Gate Municipal Code (SGMC) – "nonconforming industrial uses may continue in use in any zone where they were legally established." SGMC § 11.55.030.E.
- Legal nonconforming industrial use is preserved so long as it is **not abandoned or discontinued** for two consecutive calendar years. SGMC § 11.55.040.B.

**Truck Trailer Storage**

SOMOS

# Historic Aerial Photographs

2012

2018

2020

2022



SOMOS

# 50+ Years of Continuous Truck Trailer Storage Use

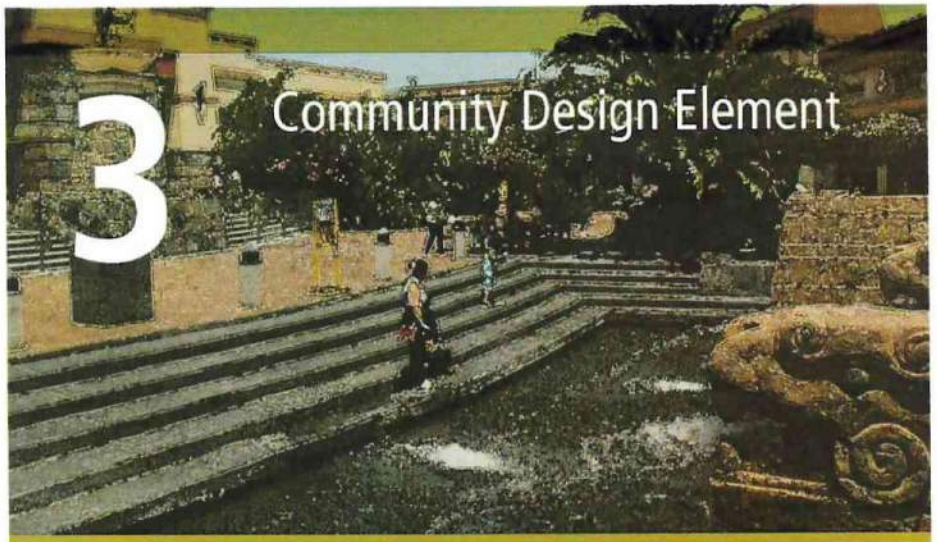
**Director Shall Evaluate**
**<u>All</u> of the Following to Determine that a Legal Nonconforming Use is Abandoned:**

1. **Owner's Intent**
2. **Furnishings Equipment & Personal Property**
3. **Abandoned 2+ Years**
4. **Licenses & Permits**
5. **Utilities**



SOMOS

# General Plan Compliance




**"Industrial and manufacturing uses should remain in the [South Gate College District] but could be phased out as the college district expands." South Gate General Plan 2035, Community Design Element, p. 106.**



SOMOS

Thank you

# APPENDIX



SOMOS

# Business License Compliance

**1973 - 2020**

**AEP/Jack Engle License**

**Fleet Yards License**

**2014 - Present**

**Zoning Clearance**

**Fleet Yards Auxiliary Permit**



SOMOS

ATTACHMENT E

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9529
www.cityofsouthgate.org

May 16, 2023

Mr. Alan Engle
Manager
Alameda Engle Properties LLC
2127 Century Woods Way
Los Angeles, California 900667

Re: City of South Gate's Denial of Request by Alameda Engle Properties, LLC . for Extension of Temporary Use Permit No. TUP 2020-01 for Truck-Trailer Storage at 8530 Alameda Street in South Gate, California

Dear Mr. Engle,

On May 2, 2023, the South Gate Planning Commission conducted a public hearing on the request by Alameda Engle Properties, LLC's ("AEP") to extend, for a period of one year, the term of Temporary Use Permit No. 2020-01 (the "TUP"). Such an extension would have allowed the continued storage of trucks and truck-trailers at 8530 Alameda Street (the "Premises") by AEP's tenant, Fleet Yards, Inc. ("Fleet Yards"). At the conclusion of that hearing, the Planning Commission upheld the City's earlier decision to deny the extension and not renew the TUP. AEP has now asked to appeal that decision to the South Gate City Council. For the reasons explained by the City Attorney's Office at the May 2, Planning Commission meeting and reiterated below, an appeal of this matter to the City Council is not available.

As the City has repeatedly advised AEP and Fleet Yards, the TUP was initially issued in error, because it purported to allow a "temporary" use of the Premises for a period of at least one year and possibly as many as five years, far in excess of the limited duration mandated by the Zoning Code. Temporary use permits, as the name implies, are intended to allow only short-term uses of land. Specifically, Section 11.51.070 of the Zoning Code states that the maximum duration of a temporary use permit **shall not exceed three days in a row or ten days in any calendar year**. It is unfortunate that the TUP was erroneously issued in 2020 for a much longer one-year period and erroneously renewed in 2021 for an additional one-year period. But those earlier errors do not entitle AEP to further extensions of the TUP for periods far in excess of the maximum durations authorized by the Zoning Code. Simply put, there is no authority in the Zoning Code for issuing or renewing a temporary use permit for any period longer than three consecutive days or ten days in any calendar year.

Furthermore, the original issuance of the TUP in violation of the Zoning Code also meant that the City was not required to grant AEP a hearing on the matter of renewing the TUP. Again, as publicly stated by the City's legal counsel at the Planning Commission meeting, the City granted that hearing as a matter of courtesy – something that was also explained to AEP in the course of the May 2 meeting. No hearing was required because no decision by the Planning Commission could have resulted in validation and extension of the TUP. Section 11.51.020 of the Zoning Code states that any permit conflicting with the provisions of the Zoning Code "shall be null and void." Both the TUP and the requested one-year extension conflict with the provisions of the Zoning

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
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Code. Therefore, regardless of whether the Planning Commission had voted to uphold or overturn the denial of the requested TUP extension, the result would have been the same: no valid permit would exist. A hearing before the City Council would be equally futile, as AEP would still have no valid permit regardless of whether the Council voted to uphold or overturn the denial of AEP's request to extend the TUP for another year. Therefore, an appeal to the City Council is neither warranted nor available.

AEP and its attorneys contend that Fleet Yard's use of the Premises for the storage of trucks and truck-trailers constitutes a legal non-conforming use which can be continued in the absence of the TUP and despite the fact that such use is not allowed under the current version of the Zoning Code adopted in 2015. Because renewal of the TUP is an impossibility, we recommend that AEP promptly provide the City with evidence supporting that legal non-conforming use argument. Before the City can agree that Fleet Yard's use of the Premises constitutes a legal nonconforming use, AEP and/or Fleet Yards must provide the City with clear evidence which at a minimum establishes two things:

1. That the Premises were used for the storage of trucks and truck trailers since before the 2015 zone change, and that such use has continued from then until now without any interruption longer than two years. Evidence that a truck or trailer was occasionally parked on the Premises for purposes of loading or unloading will not suffice. The City requires evidence that the Premises were being used for the *storage* of trucks and truck-trailers consistent with the customary legal application of "legal non-conforming" use, not that such trucks or trailers were merely present on the Premises for short periods in the normal course of their travels associated with the primary approved use and the only city licensed business being operated at the location (Metal Recycling Center).

2. That in connection with such storage, a Conditional Use Permit had been issued as required by the former Zoning Code. The City can find no indication that such a CUP was ever issued to AEP, Fleet Yards, or any former occupant of the Premises. Under the former Zoning Code, storage of trucks and truck-trailers without a CUP would not have complied with the Zoning Code and therefore could not be the basis for a claim of legal non-conforming use.

Additional to the lack of a CUP, the City does not have a record of any business(s) being licensed for the operation of a storage facility of trucks and/or truck trailers prior to the zone change in 2015 or afterwards.

**Community Development Department**
Meredith T. Elguira, Director of Community Development
8650 California Avenue, South Gate, CA 90280-3004
P: (323) 563-9529
www.cityofsouthgate.org

We urge AEP, as soon as possible, to either provide the evidence requested above or cause Fleet Yards to discontinue its storage of trucks and truck-trailers at the Premises. Failure to do so will result in enforcement action by the City.

Sincerely,

Meredith T. Elguira, Director

*cc:* Mr. Chris Jeffers, City Manager
Raúl F. Salinas, Esq.
Craig D. Hardwick Esq.

ATTACHMENT F

# City of South Gate

## PLANNING COMMISSION

# AGENDA BILL

For the Regular Meeting of: ***May 2, 2023***

***Senior Planner***: *Yalini Siva* ***Community Development Director***: *Meredith T. Elguira*

**SUBJECT: APPEAL OF THE DIRECTOR OF COMMUNITY DEVELOPMENT'S DECISION TO DENY AN EXTENSION OF TEMPORARY USE PERMIT NO. 2020-01 FOR TRUCK TRAILER STORAGE AT 8530 ALAMEDA STREET.**

**PURPOSE:** Public hearing to consider an appeal of the Director of Community Development's decision to deny an extension of Temporary Use Permit (TUP) No. 2020-01 for truck-trailer storage at 8530 Alameda Street, South Gate.

**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;
3. **ADOPT** the findings as outlined in Resolution No. 2023-02 (Attachment A); and
4. **UPHOLD** the decision of the Director of Community Development denying an extension of TUP No. 2020-01 by adopting Resolution No. 2023-05.

**PUBLIC NOTIFICATION:** Advertising and notification of the public hearing for this item was conducted in compliance with Sections 11.50.020 and 11.50.030 of the South Gate Municipal Code ("SGMC"). Notices of the hearing were posted and published in the *"South Gate Press"* on February 9, April 6 and April 20, 2023.

**ENVIRONMENTAL EVALUATION:** The California Environmental Quality Act ("CEQA"), codified at California Public Resources Code §§ 21000 *et seq.*, requires the City to consider the potential environmental impacts of any project which the City is asked to approve. State regulations known as the "CEQA Guidelines", codified at Division 6 of Title 14 of the California Code of Regulations, provide a number of "categorical exemptions" for activities which are not deemed to be projects under CEQA or which are otherwise not subject to CEQA. In the present case, the matter before the City Council is exempt from CEQA pursuant to a Class 1 exemption set forth in Section 15301 of the CEQA Guidelines. Class 1 exemptions apply to 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. Here, the Planning Commission is being asked to approve or deny a license to continue the existing or former use of the licensed facility and is therefore a matter covered by the Class 1 exception.

**BACKGROUND**: This is an appeal by Jason Engle on behalf of Alameda Engle Properties, LLC, the owner of property located at 8530 Alameda Street. Mr. Engle is appealing the Director of Community Development's decision to deny an extension or renewal of Temporary Use Permit 2020-01. The history of that Temporary Use Permit is as follows:

The City's Business License Department shows business license records (Attachment B) for "Jack Engle Co," which started business on April 18, 1977, and closed business on March 27, 2020, at 8530 Alameda Street. This business type was listed as a "Manufacturing – Metal" business with "outside storage only." The appellant and its predecessor had previously been utilizing the property to operate a metal recycling facility, in addition to the ancillary storage of truck containers and truck trailers.

Upon closing that business, the appellant continued to utilize the site by leasing the property to tenants for the

outside storage of truck trailers and truck containers. In order to do so, the applicant applied for, and received, Temporary Use Permit 2020-01. That permit "permitted the use of truck trailer storage for a one year period with possible one year extensions up to a maximum period of five years from the date of approval, at 8530 Alameda Street," with six conditions of approval. A July 16, 2020 letter from the City's former Director of Community Development, setting forth those conditions of approval for that permit, is attached hereto as Attachment C. As of the appeal date, the appellant has failed to comply with the required conditions of approval and has also been operating without a city business license.

The appellant applied for a "renewal" of Temporary Use Permit 2020-01 on July 11, 2022. For the reasons explained below, the City's current Director of Community Development declined to renew the permit. This appeal followed. The City Manager's January 12, 2023 letter to the appellant, and the appellant's January 26, 2023 letter in response, both pertain to that appeal and are attached here to as Attachment D and Attachment E.

**ANALYSIS**: The renewal application was denied because under the SGMC: (1) the use which is the subject of the Temporary Use Permit is prohibited at 8530 Alameda; and (2) Temporary Use Permits can only allow otherwise unauthorized uses to be conducted for a few days, not for multi-year periods.

Past/Proposed Use of Property is as a "Truck Storage/Terminal": Applicant and its tenant have been using the subject property to store trucks, truck-trailers, and storage containers. Under the SGMC, this use is defined as "truck storage/terminal" use which, pursuant to the SGMC Section 11.60.230 "T" definitions, "means indoor or outdoor site for freight, truck terminals, truck storage yards, or similar commercial facilities."

SGMC Prohibits that Use at 8530 Alameda Street: The subject property is zoned Industrial Flex (IF). Table 11.21-3, under SGMC Section 11.21.030 "Land use permissions tables", lists allowed land uses within the IF zone. Truck storage/terminal use is not listed on that Table as an allowed use within the IF zone. SGMC Section 11.21.020 notes that "Any land use that is not specifically listed in the land use tables for the applicable zone shall not be allowed or permitted within the zone." Therefore, the storage of trucks, truck-trailers and containers is a prohibited use in the IF zone.

Temporary Use Permits Cannot Authorize Prohibited Uses for Extended Durations. Pursuant to SGMC Section 11.51.070 "Temporary Use Permit," temporary use permits are processed administratively to "allow for short-term activities that warrant individual consideration and are acceptable because of their temporary, short-term nature." SGMC Section 11.51.070 (A) "Temporary Uses," also notes that the "provisions of this section shall regulate all special events and temporary land uses as permitted by Table 11.21-3, 11.21-4, or 11.21-5, as applicable to the zone, or as determined by the director." SGMC Section 11.51.010 (B) lists "Mandatory Approval Conditions" for temporary use permits, wherein there are "limits on the maximum duration will be specified in the permit, and shall not exceed three days in a row, or ten working days in any calendar year."

Original Issuance of the TUP was Done in Error, and Renewal of the TUP is not authorized by the SGMC. Based on the aforementioned reasoning, the City's current Director of Community Development determined that the City would not grant an extension of TUP 2020-01. That Temporary Use Permit should never have been issued in the first place, since it purported to authorize the subject use for one or more years, far longer than the three-consecutive-day and ten-nonconsecutive-day maximum periods authorized by the SGMC. The Director and the City Manager each communicated that decision to the appellant. Appellant has appealed that decision, which appeal is the subject of the above-referenced hearing.

**CONCLUSION**: Staff believes the Director's decision to deny the applicant's request to extend Temporary Use Permit 2020-01 is mandated by the SGMC. Staff recommends that the Planning Commission uphold the Director's decision and deny the appellant's request.

**ATTACHMENTS:**
A. Resolution No. 2023-05
B. Business license records
C. Temporary Use Permit 2020-01 approval letter, dated July 16, 2020
D. City Manager's letter, dated January 12, 2023
E. Appellant's letter, dated January 26, 2023

**WITHOUT ATTACHMENTS**

ATTACHMENT G

SOMOS
304 South Broadway, Suite 350
Los Angeles, CA 90013

March 13, 2025

***VIA U.S. and ELECTRONIC MAIL***

**Jennifer Daley**
SELA for a Better Tomorrow
PO Box # 13308
Los Angeles, California 90013
Email: selaforabettertomorrow@gmail.com

**Re: SELA Letter Concerning Alameda Engle Properties, LLC**

Dear Ms. Daley,

We are in receipt of your letter on behalf of SELA for a Better Tomorrow ("SELA") dated March 6, 2025 ("SELA Letter"). We are writing on behalf of Alameda Engle Properties, LLC ("AEP") to correct misstatements in the SELA Letter, and to address SELA's concerns regarding the truck trailer and container storage ("Site Operations") at 8530 Alameda Street (the "Property") which straddles the jurisdictions of the City of South Gate ("City") and Los Angeles County.

Herein and with respect to the SELA Letter, we address: (1) the longstanding legal conduct of the Site Operations at the Property; (2) the fact that levels of allegedly elevated arsenic in the City are not affiliated with the Property, the Site Operations, or AEP given the surrounding land uses; and (3) the fact that continuing the Site Operations at the Property until its transition at same to educational and institutional uses is in the best interests of all, including the citizens of South Gate. We appreciate this opportunity to respond directly to SELA's concerns and look forward to opportunities to meet with you and with SELA's membership to discuss how our collective concerns and interests regarding the Property can be collaboratively addressed.

As a threshold matter, we invite SELA's consideration of the points expressed in AEP's February 6, 2025 *Request for Appeal of Director's Determination and Noncompliance Notification* ("Appeal") attached for convenience as Exhibit A hereto and incorporated by reference herein. Adding to the points made in our Appeal, AEP specifically addresses the SELA Letter as follows:

SOMOS
304 South Broadway, Suite 350
Los Angeles, CA 90013

## I. AEP's operations are legal and have remained constant since 1973

The SELA Letter suggests that the Site Operations have operated illegally for three years "with no business license, no [Temporary Use Permit ("TUP")] or Conditional Use Permit…." In fact, the Site Operations have consistently operated in South Gate since 1973 and pre-date the currently applicable zoning at the Property. As such, all aspects of the Site Operations are "legal nonconforming uses," which are protected and specifically allowed to continue by the South Gate Municipal Code ("SGMC").[1]

Legal nonconforming uses are ***not*** illegal; they are land uses or structures that were lawful when they were established but no longer comply with the current zoning regulations. Since 1973, Site Operations at the Property have been operating lawfully and with City oversight. The City has issued multiple business licenses specially authorizing outdoor storage – an authorized use on the Property.

With respect to the Temporary Use Permit ("TUP") issued for the Property, as explained in AEP's Appeal, AEP was ***required*** to obtain the TUP by then Director of Community Development, Joe Perez. The City has acknowledged that requiring a TUP (instead of, for example, a Development Agreement or Conditional Use Permit) was in error. Given the uses of the Property never changed and the legal nonconforming use was maintained, no TUP should have been required in the first place.[2] Since the City's acknowledgement that the 2020 TUP was in error, AEP and its tenant (Fleet Yards) have worked diligently to resolve any permitting issues regarding the Property with the City.

## II. There is no link between the allegedly elevated local arsenic levels and the Property or AEP's operations at same

Arsenic is a naturally occurring element with levels that vary by locality. Arsenic is used in lead alloys (*e.g.*, for car batteries), wood preservatives (*e.g.,* railroad ties), and applications in the metallurgical, glass-making, and semiconductor industries. The SELA Letter references a federal Environmental Protection Agency ("EPA") study that purportedly found that 83 homes adjacent to the Property exceeded California's standards for acceptable levels of arsenic.[3] From this, the SELA Letter makes the unfounded suggestion that the AEP Operations or Property are responsible for this arsenic. This is wholly unsubstantiated.

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[1] *See* SGMC § 11.55, *et seq.* (Nonconforming Uses and Buildings).
[2] AEP has had no affiliation with Mr. Effren Martinez since the City's errant issuance of the TUP.
[3] The federal study referenced by SELA is not attached to or referenced by the SELA Letter.

SOMOS
304 South Broadway, Suite 350
Los Angeles, CA 90013

AEP has conducted substantial testing of its Property in coordination with the California Department of Toxic Substances Control ("DTSC"). AEP continues to work with DTSC to actively monitor the Property, and is in compliance with all DTSC requirements. The results of this testing indicate that any elevated levels of arsenic, which is naturally occurring in soil, is not present at the Property in concentrations above background. On this basis, any elevated levels of arsenic at adjacent properties are not related to AEP, the Site Operations, or the Property. Notably however, the Property is bordered by numerous industrial properties and uses likely to employ arsenic, including railroad tracks, glass manufacturing, and a metallurgical manufacturer.[4] In light of these facts, the SELA Letter's suggestion that AEP, the Site Operations, or the Property are responsible for any locally elevated arsenic levels is unsubstantiated and inaccurate.

## III. Continuing the Property's legal nonconforming use is in the interests of the City, its citizens, and AEP

We appreciate SELA's acknowledgement that the City's ongoing consideration of the industrial policies and zoning requires time to carefully study and consider the impacts of same. Despite its right to continue the legal nonconforming use, AEP is actively trying to transition the Property to a use compatible with the Industrial Flex ("IF") zoning now in place. Permissible uses in the IF zone include civic/institutional facilities, open space, office/research and development and light industrial uses.

Given the industrial nature of the surrounding properties however, both in the City as well as the County of Los Angeles, this transition is anticipated to require time and resources. AEP's support for this transition is funded by rental income received from the Property's current tenant, Fleet Yards. In order to minimize disruptions to the redevelopment process and preserve AEP's support for this transition, the current legally nonconforming use of the Property must continue until such time as a proposal for development of the Property consistent with the IF zone is received, or by 2035, consistent with the requirements of the current General Plan.

Prematurely terminating the currently legal use would not expedite the redevelopment process, invites legal challenges, and would likely cause unnecessary delays. Such delay benefits no one: not SELA; not the City; and certainly not he citizens and business leaders of the South Gate community.

[4] The Zoning Map for the City of South Gate is available HERE and attached as Exhibit B hereto. An aerial map of the Property and surrounding uses is available HERE and attached as Exhibit C hereto.

SOMOS
304 South Broadway, Suite 350
Los Angeles, CA 90013

## IV. Conclusion

AEP remains dedicated to cooperatively working with the City, South Gate community, and SELA in its path forward. AEP is open to feedback on the types of features that SELA and/or its members may have regarding the Property and its use. We look forward to the opportunity to meet with SELA to review how to address all parties' concerns regarding the Property and working together towards a community-based solution.

Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc:

Alan Engle, Alameda Engle Properties, LLC
Jason Engle, Alameda Engle Properties, LLC
Daniel Otting, Fleet Yards
Mayor Maria Davila
Rob Houston, City Manager
Raul Salinas, City Attorney
James Eckart, City Prosecutor
David Crabtree, Interim Community Development Director
John Signo, Planning Manager
Yalini Siva, Senior Planner

Exhibit A

AEP Request for Appeal of Director’s Determination

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

February 6, 2025

Office of the
South Gate City Clerk
FEB - 6 2025
FILED

VIA ELECTRONIC MAIL

David Crabtree
Interim Director of Community Development
City of South Gate
8650 California Avenue
Email: Dcrabtree@sogate.org

**Re: Request for Appeal of Director's Determination and Noncompliance Notification**

Dear Mr. Crabtree,

We are in receipt of your letter dated January 21, 2025 ("Director's Determination") and writing on behalf of Alameda Engle Properties, LLC ("AEP") to appeal the Director's Determination, and to correct misstatements made in the letter. We have provided substantial information to the City demonstrating that the metal recycling operations and truck trailer and container storage at 8530 Alameda Street (the "Property") were legal and nonconforming when established by right in 1973. As explained in more detail below, the City's interpretation of the South Gate Municipal Code ("SGMC" or "Code") is inconsistent with the code language and with the express protections for legal nonconforming uses in the Code and in the City of South Gate's General Plan ("General Plan").

AEP is aware of the City's intent to phase out industrial uses in the area in favor of educational and institutional uses. AEP has supported the City in this endeavor and worked diligently to propose several solutions that will help the City achieve these long-term goals. However, we cannot reach a resolution if the City is not willing to discuss these issues with AEP.

We write first to appeal the Director's Determination, but also to respectfully request the City to consider the alternative proposals and to meet with our office and AEP in order to reach an equitable solution. AEP remains dedicated to working with the City to reach a mutually-acceptable resolution outside of the context of an appeal. If a resolution cannot be reached, our appeal will proceed on the following grounds:

i. The City's interpretation of the legal nonconforming use provisions of the SGMC are inconsistent with the Code;
ii. The Director's Determination does not comply with codified requirements;
iii. The General Plan requires gradual phase-out for existing uses to avoid vacancy;
iv. Due Process; and
v. The City's failure to comply with the California Environmental Quality Act ("CEQA"), Ca. Pub. Res. Code §§ 21000, *et seq.*

## I. Introduction

The reason this issue is before the City is because then Director of Community Development, Joe Perez, errantly required AEP to obtain a Temporary Use Permit in 2020 instead addressing the legal nonconforming use issue at that time, or pursuing an appropriate entitlement, such as a DA or CUP. The City did not communicate this failure to AEP for several years – until the current tenants, Fleet Yards, attempted to renew their operating permits. Since the City's communication that their 2020 requirements were in error, AEP, together with Fleet Yards, have worked diligently to resolve this issue with the City. As acknowledged in the Director's Determination, truck trailer and container storage has been a lawful use on the Property since 1973 as part of the metal recycling facilities that operated until 2020. This is demonstrated with Certificates of Occupancy and business licenses issued by the City that address the use. The truck trailer and container storage continued on the Property pursuant to entitlements that the City required of AEP, and continues to operate today.

At the City's recommendation, AEP submitted several options to correct the City's 2020 error. The solutions presented include 1) proposed terms for a Development Agreement ("DA") including market research to support viable alternate uses, third-party partnerships as envisioned in the General Plan, medium-term phase out of the current use, and a timeline with measurable milestones to facilitate redevelopment/alternative use. Our initial timeline was based on the phase-out language in the General Plan. The DA terms were submitted to the City on June 18, 2024 of last year. Although it has had 6 months to review the proposed terms, the City has not yet responded or provided feedback, or been willing to meet with our office to reach a resolution. Also at the recommendation of the City, our office submitted an application for a Zone Change ('ZC") and General Plan Amendment ("GPA") which can achieve the City's goals by 1) adding text for structured phase-out[1] or 2) reverting the Property to its previous M3 designation until a viable use or development partner is identified. The City did not acknowledge receipt of the application for nearly 2.5 months after it was filed – notwithstanding consistent follow-up from my office regarding the status of the

[1] We understand that only the City can initiate text changes to the SGMC and General Plan. These options were presented to the City in good faith and at the recommendation of City representatives, with the intention of adding the language required to help the City achieve its redevelopment goals in the South Gate Community College District and to provide structure for phasing out the current use.

application and invitations to discuss. These discussions are crucial because the Property is uniquely situated. Approximately 33 percent of the Property is located outside of the City in unincorporated Los Angeles County – and zoned for heavy industrial uses consistent with the current use. In addition, the only exit/entrance located on the property is located outside of the City's jurisdiction. As described in more detail below, the Property is also subject to additional development constraints. A viable solution for redevelopment of any kind must be compatible with these external constraints. Immediate termination of the existing use would result in a regulatory taking of the portion of the Property located in South Gate. To avoid this outcome, AEP again invites the City to discuss the proposed alternatives at any time convenient to the City.

## II. Analysis

### a. The Director's Determination is Unsupported by the SGMC

#### i. The Code Does not Allow the Director to Differentiate Ancillary from Primary Uses

The SGMC unequivocally requires protection for "all nonconforming buildings or uses, including outdoor activities such as product storage or parking."[2] The SGMC specifically protects all parts of a legal nonconforming use. Before a use or any part of a use can be terminated for abandonment or discontinuation, the Director must make substantiated findings that the use is "***wholly discontinued or abandoned*** for a continuous period of two calendar years."[3] The Director cannot make such findings based on the documentation submitted to the City. In addition, the City must treat "an existing use of any part of a building or property … to be an existing use throughout that building or property, including outdoor activities."[4] This language clarifies that once a use is legally established, it is legally established for the entirety of the property – indicating that separating parts of a property or parts of a use are inappropriate in a legal nonconforming use analysis. Here, the truck trailer and container use has been a continuous use on the property since the metal recycling operations began in 1973. This has been documented at length in letters and materials submitted to the City on April 27, 2023, May 2, 2023, May 16, 2023, and August 17, 2023. On August 17, 2023, our office provided copies of all available business licenses for the property. Any licenses that were not available were requested from the City, but not provided. The licenses issued to Jack Engle and Company ("JECO") for the Property span between 2015 and 2018, and specifically acknowledge that "outdoor storage" as an authorized use on the site. There is no delineation between primary and ancillary uses on the permits. In addition, our office provided licenses issued to Fleet Yards that specifically acknowledge a special permit for "outdoor storage." As you know, the City must

[2] SGMC § 11.55.020.
[3] SGMC § 11.55.040(D).
[4] SGMC § 11.55.030(O).

conduct zoning compliance review as part of its business license process,[5] the City reviewed, and issued business licenses specifically authorized "outdoor storage" repeatedly – first to JECO and then to Fleet Yards, as demonstrated by the business licenses that we provided to the City spanning between 2015 and 2020. By authorizing "outdoor storage" via the business licenses, the use was legally established as applied to the entirety of the Property pursuant to Section 11.55.030(O).

The Director cannot claim that the use been "wholly" discontinued based on this prior authorization of the metal recycling operations and specifically of the outdoor storage – even after the City rezoned the Property from M3 to IF. In addition, there is no language in the entirety of SGMC Chapter 11.55 – *Nonconforming Uses and Buildings*, that suggests that the Director is authorized to bifurcate different parts of a legal nonconforming use to justify termination. This interpretation is inconsistent with a plain read of the Code. In addition, based on publicly available information, there are no examples of the City using this interpretation for similarly-situated properties.

ii. Immediate Termination of the Existing Use is Inconsistent with the SGMC and the General Plan.

Because vacant property does not serve the City, its constituents, or the local community, both the SGMC and the General Plan specifically provide for gradual phasing out of noncompatible existing uses as future uses become viable. Section 11.22.060 of the SGMC states in relevant part that "The purpose of the industrial flex zone is to continue the industrial job base in the area, while allowing flexibility to incorporate a mix of uses and job options."[6] The General Plan states in relevant part that "**Industrial and manufacturing uses should remain in the area** but could be phased out as the college district expands."[7] In addition, the General Plan anticipates phasing out consistent with the course of the current plan, which does not terminate until 2035. Our initial DA proposal adopted the same timeline to ensure consistency with the General Plan. However, prior to the appeal hearing, we would appreciate the opportunity to meet with the City to discuss revised DA terms, including a revised timeline. As explained in more detail below, an immediate transition to an alternate use is not feasible or practical on the Property due to its unique location, an existing restrictive covenant, and heavy industrial surroundings both within and outside of the City's jurisdiction. As required by the Code and the General Plan, a gradual transition is better suited to address the interests and concerns of both the City and AEP.

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[5] See the City of South Gate's requirements for obtaining a new business license, including review of a Zoning Clearance Form by the Community Development Department, available here: https://www.cityofsouthgate.org/Business-Development/Your-Business/Permits-Licenses/Business-Licenses

[6] SGMC § 11.22.060.

[7] General Plan Community Design Element, Policy P.6.

iii. The Director's Determination Violates Codified Procedural Requirements

The Director did not address codified requirements for legal nonconforming use analysis in the Director's Determination. In order to establish that a use has been "wholly discontinued or abandoned" [8] for the requisite two-year period, the Director is required to make specific findings, supported by evidence in the determination.[9] These findings must include:

1. The apparent intent of the owner;
2. Presence or absence of personal property associated with the use;
3. Presence or absence of furnishings, equipment and other property associated with the use; and
4. Continuity of utility service to the property[10]

The Director's findings do not address any of the criteria above. As noted in our previous correspondence, the evidence submitted to the City does not support a finding that the use has been wholly discontinued or abandoned. AEP has communicated directly to City[11] that its intent is to continue current operations until a viable alternative use or development partner is identified. The Director does not address the owner's intent in the Determination Letter. On April 27, 2023 and August 17, 2023, our office provided photographs, utility records, historic licenses, business ledgers and comparable documentation demonstrating that the truck trailers and containers are still located on the property, that the facilities to coordinate this use are still located on the property, and that utility service to the Property is and has been current so that the use can continue. In addition, AEP has provided private tours of the Property to City staff and elected officials as part of its ongoing good faith efforts to reach an equitable resolution. For these reasons, the Director's findings are not substantiated by evidence, or compliant with SGMC requirements.

b. <u>The City's Management of the Legal Nonconforming Use Gives Rise to Substantive and Procedural Due Process Concerns.</u>

The Applicant's rights to substantive and procedural due process is protected by the California Constitution.[12] This includes adjudication of land use issues free from arbitrary, capricious, or discriminatory determinations by City staff.[13] On several occasions, the City's management of this matter indicate violations of AEP's

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[8] SGMC § 11.55.040(D).
[9] SGMC § 11.55.040(D).
[10] SGMC § 11.55.040(D).
[11] On June 18, 2024, AEP submitted proposed terms for a Development Agreement that would phase out the current use over time while the parties worked together to identify viable alternative uses.
[12] Cal. Const. art I §7.
[13] *Arnel Development Co. v. City of Costa Mesa* (1981)126 Cal.App3d 330, 335-6 (A city cannot unfairly discriminate against a particular parcel of land, and the courts may properly inquire as to whether the scheme of classification has been applied fairly and impartially in each instance.") *Wilkins v. City of San Bernardino*, (1946) 29 Cal.2d 332, 338; *City of Orange v. Valenti* (1974) 37 Cal.App.3d 240, 243.

constitutional right to due process. This issue has been raised in previous correspondence, but more recently, on or around March 19, 2024, we were asked to file a request for a Zone Change and General Plan Amendment by City representatives. After months of follow-up correspondence with the City, we filed the application on October 14, 2024. Although our office has been in consistent contact with the City since filing the application, the City did not acknowledge receipt of the application, assign a planner, or begin processing the application until January, 2025 – nearly 2.5 months after filing. Similarly, at the request of City representatives, AEP submitted proposed terms for a Development Agreement that would phase out the current use. We shared this proposal on June 18, 2024, but have not received feedback from the City on the terms.

On May 17, 2024, our office requested specific documents relating to the City's misstatements during a May 2, 2024 Planning Commission hearing, and made several inquiries about the City's allegations regarding changes to the SGMC. Although it took the City several months to provide responsive documents, the City was unable to provide most of the documents that we requested, including previous iterations of the code and older business licenses. In addition, we did not receive responses to our questions about the previous code changes. Our office located some of these records independently, and immediately shared them with the City. The Director's Determination cites a 1988 change to the SGMC that required a Conditional Use Permit – This information was specifically requested by my office on May 17, 2024, but never provided in the City's responsive documents. In addition, where, as here, the uses on the Property were established in 1973, subsequent entitlement requirements from 1988 would apply only to new uses or facilities. We have provided substantial documentation that the previous uses on the Property, including metal recycling and truck trailer and container storage were allowed by right at the time they were established in 1973. Finally, as noted above, the Director's Determination does not substantiate several of the City's claims, as required in the code, and adopts an interpretation of the City's legal nonconforming use provisions that is inconsistent with the code language and is unique to AEP's property. Based on publicly-available information and the documents provided by the City, the City's treatment of this Property is unique and arguably arbitrary, capricious, and inconsistent with Constitutional due process requirements.

c. Termination of the Legal Nonconforming Use is a *de facto* Regulatory Taking.

The City's 2015 Zone Change and General Plan Amendment changed the zoning on the Property from "M3" – Heavy Manufacturing to "IF" -Industrial Flex, within Subarea 1 of the South Gate College District – a sub district created by the 2015 General Plan Amendment. However, the 2015 changes to the General Plan severely restrict future uses on the Property – many of which are not immediately viable because of the Property location and unique characteristics. For this reason, the SGMC and the General Plan specifically prioritize protecting existing businesses as noted above until alternative uses are identified.

Although the IF zone allows a small range of uses, such as research and development facilities, mixed-use and residential uses, these uses are severely limited by the South Gate College District designation. In this subdistrict, the only uses permitted are civic/institutional facilities, open space, office/research and development and light industrial uses. Residential uses are not permitted, and retail uses are discouraged. The General Plan explains that this subdistrict was designed to be a redevelopment in partnership with local community college districts, only to be executed after the City prepared a Specific Plan or Precise Plan together with a community college partner.[14] The purpose of this Specific Plan/Precise Plan was to identify viable alternative uses on the Property *prior* to phasing out the existing use. The City has had 10 years to initiate preliminary planning stages. However, to date, the City has prepared no such plan. For this reason, we included market studies and milestones in the DA proposal to help the City complete this preliminary requirement for redevelopment.

AEP has worked diligently and in good faith with the City to propose solutions that achieve its long-term vision for the Property. However, immediate transition to these uses is not feasible or practical.

The Property is surrounded by heavy industrial uses on 3 sides, including metal fabrication facilities, automotive repair yards, train tracks, warehouses, and similar uses. In addition, we understand from County representatives that adjacent property to the east (bordered by residential uses in South Gate) is slated for development of an additional warehouse facility – meaning that all four sides of the Property will eventually be bordered by heavy industrial uses. The majority of these uses are located outside of the City's jurisdiction.

The Property is also restricted pursuant to an agreement with the Department of Toxic Substances Control ("DTSC"). Pursuant to this agreement, the South Gate portion of the Property may not be used for residential uses, or for educational facilities for persons under 18 years of age. A copy of these restrictions is attached as Exhibit A. This means that prior to creating the Specific Plan or Precise Plan anticipated in the General Plan, coordination with DTSC on the proposed use, protection measures, and additional restrictions would need to be factored into an appropriate phase-out term that allows productive use of the Property while a viable future use or development partner is identified. For this reason, the General Plan does not allow immediate termination of existing uses.

In addition, the General Plan subdistrict designation appears to preclude any use that is not affiliated with a community college district. In light of the status of the Specific Plan/Precise Plan, the surrounding heavy industrial uses that are not subject to South Gate's jurisdiction, and additional use restrictions from DTSC – terminating the current use without a bridge solution would result in indefinite vacancy and a *de facto* regulatory taking.

[14] General Plan, Community Design Element, Policy P.2.

d. The City Has Not Considered the Environmental Consequences Resulting from the Termination of the Existing Land Use in Favor of Alternative Land Uses Inconsistent with the Requirements of CEQA.

The City's termination of the long-standing use of the AEP property effectively changes the AEP property's land use designation in a way that is clearly intended to alter development patterns. Such changes would likely result in new significant environmental impacts, or at a minimum, would increase the severity of effects which may have been identified previously. For example, the land uses permitted by the South Gate College District designation (*e.g.*, civic/institutional facilities, open space, office/research and development and light industrial uses) will change the type and frequency of vehicles accessing the AEP Property and general area. This is, of course, why the General Plan envisioned the South Gate College subdistrict would be supported by a Specific Plan or Precise Plan which would comply with CEQA.

As mentioned previously however, no Specific Plan/Precise Plan to identify viable alternative uses on the AEP Property prior to phasing out the existing use has been completed and as such, no environmental analysis under CEQA in support of said Specific Plan/Precise Plan has been prepared. To terminate the long-standing land use at the AEP Property prior to completing this Specific Plan/Precise Plan and analyzing the environmental impacts of same is inconsistent with a core tenet of CEQA that environmental review must precede the approval of a definite course of action by the City.

Here, the City's termination of the existing land uses at the AEP Property in favor of alternative land uses whose environmental impacts have not been evaluated violates the requirements of CEQA.

## III. Conclusion

AEP remains dedicated to reaching a resolution with the City via the pending ZC/GPA application, revisiting the proposed DA terms, or such other structure that the Parties deem appropriate. We are available to coordinate a meeting to discuss additional options at your earliest convenience.

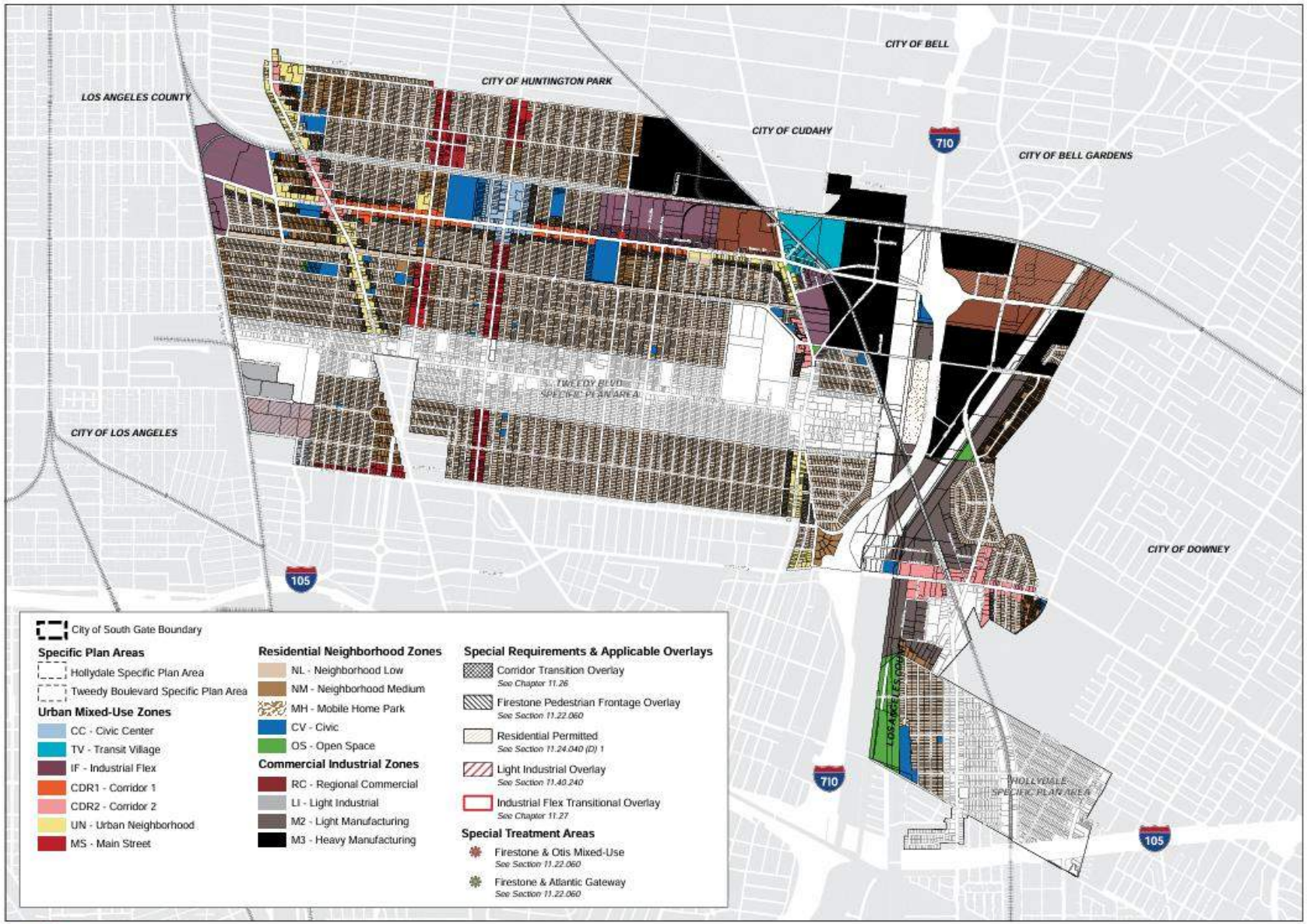
Sincerely,

Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc:
Alan Engle, Alameda Engle Properties, LLC
Jason Engle, Alameda Engle Properties, LLC
Daniel Otting, Fleet Yards
Rob Houston, City Manager
Raul Salinas, City Attorney
James Eckart, City Prosecutor

Exhibit B

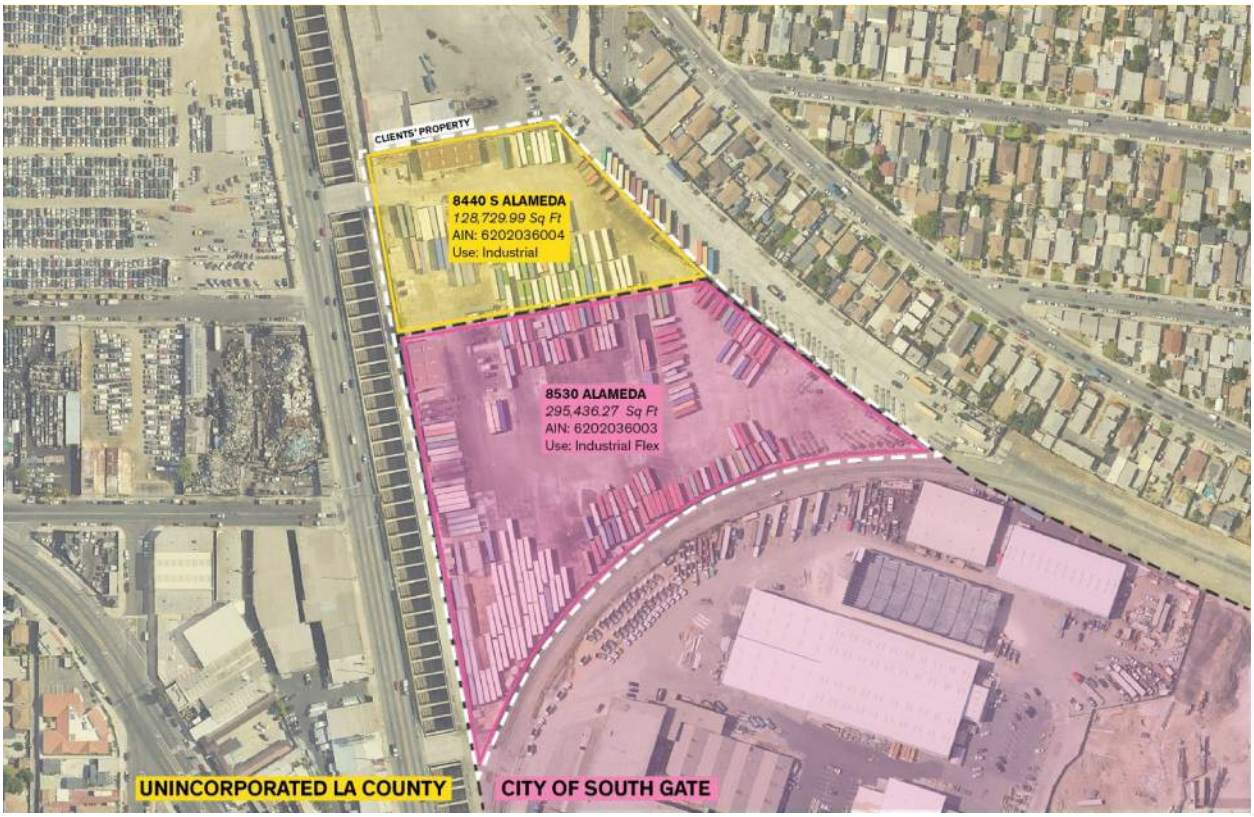
City of South Gate Zoning Map




**Zoning Map**
City of South Gate

Exhibit C

Property Map


CLIENTS' PROPERTY
8440 S ALAMEDA
128,729.99 Sq Ft
AIN: 6202036004
Use: Industrial
8530 ALAMEDA
295,436.27 Sq Ft
AIN: 6202036003
Use: Industrial Flex
UNINCORPORATED LA COUNTY
CITY OF SOUTH GATE

ATTACHMENT H

March 6, 2025

**VIA U.S. MAIL AND EMAIL**

Mayor Maria Davila
City of South Gate
8650 California Avenue
South Gate, CA 90280
mdavila@sogate.org

**Re: Immediate Demand for Enforcement of City Codes and Accountability for Illegal Operations in the City of South Gate**

Dear Mayor Davila and City Officials,

This letter is submitted on behalf of SELA for a Better Tomorrow, a 501(c)(3) nonprofit organization (SELA), and the concerned residents of South Gate who we represent.

You and the City of South Gate (the "City") have a legal and moral obligation to uphold the City's own codes, yet have repeatedly failed to do so, allowing numerous ***illegal*** and ***dangerous*** operations to continue unchecked. If immediate corrective action is not taken, SELA will have no choice but to proceed with legal action, including seeking a writ of mandate for injunctive and declaratory relief to compel the City to enforce its own regulations and protect the health and wellbeing of its residents.

***We want to be clear***—we are well-funded and have engaged both paid and pro-bono legal counsel to achieve our objectives. We are fully prepared to pursue all necessary legal avenues to ensure compliance with the law and hold you and other City officials accountable for their continued negligence.

SELA FOR A BETTER TOMORROW
PO BOX #13308, LOS ANGELES, CA 90013 | 323-510-6433
SELAFORABETTERTOMORROW@GMAIL.COM

# Illegal Operations and the City's Failure to Act

Numerous properties in South Gate, including but not limited to:

- 8530 Alameda St. (Alameda Engle Properties, LLC);
- 9313 Rayo Ave. (Mr. C's Towing of South Gate. Inc.); and
- 4552 Ardine St. (Titan Terminals and Transport Inc. / J.B. Hunt Transport Services, Inc.)

are operating ***without*** permits, zoning approvals, Environmental Impact Reports (EIRs), proper grading, water runoff plans, cleanup systems, traffic studies or infrastructure to mitigate the environmental and public health risks associated with their use. These businesses have been operating for years in direct violation of the City's own codes, with full knowledge of City officials, yet no meaningful enforcement action has been taken.

Our investigators have evidence that the Engle truck yard at 8530 Alameda St. was issued a Temporary Use Permit (TUP) in 2020, which ***expired*** on July 16, 2021. The City itself has acknowledged that this permit was issued in error, as a TUP is only valid for "three days in a row or ten working days in any calendar year." Despite this, the truck yard has been operating continuously and ***illegally*** for over three years, with no business license, no TUP or Conditional Use Permit in violation of multiple laws and at the expense of the City's residents and environment. Why has the City allowed a well-known zoning violator to continue to conduct illegal business for years while others are cited?

Similarly, the property at 4552 Ardine St. was illegally converted into a container yard by Titan Terminals over a decade ago. No zoning approvals, permits, or environmental clearances exist for this container yard. The property has been graded, leased, and used for industrial purposes without any standard environmental safeguards, endangering the health and safety of residents.

At 9313 Rayo Ave., Mr. C's Towing illegally established a yard on a contaminated EPA Superfund Site (formerly Cooper Drum Co.). The site, known to contain toxic substances, is directly adjacent to the LAUSD's Tweedy Learning Center, placing students and staff at serious health risk. The City has allowed this illegal operation to continue without requiring proper permitting, zoning, or environmental review.

# Failure to Enforce City Codes & Zoning

The City has an obligation to enforce its General Plan and zoning ordinances, which designate these areas as Industrial Flex ("IF")—not Heavy Manufacturing ("M3"). The City claims these properties are under administrative review and that they will need to request a zone change, while the City takes no meaningful action, conducts no traffic or environmental studies and holds no public meetings. The City continues to ignore its own policies, allowing truck yards and industrial operations to persist illegally and at great harm to residents. The proposal to rezone this parcel from IF to M3 and revert back to its previous use is a step backward from South Gate's goals of sustainability and growth. In addition, this proposal cannot be made by the applicant, Somos Law Group representing Alameda Engle Properties, LLC. An amendment to this zoning code must be initiated by the City, be it the City Council, Planning Commission, or City Manager.

We know the City is in the process of an industrial use study to decide how to move forward with its industrial zones. The Engel property is in an area that's already been rezoned to less intensive uses and if the City decides to limit M3 zones, this request would contradict the City's future plans. The City cannot allow the application to move forward until the industrial study is completed.

Since December 2023, repeated attempts by residents and community leaders, including Felipe Guerrero, to raise these concerns have been dismissed by City officials, including City Manager Rob Houston and City Attorney Raul Salinas. Hundreds of residents have signed petitions demanding enforcement, yet their voices are being ignored. This inaction raises serious questions about potential corruption and conflicts of interest within City Hall.

# Links to Regional Corruption and Negligence

We are aware of the recent criminal investigations into municipal corruption in Huntington Park, where city officials were raided by the L.A. County District Attorney's Bureau of Investigation. One of the individuals under investigation, Efren Martinez, was the consultant responsible for securing the illegitimate TUP at 8530 Alameda St. The parallels between South Gate's failure to enforce the law and Huntington Park's backroom deals are alarming.

Furthermore, Fenix Entrepreneur's Martin Fierro, a key player in Commerce's truck parking scandal, has made financial contributions to South Gate officials. Given that he is under FBI investigation for paying off Commerce officials to secure illegal truck storage permits, his ties to South Gate raise significant concerns.

In addition, Michael Welsh, owner of Mr. C's Towing and Fubar Properties LLC, donates directly to the City and has been penalized by the Fair Political Practices Division for violating campaign contribution laws.

Why is South Gate allowing illegal truck storage operations while accepting donations from individuals involved in such schemes?

## Environmental & Public Health Crisis

The Department of Toxic Substances Control ("DTSC") has conducted contamination soil and soil vapor testing and has identified high levels of lead, arsenic and volatile organic compounds (VOCs), like PCE, TCE, PCBs, and benzene at each of these illegal sites. The DTSC states that when VOCs are not properly cleaned up, as in the cases of the above-named properties, they can migrate from soil or water into buildings through a process called vapor intrusion. Vapor intrusion contaminates indoor air quality which can impact the respiratory system and potentially cause cancer over time.

A Federal EPA study of 83 homes adjacent to 8530 Alameda found that ***all*** exceeded California's acceptable arsenic level (0.11 mg/kg), with 5 homes testing at over 15 mg/kg—***136 times the safe limit***.

Exposure to these contaminants can cause cancer, especially of the bladder, lung, and kidneys, neurological damage, reproductive harm, organ failure, and developmental problems in children. Without proper cleanup, these toxins leach into the air, soil, and water, threatening public health and safety.

# Safety and Quality of Life for Residents

The City's failure to enforce the law is destroying the safety and quality of life for the residents of South Gate. Because the truck yards are completely unregulated, they contribute to an increase in traffic accidents, some fatal, pedestrian danger and deaths, excessive traffic, road damage, reduced parking in residential areas, noise pollution, property damage, decreased property values and homelessness. In choosing to repeatedly ignore the issues of safety and quality of life for South Gate, the City has cultivated mistrust and low morale among residents.

# Demand for Immediate Action

The City of South Gate must immediately:

1. **Issue a cease and desist letter to shut down illegal truck yards and industrial operations** at 8530 Alameda St., 9313 Rayo Ave., and 4552 Ardine St. because they have no legal permits to operate.
2. **Enforce zoning laws and cease granting unlawful permits** that violate the 2015 General Plan Amendment.
3. **Investigate potential conflicts of interest and corruption** regarding political donations and business dealings tied to illegal operations.
4. **Hold public hearings on environmental remediation efforts** and allocate funding for community improvements rather than allowing backroom deals.
5. **Work with the EPA and DTSC to ensure proper cleanup** of contaminated sites and prevent further exposure.

The failure of South Gate officials to act has already put lives at risk, eroded public trust, and facilitated environmental and economic injustice. We demand that you ***do your job*** and enforce the laws for the benefit of residents—not for the profit of your donors and other special interests.

We expect a written response outlining the City's plan to immediately rectify these violations within ten days of this letter. If the City fails to take corrective action, we will pursue legal action and expose this dereliction of duty in court and in the public eye.

The residents of South Gate deserve transparency, accountability, and leadership that prioritizes their health and safety—not secret deals and political favors. The era of unchecked corruption and environmental destruction must end, and we are prepared to hold those responsible ***fully accountable***.

Sincerely,

Jennifer Daley
SELA for a Better Tomorrow

SELA FOR A BETTER TOMORROW
PO BOX #13308, LOS ANGELES, CA 90013 | 323-510-6433
SELAFORABETTERTOMORROW@GMAIL.COM

cc: Joshua Barron (jbarron@sogate.org)
Vice Mayor

Maria del Pilar Avalos (mpavalos@sogate.org)
Council Member

Gil Hurtado (ghurtado@sogate.org)
Council Member

Al Rios (arios@sogate.org)
Council Member

David M. Crabtree (dcrabtree@sogate.org)
Interim Community Development Director

Rob Houston (rhouston@sogate.org)
City Manager

Raul Salinas (rsalinas@sogate.org)
City Attorney

James Eckart (jeckart@drllaw.com)
City Prosecutor

John F. Signo (jsigno@sogate.org)
Planning Manager

# Draft Complaint

SELA for a Better Tomorrow

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**COUNTY OF LOS ANGELES**

| | |
|---|---|
| SELA FOR A BETTER TOMORROW, a California non-profit corporation,<br><br>Petitioner and Plaintiff,<br>vs.<br><br>CITY OF SOUTH GATE, and DOES 1-25, inclusive,<br><br>Respondents and Defendants. | CASE NO.:<br><br>**PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF:**<br><br>**1. WRIT OF MANDATE – CODE OF CIVIL PROCEDURE § 1085;**<br>**2. INJUNCTIVE RELIEF AS AUTHORIZED BY LAW;**<br>**3. DECLARATORY RELIEF AS AUTHORIZED BY LAW** |

Plaintiff/Petitioner SELA For A Better Tomorrow hereby brings this action against Defendant/Respondent, City of South Gate, and Does 1-25 (collectively, "Respondents"), and alleges the following:

**PARTIES**

1. Plaintiff/Petitioner SELA For A Better Tomorrow ("SELA") is a California nonprofit 501(c)(3) corporation. SELA was formed for the purpose of advocating for progressive and environmental causes. Its headquarters are located at PO Box 13308, Los Angeles, California 90013. SELA is entitled to the relief requested below because it and its members are beneficially interested in, and/or adversely affected by, the City's adoption, implementation and enforcement of the Ordinance's provisions challenged herein.

2. Defendant/Respondent, City of South Gate (the "City") is a municipal corporation whose officers, officials an agents are responsible for enacting, implementing and enforcing the Ordinance, including its "no vending" zones and other restrictions challenged herein.

**JURISDICTION AND VENUE**

3. Jurisdiction over this action is proper in the Superior Court of the State of California because the Court has general subject matter jurisdiction and no statutory exceptions to jurisdiction exist.

4. Venue is proper in this Court pursuant to California Code of Civil Procedure section 394, because each Respondent and Defendant is a city or local agency and is situated in Los Angeles County. Cal. Civ. Proc. Code § 394 ("An action or proceeding

against a . . . city, or local agency, may be tried in the county . . . in which the city or local agency is situated.”).

///

## FACTUAL BACKGROUND

5. For many properties particularly, 8530 Alameda St. (Alameda Engle Properties, LLC), 9313 Rayo Ave. (Mr. C’s Towing) and 4552 Ardine St., do not have permits, temporary or conditional use permits, zoning, Environmental Impact Reports, grading, proper water runoff, sufficient cleanup systems, proper infrastructure, or traffic studies for the actual use of these properties for several years.

6. The truck yard at 8530 Alameda St. was operating under a Temporary Use Permit (TUP) that was issued in 2020 and expired on July 16, 2021. The City maintains that the permit was originally issued in error. The City’s position is that the TUP is allowed to be in effect for “3 days in a row or 10 working days in any calendar year,” a regulation that this business violated by operating daily. Since July 16 2021, the truck yard has been operating continuously and illegally, without a TUP or a Conditional Use Permit. A true and correct copy of the City’s notification to Alameda Engle Properties, LLC, owner of 8530 Alameda St., regarding its non-compliance is attached hereto and incorporated herein as **Exhibit “1”**.

7. The property at 4552 Ardine St. was purchased by Titan Terminals over a decade ago and converted into a container yard illegally. In fact, there was even a citation for it issued. Titan demolished the building, graded the land and illegally leased it out to JB Hunt, the current tenant onsite, without approval, zoning or permitting for this use.

There are no water run-off plans, asphalt work, proper lighting or screening, and no Environmental Impact Report assessing contaminants.

8. At 9313 Rayo Ave in South Gate, a tow yard was erected illegally. This is a historically contaminated government Superfund Site (on record with the EPA as Cooper Drum Co. at 9316 Atlantic Ave., which is on the same property). The tenant is Mr. C's towing and this yard was created without proper permitting, zoning or infrastructure for this use. This site is contaminated and located directly next to Tweedy Learning Center, an LAUSD adult continuation school, putting students and staff at risk for contamination.

9. The City is obligated to enforce their own codes, as these properties are not zoned for their current use, including trucking and truck and tractor trailer storage.

10. The City determined years ago by the 2015 General Plan Amendment that this area is to be used for Industrial Flex (IF) not Heavy Manufacturing (M3), specifically for use by the South Gate College District to benefit residents.

11. The City has been violating the law and their own codes since 2021, and the City has ignored residents since they took action and exposed these violations in 2023. SELA and local residents have repeatedly voiced their concerns about these violations and the health hazards at numerous city council meetings and hundreds of residents have signed the petition to shut down the illegal yards. Attached hereto and incorporated herein as **Exhibit "2"** are true and correct copies of citizen complaints and their petition regarding this unlawful conduct.

12. Felipe Guerrero, a South Gate resident who brought these signatures and complaints from the community to Rob Houston, Raul Salinas, etc. via numerous letters, emails, and meetings since December 2023 (see attached exhibit) has been completely dismissed by the council.

13. SELA's representatives have interfaced with the community, obtained health and environmental data, and conducted research to determine the connections between City council members and the illegal property owners/tenants to better understand why this urgent issue and residents' voices are being consistently suppressed without justification.

14. By allowing these sites to continue illegal operations, the properties and their owners have evaded environmental regulations that are designed protect public health. The Department of Toxic Substances Control (DTSC) provides oversight of these sites with known soil and water.

15. Contamination soil and soil vapor testing have shown high levels of lead arsenic volatile organic compounds (VOCs) like PCE, TCE, PCBs and benzene. VOCs are chemicals used for industrial purposes that emit as gases from solids or liquids and are classified as toxic and dangerous to humans and the environment. They are found in gasoline, diesel fuel, solvents and industrial de-greasers. Exposure to VOCs is through inhalation, skin contact, and ingestion. The DTSC states that when VOCs are not properly cleaned up, as such in the cases of the above named properties, they can migrate from soil or water into buildings through a process called vapor intrusion. Vapor intrusion can affect indoor air quality which can impact the respiratory system and potentially cause cancer over time.

16. Without a comprehensive and adequate cleanup plan, these contaminants will continue harming the environment and potentially impact the respiratory nervous digestive and reproductive system and cause cancer.

17. A Federal EPA study was conducted on 83 homes adjacent to the Engle property at 8530 Alameda St. (information via Rossmery Zayas at Communities for a Better Environment) for levels of arsenic. California's acceptable level of arsenic for homes is 0.11mg/kg. All 83 homes tested above the state limit, with 5 out of the 83 testing above 15 mg/kg. That is 136 times the acceptable amount. The long-term effects of arsenic include cancer (especially bladder, lung, and kidney cancer), cardiovascular disease, diabetes, liver and kidney damage, nerve damage and developmental problems in children.

18. In addition to irreparable health and environmental damage, the City's ongoing failure to enforce the law is destroying the safety and quality of life for the residents of South Gate. These unchecked trucks are causing traffic accidents, some fatal, pedestrian danger, excessive traffic, road damage, a lack of parking, noise pollution, and decreased property values.

**FIRST CAUSE OF ACTION**
**Against All Respondents**
**(Writ of Mandate – Code of Civil Procedure § 1085)**

19. Petitioners reallege and incorporate by reference each and every allegation contained in the above paragraphs.

20. The City has a clear and present duty to carry out their regulation, enforcement and oversight of permits, temporary or conditional use permits, zoning, Environmental

Impact Reports, grading, water runoff, sufficient cleanup systems, proper infrastructure. However, the City has fallen woefully short of its duties in this regard, thereby entitling SELA to a writ of mandate under California Civil Procedure Section 1085, directing and requiring the City to comply with its regulations.

21. At all relevant times, Respondents have had the ability to fulfill their duties under the law.

22. At all relevant times, the City has failed to proceed in the manner required by law.

23. Respondents' actions as alleged herein were arbitrary, capricious, and contrary to law, and not supported by evidence.

24. Both in writing and otherwise, SELA has objected to the City's unlawful conduct, and continue to do so up to the present.

25. SELA has a clear and present beneficial and/or pecuniary interest in the issuance of a writ of mandate because, unless this petition is granted, SELA and others similarly situated will be denied the benefits of the City's zoning regulations.

26. SELA has no plain, speedy or adequate remedy in the ordinary course of law. Unless this Court grants the relief requested, the City will continue to fail and refuse to perform their legal duties. No money damages or other legal remedy could adequately compensate SELA or the public for the injury and hardship attributable to the City's unlawful conduct.

27. The City, moreover, owes a legal duty to SELA and residents of South Gate to enforce its laws.

28. Section 1021.5 of the Code of Civil Procedure provides that attorneys' fees may be awarded to a successful party against one or more opposing parties in any action which has resulted in the enforcement of an important right affecting the public interest. SELA is entitled to such an award of attorneys' fees for the following reasons:

a. SELA is informed and believes, and thereon alleges, that the general public or a large class of persons has a significant interest in, and will derive a significant benefit from, the relief prayed for herein.

b. The general public will derive a significant benefit from the proper enforcement and application of the law.

c. The general public will derive further significant benefits from this action and the relief prayed for herein, in that such relief will further the State's goals by eliminating hazardous and toxic conditions.

29. The City's compliance with its regulations is a matter of great public concern. The necessity and financial burden of private enforcement by SELA is such to make an award of attorneys' fees appropriate, and such fees should not, in the interests of justice, be borne by SELA.

**SECOND CAUSE OF ACTION**
**Against All Respondents**
**(Injunctive Relief As Authorized By Law)**

30. Petitioners reallege and incorporate by reference each and every allegation contained in the above paragraphs.

31. SELA has no plain, speedy, and adequate remedy for the City's wrongful conduct in violation its laws. Monetary damages cannot adequately compensate for the irreparable injuries caused thereby.

32. Unless enjoined by this Court, the City will continue to violate its' code in all of the respects complained of herein.

33. SELA is entitled to preliminary and permanent injunctive relief prohibiting _____. Absent intervention by the Court, SELA, and others similarly situated, have and will continue to suffer irreparable injuries through the City's wrongful conduct detailed herein.

34. For the reasons alleged above, Petitioners are entitled to an award of attorneys' fees under Section 1021.5 of the Code of Civil Procedure.

**THIRD CAUSE OF ACTION**
**Against All Respondents**
**(Writ of Mandate – Code of Civil Procedure § 1085)**

35. Petitioners reallege and incorporate by reference each and every allegation contained in the above paragraphs.

36. An actual controversy presently exists between SELA and the City concerning the City's enforcement of its laws because SELA contends that the City has consistently failed to enforce those laws, to the detriment of the community.

37. SELA is informed and believes, and thereon alleges, that the City denies SELA's contentions and further deny that they have acted in contravention of the law in any respect.

38. SELA therefore seeks a judicial determination of the rights and duties of the parties with regard to the City's failure to enforce its laws concerning permits, temporary or conditional use permits, zoning, Environmental Impact Reports, grading, water runoff, sufficient cleanup systems, proper infrastructure, and traffic studies.

39. Such a declaration is necessary and appropriate at this time so that SELA and the City may ascertain their respective rights, duties and responsibilities in connection with the matters alleged in this Petition.

40. For the reasons alleged above, Petitioners are entitled to an award of attorneys' fees under Section 1021.5 of the Code of Civil Procedure.

**PRAYER FOR RELIEF**

WHEREFORE, SELA requests that this Court:

1. Issue its alternative writ of mandate and/or order to show cause directing the City to enforce all aspects of its Code, specifically with regard to its laws concerning permits, temporary or conditional use permits, zoning, Environmental Impact Reports, grading, water runoff, sufficient cleanup systems, proper infrastructure, and traffic studies.
2. Upon return of the alternative writ and/or the hearing on the order to show cause or alternatively in the first instance, issue a peremptory writ ordering Respondents to enforce all aspects of its Code, specifically with regard to its laws concerning permits, temporary or conditional use permits, zoning, Environmental Impact Reports, grading, water runoff, sufficient cleanup systems, proper infrastructure, and traffic studies.;
3. Enter such temporary restraining orders, preliminary injunctions, and permanent injunctions to prohibit the City from _____;

4. Enter injunctive relief against Respondents requiring them to _____; and

5. Enter as part of the requested (a) writ of mandate, (b) injunctive relief and (c) declaratory judgment, a determination that Respondents are required (i) _____.

*SELA For A Better Tomorrow*

# Exhibits

## Meeting this week?

2 messages

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Mon, Feb 24, 2025 at 6:17 PM
To: rhouston@sogate.org

Hi Rob,

Can we set up an in-person, zoom, or phone meeting with you and anyone else at South Gate who is interested, prior to the next city council meeting on 3/11/25? We are available most days and times from 2/26 to 3/10. The sooner the better. What days and times work best for you?

The environmental non-profit organization I work with, SELA For a Better Tomorrow, has been offered pro bono legal help in shutting down unpermitted illegal truck yards, especially those operating in South Gate at or near 8530 Alameda St., 4552 Ardine St., 9313 Rayo Ave, etc. The city council is allowing them to operate without the proper permits or proper zoning, harming residents and the environment. Before we go down this legal route, we would appreciate the chance to discuss this with you.

We'd like to address our concerns and points with you to see if we can amicably resolve our issues and protect the South Gate residents and environment.

Please let me know when you are available.

Thank you,

--
Jennifer Daley
SELA For a Better Tomorrow

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Wed, Feb 26, 2025 at 12:29 PM
To: rhouston@sogate.org

Hi Rob,
Just confirming you received my email and a request for a meeting. Are you available early next week for a meeting or call?

Thanks.
[Quoted text hidden]

Gmail

Jennifer Daley <jennifer.lee.daley@gmail.com>

## Can we set up a meeting?

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Wed, Feb 26, 2025 at 10:31 AM
To: jbarron@sogate.org

Hi Josh,

Can we set up an in-person, zoom, or phone meeting with you and anyone else at South Gate who is interested, prior to the next city council meeting on 3/11/25? We are available most days and times from 2/26 to 3/10. The sooner the better. What days and times work best for you?

The environmental non-profit organization I work with, SELA For a Better Tomorrow, has been offered pro bono legal help in shutting down unpermitted illegal truck yards, especially those operating in South Gate at or near 8530 Alameda St., 4552 Ardine St., 9313 Rayo Ave, etc. The city council is allowing them to operate without the proper permits or proper zoning, harming residents and the environment. Before we go down this legal route, we would appreciate the chance to discuss this with you.

We'd like to address our concerns and points with you to see if we can amicably resolve our issues and protect the South Gate residents and environment.

Please let me know when you are available.

Thank you,

--
Jennifer Daley
SELA For a Better Tomorrow

Gmail

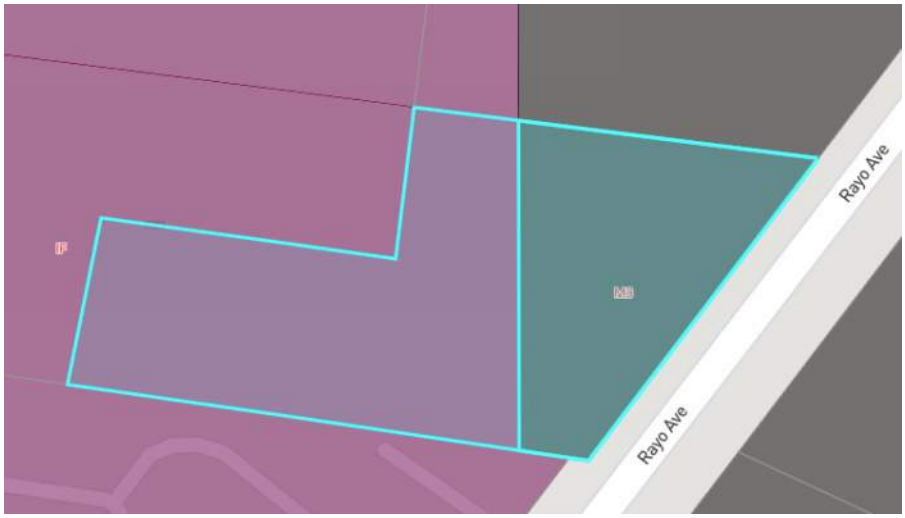
Jennifer Daley <jennifer.lee.daley@gmail.com>

## Update on Mr. C's and Jack Engel

**Rob Houston** <rhouston@sogate.org> Thu, Feb 20, 2025 at 9:57 AM
To: Jennifer Daley <jennifer.lee.daley@gmail.com>
Cc: Pilar Avalos <mpavalos@sogate.org>, Al Rios <arios@sogate.org>, Yodit Glaze <yglaze@sogate.org>

Jennifer,

Thank you for your inquiry. At this point in time I can share with your information on the 9313 Rayo site that you mentioned. This site is now owned by Mr. C's towing and a portion of the parcel is zoned M3 to legally allow tow yard operations including storage. They are only using the portion zoned for this use (see parcel map below) until they conduct a zone adjustment process with the Planning Commission for the remainder of the property.




**Rob Houston**
**City Manager**

City of South Gate / City Manager's Office
8650 California Avenue, South Gate, CA 90280

**P:** (323) 563-9503

**E:** rhouston@sogate.org

**W:** cityofsouthgate.org

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**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Thursday, February 13, 2025 8:43 AM
**To:** Rob Houston <rhouston@sogate.org>; Pilar Avalos <mpavalos@sogate.org>; Al Rios <arios@sogate.org>; Yodit Glaze <yglaze@sogate.org>
**Subject:** Update on Mr. C's and Jack Engel

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

[Quoted text hidden]

**image002.png**
9K

Gmail

Jennifer Daley <jennifer.lee.daley@gmail.com>

## Update on Mr. C's and Jack Engel

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Thu, Feb 13, 2025 at 8:43 AM
To: rhouston@sogate.org, mpavalos@sogate.org, arios@sogate.org, Yodit Glaze <yglaze@sogate.org>
[redacted]

Mr. Houston, Mr. Rios and Ms. Avalos,

Thank you for hearing our concerns regarding the illegal and toxic truck yards in South Gate at the South city council meeting on 1/28/25. I and four other community members publicly commented and several other residents joined us, in hopes that we would get answers from you as to why it's taken so long for the council to protect residents and uphold the law with the illegal yards operating at 8530 Alameda, 9313 Rayo and 4552 Ardine.

Mr. Houston, you stated that work is being done behind the scenes that you can't share publicly, which we understand, but there has not been any meaningful response or sign of action by the council since 2021.

We need a response as to how and why truck yards are allowed to operate without permits or an EIR, and a timeframe in which changes will be made. What is the date these yards will be required to comply with the law, or be shut down? Or are you expecting your community to wait another four years for any action?

Please let me know so I can share info with the hundreds of people who are waiting on you.

Thank you,

--
Jennifer Daley

To: South Gate City Council
Rob Houston, City Manager
Yodit Glaze, City Clerk
1/28/25

Good evening Mayor and South Gate City Council,

My name is Jennifer Daley and this is the third time I've spoken to the council on behalf of concerned residents who oppose the illegal truck yards in South Gate. I am joined by supporters Gabi Gutierrez, Kirby Blanton, Joanne Kim, Dominic Fawcett, and Omar Ruiz and Felipe Guerrero.

For two years, your residents have brought you their concerns about the illegal yards at 8530 Alameda St., 4552 Ardine St., and 9313 Rayo Ave. and you have blatantly ignored them. The yard at 8530 Alameda Ave. has been violating the law and operating without a permit since July 2021. These were temporary agreements during the pandemic, but almost four years later nothing has been done to fix the problem. At 9313 Rayo Ave., Mr. C's Towing has a new tow yard established mysteriously without any permits. This is located directly next to the Tweedy Learning Center and is contaminated, subjecting students to cancer-causing chemicals.

Zoning laws and environmental regulations exist to protect the health and safety of residents and to ensure that development is sustainable and benefits the people, not corporations and government officials. You have thrown out the Environmental Impact Report (EIR) and environmental protections by allowing these properties to operate. The area is a source of extreme toxic pollution, including vapor intrusion and contaminated groundwater, and it's making people near the site sick.

We have witnessed repeated failures to protect the welfare of your citizens. Are you turning a blind eye to this illegal operation because of financial interests? What council members are supporting the illegal operations of these properties and why? Is there anyone on the council opposing them, and supporting the residents?

There's another question that's been weighing on many of us: Who are city officials receiving donations from, how much are they for, and what do those donations mean for the people? We all know that money has power. Are your donors coming from trucking companies so they can ignore environmental laws and pollute neighborhoods?

Recent news exposing government corruption in neighboring cities like Commerce have to make us think, could this be the case for South Gate as well? Is a financial exchange allowing truck yards to operate with impunity? If so, this is not just a failure of governance—it's theft of resources that should be going into South Gate's schools, infrastructure, health and safety.

It's time for the city to uphold the law, enforce environmental protections and shut down these toxic truck yards. It's time to put people over corporate interests. The residents of South Gate deserve better than to be subjected to cancer-causing pollution and ignored by the very people they elected to protect them.

Jennifer Daley

jenifer daley

1/28/25
jennifer.lee.daley@gmail.com

TO: South Gate City Council
Rob Houston, City Manager
Yodit Glaze, City Clerk
1/28/25

Hello South Gate Mayor and City Council,

My name is Gabi Gutierrez and I'm a diver, aquarium educator and ocean advocate. I'm here for the second time on behalf of over 300 residents who signed a petition calling for the immediate shutdown of the illegal truck yards in South Gate, particularly the one at 8530 Alameda Street. For over two years, your residents have been raising concerns about the dangerous levels of groundwater contamination and vapor intrusion in this area. Despite repeated emails, calls and petitions, your residents have been ignored.

What makes this situation even more troubling is that the truck yard at 8530 Alameda Street was allowed to bypass important environmental processes, like the Environmental Impact Report and the Conditional Use Permit process. These processes are in place to ensure that the impacts on the community—on health, water, and air—are fully evaluated before businesses can operate. Allowing this truck yard to bypass these regulations has put everyone at risk.

These truck yards are a serious threat to public health. Water and air tests show toxic levels of contamination endangering residents living nearby. Lead, arsenic, and VOCs are seeping into groundwater, which is Southeast LA's drinking water, and draining into the ocean.

As a long-time environmental advocate, I've seen the devastating effects of industrial negligence, and I can tell you that this issue will only worsen the longer it's left unaddressed. With the devastating fires in Los Angeles, we are seeing the clear effects of climate change, and every city government needs to do their part by enforcing environmental protections to protect future generations.

We understand there are challenges, but the city must prioritize the safety of its people. Shutting down these illegal truck yards and addressing the contamination is not just a request—it's a responsibility to protect South Gate's residents. The yards have operated for almost four years without permits, and people can no longer afford to wait. The time to act is now.

We're asking the city to hold the illegal truck yards accountable and ensure proper cleanup of these areas. The health of the community should never be compromised for the sake of corporate interests.

Thank you for your time.

Gabriela Gutierrez

1/28/25
gabriela.mele.Gutierrez@gmail.com

TO: South Gate City Council
Rob Houston, City Manager
Yodit Glaze, City Clerk
1/28/25

Good evening, South Gate Mayor and City Council,

Thank you for the opportunity to speak tonight. My name is Kirby Blanton and I work in early education and mental health in Los Angeles. I'm here to speak on the damage being caused by deals the council has made with illegal truck yards in South Gate. I want to raise a serious concern about South Gate's future—one that's been made clear by the recent scandal in Commerce, where city officials were caught accepting bribes, costing taxpayers millions. This corruption often starts with seemingly harmless deals made under pressure, and during the pandemic, many cities like South Gate and Commerce faced financial struggles. Some of these rushed agreements with private companies, especially in industries like trucking, need to be examined closely.

Now, years later, we need to ask: Were these deals made to benefit the community, or were they made to benefit corporate interests at the expense of the people who live here? Just as Commerce is now paying the price for their unchecked decisions, we must ensure South Gate doesn't follow the same path.

Another concern is the growing influence of donations to local government officials. It's critical to maintain transparency and ensure no external influence is guiding city decisions. If these donations are shaping policies that harm South Gate residents, that's a direct conflict of interest that we must address.

Most importantly, we must protect the resources that should be benefiting our community, especially in education and mental health services. The money that should be directed into our schools, our infrastructure, and our residents' health is being diverted to serve corporate interests. This is theft—not just of money, but of the future of South Gate's children, schools, and the vital health support so many people rely on.

It's time to review these past agreements, ensure they comply with the law, and correct any mistakes made. You need to put South Gate's future first by upholding transparency, enforcing environmental protections, and ensuring that the money meant to serve our community goes toward education, mental health, and public services—not into the pockets of those who break the law.

Thank you.

Kirby Blanton

1/28/25
Kirbybliss24@gmail.com

TO: South Gate City Council
Rob Houston, City Manager
Yodit Glaze, City Clerk
1/28/25

Good evening City Council and residents of South Gate,

My name is Joanne Kim, and I'm a sustainable fashion designer and cancer research advocate. I'm here today to speak about a critical health issue affecting our community: the pollution from illegal truck yards, particularly the one near 8530 Alameda Street.

Recent vapor intrusion testing in this area has revealed alarmingly high levels of lead, arsenic, and volatile organic compounds (VOCs) in nearby homes. These are toxic substances that directly harm the respiratory, nervous, digestive, and reproductive systems. Long-term exposure to these chemicals can lead to serious health issues, including cancer, which disproportionately affects vulnerable populations, particularly children.

As I'm sure you know, the connection between these environmental toxins and the rise in cancer cases is proven. The levels of contamination found in South Gate are not just a concern—they are a public health crisis that cannot be ignored. These illegal truck yards have been allowed to operate without proper oversight, bypassing critical environmental protections like the Environmental Impact Report (EIR) and the Conditional Use Permit (CUP) process, which are meant to safeguard the health of our residents.

So, I have to ask: Which City Council members would allow these detrimental truck yards to continue operating unchecked, knowing the health risks they pose? And why?

It is unacceptable that this situation has been allowed to persist. The city has the responsibility to uphold the law and protect its residents. Shutting down these illegal, contaminated truck yards and beginning the cleanup process is not just a request—it's an urgent need.

I urge the city council to take immediate action. Enforce the law, hold these truck yards accountable, and prioritize the health and safety of South Gate residents. This issue cannot wait any longer.

Thank you.

Joanne Kim

1/25/28
joanne.s.kim@gmail.com

TO: South Gate City Council
Rob Houston, City Manager
Yodit Glaze, City Clerk
1/28/25

Hello Mayor, City Council Members, and the residents of South Gate,

My name is Omar Ruiz, and I am a 20 year old student and lifelong resident of South Gate. My family, friends, and I have been working for the past two years to raise awareness about the dangers, pollution and unsafe roads caused by the illegal truck yards at 8530 Alameda St., 4552 Ardine St., and 9313 Rayo Ave. We've gathered hundreds of signatures and listened to countless residents share their concerns about the worsening conditions in our city.

People in our community are living next to toxic truck yards and dealing with serious health problems. Kids can't walk home from school or play outside because of dangerous truck traffic and a lack of pedestrian safety. There have been several fatalities caused by truck accidents. The air is polluted, and riding a bike in South Gate is nearly impossible because the roads are overrun by truck traffic. People can't sleep at night because trucks run overnight on residential streets. The truck companies litter neighborhoods and take up parking.

My family and I are deeply worried about our health and the future of our community. We've tried reaching out to the City Council in every way possible, but you are ignoring us. How are we supposed to trust the city to protect us when corporations are breaking the law and damaging our environment?

It feels as if the City Council hopes we'll go away if we're ignored long enough. But we won't. Our health and safety are too important, and it's your responsibility to protect them.

We need action now. Please listen to your residents, and make the changes necessary to protect our community.

Thank you for your time.

Omar Ruiz

Omar Ruiz

01/28/25

## Public Comment - Today

4 messages

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Tue, Dec 10, 2024 at 3:24 PM
To: yglaze@sogate.org

City Council,

I am in need of an update on the illegal truck yards operating at 8530 Alameda Street and 4552 Ardine Street, and a new illegal yard at 9313 Rayo Street. I have not received a response from Ms. Elguira, Mr. Salinas or Mr. Houston to my email requesting answers on 11/25/24.

All of these yards have been operating without proper permits and the council continues to deny knowing about it, or claims to be "looking into it," and then ignores our requests for answers. There is obviously illegal business taking place between the truck yards and the council and you are trying to sweep it under the rug.

As a reminder, a Temporary Use Permit was issued in error for 8530 Alameda Street and the Community Development Director declined to renew the TUP on 7/11/22. That was two and a half years ago and the yard has been operating illegally since then. The city council has said they have been "reaching out to the owner" and "looking into" the problem for over a year.

Your residents are in need of answers and a resolution so their living conditions improve. They are sick of the traffic, unsafe roads, lack of parking, excessive pollution, noise, trash dumping and unsafe homeless camps surrounding the yards.

This has taken far too long and your lack of response and action is unacceptable. I need to provide an update to your residents who have given hundreds of their signatures in opposition of illegal truck yards. They want answers and action.

**So I ask you: What is the timeline for how long it will take to get the property owners to comply? What action is the council taking to enforce the law and protect your residents?**

Thank you,

Jennifer Daley
Environmental Justice Advocate

---

**Yodit Glaze** <yglaze@sogate.org> Tue, Dec 10, 2024 at 4:05 PM
To: Jennifer Daley <jennifer.lee.daley@gmail.com>

Hello Ms. Daley,

Thank you for your email regarding public comment for tonight's meeting. I appreciate your engagement in our community matters.

Rest assured, I have received your comment and will include it with my reading.

If you have any further questions or concerns before the meeting, please feel free to reach out.

Best regards,

Yodit Glaze

City Clerk

---

**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Tuesday, December 10, 2024 3:25 PM
**To:** Yodit Glaze <yglaze@sogate.org>
**Subject:** Public Comment - Today

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

[Quoted text hidden]

Gmail

Jennifer Daley <jennifer.lee.daley@gmail.com>

## City council mtg - response needed

1 message

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Wed, Dec 11, 2024 at 10:52 PM
To: rhouston@sogate.org, rsalinas@sogate.org, Meredith Elguira <melguira@sogate.org>
[redacted]

City Council,

Below you will find the public comment I submitted for this week's city council meeting on 12/10. I look forward to your timely response.

---
City Council,

I am in need of an update on the illegal truck yards operating at 8530 Alameda Street and 4552 Ardine Street, and a new illegal yard at 9313 Rayo Street. I have not received a response from Ms. Elguira, Mr. Salinas or Mr. Houston to my email requesting answers on 11/25/24.

All of these yards have been operating without proper permits and the council continues to deny knowing about it, or claims to be "looking into it," and then ignores our requests for answers. There is obviously illegal business taking place between the truck yards and the council and you are trying to sweep it under the rug.

As a reminder, a Temporary Use Permit was issued in error for 8530 Alameda Street and the Community Development Director declined to renew the TUP on 7/11/22. That was two and a half years ago and the yard has been operating illegally since then. The city council has said they have been "reaching out to the owner" and "looking into" the problem for over a year.

Your residents are in need of answers and a resolution so their living conditions improve. They are sick of the traffic, unsafe roads, lack of parking, excessive pollution, noise, trash dumping and unsafe homeless camps surrounding the yards.

This has taken far too long and your lack of response and action is unacceptable. I need to provide an update to your residents who have given hundreds of their signatures in opposition of illegal truck yards. They want answers and action.

**So I ask you: What is the timeline for how long it will take to get the property owners to comply? What action is the council taking to enforce the law and protect your residents?**

Thank you,
--
Jennifer Daley
Environmental Justice Advocate

## Illegal truck yards - Update needed

1 message

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Mon, Nov 25, 2024 at 2:16 PM
To: rhouston@sogate.org, rsalinas@sogate.org, Meredith Elguira <melguira@sogate.org>
[redacted]

Hello Meredith, Rob and Raul,

I am writing to get an update on the illegal truck yards operating at 8530 and 8440 Alameda Street. A Temporary Use Permit was issued in error for 8530 Alameda Street and the Community Development Director declined to renew the TUP on 7/11/22. The yard has been operating illegally since then and the city council has been reaching out to the owner and "looking into" the problem for over a year.

I am in contact with dozens of your residents who are in need of answers and a resolution so their living conditions improve. They are sick of the traffic, road conditions, lack of parking, excessive pollution and noise, trash dumped by the truck companies and unsafe homeless camps surrounding the yards.

Meredith is not getting back to me. **Can you provide me with a timeline of how long it will take to get the property owner to comply?** I would like to provide this update for residents who want answers and have given hundreds of their signatures in opposition of illegal truck yards.

Thank you,

Jennifer Daley
jennifer.lee.daley@gmail.com

---------- Forwarded message ---------
From: **Jennifer Daley** <jennifer.lee.daley@gmail.com>
Date: Thu, Nov 14, 2024 at 3:04 PM
Subject: Re: 10/22 Meeting - Following up
To: Meredith Elguira <melguira@sogate.org>

Hi Meredith,

Thank you for the response on November 11. My question remains as to why it has taken so long for the property owner to comply with the city's municipal code. The fact that this yard has been operating illegally for many years and has not come into compliance is concerning. Do you know if there is a timeline for compliance or can the property owner drag this on indefinitely? Felipe Guerrero has voiced this concern to the city for well over a year to no avail.

Is it the city's position that anyone can set up an illegal operation and drag out the process of coming into compliance indefinitely? If this is not the case, then the City of South Gate sure makes it seem like it welcomes illegal truck yards.

Can you provide me with a timeline of how long it will take to get the property owner to comply? I would like to provide this update for residents who want answers.

Thank you,

Jennifer Daley

Sent from my iPhone

On Nov 11, 2024, at 10:44 PM, Meredith Elguira <melguira@sogate.org> wrote:

Hello Jennifer,

The parcel located at 8440 Alameda St is outside of the City of South Gate's jurisdiction. The parcel's address south of 8440 S Alameda is 8530 Alameda St and this parcel is located in the City of South Gate. We are currently working with the property owner to get them comply with the City's municipal code. The parcel at 4552 Ardine St currently has an active business license is an auxiliary location to Titan Terminal and Transportation Inc. Staff did not see trucks parked at 5767 Imperial Hwy when they visited the site, however, there are two container units parked across the front of the property line to prevent public access but I've asked staff to inform the owner that these must be removed.

The other questions you have regarding public records will need to be addressed by the City Clerk's Office.

**Meredith T. Elguira**
**Director of Community Development**
**City of South Gate | Community Development Department**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9566
**E:** melguira@sogate.org
**W:** cityofsouthgate.org

---

**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Thursday, October 31, 2024 2:59 PM
**To:** Meredith Elguira <melguira@sogate.org>
**Subject:** Re: 10/22 Meeting - Following up

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

Hi Meredith,

I'm still waiting on your response to my previous email. Can I get an update on my questions outlined below?

Thanks.

On Fri, Oct 25, 2024 at 2:43 AM Jennifer Daley <jennifer.lee.daley@gmail.com> wrote:

> Hi Meredith,
>
> I was in attendance at the city council meeting this week on 10/22 and delivered public comment. Can I get responses from you on the following questions I brought to the council?
>
> - What is the status of the truck yards operating at 8440 Alameda St, 4552 Ardine St and 5767 Imperial Highway? Are they operating with legal and current permits or not?
>
> - Why weren't any of the emails, letters and phone calls between Felipe Guerrero and the city council on record? Why weren't the signatures he got from residents on record?
>
> - On 1/8/24 you stated in a letter to Felipe: "The operator filed an appeal against the Planning Commission's decision to uphold the staff's decision, and our attorney is currently reviewing supporting evidence on the appeal. We have not decided if we will accept and present the appeal. If our staff chooses to take the appeal to the Planning Commission, we will send out a public notice to all interested parties, including the petitioners on your list."
>
> What has occurred since that statement? Did you present the appeal? What was the outcome?
>
> - Why are we back to square one when Felipe was told this was being worked on in January?
>
> Thank you,
>
> --
>
> jennifer daley
>
> 858-361-1092
> jennifer.lee.daley@gmail.com
>
> jendaley.com
>
> IMDb
>
> instagram

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jennifer daley

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IMDb

instagram

--
jennifer daley

858-361-1092
jennifer.lee.daley@gmail.com

jendaley.com
IMDb
instagram

Gmail

Jennifer Daley <jennifer.lee.daley@gmail.com>

## 10/22 Meeting - Following up

**Jennifer Daley** <jennifer.lee.daley@gmail.com>
To: Meredith Elguira <melguira@sogate.org>

Thu, Nov 14, 2024 at 3:04 PM

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Is it the city's position that anyone can set up an illegal operation and drag out the process of coming into compliance indefinitely? If this is not the case, then the City of South Gate sure makes it seem like it welcomes illegal truck yards.

Can you provide me with a timeline of how long it will take to get the property owner to comply? I would like to provide this update for residents who want answers.

Thank you,

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**Meredith T. Elguira**
**Director of Community Development**
**City of South Gate | Community Development Department**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9566
**E:** melguira@sogate.org
**W:** cityofsouthgate.org

[Quoted text hidden]

Gmail

Jennifer Daley <jennifer.lee.daley@gmail.com>

## 10/22 Meeting - Following up

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Thu, Oct 31, 2024 at 2:58 PM
To: Meredith Elquira <melquira@sogate.org>

Hi Meredith,
I'm still waiting on your response to my previous email. Can I get an update on my questions outlined below?

Thanks.
[Quoted text hidden]

## 10/22 Meeting - Following up

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Fri, Oct 25, 2024 at 2:43 AM
To: Meredith Elquira <melquira@sogate.org>

Hi Meredith,
I was in attendance at the city council meeting this week on 10/22 and delivered public comment. Can I get responses from you on the following questions I brought to the council?

- What is the status of the truck yards operating at 8440 Alameda St, 4552 Ardine St and 5767 Imperial Highway? Are they operating with legal and current permits or not?

- Why weren't any of the emails, letters and phone calls between Felipe Guerrero and the city council on record? Why weren't the signatures he got from residents on record?

- On 1/8/24 you stated in a letter to Felipe: "The operator filed an appeal against the Planning Commission's decision to uphold the staff's decision, and our attorney is currently reviewing supporting evidence on the appeal. We have not decided if we will accept and present the appeal. If our staff chooses to take the appeal to the Planning Commission, we will send out a public notice to all interested parties, including the petitioners on your list."
What has occurred since that statement? Did you present the appeal? What was the outcome?

- Why are we back to square one when Felipe was told this was being worked on in January?

Thank you,

--
jennifer daley

858-361-1092
jennifer.lee.daley@gmail.com

jendaley.com
IMDb
instagram

Jennifer Daley
1247 Hyperion Ave.
Los Angeles CA 90029
858-361-1092

Rob Houston
City Manager
City of South Gate
8650 California Ave.
South Gate, CA 90280

October 08, 2024

South Gate City Council,

My name is Jennifer Daley and I'm an environmental activist extremely concerned by the illegal truck yards doing business in South Gate. I was born in Montebello, grew up in Pico Rivera and have lived in Silver Lake for almost 15 years. My uncle was a corporate truck driver all over Southeast LA for his entire career, so I have become familiar with the harmful impact these truck companies can have on the community when they go unchecked.

The truck yard at 8530 Alameda in South Gate is operating under a Temporary Use Permit (TUP). It was issued in 2020 and expired on July 16, 2021. The city maintains that the permit was issued in error. Since July 2021, the trucks have been operating without a TUP and without a Conditional Use Permit. The city's position is that the TUP is allowed to be in effect for "3 days in a row or 10 working days in any calendar year." This un-permitted yard has been operating continuously since July 16, 2021 without a permit.

I've spoken to South Gate residents who are dealing with the daily challenges caused by these illegal truck yards: pollution, dangerous roadblocks, deadly collisions, traffic, no parking and the disregard and trashing of residential areas. These residents have collected hundreds of signatures to shut down the illegal truck yards, but the city has ignored them and the trucks are running rampant through the neighborhoods. Why is this?

What is a Temporary Use Permit? The Alameda truck yard is still running, so these permits appear to be completely meaningless. Are they legally allowed to operate permanently?

This leads me to another question: are there backroom deals being made here that are granting the truck companies legal immunity? Who does the council represent? These

special interests or the people?

Because no action has been taken by the city, we have no other choice but to bring these serious concerns to the press and to other activist groups in protest.

Thank you for your time and consideration in addressing the concerns of your constituents. We look forward to your action on this issue.

Jennifer Daley

10/22/24
To: Rob Houston
South Gate City Council

My name is Gabi Gutierrez and I am a resident of Echo Park, Los Angeles. I work in Long Beach with many people from South Gate, so I have become very aware of the traffic and environmental issues in the area, and the mounting concerns of Southeast LA residents.

When I found out how much work the residents here had done to communicate their problems with the illegal truck yards to the council - emails, meetings, phone calls, and even hundreds of signatures - I was shocked that the council had made zero progress on the matter. Why is the council completely ignoring its constituents? Who does the council serve?

Living in Echo Park, I get to witness the benefits and attention paid to residents in the Northeast LA river communities. Safe bike lanes and paths, assistance for growing small businesses, community arts events, and cleaning up the neighborhoods. There is a lack of concern and resources for the communities of Southeast LA that is visibly apparent. The residential neighborhoods are taken over and polluted by trucks operating out of illegal yards, bike safety on the roads is nonexistent, and community arts is floundering. We have high hopes about the SELA Cultural Center, but there has been no news on that since last December.

I am incredibly concerned that the future of SELA is grim if you don't take action to prioritize the wellbeing of your residents over corporate interests. Please start by enforcing your own laws, and shutting down the illegal truck yards at 8440 Alameda and 4552 Ardine Street.

Thank you,

Gabriela Gutierrez
gabriela.mele.Gutierrez@gmail.com

## Re: Illegal Trucking Yards - City Council Meeting Agenda

**Meredith Elguira** <melguira@sogate.org> Thu, Oct 17, 2024 at 12:56 PM
To: Jennifer Daley <jennifer.lee.daley@gmail.com>

Hello Jennifer,

I've asked our code enforcement officers to visit the site and get in touch with the owners if there are any unpermitted uses on site. There is a process that we must follow to allow the owner to correct the situation. If there are unpermitted uses on site and they don't remove or get proper permits, then we can continue building a case against the property owner and have our city prosecutor step in to bring the property into compliance. This process will need to be exhausted before we take it to the City Council for their decision on the abatement process.

This case will not be presented to the City Council this coming Tuesday but it is currently being addressed at the staff level. Please let me know if you have any questions.

Best,

[Quoted text hidden]

# Re: Illegal Trucking Yards - City Council Meeting Agenda

4 messages

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Thu, Oct 17, 2024 at 12:19 PM
To: Meredith Elguira <melguira@sogate.org>

Hi Meredith,
I'm following up to confirm that you received the emails between Felipe Guerrero and the city council. I emailed them to you on 10/12. I am also confirming that the city council is addressing the illegal truck yards and is working on a solution to shut them down.

I am working with many SELA residents and activists who are experiencing the negative impact that the truck yards make on the community, and am organizing with bike safety and pollution advocates. Your community and I want to know how the city council will address this problem at the next meeting.

**What can I tell them? Will this be on the agenda at next Tuesday's meeting?**

We are prepared to do what it takes to get your eyes on the problem and hope you will work with us to shut down the illegal truck yards. We are committed to a path towards resolution and believe we can do this together. Let me know if there's anything I can do to help get this on the meeting agenda.

Thank you.

Jennifer Daley

858-361-1092
jennifer.lee.daley@gmail.com

On Sat, Oct 12, 2024 at 1:17 PM Jennifer Daley <jennifer.lee.daley@gmail.com> wrote:
Hi Meredith,
I've attached email exchanges and letters between South Gate resident Felipe Guerrero and the city council (you, Mr. Houston, Mr. Salinas, Mr. Rios, Mr. Hurtado and Ms. Zaragoza) regarding shutting down dangerous illegal truck yards, including the Jack Engle yard at 8440 Alameda. The emails and letters occurred between December 2023 and June 2024.

I have also included Felipe Guerrero's petition with residents' signatures. Please let me know you received this and that it has been recorded.

Lastly, what can I do to ensure that the council addresses the illegal truck yards at the next meeting?

Thank you for your help.

On Thu, Oct 10, 2024 at 12:29 PM Jennifer Daley <jennifer.lee.daley@gmail.com> wrote:
Okay thanks. I'm working on gathering that for you and will send soon.

On Thu, Oct 10, 2024 at 12:22 PM Meredith Elguira <melguira@sogate.org> wrote:
Hello, I don't have them. Would you mind sharing? Thank you.

Get Outlook for iOS

---

**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Thursday, October 10, 2024 12:19:31 PM
**To:** Meredith Elguira <melguira@sogate.org>
**Subject:** Re: Illegal Trucking Yards

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

Hi Meredith,
Do you have the signatures petitioning the truck yards on record? They were collected and delivered to the city council by Felipe Guerrero.

On Wed, Oct 9, 2024 at 2:19 PM Meredith Elguira <melguira@sogate.org> wrote:

Received, thank you.

**Meredith T. Elguira**
**Director of Community Development**
**City of South Gate | Community Development Department**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9566
**E:** melguira@sogate.org
**W:** cityofsouthgate.org

---

**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Wednesday, October 9, 2024 12:30 PM
**To:** Meredith Elguira <melguira@sogate.org>
**Subject:** Re: Illegal Trucking Yards

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

Hi Meredith,

I've attached the letter I sent to Rob Houston. I mailed it certified on 9/30/24. My letter is new as I've only been involved for a few weeks now, but the family I am working with has been calling, writing and meeting with city council for a year now. They have also collected over 300 signatures of residents opposing the yards.

If you need any additional information please let me know.

Thanks for your help!

On Wed, Oct 9, 2024 at 8:34 AM Meredith Elguira <melguira@sogate.org> wrote:

# Illegal Trucking Yards - Emails and letters from Felipe Guerrero

6 messages

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Sat, Oct 12, 2024 at 1:17 PM
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**Director of Community Development**
**City of South Gate | Community Development Department**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9566
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**W:** cityofsouthgate.org

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Hello Jennifer, you mentioned last night at the Council meeting that you had sent letters before. Please send me a copy of those letters for reference. Thank you.

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**City of South Gate | Community Development Department**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9566
**E:** melguira@sogate.org
**W:** cityofsouthgate.org

---

**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Tuesday, October 8, 2024 7:38 PM
**To:** Meredith Elguira <melguira@sogate.org>
**Subject:** Re: Illegal Trucking Yards - typo correction

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

Hi Meredith,

Thank you so much. I was given an incorrect address that I would like to amend:

8530 Alameda is incorrect.

The correct address is 8440 Alameda.

Thank you!

Sent from my iPhone

On Oct 8, 2024, at 7:19 PM, Meredith Elguira <melguira@sogate.org> wrote:

Hello Jennifer,

I am Meredith T. Elguira, Community Development Director. We spoke at the City Council meeting regarding your concerns about illegal truck yards. I am emailing you so that you have my information as well. Please do not hesitate to reach out if you have any questions. You may also call me at 323.563.9566.

Best,

Meredith T. Elguira

**4 attachments**

**IllegalTruckYards_petition_signatures.pdf**
902K

**IllegalTruckYards_FelipeGuerrero_correspondence02.pdf**
202K

**IllegalTruckYards_FelipeGuerrero_correspondence03.pdf**
276K

# Re: Illegal Trucking Yards

5 messages

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To: Meredith El uira <mel uira so ate.or >
[redacted]

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> **Director of Community Development**
> **City of South Gate | Community Development Department**
> 8650 California Avenue, South Gate, CA 90280
> **P:** (323) 563-9566
> **E:** melguira@sogate.org
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> >
> > Best,
> >
> > Meredith T. Elguira

--
jennifer daley

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jennifer.lee.daley@gmail.com

jendaley.com
IMDb
instagram

**JenniferDaley-Letter-RobHouston-093024.pdf**
23K

**Meredith Elguira** <melguira@sogate.org> Wed, Oct 9, 2024 at 2:19 PM
To: Jennifer Daley <jennifer.lee.daley@gmail.com>

Received, thank you.

**Meredith T. Elguira**
**Director of Community Development**
**City of South Gate | Community Development Department**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9566
**E:** melguira@sogate.org
**W:** cityofsouthgate.org

---

**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Wednesday, October 9, 2024 12:30 PM
**To:** Meredith Elguira <melguira@sogate.org>
**Subject:** Re: Illegal Trucking Yards

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

[Quoted text hidden]

---

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Thu, Oct 10, 2024 at 12:19 PM
To: Meredith Elguira <melguira@sogate.org>

Hi Meredith,
Do you have the signatures petitioning the truck yards on record? They were collected and delivered to the city council by Felipe Guerrero.
[Quoted text hidden]

---

**Meredith Elguira** <melguira@sogate.org> Thu, Oct 10, 2024 at 12:22 PM
To: Jennifer Daley <jennifer.lee.daley@gmail.com>

Hello, I don't have them. Would you mind sharing? Thank you.

Get Outlook for iOS

---

**From:** Jennifer Daley <jennifer.lee.daley@gmail.com>
**Sent:** Thursday, October 10, 2024 12:19:31 PM
[Quoted text hidden]

[Quoted text hidden]

---

**Jennifer Daley** <jennifer.lee.daley@gmail.com> Thu, Oct 10, 2024 at 12:29 PM
To: Meredith El uira <mel uira so ate.or >

Okay thanks. I'm working on gathering that for you and will send soon.
[Quoted text hidden]

Jennifer Daley
1247 Hyperion Ave.
Los Angeles CA 90029
858-361-1092

Rob Houston
City Manager
City of South Gate
8650 California Ave.
South Gate, CA 90280

October 08, 2024

South Gate City Council,

My name is Jennifer Daley and I'm an environmental activist extremely concerned by the illegal truck yards doing business in South Gate. I was born in Montebello, grew up in Pico Rivera and have lived in Silver Lake for almost 15 years. My uncle was a corporate truck driver all over Southeast LA for his entire career, so I have become familiar with the harmful impact these truck companies can have on the community when they go unchecked.

The truck yard at 8530 Alameda in South Gate is operating under a Temporary Use Permit (TUP). It was issued in 2020 and expired on July 16, 2021. The city maintains that the permit was issued in error. Since July 2021, the trucks have been operating without a TUP and without a Conditional Use Permit. The city's position is that the TUP is allowed to be in effect for "3 days in a row or 10 working days in any calendar year." This un-permitted yard has been operating continuously since July 16, 2021 without a permit.

I've spoken to South Gate residents who are dealing with the daily challenges caused by these illegal truck yards: pollution, dangerous roadblocks, deadly collisions, traffic, no parking and the disregard and trashing of residential areas. These residents have collected hundreds of signatures to shut down the illegal truck yards, but the city has ignored them and the trucks are running rampant through the neighborhoods. Why is this?

What is a Temporary Use Permit? The Alameda truck yard is still running, so these permits appear to be completely meaningless. Are they legally allowed to operate permanently?

This leads me to another question: are there backroom deals being made here that are granting the truck companies legal immunity? Who does the council represent? These

special interests or the people?

Because no action has been taken by the city, we have no other choice but to bring these serious concerns to the press and to other activist groups in protest.

Thank you for your time and consideration in addressing the concerns of your constituents. We look forward to your action on this issue.

Jennifer Daley

Jennifer Daley
1247 Hyperion Ave.
Los Angeles, CA 90029

Rob Houston
City Manager
City of South Gate
8650 California Ave.
South Gate, CA 90280

9/30/24

Dear Mr. Houston,

I'm writing about the illegal truck yards that are operating in our city. I'm an environmental justice activist who is very concerned about what is happening in the city of South Gate.

Felipe Guerrero and his brother Omar have reached out to me because, after having submitted hundreds of signatures to the city about the illegal truck parking lots in South Gate, there has been no action. The yard at 8440 Alameda is specifically concerning because two people died there, and the city has still done nothing to shut it down. This is gravely negligent on your part. Does the city not care that the illegal operations here are causing deaths and threatening community peace and safety on a daily basis?

The yard at 8440 Alameda was given a five-year temporary deal to operate. Five years have passed, and they are still operating. Why? Felipe and Omar have contacted me because they have submitted petitions, written letters to you, the mayor and the city council, and there has been no effort to shut down these illegal yards. I believe Felipe reached out to your city attorney, Raul Salinas as well. In spite of all of these efforts, no one has been able to answer as to why this yard continues to operate without a permit.

The yards are breaking the law and disrupting the community's safety. There are illegal yards in the other areas of South Gate which you also allow. I believe the yard at Ardene where JB Hunt parks their trucks is also not permitted.

I am establishing on record that hundreds of residents have petitioned and reached out to officials trying to stop these illegal yards to no avail, and to ask how you plan to address this problem.

Sincerely,

jennifer daley

Jennifer Daley

December 6, 2023

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

Mayor Maria del Pilar Avalos
City of South Gate
8650 California Avenue
South Gate, CA 90280

Dear Mayor Avalos:

I want to bring to you attention a problem in our community that has a negative effect on the health of myself and my neighbors. There is an illegal and unpermitted truck yard at 8440 Alameda Street in South Gate. This illegal and unpermitted truck yard also has a homeless encampment in front of homes on Santa Fe Avenue. There is a East Los Angeles College satellite campus very near this illegal and unpermitted yard. The rushing trucks from the illegal and unpermitted yard are also putting students at risk as they come and go to school every day. What we need on Santa Fe Avenue are speed bumps.
Over a hundred residents have signed a petition to ask the city to shut down the illegal and unpermitted truck yard. The residents are fed up with all the noise, lights and pollution coming out of this illegal and unpermitted truck yard.

I would like to have a meeting with yourself to discuss how you can help us clear out the illegal and unpermitted truck yard and clear out the homeless encampment that is directly in front of homes on Sant Fe Avenue. Thank you for your consideration. Please feel free to contact me at (323) 975-0201 or by e-mail at mrfelipeguerrero@gmail.com

Sincerely,

Felipe Guerrero

December 6, 2023

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

Vice Mayor Gil Hurtado
City of South Gate
8650 California Avenue
South Gate, CA 90280

Dear Vice Mayor Hurtado:

I want to follow up on my November 16, 2023, letter to yourself re: the problem in our community that has a negative effect on the health of myself and my neighbors. In my letter, I told you about the illegal and unpermitted truck yard at 8440 Alameda Street in South Gate. As you know over a hundred residents have signed a petition to ask the city to shut down the illegal and unpermitted truck yard. The residents are fed up with all the noise, lights and pollution coming out of this illegal and unpermitted truck yard. In addition to all these issues, we also have trucks racing on Santa Fe Avenue day and night—creating a public safety hazard. We really need speed bumps on this street as a traffic control means.

I still would like to have a meeting with yourself to discuss how you can help us clear out the illegal and unpermitted truck yard and clear out the homeless encampment that is directly in front of homes on Sant Fe Avenue. Thank you for your consideration. Please feel free to contact me at (323) 975-0201 or by e-mail at mrfelipeguerrero@gmail.com

Sincerely,

Fellpe Guerrero

December 6, 2023

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

Councilmember Al Rios
City of South Gate
8650 California Avenue
South Gate, CA 90280

Dear Councilmember Rios:

I want to follow up on my November 16, 2023, letter to yourself re: the problem in our community that has a negative effect on the health of myself and my neighbors. In my letter, I told you about the illegal and unpermitted truck yard at 8440 Alameda Street in South Gate. As you know over a hundred residents have signed a petition to ask the city to shut down the illegal and unpermitted truck yard. The residents are fed up with all the noise, lights and pollution coming out of this illegal and unpermitted truck yard. In addition to all these issues, we also have trucks racing on Santa Fe Avenue day and night—creating a public safety hazard. We really need speed bumps on this street as a traffic control means.

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Sincerely,

Felipe Guerrero

December 6, 2023

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

Councilmember Joshua Barron
City of South Gate
8650 California Avenue
South Gate, CA 90280

Dear Councilmember Barron:

I want to follow up on my November 16, 2023 letter to yourself re: the problem in our community that has a negative effect on the health of myself and my neighbors. In my letter, I told you about the illegal and unpermitted truck yard at 8440 Alameda Street in South Gate. As you know over a hundred residents have signed a petition to ask the city to shut down the illegal and unpermitted truck yard. The residents are fed up with all the noise, lights and pollution coming out of this illegal and unpermitted truck yard. In addition to all these issues, we also have trucks racing on Santa Fe Avenue day and night—creating a public safety hazard. We really need speed bumps on this street as a traffic control means.

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Sincerely,

Felipe Guerrero

December 6, 2023

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

Councilmember Maria Davila
City of South Gate
8650 California Avenue
South Gate, CA 90280

Dear Councilmember Davila:

I want to follow up on my November 16, 2023 letter to yourself re: the problem in our community that has a negative effect on the health of myself and my neighbors. In my letter, I told you about the illegal and unpermitted truck yard at 8440 Alameda Street in South Gate. As you know over a hundred residents have signed a petition to ask the city to shut down the illegal and unpermitted truck yard. The residents are fed up with all the noise, lights and pollution coming out of this illegal and unpermitted truck yard. In addition to all these issues, we also have trucks racing on Santa Fe Avenue day and night—creating a public safety hazard. We really need speed bumps on this street as a traffic control means.

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Sincerely,

Felipe Guerrero

Gmail

Felipe Guerrero <mrfelipeguerrero@gmail.com>

# Help Shut Down Illegal Truck Yard!

13 messages

**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Tue, Dec 5, 2023 at 8:59 AM
To: ghurtado@sogate.org

Dear Gil,

I'm following up on a letter that I mailed in regards to an illegal truck yard that needs to be shut down immediately. I'm attaching a copy of the letter along with a map of the location and the petition that the neighbors have signed. Please let me know when you're able to meet to discuss this matter in further detail. The other council members were sent a letter as well but I have yet to hear back from any of them as well. Meredith Elguira is aware of the petition as well. Please let me know if you're able to assist and take action on this request. Looking forward to hearing back from you.

Thank you & Regards,

Felipe Guerrero

**3 attachments**

**Alameda Map.pdf**
606K

**0866_001.pdf**
41K

**Petition.pdf**
8094K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Dec 7, 2023 at 3:39 PM
To: ghurtado@sogate.org

Dear Gil,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
Your acknowledgement would be appreciated.
Please help me and the community you serve by closing this yard immediately.

Regards,
Felipe Guerrero

On Tue, Dec 5, 2023 at 8:59 AM Felipe Guerrero <mrfelipeguerrero@gmail.com> wrote:

> Dear Gil,
>
> I'm following up on a letter that I mailed in regards to an illegal truck yard that needs to be shut down immediately. I'm attaching a copy of the letter along with a map of the location and the petition that the neighbors have signed. Please let me know when you're able to meet to discuss this matter in further detail. The other council members were sent a letter as well but I have yet to hear back from any of them as well. Meredith Elguira is aware of the petition as well. Please let me know if you're able to assist and take action on this request. Looking forward to hearing back from you.
>
> Thank you & Regards,
>
> Felipe Guerrero

**3 attachments**

**0956_001.pdf**
40K

**Petition.pdf**
8094K

**Alameda Map.pdf**
606K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Dec 7, 2023 at 3:58 PM
To: mpavalos@sogate.org

Dear Maria,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,
Felipe Guerrero

---

**3 attachments**

**Petition.pdf**
8094K

**Alameda Map.pdf**
606K

**0955_001 (1).pdf**
43K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Dec 7, 2023 at 4:00 PM
To: arios@sogate.org

Dear Al,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,
Felipe Guerrero

---

**3 attachments**

**Petition.pdf**
8094K

**Alameda Map.pdf**
606K

**0958_001.pdf**
39K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Dec 7, 2023 at 4:02 PM
To: jbarron@sogate.org

Dear Joshua,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,

Felipe Guerrero

---

**3 attachments**

**Petition.pdf**
8094K

**Alameda Map.pdf**
606K

**0959_001.pdf**
41K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Dec 7, 2023 at 4:04 PM
To: mdavila@sogate.org

Dear Maria,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,
Felipe Guerrero

---

**3 attachments**

**Petition.pdf**
8094K

**Alameda Map.pdf**
606K

**0957_001.pdf**
40K

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**Pilar Avalos** <mpavalos@sogate.org> Fri, Dec 8, 2023 at 9:46 AM
To: Felipe Guerrero <mrfelipeguerrero@gmail.com>

Good Morning Mr. Guerrero,

I am in receipt of your email and it's attachments. I am available to meet with you on Monday at 11 am, 1 pm and 3 pm. I called you and left a message you can reach me at 323-450-7578.

Please advise what time is good for you.

Thank you,
Ms. Avalos

---

**From:** Felipe Guerrero <mrfelipeguerrero@gmail.com>
**Sent:** Thursday, December 7, 2023 3:58 PM
**To:** Pilar Avalos <mpavalos@sogate.org>
**Subject:** Help Shut Down Illegal Truck Yard!

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

---

Dear Maria,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,
Felipe Guerrero

---

**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Fri, Dec 8, 2023 at 3:18 PM
To: Pilar Avalos <mpavalos@sogate.org>

Good Afternoon Ms. Avalos,

Thanks for your reply and yes I can meet on Monday at 3pm.

Regards,
Felipe Guerrero

On Fri, Dec 8, 2023 at 9:46 AM Pilar Avalos <mpavalos@sogate.org> wrote:

> Good Morning Mr. Guerrero,
>
> I am in receipt of your email and it's attachments. I am available to meet with you on Monday at 11 am, 1 pm and 3 pm. I called you and left a message you can reach me at 323-450-7578.
>
> Please advise what time is good for you.
>
> Thank you,
> Ms. Avalos
>
> ---
>
> **From:** Felipe Guerrero <mrfelipeguerrero@gmail.com>
> **Sent:** Thursday, December 7, 2023 3:58 PM
> **To:** Pilar Avalos <mpavalos@sogate.org>
> **Subject:** Help Shut Down Illegal Truck Yard!
>
> This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments
>
> ---
>
> Dear Maria,
>
> Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
> Please help me and the community you serve by closing this yard immediately. .
> Your acknowledgement would be appreciated.
>
> Regards,
> Felipe Guerrero

---

**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Mon, Dec 11, 2023 at 1:42 PM
To: Pilar Avalos <mpavalos@sogate.org>

Hello Ms. Avalos,

I wanted to confirm the meeting today at 3pm.

If you're not available we can get on a phone call?

Please let me know.

Regards,
Felipe Guerrero

On Fri, Dec 8, 2023 at 3:18 PM Felipe Guerrero <mrfelipeguerrero@gmail.com> wrote:

> Good Afternoon Ms. Avalos,
>
> Thanks for your reply and yes I can meet on Monday at 3pm.

Regards,
Felipe Guerrero

On Fri, Dec 8, 2023 at 9:46 AM Pilar Avalos <mpavalos@sogate.org> wrote:

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Please advise what time is good for you.

Thank you,
Ms. Avalos

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**From:** Felipe Guerrero <mrfelipeguerrero@gmail.com>
**Sent:** Thursday, December 7, 2023 3:58 PM
**To:** Pilar Avalos <mpavalos@sogate.org>
**Subject:** Help Shut Down Illegal Truck Yard!

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---

Dear Maria,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community. Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,
Felipe Guerrero

---

**Al Rios** <arios@sogate.org> Fri, Dec 22, 2023 at 8:32 PM
To: Felipe Guerrero <mrfelipeguerrero@gmail.com>
Cc: Rob Houston <rhouston@sogate.org>, Arturo Cervantes <acervantes@sogate.org>, Meredith Elguira <melguira@sogate.org>

Hello Mr. Guerrero ,

First let me apologies for not responding sooner to the concern regarding the issue of illegal and un-permitted truck yard located at: 8440 Alameda Street in South Gate.

I will look into this matter and circle back with you once I have more information.

Again, I appreciate you letting me know the concerns of the residence in the area.

I look forward to meeting you and discussing this matter once I have more details.

Best Regards

Al Rios
Councilmen
City of South Gate

On Dec 7, 2023, at 4:00 PM, Felipe Guerrero <mrfelipeguerrero@gmail.com> wrote:

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

---

Dear Al,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.
Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,
Felipe Guerrero
<Petition.pdf><Alameda Map.pdf><0958_001.pdf>

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Wed, Jan 3, 2024 at 12:44 PM
To: Al Rios <arios@sogate.org>
Cc: Rob Houston <rhouston@sogate.org>, Arturo Cervantes <acervantes@sogate.org>, Meredith Elguira <melguira@sogate.org>

Hello Mr. Rios,

I hope you enjoyed your Holidays with your friends and family.

I'm following up to see if you've had time to gather more information as you mentioned?

If not, I urge you to please take time from your busy schedule and do so.

I am attaching the petition again along with a link to a news article that involved a fatal accident due to this yard being opened.

https://www.nbclosangeles.com/news/local/2-dead-in-south-la-crash-involving-big-rig/2650563/

Also, there are videos & pictures attached of the traffic & pollution that these trucks are bringing to our community.

**PICTURES&VIDEOS.zip**

Please I ask you and your city colleagues to take action and close this yard immediately.

Regards,
Felipe Guerrero

On Fri, Dec 22, 2023 at 8:33 PM Al Rios <arios@sogate.org> wrote:

> Hello Mr. Guerrero ,
>
> First let me apologies for not responding sooner to the concern regarding the issue of illegal and un-permitted truck yard located at: 8440 Alameda Street in South Gate.
>
> I will look into this matter and circle back with you once I have more information.
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> Again, I appreciate you letting me know the concerns of the residence in the area.
>
> I look forward to meeting you and discussing this matter once I have more details.
>
> Best Regards
>
> Al Rios
> Councilmen
> City of South Gate
>
> On Dec 7, 2023, at 4:00 PM, Felipe Guerrero <mrfelipeguerrero@gmail.com> wrote:

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

Dear Al,

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Please help me and the community you serve by closing this yard immediately. .
Your acknowledgement would be appreciated.

Regards,
Felipe Guerrero
<Petition.pdf><Alameda Map.pdf><0958_001.pdf>

**2 attachments**

**Alameda Map.pdf**
606K

**Petition.pdf**
8094K

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**Meredith Elguira** <melguira@sogate.org> Mon, Jan 8, 2024 at 2:03 PM
To: "mrfelipeguerrero@gmail.com" <mrfelipeguerrero@gmail.com>

Hello Mr. Guerrero,

Happy New Year.

We are reviewing the appeal application the operator's attorney submitted last month. This case was presented to the Planning Commission last year. The Planning Commission upheld the staff's decision not to renew the Temporary Use Permit (TUP) issued for the truck storage use. The operator filed an appeal against the Planning Commission's decision to uphold the staff's decision, and our attorney is currently reviewing supporting evidence on the appeal. We have not decided if we will accept and present the appeal. If our staff chooses to take the appeal to the Planning Commission, we will send out a public notice to all interested parties, including the petitioners on your list. Please let me know if you have any questions.

Best,

**Meredith T. Elguira**
**Director of Community Development**
**City of South Gate | Community Development**
8650 California Avenue, South Gate, CA 90280
**P:** (323) 563-9529
**E:** melguira@sogate.org
**W:** cityofsouthgate.org

---

**From:** Al Rios <arios@sogate.org>
**Sent:** Friday, December 22, 2023 8:33 PM
**To:** Felipe Guerrero <mrfelipeguerrero@gmail.com>

**Cc:** Rob Houston <rhouston@sogate.org>; Arturo Cervantes <acervantes@sogate.org>; Meredith Elguira <melguira@sogate.org>
**Subject:** Re: Help Shut Down Illegal Truck Yard!

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Best Regards

Al Rios

Councilmen

City of South Gate

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Dear Al,

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Please help me and the community you serve by closing this yard immediately. .

Your acknowledgement would be appreciated.

Regards,

Felipe Guerrero

<Petition.pdf><Alameda Map.pdf><0958_001.pdf>

**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Jan 18, 2024 at 5:10 PM
To: Meredith Elguira <melguira@sogate.org>
Cc: rsalinas@sogate.org

Dear Ms. Elguira,

Please review the letter I've attached to this email and I hope to hear from you soon.

Regards,

Felipe Guerrero

On Mon, Jan 8, 2024, 2:03 PM Meredith Elguira <melguira@sogate.org> wrote:

> Hello Mr. Guerrero,
>
> Happy New Year.
>
> We are reviewing the appeal application the operator's attorney submitted last month. This case was presented to the Planning Commission last year. The Planning Commission upheld the staff's decision not to renew the Temporary Use Permit (TUP) issued for the truck storage use. The operator filed an appeal against the Planning Commission's decision to uphold the staff's decision, and our attorney is currently reviewing supporting evidence on the appeal. We have not decided if we will accept and present the appeal. If our staff chooses to take the appeal to the Planning Commission, we will send out a public notice to all interested parties, including the petitioners on your list. Please let me know if you have any questions.
>
> Best,
>
> ---
>
> **From:** Al Rios <arios@sogate.org>
> **Sent:** Friday, December 22, 2023 8:33 PM
> **To:** Felipe Guerrero <mrfelipeguerrero@gmail.com>
> **Cc:** Rob Houston <rhouston@sogate.org>; Arturo Cervantes <acervantes@sogate.org>; Meredith Elguira <melguira@sogate.org>
> **Subject:** Re: Help Shut Down Illegal Truck Yard!
>
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Al Rios

Councilmen

City of South Gate

On Dec 7, 2023, at 4:00 PM, Felipe Guerrero <mrfelipeguerrero@gmail.com> wrote:

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Dear Al,

Please take your time to read the letter I've attached in regards to the illegal truck yard we have in our community.

Please help me and the community you serve by closing this yard immediately. .

Your acknowledgement would be appreciated.

Regards,

Felipe Guerrero

<Petition.pdf><Alameda Map.pdf><0958_001.pdf>

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**3 attachments**

**image002.png**
31K

Meredith T. Elguira
Director of Community Development
City of South Gate | Community Development
8650 California Avenue, South Gate, CA 90280
P: (323) 563-9521
E: meelguira@southgate.org
www.southgate.org

**image002.png**
31K

**Meredith Elguira_Letter_1_15_24.pdf**
27K

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

January 16, 2024

Meredith Elguira
Director of Community Development
8650 California Avenue
South Gate, CA 90280

Dear Ms. Elguira:

In your last letter you ask if I have any questions, in fact I do; if this project has been denied twice, why is in still in operation illegally? I still want to follow up with the recurring problem that my neighbors and I having been enduring with-- the endless parade of trucks coming in and out of the unpermitted truck yard at 8440 Alameda. I recognize there is a process by which the city must abide by, but we are living with this horrible parade of truck traffic that has even resulted in deaths. I have sent you a flash drive with the photos of what type of impact we are dealing we.

As a follow up, I would like to set up a meeting with you and the city attorney since I was informed that the situation is in the hands of the City Attorney. I really am frustrated with the lack of response by the city to the truck traffic problems we are facing every day. I hope you and Mr. Salinas will be able to meet with me to see what can be done to provide us with relief.

Sincerely,

Felipe Guerrero

Cc: Raul Salinas, Esq.
Communities for a Better Environment

Gmail

Felipe Guerrero <mrfelipeguerrero@gmail.com>

# Jack Engle Yard - 8440 Alameda Street South Gate

8 messages

**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Feb 29, 2024 at 11:00 AM
To: Rob Houston <rhouston@sogate.org>

Hello Mr. Houston,

I met with Ms. Daliva almost two weeks ago and she advised me that you would be contacting me to provide the latest update on the illegal trucking yard in South Gate. I hope to hear from you soon. Thank you for your time.

Regards,
Felipe Guerrero

---

**Rob Houston** <rhouston@sogate.org> Thu, Feb 29, 2024 at 11:22 AM
To: Felipe Guerrero <mrfelipeguerrero@gmail.com>

Felipe,

My apologies for the delay in reaching out to you. I am free this afternoon from 1:30 to 3pm. Are you free for a call at that time?

Can you provide a good contact number?

Rob.

---

**From:** Felipe Guerrero <mrfelipeguerrero@gmail.com>
**Sent:** Thursday, February 29, 2024 11:00 AM
**To:** Rob Houston <rhouston@sogate.org>
**Subject:** Jack Engle Yard - 8440 Alameda Street South Gate

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

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[Quoted text hidden]

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, Feb 29, 2024 at 11:27 AM
To: Rob Houston <rhouston@sogate.org>

Rob,

2:30pm works for me.

323-975-0201

Felipe

[Quoted text hidden]

---

**Rob Houston** <rhouston@sogate.org>
To: Felipe Guerrero <mrfelipeguerrero@gmail.com>

Thu, Feb 29, 2024 at 11:31 AM

Great,

I will call you then.

[Quoted text hidden]

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com>
To: Rob Houston <rhouston@sogate.org>

Fri, Mar 15, 2024 at 4:24 PM

Hello Mr. Houston,

I wanted to follow up with the conversation we had at the end of last month in regards to the Illegal Trucking yard.

I've attached a letter for you and am looking forward to hearing back from you.

Thank you for your time.

Regards,
Felipe Guerrero
[Quoted text hidden]

**1755_001.pdf**
49K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com>
To: Rob Houston <rhouston@sogate.org>

Fri, Apr 5, 2024 at 4:45 PM

Hello Mr. Houston,

Any update from when we last spoke?

Please see the attached letter.

Regards,
Felipe
[Quoted text hidden]

**Attachment.pdf**
12613K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com>
To: Rob Houston <rhouston@sogate.org>

Tue, Jun 4, 2024 at 10:34 AM

March 14, 2024

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

Rob Houston
City Manager
City of South Gate
8650 California Avenue
South Gate, CA 90280

Dear Mr. Houston:

I want to follow up on our conversation last month regarding the continual problems in our community that has a negative effect on our health. I have repeatedly sent communications to the city via letters and petitions. I have repeatedly informed the city about the illegal and unpermitted truck yard at 8440 Alameda Street in South Gate. This yard has been operating without a permit for years. I understand there is an expired Temporary permit—how do you define temporary since it has been going on for years? They fully intend to keep operating for many years. Can you let me know the status of this temporary permit? This yard was always a scrapping metal yard that operated during the week during daytime hours. Recently it's been converted to a truck parking facility with the trucks running 24/7/365. The neighbors behind the yard have complained to Los Angeles County about the noise at night from this operation. I have complained to the city, to the city council, to yourself. Why is the city allowing an unpermitted truck storage facility that runs 24/7/365? I just wanted to make sure that there is follow up on this illegal truck storage yard. This is not the only problem in the city, there are other illegal yards in the area which negatively affect the quality of life for us in addition to this yard.

I Thank you for your consideration. Please feel free to contact me at (323) 975-0201 or by e-mail at mrfelipeguerrero@gmail.com

Sincerely,

Felipe Guerrero

**March 28, 2024**

**Re: South Gate Truck Yard Permitting Concerns**

To the City of South Gate,

We are following up on the meeting at 8440 S Alameda Street that took place last week about the illegal truck and trailer storage parking at that site.

We've learned that this site was given a "temporary" use permit almost five years ago, but if that's the case then what does "temporary" even mean? Why is this site still allowed to operate without the right permits? How much longer is this "temporary" use going to be?

As members of this community, our quality of life has been harmed by traffic congestion by trucks, damaged roads, and air pollution caused by the trucks coming and going from this yard. It would be one thing if they'd gone through the full permit process and the community had a chance to speak up about it first, but as far as we can tell this yard was allowed to start up without any say from the people actually living around it.

Worse, this isn't even the only illegal vehicle storage yard we've seen in South Gate. There are trucks yards on Ardine Street (4552 Ardine St), Imperial Highway (5767 Imperial Hwy), and an Amazon van yard on Southern Avenue (5211 Southern Ave). We've asked around and none of these sites apparently have permits, yet they were allowed to be built and run without doing a full permit process that would let the community weigh in on the site.

Why are all these yards being allowed to run in South Gate without proper permits? If they were legitimate yards, wouldn't they have the right permits?

We are worried that this is turning into a similar situation as what happened in the City of Commerce, with the multiple illegal yards and under-the-table deals that allowed city staff to run yards for under-market rates without any permits.

Please look into these illegal yards and stop them from becoming an even larger problem for our city.

Thank you for your time, and we hope that this problem will be settled soon.

Sincerely,

Felipe Guerrero for the
Concerned City of South Gate Community Members

May 23, 2024

Felipe Guerrero
10257 San Juan Avenue
South Gate, CA 90280

Mr. Raul Salinas, Esq.
City Attorney
City of South Gate
8650 California Avenue
South Gate, CA 90280

Dear Mr. Salinas:
I am reaching out to you since I have been trying to get an answer from the city of South Gate since last year. For months now, my neighbors and I have complained to the city about the illegal truck parking lots in the city. The one I have the most concerned about is at 8440 Alameda Avenue in South Gate. I recognize that the yard is also in the county's jurisdiction, and I have complained to the county about this illegal yard as well. I have several petitions signed by residents and have submitted them to the city council and city manager. I am certain you have been made aware of these petitions or at least I hope so.

I am becoming increasingly concerned that there may be undue influence from entities with business interests in the city that may be running interference with the city's ability to shut down these illegal truck yards. The yard at 8440 Alameda St was for decades a metal scrap yard that operated during daytime hours only. Then, mysteriously it became a "temporary" 24/7 365 day a year truck terminal that was only supposed to be here for 5 years. Now the 5 years is ending and apparently this may be extended for another decade or permanently. This truck yard has not benefited the community in any way. Pollution, traffic, beat up roads, and traffic hazards have been the only affect from this yard. In fact, two people have died because of this yard (please see attached news article). I understand that planning staff is against these illegal truck yards but get overridden by someone. I see many influential consultants/lobbyists at city council meetings. We would like the voices of the residents to be heard not special interests.

In trying to understand what may be going on in the background, I looked at the FPPC's website and I do not see the City of South Gate's 700 form. I also looked at the city's website for the council's 700 forms, but I cannot find them. Perhaps they are "buried" somewhere. It would be good for transparencies' sake that these critical forms be placed prominently on the website where residents can have easy access to who is contributing to the council members—this is just good government. Especially in Southeast Los Angeles where many residents are not familiar with how government works and often don't speak English, it is more critical that we know who is influencing our elected officials.
I would respectfully ask that you respond to this letter and not ignore it as so many others have done in the past. I have included all my past letters / emails to the city and would also like to know the status on the other illegal yards that we brought up. Please assist us in this matter.

I thank you for your consideration. Please feel free to contact me at (323) 975-0201 or by e-mail at mrfelipeguerrero@gmail.com

Sincerely,

Felipe Guerrero

Gmail

Felipe Guerrero <mrfelipeguerrero@gmail.com>

# Jack Engle Property - 8440 Alameda Ave. South Gate

5 messages

**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Thu, May 30, 2024 at 4:56 PM
To: rsalinas@sogate.org

Dear Mr. Salinas,

Please review the attached letter and I hope to hear from you soon.

Your reply in this matter is appreciated.

Regards,
Felipe Guerrero

**2229_001.pdf**
83K

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Tue, Jun 4, 2024 at 10:32 AM
To: rsalinas@sogate.org

Dear Mr. Salinas,

I wanted to follow up on the email I sent you last week.

Hope to hear from you soon.

Regards,
Felipe Guerrero

On Thu, May 30, 2024 at 4:56 PM Felipe Guerrero <mrfelipeguerrero@gmail.com> wrote:

> Dear Mr. Salinas,
>
> Please review the attached letter and I hope to hear from you soon.
>
> Your reply in this matter is appreciated.
>
> Regards,
> Felipe Guerrero

**2229_001.pdf**
83K

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**Raul Salinas** <rsalinas@sogate.org> Tue, Jun 4, 2024 at 11:28 AM
To: Felipe Guerrero <mrfelipeguerrero@gmail.com>
Cc: Rob Houston <rhouston@sogate.org>, Meredith Elguira <melguira@sogate.org>, Dina Zaragoza <ezaragoza@sogate.org>

Mr. Guerrero, Thank you for your letter last Thursday (May 30), and your call today (June 4). The Engle property is a matter which has been brought to the attention of the City. The City has met with the property owner and his attorney concerning its usage and discussions between the City and the property are ongoing. I did want to address your comment about the possibility of undue influence impacting the manner

in which the City is proceeding. I am not aware of any such undue influence, particularly since this matter is at the staff level. I appreciate your interest in this matter and thank you for your comments. Cordially, Raul.

---

**From:** Felipe Guerrero <mrfelipeguerrero@gmail.com>
**Sent:** Thursday, May 30, 2024 4:57 PM
**To:** Raul Salinas <rsalinas@sogate.org>
**Subject:** Jack Engle Property - 8440 Alameda Ave. South Gate

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

---

Dear Mr. Salinas,

Please review the attached letter and I hope to hear from you soon.

Your reply in this matter is appreciated.

Regards,

Felipe Guerrero

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Tue, Jun 4, 2024 at 2:54 PM
To: Raul Salinas <rsalinas@sogate.org>
Cc: Rob Houston <rhouston@sogate.org>, Meredith Elguira <melguira@sogate.org>, Dina Zaragoza <ezaragoza@sogate.org>

Dear Mr. Salinas,

Thank you for your response regarding that there is no undue influence regarding the discussions about the illegal truck yard and the city. In the spirit of transparency, I had asked for the Council member's 700 forms. I firmly believe that we residents of South Gate deserve to know who is contributing to the council members. The 700 forms are not on the city's website. Can help me find these documents so we residents see for ourselves if there is undue influence? Or who is contributing to the city council?

Regards,
Felipe Guerrero

On Tue, Jun 4, 2024 at 11:28 AM Raul Salinas <rsalinas@sogate.org> wrote:

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**Sent:** Thursday, May 30, 2024 4:57 PM
**To:** Raul Salinas <rsalinas@sogate.org>
**Subject:** Jack Engle Property - 8440 Alameda Ave. South Gate

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

---

Dear Mr. Salinas,

Please review the attached letter and I hope to hear from you soon.

Your reply in this matter is appreciated.

Regards,

Felipe Guerrero

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**Raul Salinas** <rsalinas@sogate.org> Tue, Jun 4, 2024 at 4:00 PM
To: Felipe Guerrero <mrfelipeguerrero@gmail.com>
Cc: Rob Houston <rhouston@sogate.org>, Meredith Elguira <melguira@sogate.org>, Dina Zaragoza <ezaragoza@sogate.org>

The forms are lodged with the Clerk's Office and are available through a public record request. I believe you can ask for them on the website as there is a process.

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**From:** Felipe Guerrero <mrfelipeguerrero@gmail.com>
**Sent:** Tuesday, June 4, 2024 2:55 PM
**To:** Raul Salinas <rsalinas@sogate.org>
**Cc:** Rob Houston <rhouston@sogate.org>; Meredith Elguira <melguira@sogate.org>; Dina Zaragoza <ezaragoza@sogate.org>
**Subject:** Re: Jack Engle Property - 8440 Alameda Ave. South Gate

This message is from an EXTERNAL SENDER - be CAUTIOUS, particularly with links and attachments

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Dear Mr. Salinas,

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Regards,

Felipe Guerrero

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>
> ---
>
> Dear Mr. Salinas,
>
> Please review the attached letter and I hope to hear from you soon.
>
> Your reply in this matter is appreciated.
>
> Regards,
>
> Felipe Guerrero

Hello Mr. Houston,

Has there been any updates from the last time we spoke?

I was hoping you would have a new update given the time that has passed.

Regards,
Felipe Guerrero
[Quoted text hidden]

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**Felipe Guerrero** <mrfelipeguerrero@gmail.com> Tue, Jun 11, 2024 at 11:19 AM
To: Rob Houston <rhouston@sogate.org>

Hello Mr. Houston,

I'm following up on my previous email.

Has there been any update or do you have any new information?

How much longer before the city decides to make a decision one way or another?

Regards,
Felipe Guerrero
[Quoted text hidden]

Hi my name is Jaqueline, I'm a member of the communities for a better environment and a student at South Gate High school. I oppose changing 8530 Alameda Street to heavy manufacturing because it could bring more pollution to my community. This affects my family because the pollution causes us headaches 24/7 and makes us cough. I am worried about my family getting sick and feeling ill all the time. I urge the planning commission to say no to this zoning change untill a full environmental study is done.

Sincerely,
Jaqueline

Hi my name is Sandra Garcia, Im a member of communities for a better enviroment and a student at South Gate highschool. This affects my family because my older sister has athsma. The other day my sister an I passed by the site and she started coughing really bad. I am worried about my sisters health and everyone else with athsma. I ask the planning commission to say NO to this zoning change until a full enviromental study is done.

-Sincerely Sandra Garcia

Hi, my name is Bianca, I'm a member of communities for a better environment and a student at South Gate. This affects me because I have a heart condition. I am worried that this site may be dealing with chemicals which can put peoples health at risk. I urge the planning commision to reject the pollution change and to consider the lives they are putting at risk before making a decision.

-Sincerely, Bianca Verdugo

Hi my name is Destiny, i'm a member of Communities for a better environment and a student at South Gate High School. I oppose Chaning 8530 Alameda Street to heavy manufacturing because it could brins better to the Community for us. This affects me, my family, and my school because I live near the site, and I worry about more pollution. I am worried about People in the community getting sick. I urse the Planning Commison to work on it be a better environment for the Communities.

Sincerely,
Destiny

Hi, my name is Hailey, I'm a member of Communities for a better environment and a student at South Gate high school. I oppose changing 8530 alameda Street to heavy manufacturing because it will bring more pollution and famalies live in these communities. This will effect me and my family because my sister gets headache from the polluted air alread and imagine even more if they pass the zoning law. This will not only effect me but other families who have worse health issues. Keep in mind the children that will be breathing even worse air and causing them to have health issues at an early age.

Sincerly, Hailey Interiano

Hi, My name is annamarie, I'm a member of communities for a better environment and a student at South Gate High school. I oppose changing 8530 Alameda Street to heavy manufacturing because it will pollute our air more and affect our environment. This affects many aspects but as a soccer player this affects my school and team because we are constantly running and breathing all those toxins. I am worried about me and the people around me health and how we will be affected by this even more than we already are. I urge the planning commission to stop this law from being passed as it affects many people and sports this coming from someone who does soccer, cross country and track so i urge this to be stopped or atleast get a study done before anything is actually done and make sure this doesnt happen.

Sincerely, Annamarie Jimenez

Isys Brave

Hi, My name is Isys. I'm a member of communities for a better environment and a student at South Gate High School. I oppose changing 8530 Alameda Street to heavy manufacturing because it is harmful to our environment and too close to where I live. This affects my father who has lung problems due to smoking. I am worried about what this will do to our air quality and how it may negatively affect my friends and family.

Sincerely, Isys Brave

Hello, my name is Ashley Perez, Im a member of communities for a better environment and a student at South gate High school. I OPPOSE changing 8530 Alameda Street to heavy manufactring because it can and will release toxic cancer causing chemicals. This affects me and my family because my younger brother will soon be attending elementary near the sight and I am consirned for him and his health. Aswell as current elementary students. I urge the planning commission to promote a cleaner idea instead of manufactring.

Sincerely,
Ashley Perez

521

Hello, my name is Kaylee Solorio, I'm a member of communites for a better environment and I'm a student at South Gate High School. I oppose 8530 Alameda Street to Heavy manufacturing because population will get worst for my and other families in South Gate. This could also affect my school, and comunity. This could also affect many people heaths. I am worried for health risk in the environment and more because of my younger siblings. Not to mention, other families in this community have health risk and passing this would make it worst. I urge the planning Commission to not pass this. Even if research is done, this would risk human life, which is not helping the environment.

-Sincerely,
Keylee Solorio.

Hi my name is Shaniya Saucedo, Im a member of communities for a better environment and a student at South Gate High School. I oppose changing 8530 Alameda street to heavy manufacturing because it could bring more pollution to my community. This affects me, my family, my school because I live near the site, and I worry about more pollution. I am worried about it because this site may have harmful chemicals underground, and families nearby could already be at risk. We need an environmental study before making any changes, I urge the planning commission to say no to this zoning change until a full environmental study is done.

Sincerely, Shaniya Saucedo

Hi, my name is Mia Barrios, I'm a member of Communities for a Better Environment and a Student at South Gate High school. I oppose changing 8530 Alameda Street to heavy manufacturing because it will release many toxic chemicals into the air I breath. This affects My family my community and myself ~~be~~ because of Heath isgues. I personally am ~~am~~ a student athlete so I am constanty active breathing the air and if we get polted I becom at risk for my health, as well as many other athletes in the area. That can also lead to "slownes" in our brains. I am worried about my family, I dont want them to fall in a death bed because of wanting to make south fate a hevier polted city than it already is. I urge the planning comission to not by pass this law and ruining our homes.

Best Regards,
Mia Barrios.

Hi, my name is Vania Romero, Im a member of Communities for better environment and a Student at SGHS. I oppose changing 8330 Alameda street to heavy manufalturing because it makes the city more polluted. This affects me and everyone around me because we are breathing chemicals. I am worried about the people that are near or around the pollution because they may live there so that may cause many diseases I urge the planning commission to stop adding more pollution to the world!

Sincerally,
Vania Romero

Hi, my name is Yaneyci. I'm a member of communities for a better environment and a student at South Gate High School. I oppose changing 8530 Alameda street to heavy manufacturing because it will pollute even more our communities and it will stop many of athletic events. This affects me personally as it has brougten struggles to my health. I urge the planning commisson to stop the zoning change until a FULL enviornmental study is done. We also don't need any toxic air in the air when little children are around or elderly people.

Sincerely, Yaneyci Romero

Hi, My Name is Cheyla Preciado, I'm a member of communities for a better enviorment and a Student South Gate High School. I oppose changing 8530 Alameda St to heavy manufacturing because pollution is destroying the world and us which can kill us all. Pollution is contaminating our bodies giving us more problems than we already have. I know there is a middle school near by and their bodies arent fully developed and weak immune systems. this can cause major illnesses and sickness. This is also a problem to preghant woman causing the child to come out with a disorder, illness, and or body problem. I urge the planning commision to stop this process until further investigation and an immidiate stop to this!

Sincerley

Cheyla Preciado

Hi, my name is Karen Avalos, I'm member of communities of better environment, and a student at South Gate Highschool. I oppose changing 8530 Alameda street to heavy manufacturing because it's too close to both my school and home, it affects the area more too, ELAC and Westbrook Middle which is right across the sight. I'm worried about the air pollution and toxins that might harm me and those around my community. I urge the planning commission to review the effects and to make it more environmental friendly but if it's not possible then I urge to put a stop to this. South Gate already has enough heavy manufacturing in other parts, we do not need more. Thank you and I hope you take careful consideration.

Sincerely,
Karen Avalos

Hi, my name is Analy, I'm a member of communities for a better environment and a student in South Gate high, which I also live in South Gate. This affects my family because we live near the site and I'm worried about pollution. I ask the planning Commission to say no to this Zoning Change until a full environmental study is done and you know it won't cause more pollution then we already have

Sincerly,

Hi, My name is Ashley Cruz, I'm a member of Communties for a better environment and a student at South gate high School. I Oppose Changing 8530 Alameda Street to heavy manufacting.
This effects me because I live in South gate and I have 3 younger Siblings that are still growing! I would like them to be strong and healthy. I am worried about the childern in the places aroud 8530 Alameda Street.

Thank you,
Ashley Cruz

Hello my name is Nathalie, I'm a member of communities for a better environment and a student in South Gate High school. I oppose changing 8530 Alameda Street to heavy manufacturing because it would harm the people, and environment living here by producing more pollution into the air. As someone who lives here, I don't appreciate with how much pollution there already is in South Gate. I have breathing problems, developed as I have been living here. I am worried about others in my community, being effected by these polluters as well. I urge the planning commission to reject this notion, completely. I believe there shouldn't be any more polluters here.

Sincerely, Nathalie

Sincerely

Hi, my name is Jessy Vivas, im a member of Communities for a better environment and a student at South Gate High School. I oppose changing 8530 Alameda street to heavy manufacturing because we're hurting our health.

This affects ~~families~~ familliies / my school because we all are a part of the city of Southgate, and a majority of people, including people in my family have health issues, and this will only make matters worse. I am worried about how this could really affect our community heavily in the future, this will only make it worse.

Sincerely, Jessy Vivas

Hi, my name is Karla, and I'm a member of Communities for a better environment and a student of South Gate High School. I oppose changing 8530 Alameda Street to heavy machinery because I worry about more pollution. This site can possibly have harmful chemicals that can cause many to be at risk of exposure. Environmental studies should be made before machinery is introduced. I urge the planning commission to say no to change because there already is pollution in South Gate, it should get better not worse.

Sincerely,
Karla

Hi, My name is Joel Munoz, im a member of communitys for a better enviroment and a student at South Gate High School.

I Oppose changing 8530 Alameda st.

This affect's my school because student's need a safe enviroment.

I am worried about the students health and my family's health and espesially for the athelets cause they gotta be well conditioned and etc.

I urge the planning commission to not approve of the zoneing.

to heavy manufacturing because this is bad for the community.

Hi, my name is Brianna Pereida, im a member of communities for a better environment and a student at South Gate High School. I appose challenging 8530 Alameda street to Heavy manufacturing because I live in south gate and dont want the air to be more poluted than how much it is already. I also dont want this to ~~a~~ effect my families health. I urge the planning commission to not go through with this plan at all.

Sincerely,

Brianna

## Item No. 2

- **Jennifer Daley -**

Dear Mr. Signio, Mr. Pelayo and Members of the South Gate Planning Commission,

As you prepare for the Planning Commission meeting this Tuesday, I urge you to consider the long-term implications of your decision regarding the illegal truck yard at 8530 Alameda Street. This decision will set a precedent for how South Gate enforces its business regulations and codes. The community is watching closely to see if the City will take a firm stance on ethical business practices.

The property at 8530 Alameda Street has been operating without a valid permit or license since July 16, 2021, when the Temporary Use Permit (TUP) expired. The original TUP was issued in error, making the operation illegal even before that. On April 18, 2023, the South Gate Planning Commission determined that the continued operation of this facility violated City codes, citing that:

1. The proposed use as a truck storage/terminal is prohibited in the Industrial Flex (IF) zone.
2. Temporary Use Permits cannot authorize prohibited uses for extended durations, and the original TUP was issued in error.

The full denial of Engle's request, dated April 18, 2023, is attached for your reference. Complete Engel documentation can be viewed here:
https://d3n9y02raazwpg.cloudfront.net/cityofsouthgate/e38f28b4-b7b5-11ed-acbc-0050569183fa-4253c1cb-d0d2-4870-b889-bade0633e61a-1682709352.pdf

Despite this clear ruling, Engle has repeatedly attempted to pressure the City into reversing its decision. The 2015 General Plan Amendment established that this area is designated for Industrial Flex (IF) use, intended to benefit the South Gate College District and residents. Engle's current request to rezone the area contradicts the City's vision for a more sustainable future.

Engle's continued efforts to bypass regulations for financial gain are concerning and must be stopped. It is critical that the City prioritize the interests of residents over corporate profits. Allowing preferential treatment would send a damaging message that illegal business practices are tolerated in South Gate and that city officials can be influenced.

As you deliberate, I urge you to prioritize the best interests of South Gate's residents and uphold the City's commitment to ethical business practices and zoning laws.

Thank you for your attention to this critical matter.

Sincerely,
Jennifer Daley

SELA for a Better Tomorrow

- **Mario Dominguez Jr.**

Item 2) I strongly urge the Commissioners to vote no and deny the appeal by this scumbag applicant. We don't want trash like this in our city. I'm tired of our city constantly bending over and making changes to our ordinances, zoning codes and General Plan. All because these property owners don't want to be in compliance with our city's laws. Enough is enough Commissioners. Do you really want to see our city devolve into a sewer? Or look like Tijuana Mexico? Have you people been there? I have. Trust me, it looks really bad. You don't want to live there. And I don't want our city to look like some sort of garbage town. Besides, this business adds no real value to our city. Commissioners you need to do the right thing and vote no on item 2. This is the right decision for our city.

- **Claudia Rivera – (for items 2 and 3)**

Members of the Planning Commission, this email is to address the items 2 and 3.

I've been listening to council meetings for quite some time now. Every so often people show up to the meetings to address the city council or planning commission to state their thoughts on items being considered.

I'm all for people expressing their views. But when there's accusations of corruption without any facts to support them, the accusations fail to address the issue. What it does is stain the reputation of the city.

Item 2 is an appeal from the business owner against a decision that City Staff has taken. It's pretty clear that our city council took a position in 2015 to change the zoning code. Once the permit expired, staff has taken the position to follow the direction given by the city council concerning the zoning code to stop the work being done.

What I don't understand is the accusation that our city council is somehow involved with corruption. If the young lady, Jennifer, is claiming that the city council is allowing the business to operate illegally, she should know that the opposite is actually true. The city staff has denied this business from operating for years. That is why there is an appeal. It seems that she should be applauding the city for addressing this issue, even before she came to our city, from where ever she is from.

Dear Honorable Planning Commission, City Clerk, Mayor Davila, City Council, and City Manager,

I am writing to express my strong support for upholding South Gate's municipal code in the case of 8530 Alameda Street and to urge the City Council to deny the appeal filed by the property owner. From what I have gathered through the agenda and available information, it is clear that this is not a case of unfair treatment, but rather the City rightfully enforcing its zoning regulations, as it would for any other business or property owner.

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The Facts: How We Got Here

For decades, 8530 Alameda Street was home to a metal processing and recycling facility. Even after zoning changes in 2015, the City allowed the business to continue under legal nonconforming status, showing its willingness to work with long-standing businesses and provide flexibility for property owners.

However, that nonconforming status required renewal, and in 2020, the property owner failed to submit that renewal. As a result, the legal protection for that prior use expired, and the site became subject to the current Industrial Flex (IF) zoning, which does not allow truck trailer storage.

Despite this, the site has continued to be used for truck trailer storage, an operation that was never separately recognized as a legal nonconforming use. The City is now requiring compliance with existing zoning, which is a necessary and standard enforcement action.

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South Gate's Approach Has Been Fair and Consistent

The City of South Gate has a proven history of working with its business community, and this case is no exception. The fact that the previous nonconforming use was allowed to continue for nearly five years after the zoning change shows that the City was not looking to push businesses out but instead offered reasonable opportunities to transition.

However, zoning laws exist for a reason, and South Gate is simply applying the same standards it would to any other business. The property owner had multiple opportunities to maintain their legal status but failed to follow the required renewal process. This is not an issue of the City being unreasonable—this is a case of a business not following the necessary steps to remain in compliance.

---

Addressing Arguments Against the City's Decision

Some may argue that truck storage was always part of the metal processing operation and therefore should still qualify under the original nonconforming status. However, the key issue is that nonconforming use protections do not extend indefinitely without proper renewal.

- The original nonconforming status applied specifically to metal processing, not to truck storage as a separate business.

- Once metal processing ceased and the structure was demolished, the truck storage became an independent operation—not a continuation of the original use.

- Under South Gate's current zoning regulations, truck trailer storage is not a permitted use in the IF zone.

The City is not changing the rules or targeting this specific business. If noncompliant operations were allowed to continue indefinitely without proper renewal, it would undermine the entire purpose of zoning laws.

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Addressing Misinformation

I have also seen claims that the City is acting unfairly or even engaging in selective enforcement. However, from what I have read, South Gate has acted responsibly and transparently in enforcing its municipal code.

This situation is not about the City suddenly changing its stance—it is about a property owner who failed to take the necessary steps to maintain their legal standing. It is misleading and unfair to suggest that the City is at fault when all it is doing is enforcing the rules that apply to everyone.

---

Why Denying the Appeal Is the Right Decision

South Gate's zoning regulations exist to ensure fairness, order, and responsible land use. If the City allows this appeal to succeed, it will set a dangerous precedent that nonconforming uses can continue indefinitely, even when renewal requirements are ignored. That would not be fair to other businesses and property owners who follow the rules.

I urge the City Council to:

- Uphold the City's decision and deny the appeal to protect the integrity of South Gate's municipal code.

- Ensure that land use regulations are applied fairly and consistently to all businesses.

- Stand by the City's long-term planning and zoning vision rather than allowing businesses to bypass regulations through legal loopholes.

South Gate has done its part to support local businesses while also maintaining the integrity of its zoning regulations. Now, it is time to uphold those regulations and deny this appeal.

Thank you for your time and for your commitment to enforcing South Gate's municipal code fairly and consistently.

Respectfully,

Nathan Cueto

**8530 Alameda Street**

**Development Agreement & Zone Change/General Plan Amendment**

**Term Summaries**

Alameda Engle Properties, LLC ("AEP") has operated its truck trailer and container storage business at their property located at 8530 Alameda Street ("Property") since 1973. The City of South Gate ("City") has asked for solutions to address the legal nonconforming use, along with a sunset date for the current use. To address these requests, AEP submitted two potential solutions for the City's consideration: 1) a Draft Development Agreement ("DA") which terms out the current use over a 10-year period, consistent with the requirements of the current General Plan; and 2) a General Plan Amendment ("GPA") and Zone Change ("ZC") to revert the Property back to its previous zoning designation. Summaries of those options are attached as Exhibit A, and Exhibit B. AEP's preferred solution is the DA, which addresses the concerns that the City has voiced while keeping the property productive as future development partners are identified. The terms for the DA are described below.

**Development Agreement Term Sheet**

AEP and the City of South Gate collectively, the "Parties" wish to enter into a Development Agreement consistent with the following terms:

1. **Property**: AEP owns real property commonly known as "8530 Alameda Street" located within the City of South Gate, California.
2. **Historic Use**: The property operated as a family-owned recycling business, including on-site truck trailer and container storage between 1973 and 2019. The Property was leased to Fleet Yards, Inc. in 2020 for the purpose of truck trailer and container storage.
3. **Legal Nonconforming Use**: It is AEP's position that truck trailer and container storage is a legal nonconforming use on the Property because this use was authorized by-right when the recycling operations began in 1973, and because the use has been continuous since that time, through Jack Engle & Company's operations between 1973 and 2019, and through Fleet Yards' operations beginning in 2020. AEP reserves the right to defend all legal nonconforming uses on the Property, including truck trailer and container storage.
4. **Current Lease Term**: Fleet Yards' current lease does not expire until Summer, 2035.
5. **Truck Trailer & Container Storage**: In order to avoid substantial financial damages to AEP from prematurely terminating the current lease with Fleet Yards, the City agrees to allow Fleet Yards to continue its truck trailer and container storage operations at the Property through the term of the current lease (Summer, 2035).
6. **Entitlements**: In order to facilitate more uses on the Property consistent with the City's long term vision for the "industrial flex" zone, the City will work with AEP on an entitlement pathway that allows a broader range of commercial uses on the Property.
7. **Development Partners**: The Parties agree that during the remaining term of the current lease, they will work together to identify a development partner and/or lessee with the requisite experience to redevelop a portion of the Property consistent with the City's long term vision for the Industrial Flex zone. The Development Partner or Lessee must be able to provide a conceptual site plan and proof of financing for the project's development and operation, either independently or with additional partners.

## Exhibit A

### Proposed Development Agreement Terms

Assists the City in satisfying the redevelopment requirements in the General Plan. Identifies a long-term redevelopment solution. Creates a contractual obligation to phase-out the current use based on market conditions. Provides market-driven data for the City's next iteration of the General Plan.

| Term | Timeline | Description |
|---|---|---|
| Feasibility Study | (1 Year)* | AEP to conduct Market Study within 1 Year to determine feasible future developments and alternate uses at the Property, including potential redevelopment partners. |
| Redevelopment Partner/ Future Tenant | (1 Year)* | AEP to retain a broker and begin marketing the Property to target and secure redevelopment partners and/or future tenants based on the Market Study. AEP to provide regular status updates to the City on its efforts. |
| Project Plans/Agency Involvement | (2-3 Years)* | Redevelopment Partner to secure funding, refine site plan, and coordinate entitlements package with the City and redevelopment plans with DTSC. AEP/Redevelopment Partner to provide regular project updates to the City during this period. |
| Precise Plan/Specific Plan | (1 Year)* | City to assist Redevelopment Partner & AEP with Precise Plan/Specific Plan (required by current General Plan) and advise on appropriate entitlements package. Redevelopment Partner to submit entitlements application. Parties to meet quarterly until the entitlements application is filed. |
| Entitlements Processing | (18 months)* | City to review entitlements application. AEP/Redevelopment Partner to prepare EIR. |
| Extension for Entitlements Processing | (Up to 3 Years) | Parties acknowledge that the timeframes marked with an asterisk are estimates, and may be delayed due to circumstances beyond the Parties' control. If an entitlements package for the redevelopment project has been filed with the City within 7 years, the Parties may extend the agreement term for up to 3 additional years to allow the City to complete processing of the entitlements. The total term shall not exceed 10 years. |
| **Term** | **(10 Years)** | |

## Exhibit B

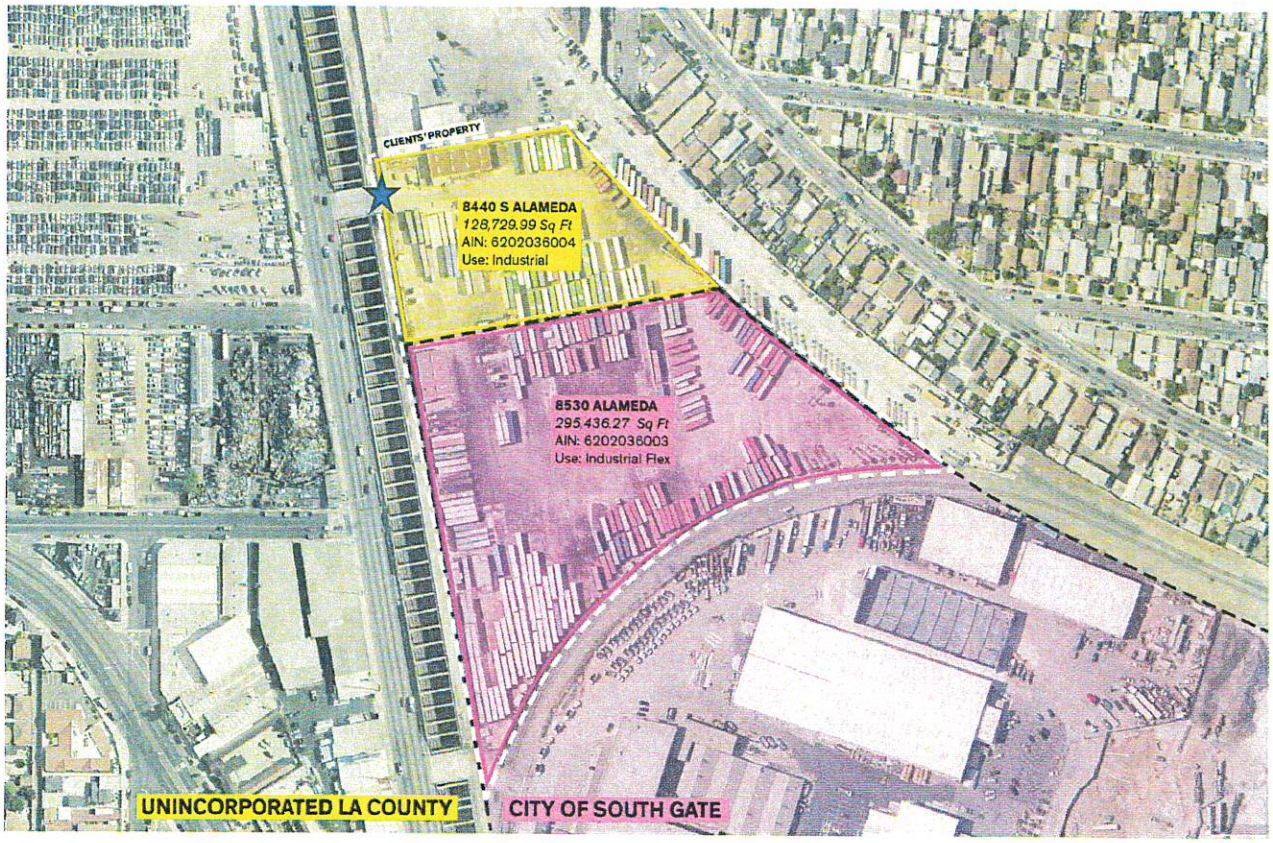
### Zone Change/ General Plan Amendment

Removes the use restrictions under the SGMC and General Plan. Reverts the zoning to the previous zoning designation, where the current use is allowed. City (Planning Commissioners or City Councilmembers) to initiate text changes that add termination date earlier that current 2035 deadline. Allows for faster resolution and more flexibility regarding future uses, as City will have to update its General Plan in 2035.

| Item | Description | Status |
|---|---|---|
| AEP Application for Zone Change/General Plan Amendment | Reverses the City's 2015 rezone. Removes the Property from South Gate Community College District Subarea 1 (requiring educational/institutional uses) and reverts the zoning back to M2 where industrial uses, including the current use are allowed with discretionary entitlements. | Pending. Application filed October, 2024. Scheduled for Planning Commission Consideration on 3/18. |
| City-Initiated Text Changes | Currently, the General Plan allows nonconforming uses in the IF zone to continue until 2035 – concurrent with the timing of the City's next General Plan update. To give the City more flexibility on a shorter timeframe and a guarantee of the end date as requested, the City would have to initiate a text change to the General Plan and Zoning Code. | Unknown. |

**Exhibit C**

**Site Map**




Entrance/Exit

# Item No. 3

- **Mario Dominguez Jr.**

Item 3) Once again I strongly urge the Commissioners to vote no and deny this wretched applicant his despicable request for a Zone Change and General Plan Amendment. This is exactly the kind of scumbaggry that you all should be opposed too. Commissioners this is your opportunity to put a stop on this property owner that wants to have their way with our city's ordinances and laws. How much more of this sort of treatment are you people willing to put up with? Correct me if I'm wrong, but item 3, is just more of item 2. Commissioners, please I beg you, don't sell out our city to this dirtbag. If you have any compassion for the poor hard working people in our city that are struggling to make it in this cruel world. Please, reject this demon's request and vote no on item 3.

- **Melodie Cuevas**

Hello,

My name is Melodie Cuevas and I lived in South Gate for over 20 years. I only recently left the community when I was 22 years old to Orange County. Moving only 14 miles away to Orange County, I notice a substantial difference in my quality of life, especially as it regards air quality. I feel completely disheartened to know that my hometown suffers heavily from pollution and negligence. Policies, such as the Zoning change, that are being introduced only serve to continue to exacerbate this ongoing history of environmental injustice. Please consider not purshing this zoning any further and listen to your constituents who are sharing their very real concerns with you.

Thank you,

Melodie Cuevas

God help us.

# Item No. 3

Office of the
South Gate City Clerk

APR 17 2025
FILED 3:55pm

# City of South Gate
## CITY COUNCIL

# AGENDA BILL

For the Regular Meeting of: **April 22, 2025**
Originating Department: **Community Development**

***Department Director:*** *Gabriel Perez* ***City Manager:*** *Rob Houston*

**SUBJECT: REQUEST FOR ZONE CHANGE AND GENERAL PLAN AMENDMENT FOR A PROPERTY LOCATED AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PL 25-0054)**

**PROJECT PROPOSAL/REQUEST**

Zone Change ("ZC") and General Plan Amendment ("GPA") (PL 25-0054): The applicant requests the following:

1. ZC to change the property from IF to Heavy Manufacturing (M3); and

2. GPA to indicate truck trailer and container storage facilities within the South Gate College District are permitted to continue operating, or remove the Subject Property from the South Gate College District entirely.

   The request to remove the subject property from the South Gate College District as identified in the General Plan, includes the following:

   a. Community Design Element
      i. Amend Figure CD-4 (Districts) by removing the Subject Property from the South Gate College District, Sub-area 1
   b. Housing Element
      i. Amend Figure HE-4 (Districts) by removing the Subject Property from the South Gate College District, Sub-area 1
      ii. Amend Figure HE-6 (Zoning Map) by changing the zoning district from IF to M3
      iii. Amend Table HE-52 (Outside of Specific Plan Areas) by reducing the number of parcels (29 to 28), acres (25.18 to 18.40), and potential units (1,886 to 1,377, a reduction of 509 units). Total units would decrease from 5,150 to 4,641 units.

iv. Amend Table HE-55 (Summary of Sites Inventory) accordingly, which results in a reduction of 509 housing units.

## PROJECT OVERVIEW

- Project Location: 8530 Alameda Street
- Assessor's Parcel Number: 6202-036-003
- Property Owner: Alameda Engle Properties (Jason Engle)
- Applicant/Representative: Sara Atsbaha, Somos Law Group
- General Plan Designation: Industrial (Community Design Element, Figure CD 1, Existing Land Uses)
  South Gate College District Subarea 1 (Community Design Element, Figure CD 4, Districts)
- Zoning: IF (Industrial Flex)

## RECOMMENDED ACTION:

1. **CONDUCT** a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;
2. **ACCEPT** the determination that this matter is exempt from the California Environmental Quality Act;
3. **ADOPT** the findings as outlined in the Resolution (Attachment A); and
4. **DENY** the zone change of the subject property from IF to M3 and amendments to the Community Design Element and Housing Element of the General Plan regarding removing the subject property from the South Gate College District.

## PUBLIC NOTIFICATION

Advertising and notification of the public hearing for this item was conducted in compliance with Sections 11.50.020 and 11.50.030 of the South Gate Municipal Code ("SGMC"). Notices of the hearing were posted and published in the "South Gate Press" on March 27, 2025.

## ENVIRONMENTAL EVALUATION

The California Environmental Quality Act ("CEQA") does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

## BACKGROUND

An application by legal counsel, Somos Law Group ("Somos"), on behalf of the property owner and applicant, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), requesting to change the zoning of the subject property from IF to M3 (Heavy Manufacturing) and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan.

It should be noted that AEP also owns the abutting 2.9-acre site to the north at 8440 S. Alameda Street, which is located outside of the City of South Gate ("City") and in the County of Los

Angeles. Access to both properties is via a driveway from Alameda Street to the property at 8440 S. Alameda Street. This property is also being used for truck trailer storage and according to County staff, a conditional use permit ("CUP") is currently being processed.

**Planning Commission Hearing**

On March 18, 2025, the Planning Commission voted 3-0 to adopt Resolution No. 2025-05 recommending to the City Council denial of a request to change the zoning from IF to M3 and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan.

The applicant's attorneys, Alfred Fraijo Jr. and Sara Atsbaha, gave a presentation. Public comment was received from the following individuals:

- Janeth Preciado Vargas, SELA youth organizer at CBE
- Jennifer Campbell
- Rossmery Zayas, SELA organizer with CBE
- Ozzie, resident, CBE youth organizing intern
- Jennifer Ganata, CBE
- Javier Guttierrez
- Jennifer Daley
- Jason Engle, property owner
- Tim Simpson, owner's environmental consultant, GSI Environmental
- David Moreno, 8429 Santa Fe Avenue
- Donald Thomas, Engle employee
- Selena Zepeda, neighboring resident

The Planning Commission also received a presentation by City staff and outside legal counsel James Eckart providing a response to the appellant's presentation.

Generally, speakers were opposed to the truck trailer storage citing concerns with traffic, pollution, health impacts, and other environmental concerns. Additionally, written correspondences from the individuals below. The correspondences are included in Attachment D.

- Mario Dominguez
- Claudia Rivera
- Melody Cuevas
- Sara Atsbaha, Somos Group, applicant's attorney

**History of Zoning and Land Use of Subject Property**

As early as 1961, the Subject Property was designated as being within a Heavy Manufacturing ("M-3") Zone.

Based upon a review of public records and documents submitted by AEP, the Site was used by Jack Engel & Company (hereinafter, "JECO") and/or AEP for a metal processing/recycling facility from as early as 1973 until approximately March 2020. During that time, the site was developed

with a single-story industrial structure used for the recycling operations conducted by JECO and/or AEP.

The metal recycling operations conducted by JECO and/or AEP included, but was not limited to, the delivery of scrap metal product to the Site inside of truck trailers – which would remain on site for up to several months while the scrap metal was sorted and processed on-site, and prepared for shipment to a final off-site destination.
In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities. Thereafter, on or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the Zoning Code and changed the zoning classification of the Subject Property to Industrial Flex ("IF") Zone.

AEP has confirmed that around March 2020, Fleet Yards, Inc. commenced utilizing the Site solely for the storage of truck trailers and/or containers as a principal use. Moreover, the structure that was previously utilized to conduct the metal recycling at the Site was demolished.

**ANALYSIS:**

**Zoning Map Amendment and General Plan Amendment**
The applicant is requesting to change the zoning of the property at 8530 Alameda Street from IF to M3 and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan. The request is to accommodate Fleet Yards, Inc.'s operation as a truck storage/terminal facility.

Around 2015, the City rezoned properties in the area from M3 to IF. This was to accommodate future growth of the East Los Angeles Community College ("ELACC") within the South Gate College District as described in the Community Design Element of the City's General Plan. The subject property is included in the South Gate College District as part of sub-area 1 (portions north of Firestone Boulevard and east of Alameda Street). ELACC anticipates a largely expanded campus complex that would include adaptive reuse of nearby industrial facilities along Firestone Boulevard. Changing the zone to M3 would be contrary to the vision and policies of the General Plan.

The IF zone allows certain residential uses to be developed and changing the zoning to M3 would preclude potential new housing development, which is contrary to the City's Housing Element and the Statewide regional housing needs. Moreover, such rezoning would remove 509 potential housing unit sites from the housing-site inventory identified in the Housing Element of the General Plan; the "No Net Loss Law" codified in Government Code section 65863 might require the City, within 180 days, to identify new suitable housing locations within the City to replace some or all of the lost locations. Furthermore, uses such as recreation, education, public assembly, parks, plazas, and open space, which are allowed in the IF zone would be prohibited in the M3 zone. For all of those reasons, as such, staff recommends the Planning Commission reject the proposed Zoning Map Amendment and General Plan Amendment.

If the City decides to approve the request and approve the zone change and General Plan Amendment, the applicant would have to apply for a CUP to allow a truck storage/terminal use in

the M3 zone, which would have to be reviewed and approved by the Planning Commission at a public hearing. Additionally, the City would be tasked with identifying additional housing unit sites to offset the loss in potential housing units so there is a "no let loss" in housing as mentioned earlier.

**CONCLUSION**

Staff recommends denying the request for a zone change from IF to M3 and leaving the subject property as part of the South Gate College District as shown in the Community Design Element and Housing Element of the General Plan.

**ATTACHMENTS:**

A. City Council Resolution
B. Planning Commission Resolution No. 2025-05
C. Planning Commission Agenda Bill for March 18, 2025
D. Public comments received at the March 18, 2025, Planning Commission meeting

**RESOLUTION NO._____**

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, DENYING A REQUEST TO CHANGE THE ZONING OF A PROPERTY AT 8530 ALAMEDA STREET FROM IF (INDUSTRIAL FLEX) TO M3 (HEAVY MANUFACTURING) AND REMOVE THE SUBJECT PROPERTY FROM THE SOUTH GATE COLLEGE DISTRICT AS SHOWN IN THE COMMUNITY DESIGN ELEMENT AND HOUSING ELEMENT OF THE GENERAL PLAN, AND FINDING THE ACTION EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (PL 25-0054)**

**WHEREAS,** the applicant, Somos Law Group, on behalf of the property owner, Alameda Engle Properties, LLC (represented by Jason Engle), submitted an application (PL 25-0054) for a Zone Change and General Plan Amendment for a property located at 8530 Alameda Street ("Subject Property"). The applicant requested a zone change and General Plan Amendment to change the zone from IF (Industrial Flex) to M3 (Heavy Manufacturing) and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on February 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission conducted the public hearing on this matter on March 18, 2025, and adopted Resolution No. 2025-05 recommending to the City Council denial of a request to change the zoning of the subject property from IF to M3 and remove the subject property from the South Gate College District as shown in the General Plan; and

**WHEREAS,** pursuant to California Government Code Section 65854, the City Council duly noticed and agendized a public hearing on this matter on March 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the City Council conducted the public hearing on this matter on April 22, 2025.

**WHEREAS,** the City Council made the following findings:

1. In 2015, the City rezoned the Subject Property from M3 to IF to accommodate future growth of East Los Angeles Community College ("ELACC") within the South Gate College District as described in the Community Design Element of the City's General Plan. ELACC anticipates a largely expanded campus complex that would include adaptive reuse of nearby industrial facilities along Firestone Boulevard. Changing the zone to M3 would be contrary to the vision and policies of the General Plan.

**RESOLUTION NO. 2025-05**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SOUTH GATE, STATE OF CALIFORNIA, RECOMMENDING TO THE CITY COUNCIL DENIAL OF A REQUEST TO CHANGE THE ZONING OF A PROPERTY AT 8530 ALAMEDA STREET FROM IF (INDUSTRIAL FLEX) TO M3 (HEAVY MANUFACTURING) AND REMOVE THE SUBJECT PROPERTY FROM THE SOUTH GATE COLLEGE DISTRICT AS SHOWN IN THE COMMUNITY DESIGN ELEMENT OF THE GENERAL PLAN**

**WHEREAS,** the applicant, Somos Law Group, on behalf of the property owner, Alameda Engle Properties, LLC (represented by Jason Engle), submitted an application for a Zone Change and General Plan Amendment for a property located at 8530 Alameda Street ("Subject Property"). The applicant requested a zone change and General Plan Amendment to change the zone from IF (Industrial Flex) to M3 (Heavy Manufacturing) and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission duly noticed and agendized a public hearing on this matter on February 27, 2025; and

**WHEREAS,** pursuant to California Government Code Section 65854, the Planning Commission conducted the public hearing on this matter on March 18, 2025.

**WHEREAS,** the Planning Commission made the following findings:

1. In 2015, the City rezoned the Subject Property from M3 to IF to accommodate future growth of East Los Angeles Community College (ELACC) within the South Gate College District as described in the Community Design Element of the City's General Plan. ELACC anticipates a largely expanded campus complex that would include adaptive reuse of nearby industrial facilities along Firestone Boulevard. Changing the zone to M3 would be contrary to the vision and policies of the General Plan.

2. The Subject Property is located in the northwestern corner of the City in the IF zone, and changing the zoning and removing the Subject Property from the South Gate College District as shown in the Community Design Element of the General Plan would constitute "spot zoning," which is contrary to the vision and policies of the General Plan.

3. The legal, nonconforming use of the Subject Property for metal processing and/or recycling activities – including the integral truck trailer storage component of those activities – has been determined to be abandoned and can no longer be conducted at the Subject Property unless otherwise in conformity to all current laws and regulations of the City (and applicable governmental agencies). The City desires a land use compatible with the purpose and intent of the IF zoning district.

4. The IF zoning district allows for certain residential uses to be developed, and changing the zoning to M3 would preclude potential new housing development, which is contrary to the City's Housing Element and the Statewide regional housing needs.

5. Changing the zoning district to M3 would preclude a number of recreational, educational, public assembly, parks, plazas, and open space uses from being developed on the Subject Property.

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

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

**SECTION 2.** The Planning Commission's recommendation to the City Council on amendments to the Zoning Map and General Plan is not subject to California Environmental Quality Act (CEQA) review because it is not an "approval" as defined in California Code of Regulations, Title 14, Section 15352, but rather a recommendation, and therefore does not commit the City to any definite course of action regarding the Zoning Code Amendment and General Plan. Furthermore, CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

**SECTION 3.** The Planning Commission hereby recommends that the City Council deny the request to change the zoning of a property located at 8530 Alameda Street from IF to M3 and remove the Subject Property from the South Gate College District as shown in the Community Design Element of the General Plan.

This action was adopted by the following vote at the Planning Commission meeting of March 18, 2025.

**AYES:** Prieto, Ruiz, Ozaeta

**NOES:**

**ABSENT:** Laborin

**APPROVED and ADOPTED** this 18th of March, 2025.

John F. Signo, AICP
Planning Manager

**APPROVED:**

Jimmy Ozaeta
Chairperson
City Planning Commission

AS13772.0860893 4923-2538-6533v1

# *City of South Gate*

## PLANNING COMMISSION

# AGENDA BILL

For the Regular Meeting of: ***March 18, 2025***

***Planning Manager***: *John F. Signo, AICP* ***Community Development Director***: *David Crabtree, AICP*

**SUBJECT: REQUEST FOR ZONE CHANGE AND GENERAL PLAN AMENDMENT FOR A PROPERTY LOCATED AT 8530 ALAMEDA STREET, AND DETERMINING THE ACTION IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**PROJECT PROPOSAL/REQUEST**

Zone Change (ZC) and General Plan Amendment (GPA): The applicant requests the following:

1. ZC to change the property from Industrial Flex (IF) to Heavy Manufacturing (M3); and

2. GPA to indicate truck trailer and container storage facilities within the South Gate College District are permitted to continue operating, or remove the Subject Property from the South Gate College District entirely.

   The request to remove the subject property from the South Gate College District as identified in the General Plan, includes the following:

   a. Community Design Element
      i. Amend Figure CD-4 (Districts) by removing the Subject Property from the South Gate College District, Sub-area 1
   b. Housing Element
      i. Amend Figure HE-4 (Districts) by removing the Subject Property from the South Gate College District, Sub-area 1
      ii. Amend Figure HE-6 (Zoning Map) by changing the zoning district from IF to M3
      iii. Amend Table HE-52 (Outside of Specific Plan Areas) by reducing the number of parcels (29 to 28), acres (25.18 to 18.40), and potential units (1,886 to 1,377, a reduction of 509 units). Total units would decrease from 5,150 to 4,641 units.
      iv. Amend Table HE-55 (Summary of Sites Inventory) accordingly, which results in a reduction of 509 housing units.

## PROJECT OVERVIEW

- Project Location: 8530 Alameda Street
- Assessor's Parcel Number: 6202-036-003
- Property Owner: Alameda Engle Properties (Jason Engle)
- Applicant/Representative: Sara Atsbaha, Somos Law Group
- General Plan Designation: Industrial (Community Design Element, Figure CD 1, Existing Land Uses)
  South Gate College District Subarea 1 (Community Design Element, Figure CD 4, Districts)
- Zoning: IF (Industrial Flex)

## RECOMMENDED ACTION:

1. **CONDUCT** a public hearing pursuant to South Gate Municipal Code Section 11.50.040.B;
2. **ACCEPT** the determination that this matter is exempt from the California Environmental Quality Act;
3. **ADOPT** the findings as outlined in Resolution No. 2025-05 (Attachment A); and
4. **RECOMMEND** to the City Council no change to the zoning district of the subject property from IF to M3 and no change to the Community Design Element and other elements of the General Plan regarding removing the subject property from the South Gate College District.

## PUBLIC NOTIFICATION

Advertising and notification of the public hearing for this item was conducted in compliance with Sections 11.50.020 and 11.50.030 of the South Gate Municipal Code ("SGMC"). Notices of the hearing were posted and published in the "South Gate Press" on February 27, 2025.

## ENVIRONMENTAL EVALUATION

The Planning Commission's recommendation to the City Council on amendments to the Zoning Map and General Plan is not subject to California Environmental Quality Act (CEQA) review because it is not an "approval" as defined in California Code of Regulations, Title 14, Section 15352, but rather a recommendation, and therefore does not commit the City to any definite course of action regarding the Zoning Code Amendment and General Plan. Furthermore, CEQA does not apply to projects which a public agency rejects or disapproves pursuant to Section 15270(a).

## BACKGROUND

The applicant, Somos Law Group ("Somos"), on behalf of the property owner, Alameda Engle Properties, LLC ("AEP" represented by Jason Engle), is requesting to change the zoning of the subject property from IF (Industrial Flex) to M3 (Heavy Manufacturing) and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan.

It should be noted that AEP also owns the abutting 2.9-acre site to the north at 8440 S. Alameda Street, which is located outside of the City and in the County of Los Angeles. Access to both

properties is via a driveway from Alameda Street to the property at 8440 S. Alameda Street. This property is also being used for truck trailer storage and according to County staff, a conditional use permit (CUP) is currently being processed.

**History of Zoning and Land Use of Subject Property**

As early as 1961, the Subject Property was designated as being within a Heavy Manufacturing ("M-3") Zone.

Based upon a review of public records and documents submitted by AEP, the Site was used by Jack Engel & Company (hereinafter, "JECO") and/or AEP for a metal processing/recycling facility from as early as 1973 until approximately March 2020. During that time, the site was developed with a single-story industrial structure used for the recycling operations conducted by JECO and/or AEP.

The metal recycling operations conducted by JECO and/or AEP included, but was not limited to, the delivery of scrap metal product to the Site inside of truck trailers – which would remain on site for up to several months while the scrap metal was sorted and processed on-site, and prepared for shipment to a final off-site destination.

In 1988, the City amended its Zoning Code, in part, to require a Conditional Use Permit for recycling facilities. Thereafter, on or about April 28, 2015, the City Council adopted Ordinance 2323, which further amended the Zoning Code and changed the zoning classification of the Subject Property to Industrial Flex ("IF") Zone.

AEP has confirmed that around March 2020, Fleet Yards, Inc. commenced utilizing the Site solely for the storage of truck trailers and/or containers as a principal use. Moreover, the structure that was previously utilized to conduct the metal recycling at the Site was demolished.

**ANALYSIS:**

**Zoning Map Amendment and General Plan Amendment**

The applicant is requesting to change the zoning of the property at 8530 Alameda Street from IF to M3 and remove the subject property from the South Gate College District as shown in the Community Design Element of the General Plan. The request is to accommodate Fleet Yards, Inc.'s operation as a truck storage/terminal facility.

Around 2015, the City rezoned properties in the area from M3 to IF. This was to accommodate future growth of the East Los Angeles Community College (ELACC) within the South Gate College District as described in the Community Design Element of the City's General Plan. The subject property is included in the South Gate College District as part of sub-area 1 (portions north of Firestone Boulevard and east of Alameda Street). ELACC anticipates a largely expanded campus complex that would include adaptive reuse of nearby industrial facilities along Firestone Boulevard. Changing the zone to M3 would be contrary to the vision and policies of the General Plan.

The IF zone allows certain residential uses to be developed and changing the zoning to M3 would preclude potential new housing development, which is contrary to the City's Housing Element and the Statewide regional housing needs. Moreover, such rezoning would remove 509 potential housing unit sites from the housing-site inventory identified in the Housing Element of the General Plan; the "No Net Loss Law" codified in Government Code section 65863 might require the City, within 180 days, to identify new suitable housing locations within the City to replace some or all of the lost locations. Furthermore, uses such as recreation, education, public assembly, parks, plazas, and open space, which are allowed in the IF zone would be prohibited in the M3 zone. For all of those reasons, as such, staff recommends the Planning Commission reject the proposed Zoning Map Amendment and General Plan Amendment.

If the City decides to approve the request and approve the zone change and General Plan Amendment, the applicant would have to apply for a conditional use permit (CUP) to allow a truck storage/terminal use in the M3 zone, which would have to be reviewed and approved by the Planning Commission at a public hearing. Additionally, the City would be tasked with identifying additional housing unit sites to offset the loss in potential housing units so there is a "no let loss" in housing as mentioned earlier.

**CONCLUSION**

Staff recommends denying the request for a zone change from IF to M3 and leaving the subject property as part of the South Gate College District as shown in the Community Design Element of the General Plan.

**ATTACHMENTS:**

~~A. Resolution No. 2025-05~~---------- **SEE ATTACHMENT 2 OF COUNCIL REPORT**

B. Applicant's letter of request dated October 18, 2024
C. Proposed General Plan Diagram
D. Proposed Zoning Map
E. Figure CD-4 (Districts)
F. Figure HE-4 (Districts)
G. Figure HE-6 (Zoning Map)
H. Table HE-52 (Outside of Specific Plan Areas)
I. Table HE-55 (Summary of Sites Inventory)

ATTACHMENT B

SOMOS
LAW GROUP

304 South Broadway, Suite 350
Los Angeles, CA 90013

October 18, 2024

VIA ELECTRONIC MAIL

Robert Houston
City Manager
City of South Gate
8650 California Ave.
South Gate, CA 90280
Email: rhouston@sogate.org

**Re: Application for Zone Change and General Plan Amendment at 8530 Alameda Street**

Dear Mr. Houston:

We are grateful for the City of South Gate's long-term collaboration on finding a viable solution for the historic use at 8530 Alameda Street ("the Property"). Consistent with our previous conversations, we are writing on behalf of Alameda Engle Properties, LLC ("AEP"), to provide more specificity on the proposed zone change ("ZC") and amendment to the General Plan ("GPA") that you suggested, along with other options for resolving the historic use issue. A copy of the application that we submitted on October 14, 2024, is attached for reference. We anticipate that further review and discussion will be required to reach a resolution that suits the needs and expectations of the City, and that allows the Property to remain productive. Per your request, we have identified the following legally-defensible solutions, including:

1. A GPA to add language to the Industrial Flex ("IF") zoning designation clarifying that existing truck trailer and container storage facilities within the South Gate College District are permitted to continue operating;
2. A zone change ("ZC") and amendment to the General Plan ("GPA") to revert the property to its previous "M3" zoning designation to remedy the split zoning on the Property; or
3. An agreement with the City that allows the historic use to continue for an agreed-upon term while AEP, in coordination with the City, determines viable alternative uses for the Property consistent with the City's vision for future developments in the area.

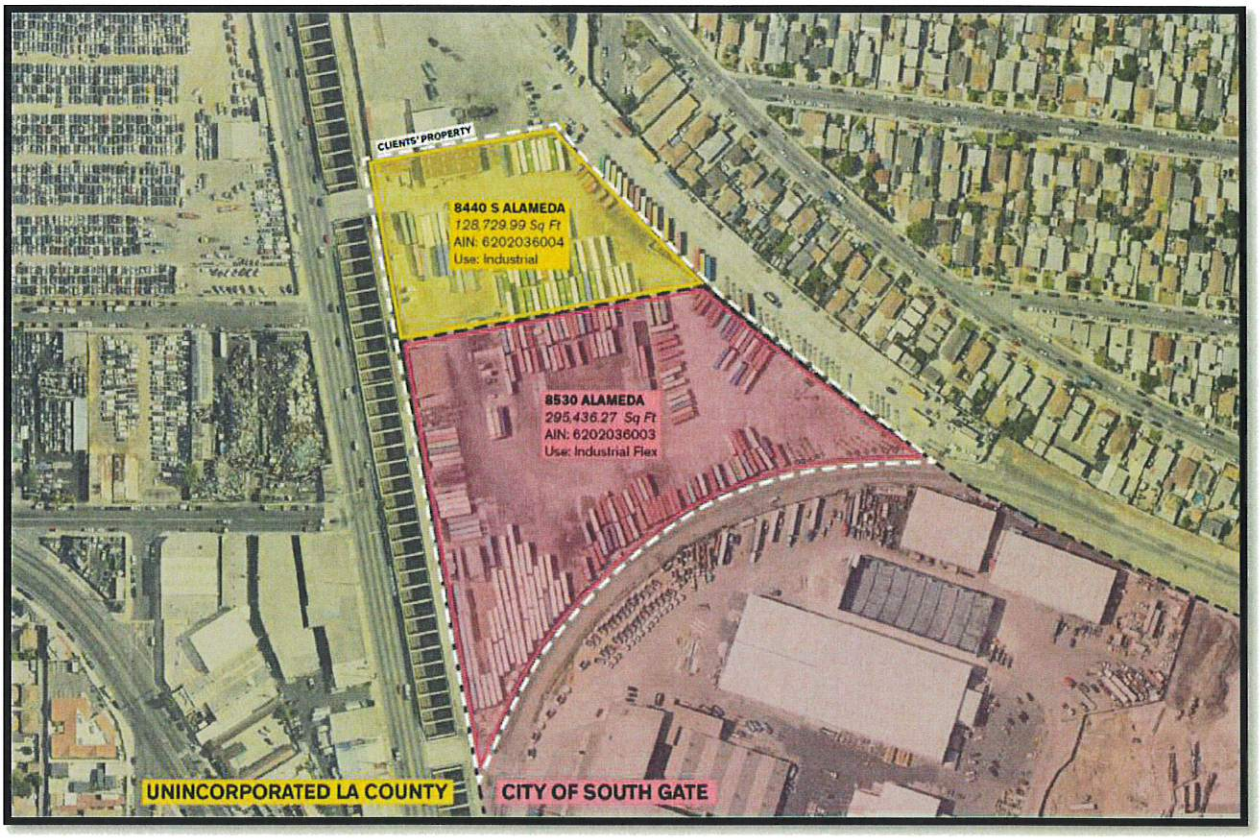
Based on our coordination with the City and prior conversations with you, we understand that a GPA or ZC/GPA are the most efficient and practical paths forward to formalize the long-standing industrial use at the Property.

As outlined in the application, this request for a ZC and GPA is consistent with all state and local requirements, and supported by the Property-specific facts below:

1. **The ZC ad GPA Prevents Challenges Re Use Continuity and Consistency**

The City rezoned the portion of the Property in South Gate from M3 to Industrial Flex "IF" in 2015. As depicted in the Property Map below, nearly one-third of the property (including the only point of ingress/egress) is located outside the City in unincorporated Los Angeles County ("County"). The portion of the Property located in the County is zoned "M2" for Heavy Manufacturing uses. The entirety of the Property has been used for truck trailer and container storage for over 50 years in the City of South Gate and over 60 years on the County side. The ZC and GPA approval will formalize consistent zoning and uses across the entirety of the Property. Split zoning over a single property, and/or inconsistencies in permitted uses between the northern (County) portion of the property and southern (City) portion of the property, together with the single point of ingress and egress severely restrict the scope viable alternative uses. The Proposed ZC ad GPA will enable use consistency over both portions of the Property and avoid additional challenges in implementing future uses.

Property Map




**2. The ZC & GPA are Consistent with Uses in the Surrounding Area.**

As depicted in the Site Map, the surrounding uses are predominantly industrial. The property is bounded by railroad tracks and an aluminum manufacturing facility to the south, railroad tracks to the east, waste management services, truck parking, truck repair facilities to the north, and an auto auction facility, auto parts facility, and metal manufacturing facility to the west. The residential development to the northeast of the Property is separated by railroad tracks and additional truck parking facilities that are not owned, operated or affiliated with AEP. The ZC and GPA revert the current zoning to the previous "M3" zoning designation, which is consistent with the surrounding industrial uses, and will allow the property to continue to operate as a vital part of the local economy without increasing the intensity of the use.

**3. The ZC & GPA Facilitate Productive Use of the Property While the City Evaluates City-Wide Land Use & Policy Changes**

The Property's unique characteristics, including its location in multiple jurisdictions, split zoning designations, and location adjacent to railway and heavy industrial uses substantially narrow the scope of viable alternative uses. If the historic use is not allowed to continue as a "bridge" to future regional redevelopment options,

the Property is at risk of becoming vacant. As you know, vacant properties can result in public health and safety concerns, deter investment in surrounding properties, and create lost opportunities for tax revenue. In recent years, variable market conditions have complicated identification of potential development partners and prevented the City's redevelopment goals for the region from materializing. The ZC and GPA will allow the current tenant to continue the historic operations at the property and maintain the Property's historic role as a job generator and contributor to the local economy until AEP, together with the City, identify a feasible redevelopment partner or plan. AEP remains dedicated to working with the City and supporting its long-term vision for the region.

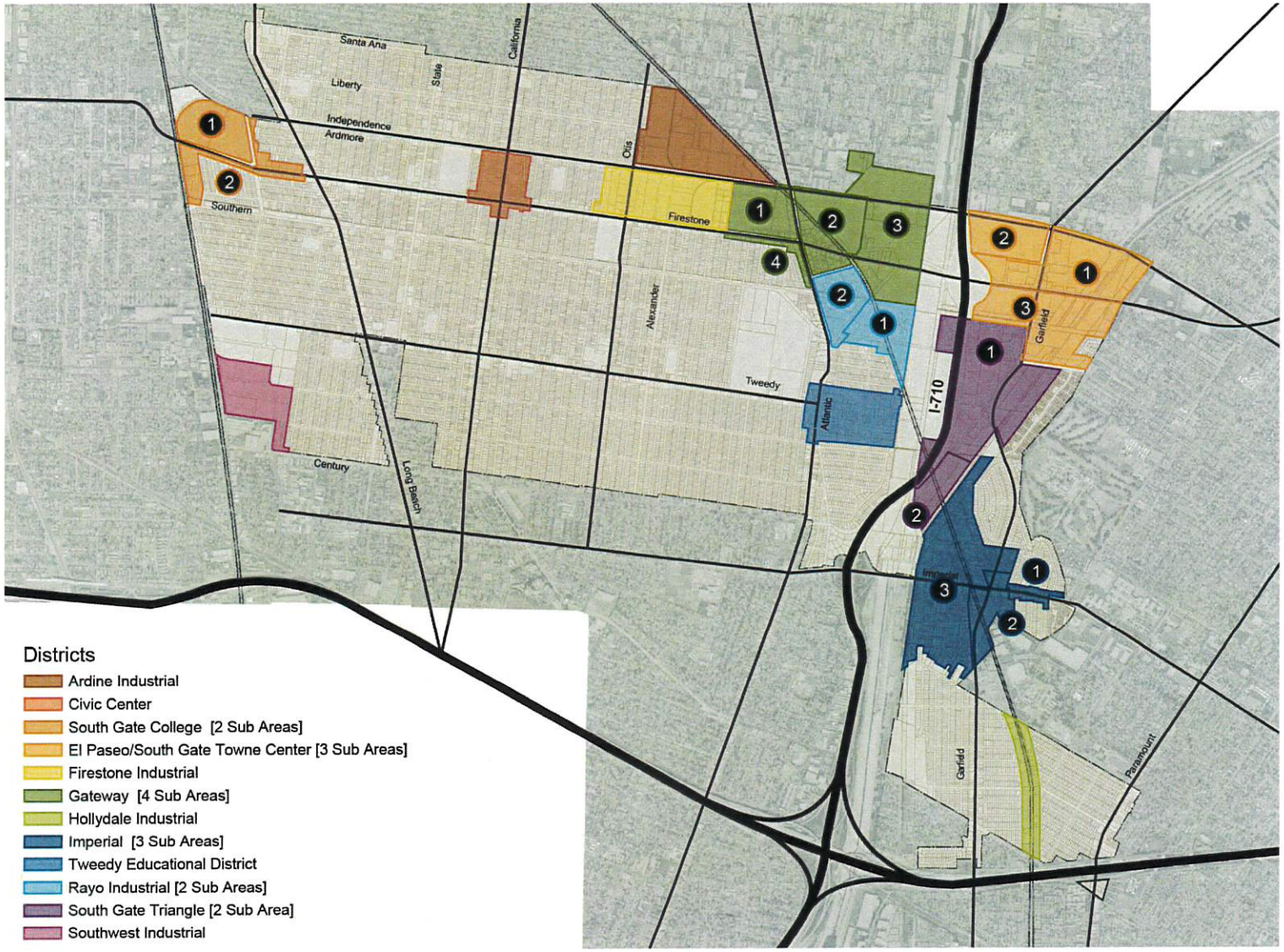
We look forward to discussing the application and alternate options with you in more depth.

Sincerely,

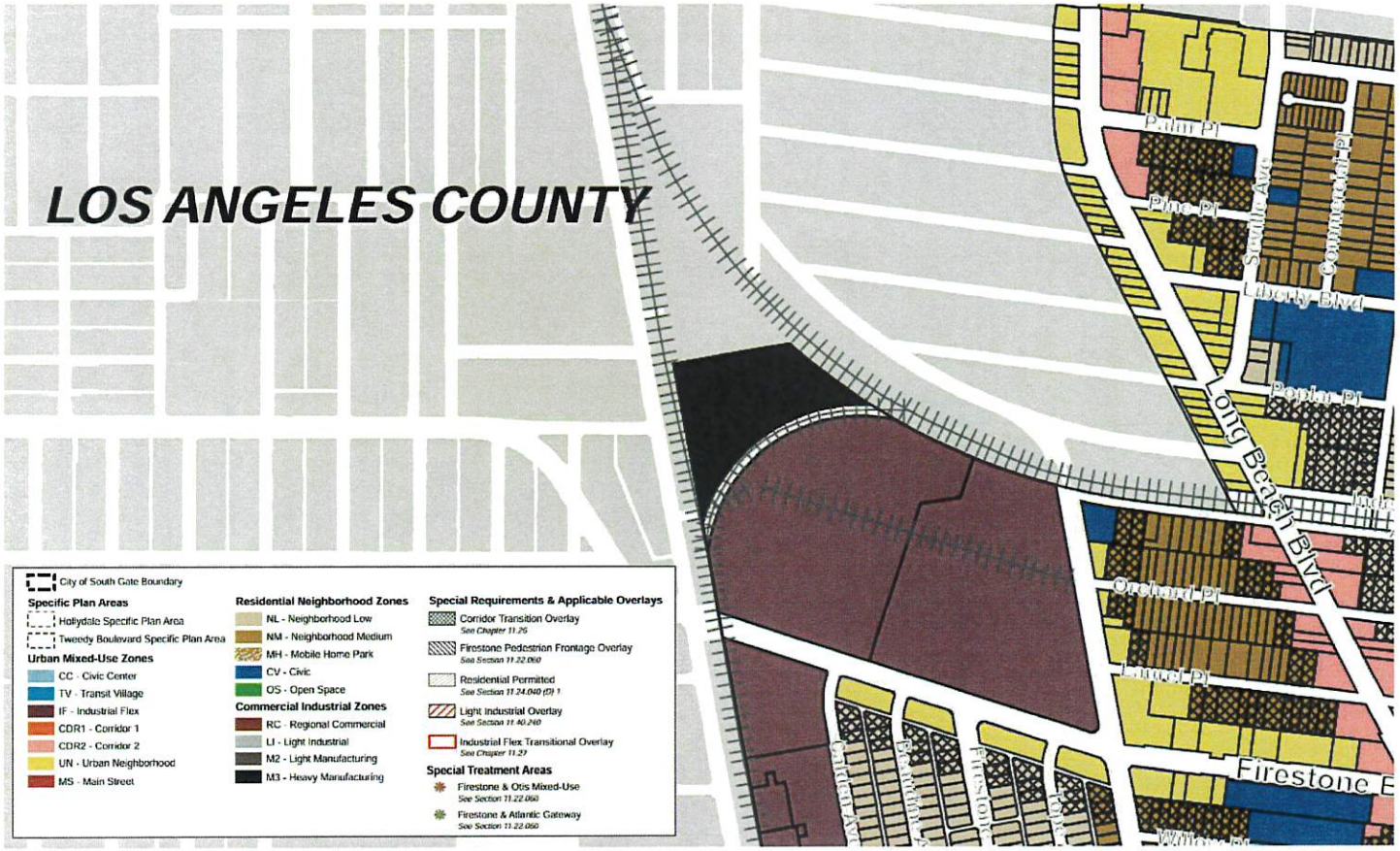
Alfred Fraijo Jr.
Partner
213.592.2966 direct
alfred@somosgroup.org

cc: Raul Salinas

ATTACHMENT C



ATTACHMENT D



ATTACHMENT E

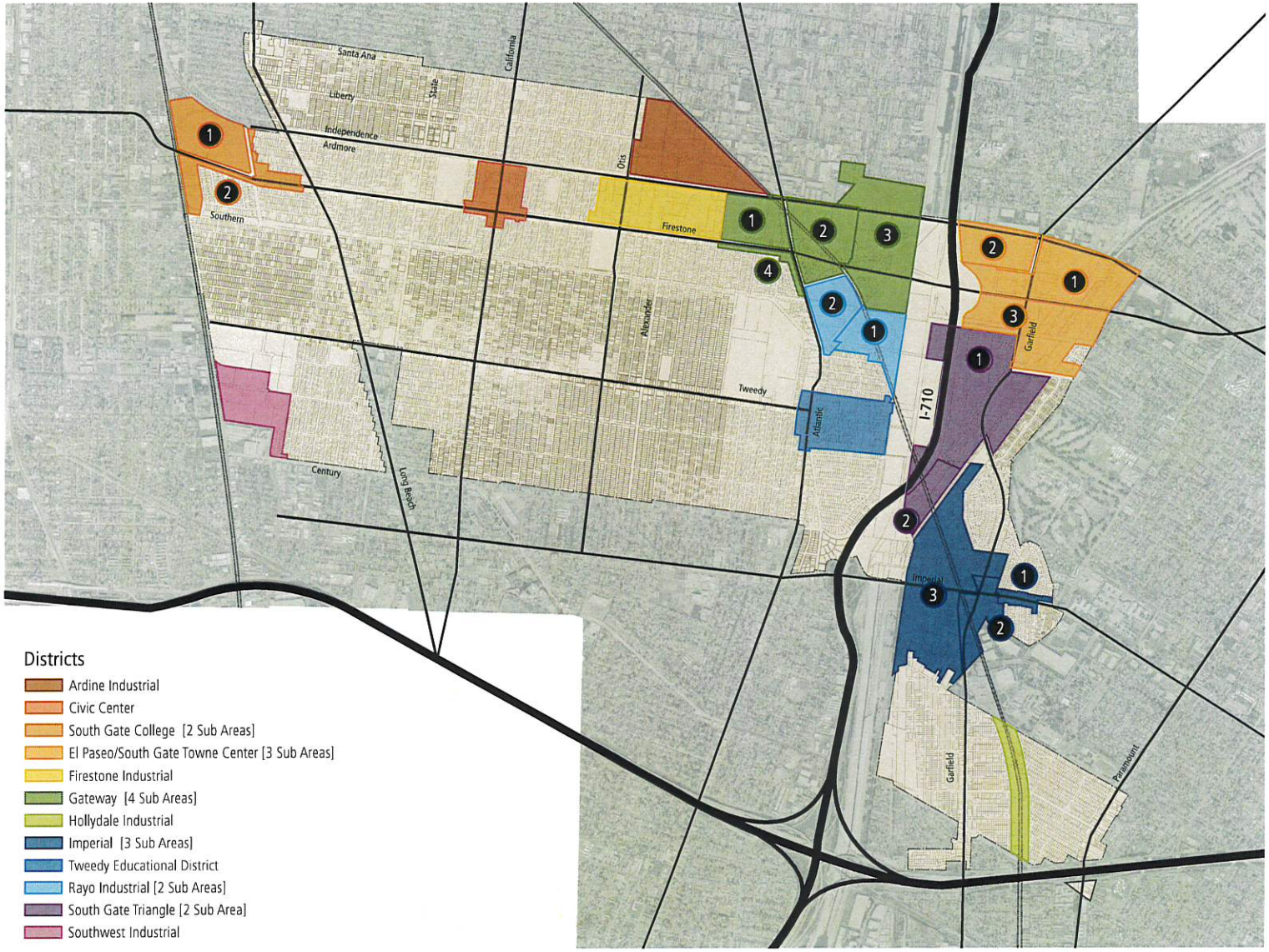
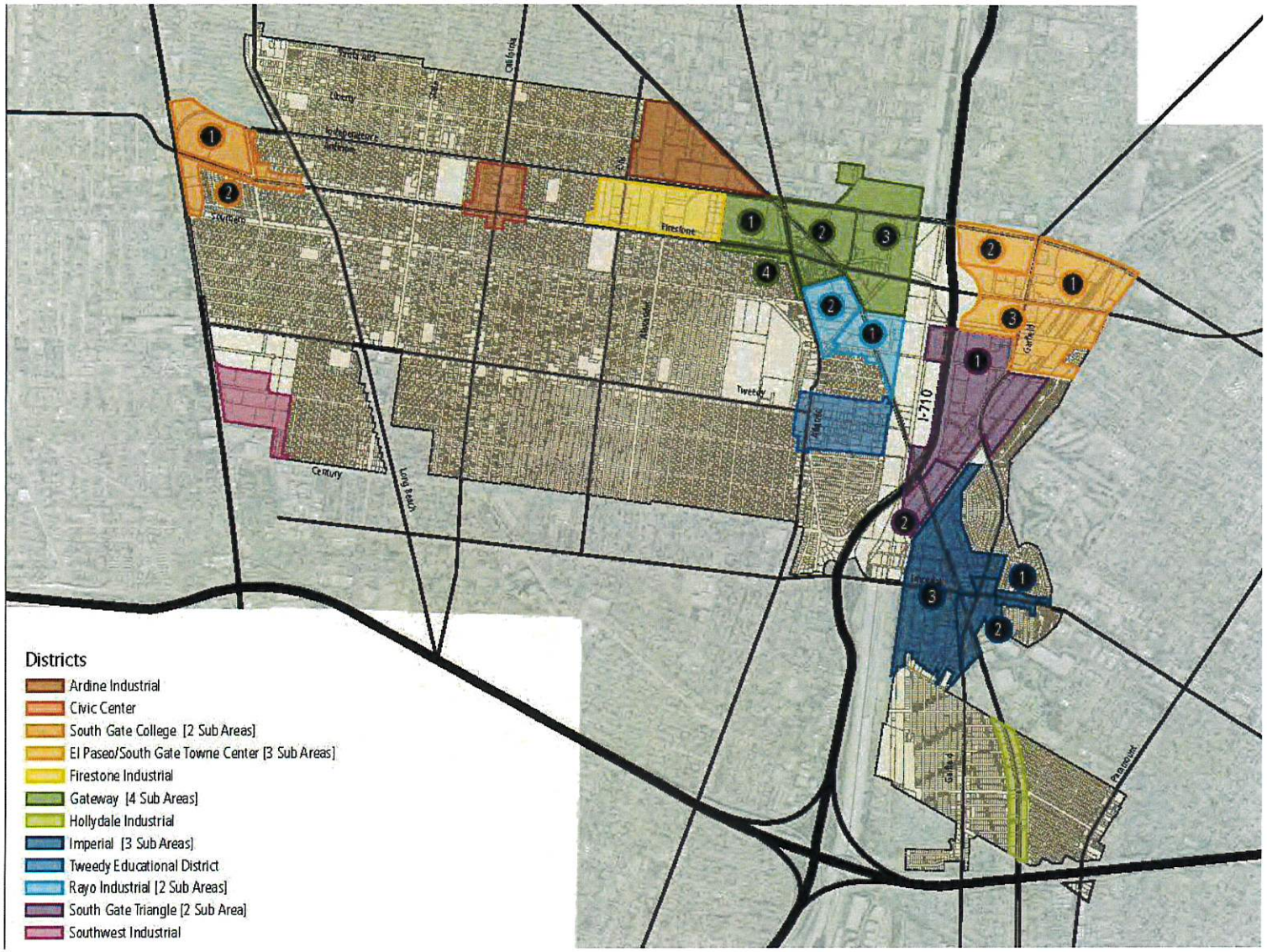



Figure CD 4 Districts

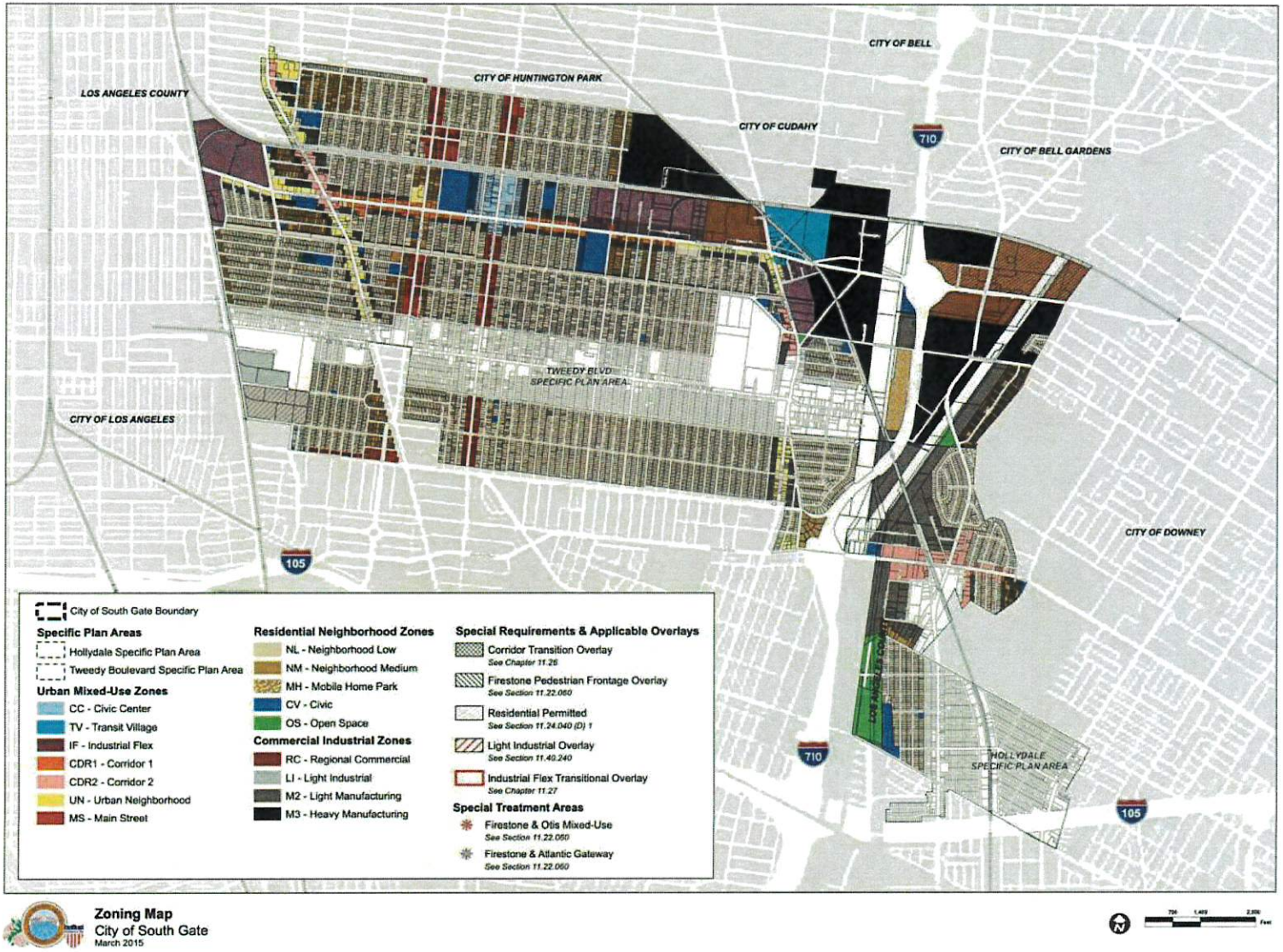
# ATTACHMENT F

**Figure HE-4: Districts**



# ATTACHMENT G

**Figure HE-6: Zoning Map**




**Zoning Map**
City of South Gate
March 2015

**Table HE-52: Outside of Specific Plan Areas**

| Zoning Designation | Base Density | No. of Parcels | Acres | Potential Units |
|---|---|---|---|---|
| NM (Neighborhood Medium) | 20 | 10 | 4.33 | 58 |
| CC (Civic Center) | 30 | 8 | 2.49 | 73 |
| CDR2 (Corridor-2) | 32 | 35 | 19.62 | 625 |
| MS (Main Street) | 40 | 47 | 9.86 | 260 |
| UN (Urban Neighborhood) | 40 | 59 | 24.37 | 968 |
| CDR1 (Corridor-1) | 75 | 42 | 13.94 | 1,040 |
| IF (Industrial Flex) | 75 | 29 | 25.18 | 1,886 |
| RC-R (Regional Commercial-Residential Overlay) | 30 | 1 | 6.54 | 203 |
| NL (Neighborhood Low) | 12 | 4 | 4.41 | 37 |
| Total | | 235 | 110.74 | 5,150 |

## City-Owned Sites

The City of South Gate and its Housing Authority own a number of properties throughout the City. Several of these properties have been identified for residential uses. Some of these properties have already been included in the "Pipeline Projects" discussion earlier. Four additional properties identified for residential development have no specific project proposals yet. While two parcels are currently zoned M2, as they are owned by the City, these properties can be developed as residential uses as the City sees appropriate. All city-owned properties would begin disposition of these properties starting in 2024.

### Development Potential

For the purpose of estimating development potential, the same density of Industrial Flex within a specific plan area is used for the two M2 properties. The City will also be able to maximize the density on site. However, for the purpose of this analysis, no density bonus is assumed. As a conservative estimate, the large projects are expected to be able to facilitate lower income housing. Smaller projects are credited toward the moderate income RHNA.

**Table HE-53: City-Owned Properties**

| Parcel | Location | Zoning | Existing Uses | Acres | Base Density (du/ac) | Potential Units |
|---|---|---|---|---|---|---|
| 6222039900 | --- | TMU1 | Vacant parcel | 0.13 | 20 | 3 |
| 6233001902 | --- | M2 | Vacant parcel (0.94 acre in Rio Hondo Channel – potential based on remaining 1.77 acres) | 2.71 | 40 | 71 |
| 6233002901 | --- | M2 | Vacant Parcel | 4.74 | 40 | 190 |
| 6205015906 | 2703 Tweedy | TMU1 | Amigos Market | 0.12 | 20 | 2 |
| Total | | | | 7.70 | | 266 |

Source: City of South Gate, 2021

**Table HE-54: Motel/Hotel Sites with HomeKey or Redevelopment Potential – Not Used for RHNA**

| Hotel | Parcels | Zoning | Acres | Density (du/ac) | Project HomeKey Potential (Existing No. of Rooms) | Redevelopment Potential |
|---|---|---|---|---|---|---|
| Sunrise Inn | 6204020015 | Urban Neighborhood | 0.62 | 40 | 30 | 25 |
| Valu Inn by Nendels | 6221003054 | Urban Neighborhood | 0.40 | 40 | 30 | 16 |
| Villa Luna Motel | 6221003065<br>6221003064 | Urban Neighborhood | 0.12<br>0.30 | 40 | Unknown[1] | 17 |
| Villa Motel | 6222009008<br>6222009009 | Urban Neighborhood | 0.13<br>0.13 | 40 | 11 | 10 |
| Vogue Motel | 6206016012 | Urban Neighborhood | 0.15 | 40 | 12 | 6 |
| | | | 12.0 | | 658 | 400 |

Notes:
1. No working phone numbers and County Assessor data does not contain information on the number of rooms.
Sources: City of South Gate, 2021; Los Angeles County Assessor's Office.

## Adequacy of Sites Inventory in Meeting RHNA

As shown below, the City has adequate capacity to accommodate the RHNA. This capacity can be increased based on the City's density incentives program, as demonstrated by the recent projects. A site-specific listing of parcels that could accommodate the RHNA within the planning period is included in Appendix C.

**Table HE-55: Summary of Sites Inventory**

| | Very Low | Low | Moderate | Above Moderate | Total |
|---|---|---|---|---|---|
| RHNA | 2,136 | 994 | 1,173 | 3,979 | 8,282 |
| ADU | 109 | 275 | 38 | 218 | 640 |
| Pipeline | 59 | 97 | 245 | 316 | 717 |
| Remaining RHNA | 1,968 | 622 | 890 | 3,445 | 6,925 |
| Sites Inventory | | | | | |
| Gateway District SP | | | | | |
| Transit Village | 562 | | 288 | 567 | 1,417 |
| Industrial Flex | 32 | | 17 | 33 | 82 |
| Urban Neighborhood | 12 | | 7 | 15 | 34 |
| Subtotal | 606 | | 312 | 615 | 1,533 |
| Hollydale SP | | | | | |
| Neighborhood Medium | 0 | | 0 | 7 | 7 |
| Corridor-3 | 0 | | 211 | 36 | 247 |
| Hollydale Mixed Use-1 | 0 | | 76 | 20 | 96 |
| Hollydale Mixed Use-2 | 102 | | 0 | 180 | 282 |

## Item No. 2

- **Jennifer Daley -**

Dear Mr. Signio, Mr. Pelayo and Members of the South Gate Planning Commission,

As you prepare for the Planning Commission meeting this Tuesday, I urge you to consider the long-term implications of your decision regarding the illegal truck yard at 8530 Alameda Street. This decision will set a precedent for how South Gate enforces its business regulations and codes. The community is watching closely to see if the City will take a firm stance on ethical business practices.

The property at 8530 Alameda Street has been operating without a valid permit or license since July 16, 2021, when the Temporary Use Permit (TUP) expired. The original TUP was issued in error, making the operation illegal even before that. On April 18, 2023, the South Gate Planning Commission determined that the continued operation of this facility violated City codes, citing that:

1. The proposed use as a truck storage/terminal is prohibited in the Industrial Flex (IF) zone.
2. Temporary Use Permits cannot authorize prohibited uses for extended durations, and the original TUP was issued in error.

The full denial of Engle's request, dated April 18, 2023, is attached for your reference. Complete Engel documentation can be viewed here:
https://d3n9y02raazwpg.cloudfront.net/cityofsouthgate/e38f28b4-b7b5-11ed-acbc-0050569183fa-4253c1cb-d0d2-4870-b889-bade0633e61a-1682709352.pdf

Despite this clear ruling, Engle has repeatedly attempted to pressure the City into reversing its decision. The 2015 General Plan Amendment established that this area is designated for Industrial Flex (IF) use, intended to benefit the South Gate College District and residents. Engle's current request to rezone the area contradicts the City's vision for a more sustainable future.

Engle's continued efforts to bypass regulations for financial gain are concerning and must be stopped. It is critical that the City prioritize the interests of residents over corporate profits. Allowing preferential treatment would send a damaging message that illegal business practices are tolerated in South Gate and that city officials can be influenced.

As you deliberate, I urge you to prioritize the best interests of South Gate's residents and uphold the City's commitment to ethical business practices and zoning laws.

Thank you for your attention to this critical matter.

Sincerely,
Jennifer Daley

SELA for a Better Tomorrow

- **Mario Dominguez Jr.**

Item 2) I strongly urge the Commissioners to vote no and deny the appeal by this scumbag applicant. We don't want trash like this in our city. I'm tired of our city constantly bending over and making changes to our ordinances, zoning codes and General Plan. All because these property owners don't want to be in compliance with our city's laws. Enough is enough Commissioners. Do you really want to see our city devolve into a sewer? Or look like Tijuana Mexico? Have you people been there? I have. Trust me, it looks really bad. You don't want to live there. And I don't want our city to look like some sort of garbage town. Besides, this business adds no real value to our city. Commissioners you need to do the right thing and vote no on item 2. This is the right decision for our city.

- **Claudia Rivera – (for items 2 and 3)**

Members of the Planning Commission, this email is to address the items 2 and 3.

I've been listening to council meetings for quite some time now. Every so often people show up to the meetings to address the city council or planning commission to state their thoughts on items being considered.

I'm all for people expressing their views. But when there's accusations of corruption without any facts to support them, the accusations fail to address the issue. What it does is stain the reputation of the city.

Item 2 is an appeal from the business owner against a decision that City Staff has taken. It's pretty clear that our city council took a position in 2015 to change the zoning code. Once the permit expired, staff has taken the position to follow the direction given by the city council concerning the zoning code to stop the work being done.

What I don't understand is the accusation that our city council is somehow involved with corruption. If the young lady, Jennifer, is claiming that the city council is allowing the business to operate illegally, she should know that the opposite is actually true. The city staff has denied this business from operating for years. That is why there is an appeal. It seems that she should be applauding the city for addressing this issue, even before she came to our city, from where ever she is from.

Dear Honorable Planning Commission, City Clerk, Mayor Davila, City Council, and City Manager,

I am writing to express my strong support for upholding South Gate's municipal code in the case of 8530 Alameda Street and to urge the City Council to deny the appeal filed by the property owner. From what I have gathered through the agenda and available information, it is clear that this is not a case of unfair treatment, but rather the City rightfully enforcing its zoning regulations, as it would for any other business or property owner.

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The Facts: How We Got Here

For decades, 8530 Alameda Street was home to a metal processing and recycling facility. Even after zoning changes in 2015, the City allowed the business to continue under legal nonconforming status, showing its willingness to work with long-standing businesses and provide flexibility for property owners.

However, that nonconforming status required renewal, and in 2020, the property owner failed to submit that renewal. As a result, the legal protection for that prior use expired, and the site became subject to the current Industrial Flex (IF) zoning, which does not allow truck trailer storage.

Despite this, the site has continued to be used for truck trailer storage, an operation that was never separately recognized as a legal nonconforming use. The City is now requiring compliance with existing zoning, which is a necessary and standard enforcement action.

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South Gate's Approach Has Been Fair and Consistent

The City of South Gate has a proven history of working with its business community, and this case is no exception. The fact that the previous nonconforming use was allowed to continue for nearly five years after the zoning change shows that the City was not looking to push businesses out but instead offered reasonable opportunities to transition.

However, zoning laws exist for a reason, and South Gate is simply applying the same standards it would to any other business. The property owner had multiple opportunities to maintain their legal status but failed to follow the required renewal process. This is not an issue of the City being unreasonable—this is a case of a business not following the necessary steps to remain in compliance.

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Addressing Arguments Against the City's Decision

Some may argue that truck storage was always part of the metal processing operation and therefore should still qualify under the original nonconforming status. However, the key issue is that nonconforming use protections do not extend indefinitely without proper renewal.

- The original nonconforming status applied specifically to metal processing, not to truck storage as a separate business.
- Once metal processing ceased and the structure was demolished, the truck storage became an independent operation—not a continuation of the original use.
- Under South Gate's current zoning regulations, truck trailer storage is not a permitted use in the IF zone.

The City is not changing the rules or targeting this specific business. If noncompliant operations were allowed to continue indefinitely without proper renewal, it would undermine the entire purpose of zoning laws.

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Addressing Misinformation

I have also seen claims that the City is acting unfairly or even engaging in selective enforcement. However, from what I have read, South Gate has acted responsibly and transparently in enforcing its municipal code.

This situation is not about the City suddenly changing its stance—it is about a property owner who failed to take the necessary steps to maintain their legal standing. It is misleading and unfair to suggest that the City is at fault when all it is doing is enforcing the rules that apply to everyone.

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Why Denying the Appeal Is the Right Decision

South Gate's zoning regulations exist to ensure fairness, order, and responsible land use. If the City allows this appeal to succeed, it will set a dangerous precedent that nonconforming uses can continue indefinitely, even when renewal requirements are ignored. That would not be fair to other businesses and property owners who follow the rules.

I urge the City Council to:

- Uphold the City's decision and deny the appeal to protect the integrity of South Gate's municipal code.

- Ensure that land use regulations are applied fairly and consistently to all businesses.

- Stand by the City's long-term planning and zoning vision rather than allowing businesses to bypass regulations through legal loopholes.

South Gate has done its part to support local businesses while also maintaining the integrity of its zoning regulations. Now, it is time to uphold those regulations and deny this appeal.

Thank you for your time and for your commitment to enforcing South Gate's municipal code fairly and consistently.

Respectfully,

Nathan Cueto

**8530 Alameda Street**

**Development Agreement & Zone Change/General Plan Amendment**

**Term Summaries**

Alameda Engle Properties, LLC ("AEP") has operated its truck trailer and container storage business at their property located at 8530 Alameda Street ("Property") since 1973. The City of South Gate ("City") has asked for solutions to address the legal nonconforming use, along with a sunset date for the current use. To address these requests, AEP submitted two potential solutions for the City's consideration: 1) a Draft Development Agreement ("DA") which terms out the current use over a 10-year period, consistent with the requirements of the current General Plan; and 2) a General Plan Amendment ("GPA") and Zone Change ("ZC") to revert the Property back to its previous zoning designation. Summaries of those options are attached as Exhibit A, and Exhibit B. AEP's preferred solution is the DA, which addresses the concerns that the City has voiced while keeping the property productive as future development partners are identified. The terms for the DA are described below.

**Development Agreement Term Sheet**

AEP and the City of South Gate collectively, the "Parties" wish to enter into a Development Agreement consistent with the following terms:

1. **Property**: AEP owns real property commonly known as "8530 Alameda Street" located within the City of South Gate, California.
2. **Historic Use**: The property operated as a family-owned recycling business, including on-site truck trailer and container storage between 1973 and 2019. The Property was leased to Fleet Yards, Inc. in 2020 for the purpose of truck trailer and container storage.
3. **Legal Nonconforming Use**: It is AEP's position that truck trailer and container storage is a legal nonconforming use on the Property because this use was authorized by-right when the recycling operations began in 1973, and because the use has been continuous since that time, through Jack Engle & Company's operations between 1973 and 2019, and through Fleet Yards' operations beginning in 2020. AEP reserves the right to defend all legal nonconforming uses on the Property, including truck trailer and container storage.
4. **Current Lease Term**: Fleet Yards' current lease does not expire until Summer, 2035.
5. **Truck Trailer & Container Storage**: In order to avoid substantial financial damages to AEP from prematurely terminating the current lease with Fleet Yards, the City agrees to allow Fleet Yards to continue its truck trailer and container storage operations at the Property through the term of the current lease (Summer, 2035).
6. **Entitlements**: In order to facilitate more uses on the Property consistent with the City's long term vision for the "industrial flex" zone, the City will work with AEP on an entitlement pathway that allows a broader range of commercial uses on the Property.
7. **Development Partners**: The Parties agree that during the remaining term of the current lease, they will work together to identify a development partner and/or lessee with the requisite experience to redevelop a portion of the Property consistent with the City's long term vision for the Industrial Flex zone. The Development Partner or Lessee must be able to provide a conceptual site plan and proof of financing for the project's development and operation, either independently or with additional partners.

## Exhibit A

### Proposed Development Agreement Terms

Assists the City in satisfying the redevelopment requirements in the General Plan. Identifies a long-term redevelopment solution. Creates a contractual obligation to phase-out the current use based on market conditions. Provides market-driven data for the City's next iteration of the General Plan.

| Term | Timeline | Description |
|---|---|---|
| Feasibility Study | (1 Year)* | AEP to conduct Market Study within 1 Year to determine feasible future developments and alternate uses at the Property, including potential redevelopment partners. |
| Redevelopment Partner/ Future Tenant | (1 Year)* | AEP to retain a broker and begin marketing the Property to target and secure redevelopment partners and/or future tenants based on the Market Study. AEP to provide regular status updates to the City on its efforts. |
| Project Plans/Agency Involvement | (2-3 Years)* | Redevelopment Partner to secure funding, refine site plan, and coordinate entitlements package with the City and redevelopment plans with DTSC. AEP/Redevelopment Partner to provide regular project updates to the City during this period. |
| Precise Plan/Specific Plan | (1 Year)* | City to assist Redevelopment Partner & AEP with Precise Plan/Specific Plan (required by current General Plan) and advise on appropriate entitlements package. Redevelopment Partner to submit entitlements application. Parties to meet quarterly until the entitlements application is filed. |
| Entitlements Processing | (18 months)* | City to review entitlements application. AEP/Redevelopment Partner to prepare EIR. |
| Extension for Entitlements Processing | (Up to 3 Years) | Parties acknowledge that the timeframes marked with an asterisk are estimates, and may be delayed due to circumstances beyond the Parties' control. If an entitlements package for the redevelopment project has been filed with the City within 7 years, the Parties may extend the agreement term for up to 3 additional years to allow the City to complete processing of the entitlements. The total term shall not exceed 10 years. |
| Term | (10 Years) | |

**Exhibit B**

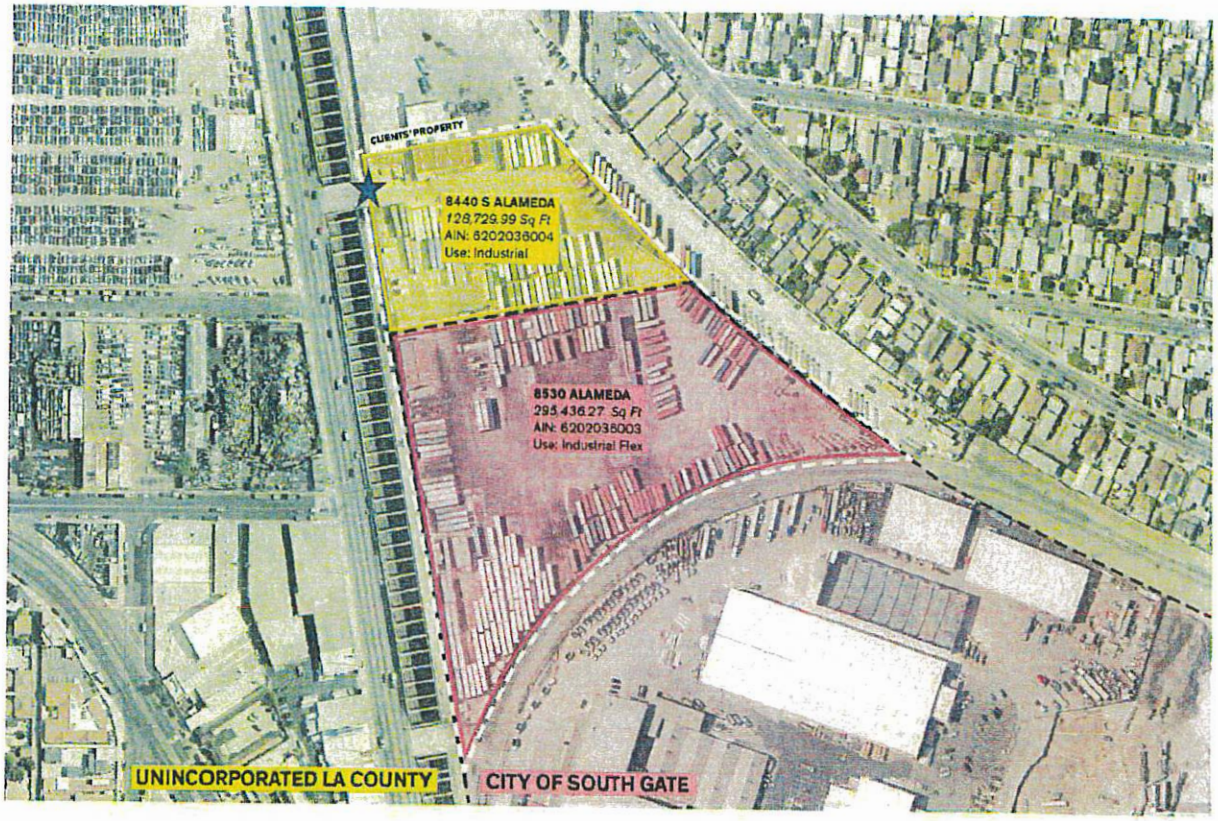
**Zone Change/ General Plan Amendment**

Removes the use restrictions under the SGMC and General Plan. Reverts the zoning to the previous zoning designation, where the current use is allowed. City (Planning Commissioners or City Councilmembers) to initiate text changes that add termination date earlier that current 2035 deadline. Allows for faster resolution and more flexibility regarding future uses, as City will have to update its General Plan in 2035.

| Item | Description | Status |
|---|---|---|
| AEP Application for Zone Change/General Plan Amendment | Reverses the City's 2015 rezone. Removes the Property from South Gate Community College District Subarea 1 (requiring educational/institutional uses) and reverts the zoning back to M2 where industrial uses, including the current use are allowed with discretionary entitlements. | Pending. Application filed October, 2024. Scheduled for Planning Commission Consideration on 3/18. |
| City-Initiated Text Changes | Currently, the General Plan allows nonconforming uses in the IF zone to continue until 2035 – concurrent with the timing of the City's next General Plan update. To give the City more flexibility on a shorter timeframe and a guarantee of the end date as requested, the City would have to initiate a text change to the General Plan and Zoning Code. | Unknown. |

**Exhibit C**

**Site Map**




Entrance/Exit

## Item No. 3

- **Mario Dominguez Jr.**

Item 3) Once again I strongly urge the Commissioners to vote no and deny this wretched applicant his despicable request for a Zone Change and General Plan Amendment. This is exactly the kind of scumbaggry that you all should be opposed too. Commissioners this is your opportunity to put a stop on this property owner that wants to have their way with our city's ordinances and laws. How much more of this sort of treatment are you people willing to put up with? Correct me if I'm wrong, but item 3, is just more of item 2. Commissioners, please I beg you, don't sell out our city to this dirtbag. If you have any compassion for the poor hard working people in our city that are struggling to make it in this cruel world. Please, reject this demon's request and vote no on item 3.

- **Melodie Cuevas**

Hello,

My name is Melodie Cuevas and I lived in South Gate for over 20 years. I only recently left the community when I was 22 years old to Orange County. Moving only 14 miles away to Orange County, I notice a substantial difference in my quality of life, especially as it regards air quality. I feel completely disheartened to know that my hometown suffers heavily from pollution and negligence. Policies, such as the Zoning change, that are being introduced only serve to continue to exacerbate this ongoing history of environmental injustice. Please consider not purshing this zoning any further and listen to your constituents who are sharing their very real concerns with you.

Thank you,

Melodie Cuevas

God help us.

Office of the
South Gate City Clerk

APR 17 2025

FILED 12:40pm

# Item No. 4

# City of South Gate

CITY COUNCIL

# AGENDA BILL

For the Regular Meeting of: **April 22, 2025**
Originating Department: **Public Works**

***Department Director:*** *Arturo Cervantes* ***City Manager:*** *Rob Houston*

**SUBJECT: FISCAL YEAR 2025/26 STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 1 – RESOLUTIONS TO PRELIMINARILY APPROVE THE ENGINEER'S REPORT, DECLARE THE CITY'S INTENTION TO LEVY AND COLLECT ASSESSMENTS AND SET A PUBLIC HEARING**

**PURPOSE:** To adopt Resolutions to preliminarily approve the Engineer's Report, to declare the City of South Gate's ("City") intention to levy and collect assessments, and to set a public hearing.

**RECOMMENDED ACTIONS:** The City Council will consider:

a. Adopting a Resolution preliminarily approving the Engineer's Report for the proceedings of the Fiscal Year 2025/26 Annual Levy and Collection of Assessments for the Street Lighting and Landscape Maintenance District No. 1; and
b. Adopting a Resolution declaring the City's intention to levy and collect assessments under the Fiscal Year 2025/26 Annual Levy and Collection of Assessments within the Street Lighting and Landscape Maintenance District No. 1 and setting a Public Hearing for May 27, 2025.

**FISCAL IMPACT:** The cost of preparing the Engineer's Report is $8,307, and it will be funded with Street Lighting and Landscaping Funds budgeted in the Fiscal Year 2024/25 Municipal Budget.

**ANALYSIS:** The assessment amount is currently set at $2.38 per adjusted front footage. The total revenue produced from this assessment has remained constant over the years while the total cost of maintaining the District has increased, leaving an operating shortfall. The revenue for Fiscal Year ("FY") 2025/26 is estimated to be $1,994,154, while the cost of maintaining the District is estimated to be $3,041,636. The operating budget deficit is $1,184,010, which is planned to be funded with restricted funds including Measure R, Gas Tax and Proposition A. This amount includes $136,528 for the maintenance of the landscaped medians on Long Beach Blvd and Garfield Avenue recently constructed, which amount added to the deficit.

On April 26, 2016, the City Council authorized a financial analysis to identify alternatives to minimize the funding deficit which would be needed if the City Council wished to conduct

Proposition 218 Ballot proceedings for new or increased assessments. A consultant conducted the analysis to determine the feasibility of increasing the assessment within the existing District to cover the revenue shortfall. Feasible alternatives recommended included creating new districts to supplement the revenue from the subject District. New districts are created via separate and independent proceedings. As such, as a part of these proceedings, staff is not planning to propose an increase to the assessment rates.

**BACKGROUND:** Formed in 1981, the District operates under the Landscaping and Lighting Act of 1972 (California Streets and Highways Code). It authorizes the City to levy assessments on parcels receiving a direct "special benefit" from public improvements. Since the District encompasses the entire City, the assessment applies to all parcels citywide.

District revenue is restricted to its original purpose: maintaining and operating landscaping and lighting systems citywide and along City streets. Eligible expenditures include the operation and maintenance of: (a) Landscaping—trees, shrubs, grass, ornamental vegetation, irrigation, and drainage systems. (b) Lighting systems—illuminated signs, decorative fixtures, street furniture, streetlights, and traffic signals. These expenses cover both labor and materials.

Each year, the Los Angeles County Assessor's Office ("LA County") levies and collects the District's funds through the property tax roll on the City's behalf. To authorize this process, the City Council must take specific actions in compliance with the county's requirements and state law. The actions before the City Council are part of the required proceedings to grant this authority.

On February 28, 2025, the City Council adopted Resolution No. 2025-03-CC to initiate proceedings for FY 2025/26 and directed the preparation of the Engineer's Report. The next steps in the process can be completed by adopting the two proposed resolutions before the City Council, which will achieve the following:

- Declare the City's intention to levy and collect assessments in FY 2025/26 within the District;
- Set a public hearing for May 27, 2025. At that time, the City Council will, (a) consider and determine whether to levy the proposed annual assessment, and (b) hear all protests related to (i) said proposed proceedings, (ii) the estimate of the cost and expenses of the proposed maintenance, and/or (iii) the proposed annual assessment. Any and all persons interested may file a written protest prior to the conclusion of the hearing referred to herein; and
- Preliminarily approve the Engineer's Report which is the document required to set the amount of the assessment. The Engineer's Report contains a description of the District, District budget, an analysis of revenue needs, a benefit analysis, the total parcels located within the District, and the amount to be assessed.

The schedule for the District assessment proceedings is as follows:

| Date | City Council Action |
|---|---|
| 2/28/2025 | City Council adopted Resolution No. 2025-03-CC initiating proceedings to levy |

| | |
|---|---|
| | assessments and ordering preparation of the Engineer's Report. |
| 4/22/2025 | 1. Adopt Resolution approving Engineer's Report.<br>2. Adopt Resolution declaring the City's intention to levy and collect assessments and set a public hearing for May 27, 2025. |
| 5/27/2025 | Conduct a public hearing and adopt a Resolution confirming the area boundary and ordering the levy of annual assessments. |
| 8/07/2025 | Deadline for filing assessment roll |

An Assessment District authorizes the City to levy fees on specific parcels of land that receive a direct "special benefit" from public improvements. This District allows the City to provide enhanced landscape maintenance and street lighting along its streets, benefiting properties within its boundaries. Funding for these services comes from annual assessments paid by the benefiting property owners. To continue levying and collecting assessments for FY 2025/26, the City must prepare an Annual Report and hold a public hearing, as required by the Landscaping and Lighting Act of 1972.

**ATTACHMENTS:**
A. Proposed Resolution approving the Engineer's Report
(Exhibit A: 2025/26 Engineer's Annual Levy Report is available for review in the City Clerk's office)
B. Proposed Resolution declaring the City's intention to levy and collect assessments in FY 2025/26 and setting a Public Hearing

KT:lc

**RESOLUTION NO. ____**

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, PRELIMINARILY APPROVING THE ENGINEER'S REPORT REQUIRED FOR THE PROCEEDINGS OF THE FISCAL YEAR 2025/26 ANNUAL LEVY OF ASSESSMENTS WITHIN THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 1**

**WHEREAS,** the City Council of the City of South Gate (City Council), pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, adopted Resolution No. 2025-03-CC, initiating proceedings for the annual levy of assessments within a special maintenance district, said special maintenance district known and designated as Street Lighting and Landscape Maintenance District No. 1 (hereinafter referred to as the "Maintenance District");

**WHEREAS,** the City Council was presented with an Engineer's Report, dated April 10, 2025, attached hereto as Exhibit "A" (hereinafter referred to as the "Report"), as required by said Division 15 of the California Streets and Highways Code and as previously directed by Resolution No. 2025-03-CC approved on January 14, 2025;

**WHEREAS,** the City Council examined and reviewed the Report as presented and is satisfied with each and all of the items and documents as set forth therein, and is satisfied that the assessments, on a preliminary basis, have been spread in accordance with the special benefits received from the improvements to be maintained, as set forth in said Report.

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

**SECTION 1.** The City Council does hereby declare that the above recitals are true and correct and incorporated herein by reference.

**SECTION 2.** The City Council does hereby acknowledge Report as presented consists of the following:

A. Plans and specifications describing the general nature, location and extent of the existing improvements to be maintained are on file in the City Engineer's office. No new improvements or any substantial changes in existing improvements are proposed for the next fiscal year; all improvements to be maintained are in existing public streets or sidewalks of the City;

B. Estimate of cost, including the amount of the annual installment for the forthcoming fiscal year;

C. Diagram of the Maintenance District; and

D. Assessment of the estimated costs of the improvements, including the amount of individual annual installments for the next fiscal year. No assessments on any parcels within the Maintenance District are to be increased from those levied for the last fiscal year.

**SECTION 3.** The City Council does hereby declare that the Maintenance District and the associated assessments as outlined in the Engineer's Report are in compliance with the provisions of the California Constitution Article XIIID.

**SECTION 4.** The City Council does hereby approve the Engineer's Report on a preliminary basis, and orders it to be filed in the Office of the City Clerk as a permanent record and to remain accessible to public inspection.

**SECTION 5.** The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption, and the minutes of this meeting shall so reflect the presentation of the Assessment Engineer's Report.

**PASSED, APPROVED** and **ADOPTED** this **22nd day** of **April 2025.**

**CITY OF SOUTH GATE:**

By: _____
Maria Davila, Mayor

**ATTEST:**

By: _____
Yodit Glaze, City Clerk
(SEAL)

**APPROVED AS TO FORM:**

By: _____
Raúl F. Salinas, City Attorney

# City of South Gate

# Maintenance District No. 1

## 2025/2026 Engineer's Annual Levy Report

Intent Meeting: April 22, 2025
Public Hearing: May 27, 2025

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WILLDAN

## ENGINEER'S REPORT AFFIDAVIT

## Maintenance District No. 1

## City of South Gate

## Los Angeles County, State of California

This Report describes the District and services therein including the improvements, budgets, parcels and assessments to be levied for Fiscal Year 2025/2026, as they existed at the time of the passage of the Resolution of Intention. Reference is hereby made to the Los Angeles County Assessor's maps for a detailed description of the lines and dimensions of parcels within the District. The undersigned respectfully submits the enclosed Report as directed by the City Council.

Dated this _____ day of _____, 2025.

Willdan Financial Services
Assessment Engineer
On Behalf of the City of South Gate

By: _____

Chonney Gano
Project Manager, District Administration Services

By: _____

Tyrone Peter
P.E # C 81888

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# I. OVERVIEW

## A. INTRODUCTION

The City of South Gate (the "City") annually levies and collects special assessments in order to maintain the improvements within Maintenance District No. 1 (the "District"). On June 22, 1981, the City Council of the City adopted Resolution 3838 which ordered the formation of Maintenance District No.1. The District is levied pursuant to the *Landscape and Lighting Act of 1972, Part 2 of Division 15 of the California Streets and Highways Code* (the "1972 Act") and in compliance with California Constitution Article XIIID ("Article XIIID").

This Engineer's Annual Levy Report (the "Report") describes the District, any annexations, or changes to the District including substantial changes to the District improvements, and the proposed assessments for Fiscal Year 2025/2026. The proposed assessments are based on the estimated cost to maintain the improvements that provide special benefits to properties within the District. The costs of improvements and the annual levy include all expenditures, deficits, surpluses, revenues, and reserves. Each parcel is assessed proportionately for only those improvements provided and for which the parcel receives benefit based on an established method of apportionment.

The word "parcel," for the purposes of this Report, refers to an individual property assigned its own Assessor's Parcel Number by the County of Los Angeles (the "County") Assessor's Office. The County Auditor/Controller uses Assessor's Parcel Numbers and specific Fund Numbers, to identify on the tax roll, properties assessed for special district benefit assessments.

Following consideration of public comments and written protests at a noticed public hearing, and review of the Report, the City Council may order amendments to the Report or confirm the Report as submitted. Following final approval of the Report, and confirmation of the assessments, the Council may order the levy and collection of assessments for Fiscal Year 2025/2026 pursuant to the 1972 Act. In such case, the assessment information will be submitted to the County Auditor/Controller and included on the property tax roll for each benefiting parcel for Fiscal Year 2025/2026.

## B. COMPLIANCE WITH CURRENT LEGISLATION

Pursuant to the 1972 Act, the City Council annually conducts a public hearing to accept public comments and testimony, and to approve the annual assessments to be levied on the County tax roll for the Fiscal Year. All assessments contained in this Report and to be approved by the City Council have been prepared in accordance with the 1972 Act and are in compliance with the provisions of Article XIIID of the constitution of the State of California ("Proposition 218").

The City has reviewed the provisions of Article XIIID and has made the following findings and determinations:

Pursuant to Article XIIID, Section 5, certain existing assessments are exempt from the substantive and procedural requirements of Article XIIID, Section 4 and property owner balloting for the assessments is not required until such time that the assessments are

increased. Specifically, the improvements and the annual assessment for maintaining the District improvements were part of the original conditions of development and approved by the original property owner (the "Developer"). As such, pursuant to Article XIIID, Section 5, the existing assessments were approved by all the property owners at the time the assessment was created (originally imposed pursuant to a 100% landowner petition). Therefore, the pre-existing assessment amounts (Assessment Rates including the Annual Maximum Assessment Cap Formula so approved) are identified as exempt from the procedural requirements of Article XIIID, Section 4.

The provisions of Article XIIID do not alter the non-conflicting provisions of the 1972 Act. As such, the method of apportionment described in this Report utilizes commonly accepted assessment engineering practices consistent with the 1972 Act and the provisions of Article XIIID. The proposed assessments for the current Fiscal Year are less than or equal to the adjusted maximum assessment rate previously approved and adopted for the District. The application of this adjusted maximum assessment rate for the various land uses within the District is described in more detail in Section III D of this report. Any proposed assessment that exceeds the adjusted maximum assessment rate is considered an increased assessment. Pursuant to the provisions of Article XIIID, all new or increased assessments (the incremental increase) are subject to both the substantive and procedural requirements of Article XIIID, Section 4.

## C. IMPROVEMENTS AUTHORIZED BY THE 1972 ACT

As applicable or may be applicable to this proposed District, the 1972 Act defines improvements to mean one or any combination of the following:

- The installation or planting of landscaping.
- The installation or construction of statuary, fountains, and other ornamental structures and facilities.
- The installation or construction of public lighting facilities.
- The installation or construction of any facilities which are appurtenant to any of the foregoing or which are necessary or convenient for the maintenance or servicing thereof, including, but not limited to, grading, clearing, removal of debris, the installation or construction of curbs, gutters, walls, sidewalks, or paving, or water, irrigation, drainage, or electrical facilities.
- The maintenance or servicing, or both, of any of the foregoing.
- The acquisition of any existing improvement otherwise authorized pursuant to this section.

Incidental expenses associated with the improvements including, but not limited to:

- The cost of preparation of the Report, including plans, specifications, estimates, diagram, and assessment;
- The costs of printing, advertising, and the publishing, posting and mailing of notices;
- Compensation payable to the County for collection of assessments;
- Compensation of any engineer or attorney employed to render services;
- Any other expenses incidental to the construction, installation, or maintenance and servicing of the improvements;
- Any expenses incidental to the issuance of bonds or notes pursuant to Section 22662.5.

- Costs associated with any elections held for the approval of a new or increased assessment.

The 1972 Act defines "Maintain" or "Maintenance" to mean furnishing of services and materials for the ordinary and usual maintenance, operation, and servicing of any improvement, including:

- Repair, removal, or replacement of all or any part of any improvement.
- Providing for the life, growth, health, and beauty of landscaping, including cultivation, irrigation, trimming, spraying, fertilizing, or treating for disease or injury.
- The removal of trimmings, rubbish, debris, and other solid waste.
- The cleaning, sandblasting, and painting of walls and other improvements to remove or cover graffiti.

# II. DESCRIPTION OF THE DISTRICT

## A. BOUNDARIES OF THE DISTRICT

The boundaries of the District are coterminous with the boundaries of the City. The diagram of the District boundaries showing the exterior boundaries of the District, the boundaries of any zones within the District and the lines and dimensions of each lot or parcel of land within the District is on file in the office of the City Engineer and incorporated herein by reference. The lines and dimensions of each lot or parcel within the District are those lines and dimensions shown on the maps of the Assessor of the County of Los Angeles for the Fiscal Year to which this Report applies. The Assessor's maps and records are incorporated by reference herein and made part of this Report.

## B. DESCRIPTION OF THE DISTRICT IMPROVEMENTS

The District improvements generally provide for the continued operation of streets and sidewalks within the District, including the maintenance and servicing of the street lighting system, street trees, landscaped street medians, street hardscapes and landscapes, traffic signal system and appurtenant facilities that are located in and along such streets and sidewalks, including but not limited to, personnel, electrical energy, utilities such as water, materials, contracting services, and other items necessary for the satisfactory operation of these facilities.

Maintenance means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of the landscaping, public lighting facilities and appurtenant facilities, including repair, removal or replacement of all or part of any of the landscaping, public lighting facilities or appurtenant facilities; providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid waste; and the cleaning, sandblasting and painting of walls and other improvements to remove or cover graffiti.

Servicing means the furnishing of water for the irrigation of the landscaping and the maintenance of any of the public lighting facilities or appurtenant facilities and the furnishing of electric current or energy, gas or other illuminating agent for the public lighting facilities, or for the lighting or operation of landscaping or appurtenant facilities.

The improvements funded entirely or partially through the District assessments generally include the following:

### *Landscaping and Appurtenant Facilities*

Landscaping, planting, shrubbery, trees, irrigation systems, hardscapes, street furniture, illuminated signs, special decorative fixtures, sidewalk maintenance and appurtenant facilities, in public street and sidewalk rights-of-way, including parkways, medians and dedicated easements within the boundary of the District.

### *Public Lighting and Appurtenant Facilities*

Poles, fixtures, bulbs, conduits, equipment, including guys, anchors, posts and pedestals, metering devices and appurtenant facilities as required to provide safety lighting and traffic signals in public street and sidewalk rights-of-way, including parkways, medians and dedicated easements within the boundary of the District. A diagram showing the size and location of all street lights and traffic signals is on file in the office of the City Engineer and is incorporated herein by reference.

The public lighting system shall be maintained to provide adequate illumination. The Southern California Edison Company shall furnish power for street lights and traffic signals, and it shall be adequate for the intended purpose. The traffic signal system shall be maintained based on the City specifications and current industry standards. Rates for power shall be those authorized by the California Utilities Commission.

The plans and specifications for the existing improvements are on file in the office of the City Engineer and are made part of this report by reference. No new improvements or any substantial changes in existing improvements are proposed for the next Fiscal Year.

# *III. METHOD OF APPORTIONMENT*

## A. GENERAL

The 1972 Act permits the establishment of assessment districts by agencies for the purpose of providing certain public improvements that include the construction, maintenance and servicing of public lights, landscaping and appurtenant facilities. The 1972 Act further requires that the cost of these improvements be levied according to benefit rather than assessed value:

> *The net amount to be assessed upon lands within an assessment district may be apportioned by any formula or method which fairly distributes the net amount among all assessable lots or parcels in proportion to the estimated benefits to be received by each such lot or parcel from the improvements.*

The formula used for calculating assessments in this District therefore reflects the composition of the parcels, and the improvements and services provided, to fairly apportion the costs based on benefit to each parcel.

In addition, Article XIIID requires that a parcel's assessment may not exceed the reasonable cost of the proportional special benefit conferred on that parcel. Article XIIID provides that only special benefits are assessable and the City must separate the

general benefits from the special benefits. A special benefit is a particular and distinct benefit over and above general benefits conferred on the public at large, including real property within the district. The general enhancement of property value does not constitute a special benefit.

## B. BENEFIT ANALYSIS

Each of the improvements, the associated costs and assessments within the District has been reviewed, identified and allocated based on the special benefit parcels receive from such improvements pursuant to the provisions of Article XIIID and the 1972 Act. All improvements associated with this District have been identified as necessary, required and/or desired for the orderly development of the properties within the District to their full potential, consistent with the proposed development plans. As such, these improvements would be necessary and required of individual property owners for the development of such properties, and the ongoing operation, servicing and maintenance of these improvements would be the financial obligation of those properties. Therefore, the improvements and the annual costs of maintenance and operation of the improvements are of special benefit to the properties.

All the lots or parcels are established at the same time once the conditions regarding the improvements and the continued maintenance are met. As a result, each lot or parcel within the District receives a special and distinct benefit from the improvements and to the same degree.

Over time, the improvements continue to confer a particular and distinct special benefit upon the lots or parcels within the District because of the nature of the improvements. The proper maintenance of the improvements and appurtenant facilities reduces property related crimes, especially vandalism, against properties in the District. All of the above-mentioned factors also contribute to a specific benefit to each of the parcels within the District.

The method of apportionment (method of assessment) is based on the premise that each assessed parcel within the District receives benefit from the improvements. However, each individual improvement element has its own distinct benefits both specific and general. The special benefits associated with the improvements within the District are as follows:

### *Special Benefit*

The special benefits associated with the landscaping improvements in the District are specifically:

- Enhanced desirability of properties through association with the improvements;
- Improved aesthetic appeal of properties providing a positive representation of the area;
- Enhanced adaptation of the urban environment within the natural environment from adequate green space, open space areas and landscaping;
- Environmental enhancement through improved erosion resistance, dust and debris control, and fire prevention;

- Increased sense of pride in ownership of property within the District resulting from well-maintained improvements associated with the properties;
- Reduced criminal activity and property-related crimes (especially vandalism) against properties in the District through well-maintained surroundings and amenities including abatement of graffiti; and,
- Enhanced environmental quality of the parcels by moderating temperatures, providing oxygenation and attenuating noise.

The special benefits of the street lighting and traffic signal (public lighting) improvements within the District are the convenience, safety, and security of property, improvements, and goods, specifically:

- Enhanced deterrence of crime and the aid to police protection;
- Increased nighttime safety on roads and streets;
- Improved ability of pedestrians and motorists to see;
- Improved ingress and egress to property;
- Reduced vandalism and other criminal acts and damage to improvements or property;
- Improved traffic circulation and reduced nighttime accidents and personal property loss; and,
- Increased promotion of business during nighttime hours in the case of commercial properties.

### *General Benefit*

In addition to the special benefits received by the parcels within the District, there are incidental general benefits conferred by the improvements to the public at large (e.g. flow through traffic). These general benefits are primarily relating to the traffic safety provided by the public lighting improvements as described above. The total benefits provided by the District improvements are a combination of the special benefits to the parcels within the District and the general benefit to the public at large. Any portion of the total costs, which are associated with general benefits, will not be assessed to the parcels in the District, but will be paid from other City funds.

## C. ASSESSMENT METHODOLOGY

The street lighting, trees, landscaping, hardscapes, traffic signals and appurtenant facilities are for the benefit and enjoyment of all properties within the District and parcels benefit from the operation, maintenance and servicing thereof. The assessment of maintenance and servicing costs upon each parcel is apportioned in accordance with the methodology, which has been established by the City Council upon formation of the District.

The *adjusted front footage* of each parcel was determined, at District formation to be the most equitable method for spreading the estimated benefit received by each parcel. Lighting, medians, street trees and parkway improvements are considered "frontage" improvements. The frontage of a parcel is adjusted to take into consideration configuration, such as irregular or corner parcels, and whether a parcel has condominiums on it.

The *adjusted front footage* for an irregular, corner or a parcel with condominiums on it, is determined by measuring the front of the parcel that receives the greatest special benefit within its respective zone.

Furthermore, the District established several special benefit Zones to distinguish differing levels of benefit provided by certain District improvements. The Tweedy and Hollydale Commercial District landscaping and hardscape improvements, and the landscaped medians, are located on the major thoroughfares, which are the main travel-ways of the City. These improvements are a special benefit to the adjacent properties, as well as a citywide benefit to all other parcels in the District. The City has not levied an assessment for the local benefit portion of the assessment since the passage of Proposition 218 and the costs attributable to the local benefit portion will continue to be paid from other City funds for Fiscal Year 2025/2026. The City's costs to administer the improvements are also considered a benefit to all properties.

The benefit Zones established by the District are described below:

**ZONE 1** - This is a City-wide Zone with boundaries contiguous to the boundaries of the City limits. All parcels within the District are included in this Zone and are assessed for the operation, maintenance, and servicing of street lights, traffic signals, street trees and appurtenant facilities, as well as the City-wide landscaping and hardscape benefits of the Tweedy and Hollydale Commercial Districts and landscaped medians.

**ZONE 2** - Tweedy Commercial District is comprised of the Tweedy Boulevard business district from Hunt Avenue to State Street.

**ZONE 3** - Hollydale Commercial District is comprised of the Garfield Avenue business district from Century Boulevard to one-half block north of Roosevelt Avenue.

**ZONE 4** - Landscape Median Area is in the immediate vicinity of the Firestone Boulevard / Garfield Avenue intersection.

The preliminary distribution of Adjusted Front Footage (AFF) per Zone is as follows:

| | Zone 1 (All Parcels) | Zone 2 (Tweedy) | Zone 3 (Hollydale) | Zone 4 (Medians) |
|---|---|---|---|---|
| **Parcel Count** | 15,506 | 118 | 29 | 19 |
| **Adjusted Front Footage*** | 821,222.08 | 7,493.65 | 1,884.00 | 7,566.32 |

* The Adjusted Front Footage amount for Zone 1 includes AFF in Zones 2, 3, and 4. Amount might be slightly different from actual data due to rounding.

**Exempt Parcels** — Exempt parcels may include, but are not limited to, publicly owned lots or parcels used for a public function including public streets and other roadways (typically not assigned an APN by the County); dedicated public easements, right-of-ways including greenbelts and parkways; utility right-of-ways; common areas, public schools, park properties and other publicly owned properties that are part of the District improvements or that have little or no improvement value. These types of parcels are considered to receive little or no benefit from the improvements and are therefore exempted from the assessment.

### D. MAXIMUM ASSESSMENT

In November 1996, voters of the State of California passed Proposition 218 that added Articles XIIIC and XIIID to the California Constitution. Article XIIID requires certain noticing, balloting and meeting procedures for any new or increased assessment. Legislative changes in the Brown Act defined a "new or increased assessment" to exclude certain conditions. These conditions included "any assessment that does not exceed an assessment formula or range of assessments previously adopted by the agency or approved by the voters in the area where the assessment is imposed." This definition and conditions were later confirmed through Senate Bill 919 (Proposition 218 implementing legislation).

The Maximum Assessment rate for the District was established and has remained at $2.3789 per adjusted front footage since 1993 and there is no escalation factor approved for increasing the Maximum Assessment rate. The Maximum Assessment establishes a limit on the assessment; however it does not restrict assessments to the maximum amount. If the budget and assessment for the Fiscal Year is less than or equal to the Maximum Assessment, then the required budget and assessment may be applied without additional property owner balloting procedures as required by Article XIIID. If the budget and assessments calculated require an increase greater than the Maximum Assessment, then the assessment is considered an increased assessment and would be subject to such balloting procedures.

## *IV. DISTRICT BUDGET*

### A. DESCRIPTION OF BUDGET ITEMS

The 1972 Act provides that the estimated costs of the improvements shall include the total cost of the maintenance and servicing of the improvements for the entire Fiscal Year 2025/2026, commencing July 1, 2025 and ending June 30, 2026, including incidentals, which may include reserves to operate the District.

The 1972 Act also provides that the amount of any surplus, deficit, or contribution be included in the estimated cost of improvements. The net amount to be assessed on the lots or parcels within the District is the total cost of maintenance and servicing with adjustments either positive or negative for reserves, surpluses, deficits, and/or contributions.

For the purpose of estimating costs for the maintenance and servicing, actual costs are used where possible. But where the improvements are new, or where actual maintenance experience is lacking, cost estimates will be used to determine costs, as follows:

#### *Direct Costs:*

***Maintenance Costs/Labor*** — Includes all contracted labor, material and equipment required to properly maintain the landscaping, irrigation and drainage systems within the District. All improvements within the District are maintained and serviced on a regular basis. The frequency and specific maintenance operations

required within the District are determined by City Staff and is based on the proposed service level of the District.

***Utilities*** — Includes utility costs for water required to irrigate landscaped areas and the utility costs for electricity required to run irrigation systems and lighting for the areas according to the proposed service level of the District.

***Repairs/Miscellaneous*** — Includes the replacement of any materials and equipment needed to maintain the District. Also includes repairs that are generally unforeseen and not normally included in the yearly maintenance contract costs. This may include repair of damaged amenities due to vandalism, storms, frost, etc. Also included may be planned upgrades that provide a direct benefit to the District. These upgrades could include replacing plant materials and/or renovation of irrigation or lighting systems.

## *Administration Costs:*

***City Administration*** – The cost which is allocated for the City Administration staff and departments for labor, hours and support in order to maintain the districts well-being.

***District Administration*** — The cost to all particular departments and staff of the City, for providing the coordination of District services and operations, response to public concerns and education, as well as procedures associated with the levy and collection of assessments. This item also includes the costs of contracting with professionals to provide any additional administrative, legal or engineering services specific to the District including any required notices, mailings or property owner protest ballot proceedings.

***County Administration Fee*** — The cost to the District for the County to collect District assessments on the property tax bills. This charge is based on a fixed amount per parcel.

## *Levy Breakdown:*

***Reserve Collection (Transfer)*** — The 1972 Act pursuant to *Chapter 1, Article 4 Section 22569 (a),* provides for a District Reserve Fund. The Reserve Fund provides for the collection of funds to operate the District from the time period of July 1 (beginning of the Fiscal Year) through January when the County provides the City with the first installment of assessments collected from the property tax bills. Negative amounts shown for these budget items are transfers from the reserve fund that are used to reduce the Balance to Levy. The Reserve Fund eliminates the need for the City to transfer funds from non-District accounts.

***Revenue from Other Sources*** — This is the amount of additional funds designated for use by the District that are not from District assessments. These funds are added to the District account to reduce assessments, and may be from either non-District or District sources including City General Fund Contributions, interest earnings and contributions from the Gas Tax. Any funds indicated on this line will be shown as a negative number indicating a reduction in the amount to be levied and represent funds that do not have to be repaid.

***Balance to Levy*** — This is the total amount to be levied and collected through assessments for the current Fiscal Year (for special benefits) or from other revenue sources (for general benefit). The Balance to Levy represents the sum of Total Direct and Administration Costs, the Reserve Account/Other Revenue Source adjustments. Only those costs related to the improvements identified as special benefits are levied and collected on the tax roll.

### *District Statistics:*

***Total Number of Parcels*** — The total number of parcels within the District boundary.

***Total Parcels Levied*** — The total number of parcels within the District that are assessed. Non-assessable lots or parcels may include parcels of land principally encumbered by public right-of-ways, easements, common areas, and/or parcels within the boundaries of the District that currently do not benefit from the improvements due possibly to development restrictions.

***Total Adjusted Front Footage (AFF)*** — Adjusted Front Footage (AFF) is the frontage of a parcel, adjusted to take into consideration configuration, such as irregular or corner parcels, and condominium parcels. The Total AFF shown in the District Budget, (Section IV B), represents the sum of all parcels' AFF that receive special benefits from the improvements.

***Levy per AFF*** — This amount represents the rate being applied to each parcel's Adjusted Front Footage. The Levy per Adjusted Front Footage is the result of multiplying the Total Adjusted Front Footage times the Rate for the Fiscal Year.

### *Reserve Information:*

***Reserve Balance*** — The Reserve Balance eliminates the need for the City to transfer funds from non-District accounts to pay for District charges during the first half of the Fiscal Year. The Reserve Balance allows the District to retain sufficient funds to operate the District from the time period of July 1 (beginning of the Fiscal Year) through January or February (when the County provides the City with the first installment of assessments collected from the property tax bills). Additional funds may be collected each year to ensure adequate operating funds are available or the funds may be used to reduce the Balance to Levy. Using reserve amounts in this way allows the Levy rate to remain fairly constant, although District costs may fluctuate. The Estimated Beginning Reserve Balance reflects the projected funds available at the beginning of the current Fiscal Year (based on the projected revenues and expenses from the prior Fiscal Year). The Estimated Ending Reserve Balance reflects the projected funds that are anticipated at the end of the current Fiscal Year (assuming all revenues and expenditures occur as budgeted).

## B. DISTRICT BUDGET FISCAL YEAR 2025/2026

| BUDGET ITEMS | BUDGET AMOUNTS |
|---|---|
| **DIRECT COSTS** | |
| Employee Services | $723,293 |
| Supplies and Services | 2,058,133 |
| Capital Outlay | 83,548 |
| ***Direct Costs (Subtotal)*** | **$2,864,974** |
| **ADMINISTRATION COSTS** | |
| City Administration Fee | $164,744 |
| District Administration | 8,000 |
| County Administration Fee | 3,918 |
| ***Administration Costs (Subtotal)*** | **$176,662** |
| **LEVY BREAKDOWN** | |
| Total Direct and Admin. Costs | $3,041,636 |
| Reserve Collection (Transfer) | 0 |
| Revenue from Other Sources (Gas Tax) | 0 |
| Other Revenue/General Fund (Contribution) | (1,047,691) |
| **Amount to Levy*** | **$1,993,945** |
| **DISTRICT STATISTICS** | |
| Total Number of Parcels | 15,728 |
| Total Parcels Levied | 15,672 |
| Total Adjusted Front Footage | 838,166 |
| **Rate per AFF (Adjusted Front Foot)** | **$2.3789** |
| **Maximum Rate per AFF** | **$2.3789** |
| **RESERVE INFORMATION** | |
| Beginning Reserve Balance | $0 |
| Reserve Fund Activity | 0 |
| Estimated Ending Reserve Balance | $0 |

* Amount to Levy is slightly off from the sum of the Levy Breakdown amounts due to rounding.
*The proposed assessment per Adjusted Front Footage ("AFF") for Fiscal Year 2025/2026 is $2.3789 per AFF, which has been rounded to the nearest ten thousandths.

## REPORT UPDATES:

Fiscal Year 2025/2026, updates were made to the District Budget. These updates do not affect the amount to levy or the per parcel assessment rates.

## RECOMMENDED ACTIONS:

A. Adopt a Resolution approving the Engineer's Report for Maintenance District No.1 for Fiscal Year 2025/2026 which is necessary as a part of the subject proceedings; and

B. Adopt a Resolution Initiating Annual Proceedings for the levy of the Fiscal Year 2025/2026 within Maintenance District No. 1

# APPENDIX A - DISTRICT ASSESSMENT DIAGRAM

A District Diagram has been prepared for the District in the format required by the 1972 Act, and is on file with the City Clerk, and by reference is made part of this Report. The Assessment Diagram is available for inspection at the Office of the City Clerk, during normal business hours.

# APPENDIX B - 2025/2026 ASSESSMENT ROLL

Parcel identification, for each lot or parcel within the District, shall be the parcel as shown on the County Assessor's Map for the year in which this Report is prepared.

Non-assessable lots or parcels include land principally encumbered by public or utility rights-of-way and common areas. These parcels will not be assessed.

A listing of parcels assessed within the District along with the proposed assessment amounts has been identified as "Fiscal Year 2025/2026 Assessment Roll", is on file with the City Clerk and is by reference made a part of this Report.

For Fiscal Year 2025/2026, estimated assessment amount for the District is $1,994,061 This amount does not take into consideration parcel changes and delinquency rate of approximately 3.25% (based on Fiscal Year 2024/2025 first installment delinquency rate).

**RESOLUTION NO. ____**

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

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOUTH GATE, CALIFORNIA, DECLARING THE CITY'S INTENTION TO LEVY AND COLLECT ASSESSMENTS UNDER THE FISCAL YEAR 2025/2026 ANNUAL LEVY AND COLLECTION OF ASSESSMENTS WITHIN THE STREET LIGHTING AND LANDSCAPE MAINTENANCE DISTRICT NO. 1, AND SETTING A PUBLIC HEARING FOR MAY 27, 2025**

**WHEREAS,** the City Council of the City of South Gate, ("City Council") previously formed a special maintenance district pursuant to the terms of the "Landscaping and Lighting Act of 1972," being Division 15, Part 2 of the Streets and Highways Code of the State of California, such special maintenance district known and designated as Street Lighting and Landscape Maintenance District No. 1 (hereinafter referred to as the "Maintenance District");

**WHEREAS,** on January 14, 2025, the City Council adopted Resolution No. 2025-03-CC initiating proceedings for the annual levy of the Fiscal Year 2025/26 assessments and ordering preparation of an Engineer's Report for the District;

**WHEREAS,** at this time the City Council desires to undertake proceedings to provide for the annual levy of assessments for the next fiscal year to finance the costs and expenses necessary to pay for the maintenance of the improvements in said Maintenance District; and

**WHEREAS,** the City Council has approved the Engineer's Report, as required by law, and desires to continue with the proceedings for said annual levy.

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

**SECTION 1.** The City Council does hereby declare that the above recitals are true and correct and incorporated herein by reference.

**SECTION 2.** The City Council does hereby declare that the public interest and convenience requires, and it is the intention of this legislative body, to levy and collect assessments to pay the annual costs and expenses for the maintenance and/or servicing of such improvements, from those parcels which specially benefit from improvements described below from the above-referenced Maintenance District, and said improvements are generally described as follows:

The operation, maintenance and servicing of the following improvements, all within existing public streets or public sidewalks of the City:

A. Landscaping, ornamental vegetation, including trees, shrubs, irrigation systems and

drainage facilities, together with appurtenances.

B. Public lighting, street lighting improvements and traffic signals, together with appurtenances.

**SECTION 3.** The City Council does hereby affirm that said works of improvements are of special benefit to the properties within the boundaries of said Maintenance District, which Maintenance District the legislative body previously declared to be the area benefited by said works of improvements, and for particulars, reference is made to the boundary map as previously approved by this legislative body, a copy of which is on file in the Office of the City Clerk and open for public inspection, and is designated by the name of this Maintenance District.

**SECTION 4.** The City Council does hereby direct that the annual Engineer's Report, as preliminarily approved by the City Council, shall (pursuant to a separate Resolution adopted by the City Council) promptly be placed on file with the City Clerk, and shall thereafter be accessible for public inspection. Reference is made to Report for a full and detailed description of the improvements to be maintained, the boundaries of the Maintenance District and any zones therein, and the proposed assessments upon assessable lots and parcels of land within the Maintenance District.

**SECTION 5.** The City Council does hereby affirm that all costs and expenses of the maintenance work and incidental expenses have been apportioned and distributed to the benefiting parcels in accordance with the special benefits received from the proposed work. No assessments on any parcels within the Maintenance District are to be increased from those as levied for the last fiscal year.

**SECTION 6.** The City Council does hereby give notice that a public hearing is hereby scheduled in the regular meeting place of this legislative body, being the Council Chambers of City Hall, located at 8650 California Avenue, South Gate, CA 90280, on the 27th day of May 2025 at 6:30 p.m.

At that time, the legislative body will consider and finally determine whether to levy the proposed annual assessment, and to hear all protests relating to said proposed proceedings, or the estimate of the cost and expenses of the proposed maintenance, or the proposed annual assessment. Any and all persons interested may file a written protest prior to the conclusion of the hearing referred to herein or, having filed such a protest, may file a written withdrawal of that protest. A written protest must state all grounds of objection. A protest by a property owner must contain a description sufficient to identify the property owned by such person.

Any interested person may mail a protest to the following address:

Yodit Glaze, City Clerk
City of South Gate
8560 California Avenue
South Gate, CA 90280

To be considered by the legislative body, all protests must be received prior to the conclusion of the public hearing. A postmark prior to such date and time will not be sufficient.

**SECTION 7.** The City Clerk is hereby authorized and directed to give notice as required by law by causing a copy of this Resolution to be published in the Los Angeles Wave newspaper, a newspaper of general circulation within the City of South Gate; said publication to be completed not less than ten (10) days prior to the date set for the public hearing.

**SECTION 8.** For any and all information relating to these proceedings, including information relating to protest procedure, your attention is directed to the person designated below:

Arturo Cervantes, P.E.
Assistant City Manager/Director of Public Works
City of South Gate
8650 California Avenue
South Gate, CA 90280

[Remainder of page left blank intentionally.]

**SECTION 9.** The City Clerk shall certify to the adoption of this Resolution which shall be effective upon its adoption.

**PASSED, APPROVED** and **ADOPTED** this **22nd** day of **April 2025**.

**CITY OF SOUTH GATE:**

By: _____
Maria Davila, Mayor

**ATTEST:**

By: _____
Yodit Glaze, City Clerk
(SEAL)

**APPROVED AS TO FORM:**

By: _____
Raúl F. Salinas, City Attorney

Office of the
South Gate City Clerk

APR 17 2025
FILED 12:40PM

# Item No. 5

# City of South Gate
## CITY COUNCIL
# AGENDA BILL

For the Regular Meeting of: **April 22, 2025**
Originating Department: **Public Works**

***Department Director:*** *Arturo Cervantes* ***City Manager:*** *Rob Houston*

**SUBJECT: AGREEMENT WITH MNS ENGINEERS, INC. TO PROVIDE PROFESSIONAL ENGINEERING SERVICES FOR THE DEMOLITION OF THE SALT LAKE WATER TANK, CITY PROJECT NO. 734-WTR**

**PURPOSE:** To award an Agreement to MNS Engineers, Inc., ("MNS") to prepare design and construction documents necessary for the demolition of the Salt Lake Water Tank.

**RECOMMENDED ACTIONS:** The City Council will consider:

a. Approving a Professional Engineering Services Agreement with MNS Engineers, Inc., to prepare design and construction documents necessary for the Demolition of Salt Lake Water Tank, City Project No. 734-WTR, for an amount not to exceed Two Hundred Ninety-One Thousand Five Hundred and Ten Dollars ($291,510);
b. Appropriating $350,000 in Water Funds for the Demolition of Salt Lake Water Tank, City Project No. 734-WTR;
c. Authorizing the City Manager to approve and execute amendments up to a cumulative amount of $100,000; and
d. Authorizing the Mayor to execute the Agreement in a form acceptable to the City Attorney.

**FISCAL IMPACT:** There is no impact to the General Fund. The Agreement is in the amount of $291,510 and it will be funded with the $350,000 appropriation proposed. The budget is summarized below.

| **Design Phase Services** | **Water Funds** |
|---|---|
| Professional Services Agreement | $291,510 |
| Contingency | $48,490 |
| City Staff Time | $10,000 |
| **Total Budget** | **$350,000** |

**ALIGNMENT WITH COUNCIL GOALS:** The Demolition of Salt Lake Water Tank meets the City Council's goal for "Continuing Infrastructure Improvements."

**ANALYSIS:** The City of South Gate ("City") issued a Request for Proposal on PlanetBids for engineering services needed for the Demolition of the Salt Lake Water Tank. One proposal was

received from MNS, on March 13, 2025. The proposal was reviewed by the designated selection committee and advanced to the interview panel who deemed MNS to be qualified to perform the work. As such, MNS is recommended for the contract. Their service fees proposed of $291,510 are reasonable and within the industry standard for this type of service.

**BACKGROUND:** The City operates a municipal water system with approximately 135 miles of water mains, serving over 14,250 customer accounts across residential, commercial, and industrial sectors. Many years ago, it was equipped with two elevated water tanks that served to pressurize the water system. The Santa Fe Water Tank, constructed in 1951, was decommissioned over two decades ago and is no longer connected to the water distribution system. Due to structural deterioration and the presence of lead-based paint, demolition is recommended.

The Public Works Department is recommending awarding a Professional Services Agreement to MNS to prepare design and construction documents for the Demolition of Salt Lake Water Tank. MNS was selected through a competitive Request for Proposals ("RFP") process.

On February 12, 2025, an RFP for engineering services was released. One proposal was submitted to the City Clerk's Office by MNS on March 13, 2025, in the amount of $296,070. The proposal was negotiated to $291,510.

A selection committee was formed consisting of the Water Resources Manager and Water Manager. The committee evaluated the proposal and interviewed MNS. MNS was deemed to be highly qualified to perform the services needed. As such, they are recommended for the contract.

MNS offers the following:

- **Qualified Project Manager** – The Project Manager has more than 19 years of professional services experience in the water resources industry.
- **Successful Track Record** – MNS has provided services in water, transportation, and government markets across California for over 65 years, including work for the City.
- **Project Familiarity** – MNS is familiar with the City water's water system as they have provide services on prior projects, further, they are the City's current on-call consultants.
- **Experience on Similar Projects** – MNS has completed projects with similar scope, such as demolitions for water tanks and elevated tanks, using similar methods and procedures.

If awarded, the design is expected to be completed in approximately eight months.

**ATTACHMENTS:** Proposed Professional Services Agreement (including Exhibit A)

DD:lc

**AGREEMENT FOR PROFESSIONAL SERVICES FOR PROFESSIONAL DESIGN SERVICES FOR THE DEMOLITION OF SALT LAKE WATER TANK, CITY PROJECT NO. 743-WTR SERVICES BETWEEN THE CITY OF SOUTH GATE AND MNS ENGINEERS, INC.**

This Agreement for Professional Services for the Demolition of Salt Lake Water Tank ("Agreement") is made and entered into on April 22, 2025, by and between the City of South Gate, a municipal corporation ("City"), and MNS Engineers, Inc., a California corporation ("Consultant"). City and Consultant are sometimes hereinafter individually referred to as a "Party" and collectively as "Parties."

**RECITALS**

**WHEREAS,** City desires to retain a qualified provider for certain services relating to Professional Services for the Demolition of Salt Lake Water Tank;

**WHEREAS,** Consultant warrants to City that it has the requisite skills, knowledge, qualifications, manpower and expertise to perform properly and timely the Professional Services under this Agreement; and

**WHEREAS,** based on such representation, City desires to contract with Consultant to perform the services as described in the Scope of Services attached hereto as Exhibit "A" of this Agreement.

**NOW, THEREFORE,** the Parties hereby agree as follows:

1. **SCOPE OF SERVICES.** City hereby engages Consultant, and Consultant accepts such engagement, to perform the services set forth in the Scope of Services as described in Exhibit "A" attached hereto and made part of this Agreement. The Scope of Services may be mutually amended from time to time by both Parties in writing. Consultant's services will be performed in accordance with generally accepted professional practices and principles and in a manner consistent with the level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions (the "standard of care").

2. **COMPENSATION FOR SERVICES.** The total amount of compensation for this Agreement shall not exceed the sum of Two Hundred Ninety-One Thousand Five Hundred Ten Dollars ($291,510) as described in Consultant's proposal attached hereto as Exhibit "A." City shall pay Consultant for its professional services rendered and costs incurred pursuant to this Agreement. No additional compensation shall be paid for any other expenses incurred, unless first approved in writing by Assistant City Manager/Director of Public Works or his/her designee.

   **2.1** Consultant shall be required to attend meetings at City Hall as necessary in the delivery of the projects. Travel time between Consultant's office and City Hall shall not be billable. Consultant may request an exemption on a case-by-case basis, which shall be subject to City approval.

**2.2** Consultant shall be paid in accordance with the schedule included in Consultant's proposal attached hereto as Exhibit "A." City shall pay Consultant within thirty (30) days of receipt of the invoice.

**2.3** No payment made hereunder by City to Consultant, other than the final payment, shall be construed as an acceptance by City of any work or materials, nor as evidence of satisfactory performance by Consultant of its obligations under this Agreement.

**3. TERM OF AGREEMENT.** This Agreement is effective as of April 22, 2025, and will remain in effect for a period of two (2) years from said date or until project completion, unless otherwise expressly extended and agreed to by both Parties in writing, or terminated by either Party as provided herein.

**4. CITY AGENT.** The Assistant City Manager/Director of Public Works ("Director"), or his/her designee, for the purposes of this Agreement, is the agent for City. Whenever approval or authorization is required, Consultant understands that the Director, or his/her designee, has the authority to provide that approval or authorization.

**5. CONFLICT OF INTEREST.** Consultant represents that it presently has no interest and shall not acquire any interest, direct or indirect, in any real property located in the City which may be affected by the services to be performed by Consultant under this Agreement. Consultant further represents that in performance of this Agreement, no person having any such interest shall be employed by it. Within ten (10) days, Consultant agrees that it will immediately notify City of any other conflict of interest that may exist or develop during the term of this Agreement.

**5.1** Consultant represents that no City employee or official has a material financial interest in Consultant's business. During the term of this Agreement and/or as a result of being awarded this Agreement, Consultant shall not offer, encourage or accept any financial interest in Consultant's business or in this Agreement by any City employee or official.

**6. GENERAL TERMS AND CONDITIONS.**

**6.1 Termination for Convenience.** City may terminate this Agreement at any time without cause by giving fifteen (15) days written notice to Consultant of such termination and specifying the effective date thereof. In that event, all finished or unfinished documents and other materials shall, at the option of City, become its property. If this Agreement is terminated by City as provided herein, Consultant will be paid the total amount of its costs as of the termination date. In no event shall the amount payable upon termination exceed the total maximum compensation provided for in this Agreement.

**6.2 Termination for Cause.**

**6.2.1** City may, by written notice to Consultant, terminate the whole or any part of this Agreement in any of the following circumstances:

a. If Consultant fails to perform the services required by this Agreement within the time specified herein or any authorized extension thereof; or

b. If Consultant fails to perform the services called for by this Agreement or so fails to make progress as to endanger performance of this Agreement in accordance with its terms, and in either of these circumstances does not correct such failure withing a period of ten (10) days (or such longer period as City may authorize in writing) after receipt of notice from City specifying such failure.

**6.2.2** In the event City terminates this Agreement in whole or in part as provided above in Subsection 6.2.1, City may procure, upon such terms and in such manner as it may deem appropriate, services similar to those terminated.

**6.2.3** If this Agreement is terminated as provided above in Subsection 6.2.1, City may require Consultant to provide all finished or unfinished documents, data, studies, drawings, maps, photographs, reports, films, charts, sketches, computations, surveys, models, or other similar documentation prepared by Consultant. Upon such termination, Consultant shall be paid an amount equal to the value of the work performed. In ascertaining the value of the work performed up to the date of termination, consideration shall be given to both completed work and work in progress, to complete and incomplete drawings, and to other documents whether delivered to City or in possession of Consultant, and to authorized reimbursement expenses.

**6.2.4** If, after notice of termination of the Agreement under the provisions of Subsection 6.2.1 above, it is determined, for any reason, that Consultant was not in default, or that the default was excusable, then the rights and obligations of the Parties shall be the same as if the notice of termination had been issued pursuant to Subsection 6.1. above.

**6.3 Non-Assignability.** Consultant shall not assign or transfer any interest in this Agreement without the express prior written consent of City.

**6.4 Non-Discrimination.**

**6.4.1** Consultant shall not discriminate against any employee, subcontractor, or applicant for employment because of to race, creed, gender, gender identity (including gender expression), color, religion, ancestry, sexual orientation, national origin, disability, age, marital status, family/parental status, or veteran/military status, in the performance of its services and duties pursuant to

this Agreement and will comply with all applicable laws, ordinances and codes of the federal, state, and county and the City governments. Consultant will take affirmative action to ensure that subcontractors and applicants are employed, and that employees are treated during employment without regard to their race, color, religion, ancestry, sex, national origin, disability, or age. Consultant will take affirmative action to ensure that all employment practices, including those of any subcontractors retained by Consultant to perform services under this Agreement, are free from such discrimination. Such employment practices include, but are limited to: hiring, upgrading, demotion, transfer, recruitment, recruitment advertising, layoff, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

**6.4.2** The provisions of Subsection 6.4.2 above shall be included in all solicitations or advertisements placed by or on behalf of Consultant for personnel to perform any services under this Agreement. City shall have access to all documents, data, and records of Consultant and its subcontractors for purposes of determining compliance with the equal employment opportunity and non-discrimination provisions of this Section, and all applicable provisions of Executive Order No. 11246 (relating to federal restrictions against discriminatory practices) is available for review and on file with the City Clerk's Office.

**6.5 Insurance.** Consultant shall submit to City, certificates indicating compliance with the following minimum insurance requirements no less than one (1) day prior to beginning of performance under this Agreement:

**6.5.1** Workers Compensation Insurance as required by law. Consultant shall require all subcontractors similarly to provide such workers' compensation insurance for their respective employees.

**6.5.2** Commercial general and automobile liability insurance protecting Consultant in amounts not less than $1,000,000 per occurrence/accident for bodily injury and property damage liability. Each such policy of insurance shall:

a. Be issued by a financially responsible insurance company or companies admitted or licensed to do business in the State of California or which is approved in writing by City.

b. Name and list as additional insured the City, its officers and employees.

c. Specify its acts as primary insurance.

d. Contain a clause substantially in the following words: "It is hereby understood and agreed that this policy shall not be canceled except upon

thirty (30) days prior written notice to City of such cancellation or material change except for cancellation for non-payment of premium whereby a 10-day notice shall apply."

e. Cover the operations of Consultant pursuant to the terms of this Agreement.

**6.6 Indemnification.** To the fullest extend allowed by law, Consultant agrees to indemnify, defend and hold harmless City and/or any other City agency, including other employees, officers and representatives, for/from any and all claims or actions of any kind asserted against City and/or any other City agency to the extent arising out of Consultant's (including Consultant's employees, representatives, products and subcontractors) negligent performance under this Agreement, excepting only such claims or actions which may arise out of the negligence of City and/or any other City agency, or any third parties not acting on behalf of, at the direction of, or under the control of Consultant.

**6.7 Compliance with Applicable Law.** Consultant and City shall comply with all applicable laws, ordinances, and codes of the Federal, State, County and City governments, without regard to conflict of law principles.

**6.8 Independent Contractor.** This Agreement is by and between City and Consultant and is not intended, nor shall it be construed, to create the relationship of agency, servant, employee, partnership, joint venture, or association, as between City and Consultant.

**6.8.1** Consultant shall be an independent contractor and shall have no power to incur any debt or obligation for or on behalf of City. Neither City nor any of its officers or employees shall have any control over the conduct of Consultant, or any of Consultant's employees, except as herein set forth, and Consultant expressly warrants not to, at any time or in any manner, represent that it, or any of its agents, servants or employees are in any manner employees of City, it being distinctly understood that Consultant is and shall at all times remain to City a wholly independent contractor and Consultant's obligations to City are solely such as are prescribed by this Agreement.

**6.8.2** Indemnification of CalPERS Determination - In the event that Consultant or any employee, agent, or subcontractor of Consultant providing services under this Agreement claims or is determined by a court of competent jurisdiction or CalPERS to be eligible for enrollment in CalPERS as an employee of City, Consultant shall indemnify, defend, and hold harmless City for the payment of any employee and/or employer contributions for CalPERS benefits on behalf of Consultant or its employees, agents, or subcontractors, as well as, for the payment of any penalties and interest on such contributions which would otherwise be the responsibility of City.

**6.8.3** Business License Required. According to Title 2.08.40 of the South Gate Municipal Code, a business license will be required prior to doing business within the City, even if the business is located outside of the City. Verification of a valid South Gate business license will be required prior to start of work and any fees associated with the acquisition or maintenance of such business license shall be the sole responsibility of Consultant.

**6.9 Consultant's Personnel.**

**6.9.1** All services required under the Agreement will be performed by Consultant, or under Consultant's direct supervision, and all personnel shall possess the qualifications, permits and licenses required by State and local law to perform such services, including, without limitation, a City of South Gate business license as required by the South Gate Municipal Code.

**6.9.2** Consultant shall be solely responsible for the satisfactory work performance of all personnel engaged in performing services required by this Agreement, and compliance with all reasonable performance standards established by City.

**6.9.3** Consultant shall be responsible for payment of all employees' and subcontractors' wages and benefits and shall comply with all requirements pertaining to employer's liability, workers' compensation, unemployment insurance and Social Security.

**6.9.4** Consultant shall indemnify and hold harmless City and all other related entities, officers, employees and representatives from any liability, damages, claims, costs, and expenses of any nature arising from alleged violations of personnel practices or of any acts of omissions by Consultant in connection with the work performed arising from this Agreement.

**6.10 Copyright.** With the exception of MNS pre-existing Intellectual Property, including but not limited to concepts, ideas, materials, data and standard details (MNS IP), No reports, maps or other documents produced in whole or in part under this Agreement shall be the subject of an application for copyright by or on behalf of Consultant.

**6.11 Legal Construction.**

**6.11.1** This Agreement is made and entered into in the State of California and shall in all respects be interpreted, enforced, and governed under the laws of the State of California without regard to conflict of law principles.

**6.11.2** This Agreement shall be construed without regard to the identity of the persons who drafted its various provisions. Each and every provision of this Agreement

shall be construed as though each of the parties participated equally in the drafting of same, and any rule of construction that a document is to be construed against the drafting party shall not be applicable to this Agreement.

**6.11.3.** The article and section, captions and headings herein have been inserted for convenience only and shall not be considered or referred to in resolving questions of interpretation or construction.

**6.11.4.** Whenever in this Agreement the context may so require, the masculine gender shall be deemed to refer to and include the feminine and neuter, and the singular shall refer to and include the plural.

**6.12 Counterparts.** This Agreement may be executed in counterparts and, as so executed, shall constitute an agreement which shall be binding upon all Parties hereto.

**6.13 Final Payment Acceptance Constitutes Release.** The acceptance by Consultant of the final payment made under this Agreement shall operate as and be a release of City from all claims and liabilities for compensation to Consultant for anything done, furnished, or relating to Consultant's work or services. Acceptance of payment shall be any negotiation of City's check or the failure to make a written extra compensation claim within ten (10) calendar days of the receipt of that check. However, approval or payment by City shall not constitute, nor be deemed, a release of the responsibility and liability of Consultant, its employees, sub-consultants and agents for the accuracy and competency of the information provided and/or work performed; nor shall such approval or payment be deemed to be an assumption of such responsibility or liability by City for any defect or error in the work prepared by Consultant, its employees, sub-consultants and agents.

**6.14 Corrections.** In addition to the above indemnification obligations, Consultant shall correct, at its expense, all errors in the work which may be disclosed during City's review of Consultant's report or plans. Should Consultant fail to make such correction in a reasonably, timely manner, such correction shall be made by City, and the cost thereof shall be charged to Consultant.

**6.15 Files.** All files of Consultant pertaining to City shall be and remain the property of City. Consultant will control the physical location of such files during the term of this Agreement and shall be entitled to retain copies of such files upon termination of this Agreement.

**6.16 Waiver; Remedies Cumulative.** Failure by a Party to insist upon the performance of any of the provisions of this Agreement by the other party, irrespective of the length of time for which such failure continues, shall not constitute a waiver of such Party's right to demand compliance by such other Party in the future. No waiver by a Party of a default or breach of the other party shall be effective or binding upon such a Party

unless made in writing by such Party, and no such waiver shall be implied from any omissions by a Party to take any action with respect to such default or breach. No express written waiver of a specified default or breach shall affect any other default or breach, or cover any other period of time, other than any default or breach and/or period of time specified. All of the remedies permitted or available to a Party under this Agreement, or at law or in equity, shall be cumulative and alternative, and invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right of remedy.

**6.17 Mitigation of Damages.** In all such situations arising out of this Agreement, the Parties shall attempt to avoid and minimize the damages resulting from the conduct of the other Party.

**6.18 Severability.** If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions will nevertheless continue in full force without being impaired or invalidated in any way.

**6.19 Attorneys' Fees.** The Parties hereto acknowledge and agree that each will bear his or its own costs, expenses and attorneys' fees arising out of and/or connected with the negotiation, drafting and execution of the Agreement, and all matters arising out of or connected therewith except that, in the event any action is brought by any Party hereto to enforce this Agreement, the prevailing Party in such action shall be entitled to reasonable attorneys' fees and costs in addition to all other relief to which that Party or those Parties may be entitled.

**6.20 Entire Agreement and Amendments.** This Agreement constitutes the whole agreement between City and Consultant, and neither party has made any representations to the other except as expressly contained herein. Neither party, in executing or performing this Agreement, is relying upon any statement or information not contained in this Agreement. Any amendments, changes or modifications to this Agreement must be made in writing and appropriately executed by both City and Consultant.

**6.21 Notices.** Any notice required to be given hereunder shall be deemed to have been given by email transmission with confirmation of delivery and depositing said notice in the United States mail, postage prepaid, and addressed as follows:

**TO CITY:**
City of South Gate
Arturo Cervantes, P.E.
8650 California Avenue
South Gate, CA 90280
Email: acervantes@sogate.org
TEL: (323) 563-9567

**WITH COURTESY COPY TO:**
City of South Gate
Yodit Glaze, City Clerk
8650 California Avenue
South Gate, CA 90280
Email: yglaze@sogate.org
TEL: (323)563-9510

**TO CONSULTANT:**
Nick Panofsky, P.E.
Vice President
MNS Engineers, Inc.
100 E. Thousand Oaks Blvd, Suite 105
Thousand Oaks, CA 91360
Email: npanofsky@mnsengineers.com
TEL: (805) 722-2734

**6.22 Warranty of Authorized Signatories.** Each of the signatories hereto warrants and represents that he or she is competent and authorized to enter into this Agreement on behalf of the Party for whom he or she purports to sign.

**6.23 Consultation with Attorney.** Consultant warrants and represents that it has consulted with an attorney or knowingly and voluntarily decided to forgo such a consultation.

**6.24 Interpretation Against Drafting Party.** City and Consultant agree that they have cooperated in the review and drafting of this agreement. Accordingly, in the event of any ambiguity, neither Party may claim that the interpretation of this Agreement shall be construed against either Party solely because that Party drafted all or a portion of this Agreement, or the clause at issue.

7. **CALIFORNIA LEVINE ACT DISCLOSURE STATEMENT.** In accordance with California SB1439 extended requirements under Government Code Section 84308, also known as the "Levine Act," a disclosure must be filed of political contributions totaling more than two hundred fifty dollars ($250) within the previous twelve (12) months, and for three (3) months following the date a final decision is made to award an agreement. Therefore, the City requires that Consultant fill out the California Levine Act Disclosure Statement form available on the City website and submit it to the City Clerk's Office prior to the approval of this Agreement.

8. **EFFECTIVE DATE.** The effective date of this Agreement is April 22, 2025, and will remain in effect through and until project completion, unless otherwise terminated in accordance with the terms of this Agreement.

[Remainder of page left blank intentionally.]

**IN WITNESS WHEREOF,** the Parties hereto have caused this Agreement to be executed and attested by their respective officers thereunto duly authorized.

**CITY OF SOUTH GATE:**

By: _____
Maria Davila, Mayor

Dated: _____

**ATTEST:**

By: _____
Yodit Glaze, City Clerk
(SEAL)

**APPROVED AS TO FORM:**

By: _____
Raúl F. Salinas, City Attorney

MNS Engineers, Inc.:

By: _____
Nick Panofsky, P.E. – Vice President

Dated: _____

**EXHIBIT A**

**SCOPE OF WORK**

# REQUEST FOR PROPOSAL (RFP)

# DESIGN SERVICES FOR THE DEMOLITION OF SALT LAKE WATER TANK
# CITY PROJECT NO. 734-WTR

## I. PURPOSE

The City of South Gate (City) is requesting proposals from qualified engineering consultants to provide design services for the demolition of an elevated 500,000-gallon water storage tank. The tank, approximately 145 feet tall, is located at 9595 Salt Lake Ave., South Gate, CA 90280.

### Project Description

The City is implementing the project to decommission and abandon an existing water system facility to prepare the site for future development. This entails the removal of water infrastructure, including the tank and associated structures, followed by site restoration to ensure a stable and development-ready condition. The demolition will involve the complete removal and proper disposal of the tank's concrete foundation, extending to a depth of five feet below the surface, ensuring no subsurface obstructions remain. Additionally, all above-ground structures, including any associated piping, support systems, and appurtenances, will be dismantled and removed in compliance with applicable safety and environmental regulations. Debris and demolition materials will be properly sorted, transported, and disposed of at approved facilities. Once demolition is complete, the site will undergo thorough clearing and grubbing to remove any remaining materials, vegetation, or debris. The area will then be graded to ensure proper drainage and site stabilization. Final restoration will include the placement of a crushed rock surface, providing long-term erosion control and a stable foundation for potential future use. Additionally, any damaged sidewalks around the perimeter of the site will be repaired or replaced to restore pedestrian accessibility and safety.

This project is critical to the City's infrastructure maintenance program and will facilitate future site redevelopment.

## II. PROJECT SCHEDULE

The consultant must complete and submit all design documents within six (6) months from the contract start date. A detailed project schedule shall be included in the proposal, outlining the following milestones:

- Kick-off Meeting & Initial Site Review
- Preliminary Engineering Analysis
- 60% Design Submittal
- 90% Design Submittal

- Final Design & Bid Documents (100%)
- Permitting and Environmental Approvals

The schedule shall be updated monthly and submitted to the City.

## III. BACKGROUND

The City operates a municipal water system with approximately 135 miles of water mains, serving over 14,250 customer accounts across residential, commercial, and industrial sectors. The Santa Fe Water Tank, constructed in 1951, was decommissioned over a decade ago and is no longer connected to the water distribution system. Due to structural deterioration and the presence of lead-based paint, demolition is required to ensure public safety and prepare the site for future redevelopment.

## IV. SCOPE OF WORK

The consultant shall provide engineering design services to develop plans, specifications, and cost estimates for the safe and efficient demolition of the Salt Lake Water Tank.

The general scope of work includes but not limited to:

- Structural and environmental analysis to determine the safest and most efficient demolition methodology.
- Development of design plans, specifications, and cost estimates for the project.
- Coordination with permitting agencies and preparation of environmental documentation to comply with all applicable regulations.
- Preparation of traffic control and public safety plans for required street closures.
- Public outreach support to minimize community disruption.
- Construction support services, including bid assistance and technical support during demolition.

### Task 1 – Project Management & Coordination

#### 1.1 General Administration

- Conduct a Kick-off Meeting with City staff to review project scope, objectives, and constraints.
- Develop a detailed project schedule, updated monthly.
- Coordinate all project activities, including subconsultants, permitting agencies, and utility companies.
- Ensure adherence to project scope, budget, and schedule.

#### 1.2 Meetings & Reporting

- Kick-off Meeting with the City.
- Regular Progress Meetings (virtual or in-person).
- Design Review Meetings at key milestones (60%, 90%, 100%).
- Maintain and submit meeting minutes within five (5) business days.

**Deliverables:**

- Project Schedule (Updated Monthly)
- Meeting Minutes

**Task 2 – Preliminary Engineering & Site Investigation**

**2.1 Site Assessment & Data Collection**

- Review existing records, reports, and drawings provided by the City.
- Conduct structural integrity analysis of the tank to determine demolition methodology.
- Perform field surveys, including utility mapping and site constraints evaluation.

**2.2 Environmental Compliance & Hazardous Materials Assessment**

- Evaluate and assess lead-based paint and other hazardous materials.
- Develop a Hazardous Materials Management Plan, including:
    - Containment and air monitoring strategies
    - Removal and disposal procedures per EPA and Cal/OSHA regulations
    - Required certifications and compliance measures

**2.3 Traffic & Public Safety Plan**

- Develop a Traffic Control Plan guidance for required street closures.
- Coordinate with the City's Public Works and Transportation Departments.
- Ensure public notifications and street closures occur during off-peak hours whenever feasible.

**2.4 Community Engagement Plan**

- Prepare public notices, mailers, and digital updates to inform residents and businesses.
- Attend public meetings as required to present the project and address concerns.

**Deliverables:**

- Preliminary Demolition Plan
- Preliminary Cost Estimate
- Traffic Control Plan Guidance
- Community Engagement Plan

**Task 3 – Design Development (Plans, Specifications, Estimates)**

The consultant shall prepare engineering drawings, specifications, and a cost estimate for demolition, addressing structural integrity, hazardous materials, traffic control, and environmental compliance.

**3.1 Structural & Demolition Design**

- Assess the tank's structural integrity to determine the best demolition method.
- Develop detailed engineering calculations and a phased dismantling plan, if necessary.
- From the ground level to a depth of five feet below the surface, the tank's concrete foundation shall be removed and properly disposed of.
- All other above ground structures at the site shall also be demolished and discarded
- The site shall be cleared, grubbed, graded, and restored surface with crushed rock.

**3.2 Final Construction Documents**
The consultant shall prepare plans, technical specifications, and cost estimates for three design submittals:

- **60% Design Submittal:**
  - Initial detailed drawings
  - Preliminary specifications
  - Cost estimate
- **90% Design Submittal:**
  - Incorporate City comments
  - Complete technical specifications
  - Finalize cost estimate
- **100% Design Submittal (Final Bid Documents):**
  - Final construction drawings (Mylar & CAD files)
  - Sealed technical specifications
  - Engineer's cost estimate

**Deliverables:**
- 60%, 90%, and Final Design Submittal
- Final AutoCAD & Mylar Plans

**Task 4 – Bidding & Construction Support**
- Assist in bid document preparation and responses to RFIs (Requests for Information).
- Participate in Pre-Bid Meetings and evaluate contractor bids.
- Prepare up to three (3) addenda, if required.

**Deliverables:**
- Bid Documents & RFI Log
- Addenda Preparation (Up to 3)

**Task 5 – Construction Support Services**
- Attend Pre-Construction Meeting and document minutes.
- Review submittals, shop drawings, and RFIs.
- Assist in evaluating change orders and contractor claims.
- Maintain as-built records for final documentation.

**Deliverables:**
- RFI & Change Order Log
- As-Built Drawings

**Task 6 – Environmental Documentation & Permitting**
- Prepare CEQA/NEPA Environmental Documentation, including:
  - Initial Study with environmental checklists & analysis
  - Mitigation Measures, if required
- Identify and secure required permits from agencies such as:

- LA County Fire/Public Works
- South Coast AQMD
- California Department of Public Health
- State Water Resources Control Board (DDW)

**Deliverables:**

- CEQA/NEPA Documentation
- Permit Applications

## V. CITY RESPONSIBILITIES

The City will:

- Assign a Project Manager as the primary point of contact.
- Provide existing reports, drawings, and GIS data.
- Pay for permit fees.

## VI. MISCELLANEOUS

- All plans, reports, and documents shall become City property.
- Engineering designs shall comply with City standards & applicable regulations.

Committed to improving people's lives every day

March 20, 2025

City of South Gate
**Attention: Derwin Dy, P.E.**
**Principal Engineer/Water Resources Manager**
8650 California Avenue
South Gate, CA 90280

**SUBJECT: Proposal for Professional Engineering Services – Design Services FOR the Demolition of Salt Lake Water Tank – Cost Proposal**

Dear Mr. Dy,

MNS Engineers, Inc. (MNS) appreciates the opportunity to submit our cost proposal for engineering services for the Demolition of Salt Lake Water (Project) for the City of South Gate (City). A detailed fee proposal spreadsheet is provided as an attachment, and a fee summary is provided in the following table. All fees are in accordance with the 2025 MNS Standard Fee Schedule, also provided as an attachment.

| Task | Fee |
|---|---|
| Task 1 – Project Management, QA/QC, and Coordination | $24,960 |
| Task 2 – Preliminary Engineering and Site Investigation | $132,110 |
| Task 3 – Detailed Design | $87,050 |
| Task 4 – Bid Phase Services | $10,860 |
| Task 5 – Construction Phase Services | $19,250 |
| Task 6 – Environmental Documentation and Permitting | $17,280 |
| **Total** | **$291,510** |

If the optional boundary survey is not included in the scope of work, a deduction of $5,860 may be applied.

**Authorized Representative**

I am hereby authorized to negotiate and contractually bind MNS:

Nick Panofsky, PE, Vice President
805.722.2734 | Npanofsky@mnsengineers.com

MNS is confident our uniquely experienced and qualified team will provide quality services to meet the City's expectations and goals. Please contact me with any questions you may have about our submittal. Thank you for your consideration.

Sincerely,
**MNS Engineers, Inc.**

Nick Panofsky, PE
Vice President

401 Grand Avenue | Suite 200
Oakland, CA 94610
Main: 805.692.6921
WWW.MNSENGINEERS.COM

› PLANNING
› ENGINEERING
› CONSTRUCTION MANAGEMENT
› LAND SURVEYING

City of South Gate
Design Services for the Demolition of Salt Lake Water Tank

| | | PM | | | ENGINEERING | | | | | | | SURVEYING | | | | PLANNING | | | | SUPPORT | AKT Peerless | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Principal Engineer - NP | Principal Engineer - TNH | Lead Engineer - TL | Principal Engineer - STR | Principal Engineer - TRA | Project Engineer - STR | Senior Project Engineer - TRA | Associate Engineer - EC | Assistant Engineer - TRA | Engineering Technician | Principal Surveyor - SS | Assistant Project Surveyor | Party Chief | Chainperson | Principal Planner/Scientist | Principal Regulatory Specialist | Senior Biologist | Assistant Planner/Scientist | Construction Manager - MP | Group Leader | Project Geologist | Environmental Consultant | Drafting / CAD | Total Resource Hours | Total Hours*Rates |
| | 2025 Rate | $325 | $325 | $285 | $325 | $325 | $220 | $220 | $200 | $185 | $140 | $295 | $170 | $200 | $170 | $260 | $225 | $170 | $145 | $250 | $160 | $140 | $125 | $180 | | |
| **1 – Project Management, QA/QC, and Coordination** | **Task 1** | | | | | | | | | | | | | | | | | | | | | | | | | |
| 1.1 Project Management | Task 1.1 | 8 | | 32 | | | | | | | | | | | | | | | | | | | | | 40 | $11,720 |
| 1.2 QA/QC | Task 1.2 | | 18 | | | | | | | | | | | | | | | | | | | | | | 18 | $5,850 |
| 1.3 Coordination (8) | Task 1.3 | 4 | | 14 | | | | | 8 | | | | | | | | | | | | | | | | 26 | $6,890 |
| **Task 1 Subtotal** | | **12** | **18** | **46** | **0** | **0** | **0** | **0** | **8** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **84** | **$24,460** |
| **2 – Preliminary Engineering and Site Investigation** | **Task 2** | | | | | | | | | | | | | | | | | | | | | | | | | |
| 2.1 Site Assessment and Data Collection | Task 2.1 | 2 | | 2 | 8 | | 20 | | 16 | | | | | | | | | | | | | | | | 48 | $11,420 |
| 2.2 Topographic Survey | Task 2.2 | | | 2 | | | | | | | | 6 | 24 | 12 | 12 | | | | | | | | | | 56 | $10,860 |
| 2.3 Boundary Survey (Optional) | Task 2.3 | | | 2 | | | | | | | | 6 | 12 | 4 | 4 | | | | | | | | | | 28 | $5,860 |
| 2.4 Environmental Complaince and Hazardous Materials Assessment | Task 2.4 | 2 | | 6 | | | | | | | | | | | | 12 | | | | | 12 | 50 | 50 | 8 | 140 | $22,090 |
| 2.5 Traffic and Public Safety Plan | Task 2.5 | | | 4 | | | | 20 | | 10 | | | | | | | | | | | | | | | 34 | $7,390 |
| 2.6 Community Engagement Plan | Task 2.6 | | | 8 | | | | | | | | | | | | 40 | | | 12 | | | | | | 60 | $14,420 |
| 2.7 Preliminary Planning Memo | Task 2.7 | 4 | | 16 | 24 | | 56 | | 20 | | 6 | | | | | | | | | | | | | | 126 | $30,820 |
| **Task 2 Subtotal** | | **8** | **0** | **40** | **32** | **0** | **76** | **20** | **36** | **10** | **6** | **12** | **36** | **16** | **16** | **52** | **0** | **0** | **12** | **0** | **12** | **50** | **50** | **8** | **492** | **$102,860** |
| **3 – Detailed Design** | **Task 3** | | | | | | | | | | | | | | | | | | | | | | | | | |
| 3.1 Design Documents | Task 3.1 | | | | | | | | | | | | | | | | | | | | | | | | 0 | $0 |
| 60% Design | Task 3.2 | 8 | | 20 | 8 | 1 | 16 | 10 | 40 | 40 | 32 | | | | | | | | | | | | | | 175 | $36,825 |
| 90% Design | Task 3.3 | 8 | | 20 | 8 | 1 | 16 | 8 | 40 | 32 | 20 | | | | | | | | | 8 | | | | | 161 | $35,225 |
| 100% Design | Task 3.4 | | | 20 | 4 | | 8 | 2 | 16 | 8 | 8 | | | | | | | | | | | | | | 66 | $15,000 |
| **Task 3 Subtotal** | | **16** | **0** | **60** | **20** | **2** | **40** | **20** | **96** | **80** | **60** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **8** | **0** | **0** | **0** | **0** | **402** | **$87,050** |
| **4 – Bid Phase Services** | **Task 4** | | | | | | | | | | | | | | | | | | | | | | | | | |
| 4.1 Bid Phase Services | Task 4.1 | 2 | | 16 | 2 | | 2 | | 20 | | 4 | | | | | | | | | | | | | | 46 | $10,860 |
| **Task 4 Subtotal** | | **2** | **0** | **16** | **2** | **0** | **2** | **0** | **20** | **0** | **4** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **46** | **$10,860** |
| **5 – Construction Phase Services** | **Task 5** | | | | | | | | | | | | | | | | | | | | | | | | | |
| 5.1 Construction Meetings (6) | Task 5.1 | | | 8 | | | | | 4 | | | | | | | | | | | | | | | | 12 | $3,080 |
| 5.2 Submittal Review (21) | Task 5.2 | | | 12 | 2 | | 8 | | 24 | | | | | | | | | | | | | | | | 46 | $10,630 |
| 5.3 Respond to Contractor RFIs (4) | Task 5.3 | | | 8 | | | 4 | | 8 | | | | | | | | | | | | | | | | 20 | $4,760 |
| 5.4 Record Drawings | Task 5.4 | | | 4 | | | | | 8 | | 8 | | | | | | | | | | | | | | 20 | $3,860 |
| **Task 5 Subtotal** | | **0** | **0** | **32** | **2** | **0** | **12** | **0** | **44** | **0** | **8** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **0** | **98** | **$22,330** |
| **6 – Environmental Documentation and Permitting** | **Task 6** | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6.1 Prepare CEQA Documents | Task 6.1 | | | 4 | | | | | 4 | | | | | | | 4 | 8 | 30 | 8 | | | | | | 58 | $11,040 |
| 6.2.1 LA County Fire/Public Works | Task 6.2.1 | | | 4 | | | | | 2 | | | | | | | | 8 | | 20 | | | | | | 34 | $6,240 |
| **Task 6 Subtotal** | | **0** | **0** | **8** | **0** | **0** | **0** | **0** | **6** | **0** | **0** | **0** | **0** | **0** | **0** | **4** | **16** | **30** | **28** | **0** | **0** | **0** | **0** | **0** | **92** | **$17,280** |
| Sub-Total | Hours | 38 | 18 | 202 | 56 | 2 | 130 | 40 | 210 | 90 | 78 | 12 | 36 | 16 | 16 | 56 | 16 | 30 | 40 | 8 | 12 | 50 | 50 | 8 | 1,214 | $264,840 |
| | Cost | $12,350 | $5,850 | $57,570 | $18,200 | $650 | $28,600 | $8,800 | $42,000 | $16,650 | $10,920 | $3,540 | $6,120 | $3,200 | $2,720 | $14,560 | $3,600 | $5,100 | $5,800 | $2,000 | $1,920 | $7,000 | $6,250 | $1,440 | | |

| SUBCONSULTANTS | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Subconsultant Participation | Aerotas Drone | Total Subconsultant Costs | Reimbursable Expenses | MNS Engineers | AKT Peerless | Reimbursable Expense Costs | Summary | Total MNS Resource Costs | Total Subconsultant Costs & All Reimbursable Expenses | Total |
| **Task 1** | | | **Task 1** | | | | **Task 1** | | | |
| Task 1.1 | $0 | $0 | Task 1.1 | $500 | | $500 | Task 1.1 | $11,720 | $500 | $12,220 |
| Task 1.2 | $0 | $0 | Task 1.2 | | | $0 | Task 1.2 | $5,850 | $0 | $5,850 |
| Task 1.3 | $0 | $0 | Task 1.3 | | | $0 | Task 1.3 | $6,890 | $0 | $6,890 |
| | **$0** | **$0** | | **$500** | **$0** | **$500** | | | **Task 1 Subtotal** | **$24,960** |
| **Task 2** | | | **Task 2** | | | | **Task 2** | | | |
| Task 2.1 | $0 | $0 | Task 2.1 | | | $0 | Task 2.1 | $11,420 | $0 | $11,420 |
| Task 2.2 | $0 | $0 | Task 2.2 | | | $0 | Task 2.2 | $10,860 | $0 | $10,860 |
| Task 2.3 | $0 | $0 | Task 2.3 | | | $0 | Task 2.3 | $5,860 | $0 | $5,860 |
| Task 2.4 | $16,610 | $16,610 | Task 2.4 | | $29,250 | $29,250 | Task 2.4 | $5,480 | $45,860 | $51,340 |
| Task 2.5 | $0 | $0 | Task 2.5 | | | $0 | Task 2.5 | $7,390 | $0 | $7,390 |
| Task 2.6 | $0 | $0 | Task 2.6 | | | $0 | Task 2.6 | $14,420 | $0 | $14,420 |
| Task 2.7 | $0 | $0 | Task 2.7 | | | $0 | Task 2.7 | $30,820 | $0 | $30,820 |
| | **$16,610** | **$16,610** | | **$0** | **$29,250** | **$29,250** | | | **Task 2 Subtotal** | **$132,110** |
| **Task 3** | | | **Task 3** | | | | **Task 3** | | | |
| Task 3.1 | $0 | $0 | Task 3.1 | | | $0 | Task 3.1 | $0 | $0 | $0 |
| Task 3.2 | $0 | $0 | Task 3.2 | | | $0 | Task 3.2 | $36,825 | $0 | $36,825 |
| Task 3.3 | $0 | $0 | Task 3.3 | | | $0 | Task 3.3 | $35,225 | $0 | $35,225 |
| Task 3.4 | $0 | $0 | Task 3.4 | | | $0 | Task 3.4 | $15,000 | $0 | $15,000 |
| | **$0** | **$0** | | **$0** | **$0** | **$0** | | | **Task 4 Subtotal** | **$87,050** |
| **Task 4** | | | **Task 4** | | | | **Task 4** | | | |
| Task 4.1 | | $0 | Task 4.1 | | | $0 | Task 4.1 | $10,860 | $0 | $10,860 |
| | **$0** | **$0** | | **$0** | **$0** | **$0** | | | **Task 5 Subtotal** | **$10,860** |
| **Task 5** | | | **Task 5** | | | | **Task 5** | | | |
| Task 5.1 | $0 | $0 | Task 5.1 | | | $0 | Task 5.1 | $0 | $0 | $0 |
| Task 5.2 | $0 | $0 | Task 5.2 | | | $0 | Task 5.2 | $10,630 | $0 | $10,630 |
| Task 5.3 | $0 | $0 | Task 5.3 | | | $0 | Task 5.3 | $4,760 | $0 | $4,760 |
| Task 5.4 | $0 | $0 | Task 5.4 | | | $0 | Task 5.4 | $3,860 | $0 | $3,860 |
| | **$0** | **$0** | | **$0** | **$0** | **$0** | | | **Task 4 Subtotal** | **$19,250** |
| **Task 6** | | | **Task 6** | | | | **Task 6** | | | |
| Task 6.1 | $0 | $0 | Task 6.1 | | | $0 | Task 6.1 | $11,040 | $0 | $11,040 |
| Task 6.2.1 | $0 | $0 | Task 6.2.1 | | | $0 | Task 6.2.1 | $6,240 | $0 | $6,240 |
| | **$0** | **$0** | | **$0** | **$0** | **$0** | | | **Task 5 Subtotal** | **$17,280** |
| Sub-Total | **$16,610** | **$16,610** | Sub-Total | **$500** | **$29,250** | **$29,750** | Grand Total | $245,150 | $46,360 | **$291,510** |

# 2025 STANDARD SCHEDULE OF FEES

## PROJECT/PROGRAM MANAGEMENT

| | |
|---|---|
| Principal-In-Charge | $375 |
| Senior Project/Program Manager | 340 |
| Project/Program Manager | 290 |
| Assistant Project/Program Manager | 265 |
| Senior Project Coordinator | 210 |
| Project Coordinator | 175 |

## ENGINEERING

| | |
|---|---|
| Principal Engineer | $325 |
| Lead Engineer | 285 |
| Supervising Engineer | 270 |
| Senior Project Engineer | 245 |
| Project Engineer | 220 |
| Associate Engineer | 200 |
| Assistant Engineer | 185 |

## SURVEYING

| | |
|---|---|
| Principal Surveyor | $295 |
| Lead Surveyor | 285 |
| Supervising Surveyor | 245 |
| Senior Project Surveyor | 220 |
| Project Surveyor | 195 |
| Associate Project Surveyor | 185 |
| Assistant Project Surveyor | 170 |
| Party Chief (PW) | 200 |
| Chainperson (PW) | 170 |
| One-Person Survey Crew (PW) | 240 |

## TECHNICAL SUPPORT

| | |
|---|---|
| CADD Manager | $210 |
| Supervising Technician | 185 |
| Senior Technician | 175 |
| Engineering Technician | 140 |

## CONSTRUCTION MANAGEMENT

| | |
|---|---|
| Principal Construction Manager | $360 |
| Senior Construction Manager | 310 |
| Senior Resident Engineer | 285 |
| Resident Engineer | 275 |
| Structure Representative | 270 |
| Construction Manager | 250 |
| Assistant Resident Engineer | 220 |
| Sr. Construction Inspector (PW) | 200 |
| Construction Inspector (PW) | 188 |
| Office Administrator | 140 |

## PLANNING

| | |
|---|---|
| Planning Director | $250 |
| City Planner/Planning Manager | 230 |
| Principal Planner | 215 |
| Senior Planner | 200 |
| Associate Planner | 170 |
| Assistant Planner | 140 |
| Planning Technician | 120 |

## ADMINISTRATIVE SUPPORT

| | |
|---|---|
| Senior Management Analyst | $210 |
| Management Analyst | 180 |
| IT Technician | 150 |
| Graphics/Visualization Specialist | 160 |
| Administrative Assistant | 110 |

## GOVERNMENT SERVICES

| | |
|---|---|
| City Engineer | $280 |
| Deputy City Engineer | 250 |
| Assistant City Engineer | 235 |
| Plan Check Engineer | 195 |
| Permit Engineer | 185 |
| City Inspector | 175 |
| Senior City Inspector (PW) | 200 |
| City Inspector (PW) | 188 |
| Principal Stormwater Specialist | 240 |
| Senior Stormwater Specialist | 210 |
| Stormwater Specialist | 180 |
| Stormwater Technician | 160 |
| Building Official | 275 |
| Senior Building Inspector | 210 |
| Building Inspector | 185 |
| Senior Grant Writer | 200 |
| Grant Writer | 190 |
| Associate Grant Writer | 170 |
| Assistant Grant Writer | 155 |

## DIRECT EXPENSES

Use of outside consultants as well as copies, blueprints, survey stakes, monuments, computer plots, telephone, travel (out of area) and all similar charges directly connected with the work will be charged at cost plus fifteen percent (15%). Mileage will be charged at the current federal mileage reimbursement rate.

## PREVAILING WAGE RATES

Rates shown with Prevailing Wage "(PW)" annotation are used for field work on projects subject to federal or state prevailing wage law and are subject to increases per DIR.

## ANNUAL ESCALATION

Standard fee rates provided for each classification are subject to 5% annual escalation or the most recent US Bureau of Labor Statistics Consumer Price Index, whichever is higher.

## OVERTIME

Overtime for non-exempt employees will be charged at 1.5 x hourly rate; overtime for exempt employees and other classifications will be charged at 1 x hourly rate.

Rev. 1/28/2025

# Item No. 6

Office of the
South Gate City Clerk

APR 17 2025
FILED 11:15am

# City of South Gate
CITY COUNCIL

# AGENDA BILL

*For the Regular Meeting of:* **April 22, 2025**
Originating Department: **Office of the City Clerk**

***City Clerk:*** _____ ***City Manager:*** _____
*Yodit Glaze* *Rob Houston*

**SUBJECT: APPROVAL OF CITY COUNCIL MEETING MINUTES**

**PURPOSE:** To historically preserve the events of the City Council Meetings.

**RECOMMENDED ACTION:** The City Council will consider:

a. Approving the Special and Regular Meeting minutes of March 11, 2025; and
b. Approving the Special and Regular Meeting minutes of March 25, 2025.

**FISCAL IMPACT:** None.

**ANALYSIS:** The minutes are provided to the City Council on the Wednesday prior to their regular business meeting. Amendments should be provided to the City Clerk's Office within 24 hours of a City Council Meeting so that verification of the record and corrections are made accordingly. A revised document will be provided to the City Council prior to the Meeting.

**BACKGROUND:** The minutes typically describe the events of the meeting and may include a list of attendees, a statement of the issues considered by the participants, and related responses or decisions for the issues.

**ATTACHMENTS:** City Council Minutes

# CITY OF SOUTH GATE
# SPECIAL CITY COUNCIL MEETING
# MINUTES
# TUESDAY, MARCH 11, 2025

**CALL TO ORDER**

Maria Davila, Mayor called a Special City Council Meeting to order at 5:01 p.m.

**ROLL CALL**

Yodit Glaze, City Clerk

**PRESENT**

Mayor Maria Davila, Vice Mayor Joshua Barron, Council Member Maria del Pilar Avalos, Council Member Gil Hurtado and Council Member Al Rios; City Treasurer Jose De La Paz, City Manager Rob Houston, City Attorney Raúl F. Salinas

**1**
**CERTIFICATES OF APPRECIATION**

The City Council issued Certificates of Appreciation to the South Gate Police Department's Citizen Academy.

**CLOSED SESSION**

The Council Members recessed into Closed Session at 5:18 p.m. and reconvened at 6:38 p.m. with all Members of Council present. City Attorney Salinas reported the following:

1. CONFERENCE WITH LEGAL COUNSEL – PENDING LITIGATION
   Pursuant to Government Code Section 54956.9(a), 54954.9(b)(3)(C)

   a. Erick Arteaga v. City of South Gate, et al.
   b. Bertha Quintero v. City of South Gate, et al.
   c. Dulce Vargas v. City of South Gate, et al.
   d. Leticia Delgado v. City of South Gate

Item 1(a) is an employment case. The former employee has brought against the City of South Gate.

Item 2(b) is a claim of personal injuries arising from an allegedly faulty sidewalk near Hunt Avenue.

Item 2(c) is also a premises liability arising from a sidewalk on the westside of St. James Avenue.

Item 2(d) is also a premises liability case arising near the block of 8600 Madison Avenue.

These items were not discussed in closed session.

2. CONSIDER THE EVALUATION OF PERFORMANCE OF A PUBLIC EMPLOYEE
Pursuant to Government Code Section 54957 and 54957.6

a. City Manager

On item 2, there was guidance given by the City Council during that discussion but there was no reportable action taken.

**ADJOURNMENT** Council Member Rios unanimously adjourned the meeting at 6:41 p.m. and seconded by Vice Mayor Barron.

**PASSED** and **APPROVED** on this 22nd day of April 2025.

ATTEST:

Maria Davila, Mayor

Yodit Glaze, City Clerk

# CITY OF SOUTH GATE
# REGULAR CITY COUNCIL MEETING
# MINUTES
# TUESDAY, MARCH 11, 2025

**CALL TO ORDER** Maria Davila, Mayor called a Regular City Council Meeting to order at 6:41 p.m.

**INVOCATION** Pastor Bobby Scott, Community of Faith Bible Church

**PLEDGE OF ALLEGIANCE** Jose De La Paz, City Treasurer

**ROLL CALL** Yodit Glaze, City Clerk

**PRESENT** Mayor Maria Davila, Vice Mayor Joshua Barron, Council Member Maria del Pilar Avalos, Council Member Gil Hurtado and Council Member Al Rios; City Treasurer Jose De La Paz, City Manager Rob Houston, City Attorney Raúl F. Salinas

**1 COMMUNITY DEV/ HOUSING**

Following the conclusion of the Public Hearing, the City Council approved items A & B by motion of Council Member Avalos and seconded by Council Member Rios:

a. Resolution No. 2025-08-CC entitled A Resolution of the City Council of the City of South Gate, approving Substantial Amendment No. 7 to the Fiscal Year 2019-2020 Annual Action Plan; Substantial Amendment No. 2 to the Fiscal Year 2020-2021 Annual Action Plan; Substantial Amendment No. 4 to the Fiscal Year 2022-2023 Annual Action Plan; Substantial Amendment No. 1 to Fiscal Year 2023-2024 Annual Action Plan; and Substantial Amendment No. 1 to Fiscal Year 2024-2025 Annual Action Plan programming Community Development Block Grant ("CDBG") funds to the Street Improvement Project and South Gate Park Improvement (Attachment A); and

b. Authorized the City Manager or the Community Development Director to initiate appropriate action necessary to implement projects and programs as noted in the FY 2024-2025 Annual Action Plan.

Carol Averell, Housing Manager, gave the presentation of Substantial Amendments Report.

Mayor Davila asked if anyone in the audience wished to speak on this item and if any emails were received.

**1**
**COMMUNITY DEV/**
**HOUSING CONT'D**

Mario Dominguez, Resident – Requesting for city council to invest in the community and approve funding.

**EMAILS**

None

Having no one else come forward, Mayor Davila closed the audience portion.

Maria Del Pilar Avalos, Council Member – Asks what roofs will be replaced.

Steve Costley, Director of Parks & Recreation – Responds that it would be the Parks & Recreation huts used by the Boy Scouts.

Al Rios, Council Member – Thanks the residents who are present today. Asked Ms. Averell if money was spent in 2020-2022, that we mentioned in the presentation.

Suggests that if there are savings anywhere if we can do more for the underserved community

Maria Del Pilar Avalos, Council Member – Asks if we can reduce $200,000 for street improvements.

Rob Houston, City Manager – We are currently renovating Tweedy and working on providing smaller grants to renovate business. This will help more business.

Joshua Barron, Vice Mayor – I love to see investments in our community and into our parks. I would like to applaud the committee advisory for these recommendations.

Maria Davila, Mayor – Agrees with Vice Mayor. Residents will benefit from these recommendations.

**ROLL CALL:** Council Member Avalos, yes; Council Member Hurtado, recused; Council Member Rios, yes; Vice Mayor Barron, yes; Mayor Davila, yes.

2
PARKING & TRAFFIC

Following the conclusion of the public hearing, the City Council unanimously approved items A, B, C & D by motion of Council Member Hurtado and seconded by Council Member Avalos:

a. Resolution No. 2025-09-CC entitled Resolution of the City Council of the City of South Gate, California, approving and establishing a Preferential Parking District on Liberty Boulevard from Garden View Avenue to South Gate Avenue to prohibit parking between the hours of 5:00 PM and 9:00 PM;

b. Directed the Public Works Department to install parking restriction signage within 90 days of the approval of the Resolution;

c. Directed the City Clerk to notify the property owners on Liberty Boulevard of the March 11, 2025, voting results; and

d. Appropriated $3,000 in Gas Tax Funds to install the parking restrictions.

Arturo Cervantes, Director of Public Works – Presents report for the adoption to establish Preferential Parking District on Liberty Boulevard

Mayor Davila asked if anyone in the audience wished to speak on this item and if any emails were received. Seeing no one step forward; Mayor Davila closed the audience portion.

Gil Hurtado, Council Member – Staff have verified that the proper signatures have been gathered. Our role is to ensure we give this hearing our blessing.

Joshua Barron, Vice Mayor – Asks Arturo Cervantes if the residents pick the times and/or if the city has provided guidelines of times to be selected.

Arturo Cervantes, Director of Public Works – Times vary depending on the type of area. Residents ultimately make a request and choose the hours they believe will address their parking issues.

Al Rios, Council Member – Can you give us some context of how the resident came together to make this request. Who decides? Owners and/renters?

Arturo Cervantes, Director of Public Works – The residents come together not the owners due to parking challenges. The residents look into the issues of their area.

**2**
**PARKING & TRAFFIC**
**CONT'D**

Jose Lorena, City Traffic Engineer – The residents had complaints when they would come home in the evening from work and have to park 3 blocks away. They were unable to secure parking spots close to their home.

**ROLL CALL:** Council Member Avalos, yes; Council Member Hurtado, yes; Council Member Rios, yes; Vice Mayor Barron, yes; Mayor Davila, yes.

**COMMENTS FROM THE AUDIENCE - NON-AGENDA ITEMS**

Mario Dominguez, Resident – Chief Arakawa has not done his job. Residents have complained due to the lack of police presence. He would like to see the same process as the City of Downey. Can cameras be installed?

Vanessa Guerrero, Resident – Complaint due to truck yards operating without permits. She is worried about pollution, traffic issues, and special interests.

Jennifer Daly, SELA (Non-Profit) - Complaint due to truck yards operating without permits. She is worried about pollution, traffic issues, and special interests.

Joanne, Cancer Survivors & Advocate – Concerned due to water and air. Complaint due to truck yards operating without permits.

Gabriel Gil, Resident – Proud to see improvements in the community. He is unhappy due to the city stopping going backwards in the development plans.

Jessica Seanes, Resident – Concerned about safety on Santa Ana Street. She stated a woman was struck and killed. She is requesting speed bumps in this area.

Nelson Hermosillo, Resident – Speaking about grants from the federal government. He is requesting the city to spend all the funds to avoid losing these funds.

Jesus Miranda, Resident – Asking not to let anyone park on Firestone Blvd. Please listen to the residents.

Navarro Ambulance, Resident – My wife was the one struck and killed on Santa Ana Street. I have requested assistance from the police department, and they do not show up. No charges have been filed against this lady. Why?

**COMMENTS FROM THE AUDIENCE - NON-AGENDA ITEMS CONT'D**

Sandy Sandoval, Resident – What is being done to control homelessness?

**EMAIL**

Claudia Rivera, Resident - Complaint due to truck yards operating without permits. Acknowledges that this takes time but empathizes with residents as well.

**STAFF RESPONSE**

Rob Houston, City Manager – There is a process for residents to investigate speed control process. Arturo, would you like to explain the process?

Arturo Cervantes, Director of Public Works – The city has a policy that allow residents/property owners to install speed bumps. There are federal requirements for a study and residents/owners can submit applications to establish an assessment.

Also, I will have the engineering department investigate the issue on Santa Ana Street to see if there is anything that can be done.

Darren Arakawa, Police Chief – Addresses the homeless issues. We have a group of professionals that evaluate people. Homeless people must meet a criteria. Property has been removed and one person caused 85 clean-ups. Transitional housing assists some individuals. Homelessness is not a crime but it's our responsibility to protect the city from liability.

Raúl F. Salinas, City Attorney – The word corruption has been mentioned a few times today. South Gate has been a standout from other cities. It is important for the public to walk away and know that we have a process to avoid corruption. We make sure to allow everyone to come to council meeting and speak their mind.

Maria Del Pilar Avalos, Council Member – Can we answer the issue of parking on Firestone Blvd.?

Arturo Cervantes, Director of Public Works – There is a process of parking on Firestone Blvd during peak hour travel. When traffic is lower, parking is allowed and designed.

Al Rios, Council Member – Is there a study available that shows the air pollution in our community.

**REPORTS AND COMMENTS FROM CITY OFFICIALS**

Arturo Cervantes, Director of Public Works – Construction on Tweedy Blvd is progressing. We are staring grinding the roadway and replacing the roadway.

**REPORTS AND COMMENTS FROM CITY OFFICIALS**

**CONT'D**

Steve Costley, Director of Parks & Recreation – Azalea Festival time. March 20th our carnival will begin. Friday is our Artwalk and other upcoming events.

David Crabtree, Interim Director of Community Development – Nothing to report.

Jon Hamilton, Director of Human Resources – Nothing to report.

Darren Arakawa, Police Chief – I will be providing a traffic report to show findings of these investigations.

Rob Houston, City Manager – Nothing to report

Raúl F. Salinas, City Attorney – Nothing to report

Jose De La Paz, City Treasurer – Responding to a member of the audience regarding campaign contributions. Please reach out to the City Clerk's Office.

Yodit Glaze, City Clerk – Nothing to report

Maria Del Pilar Avalos, Council Member – Have not attended any meetings this month. Will be attending Vector Control this week. Thanked the community for coming out to express their concerns. Also, my condolences to the family that lost their wife.

Gil Hurtado, Council Member – Thanked the people who came in today. There are issues we cannot speak on due to the Brown Act. We do not ignore you. Regarding contributions. We must have experts to make sure we are doing things right and they are bound to follow state laws.

Al Rios, Council Member – We appreciate hearing from the community and hear you. I attended a water conference and how important it is to address water issues and focus on funding coming soon.

Joshua Barron, Vice Mayor – Asks regarding new lighting fixtures. When will the new lights be lit?

Arturo Cervantes, Director of Public Works – First time I hear that those lights are not on. They are installed and fully operational. If they are not lit, they might have experienced vandalism, but I will have staff look into it.

Looking forward to the improvements on Tweedy Blvd and bringing back business to our local businesses.

**REPORTS AND COMMENTS FROM CITY OFFICIALS CONT'D**

In 2003, we fought corruption, and we made sure to hold people accountable. I am proud of what our council does in our city. We have come a long way. I want to make this place a wonderful place.

Gil Hurtado, Council Member – We are concerned about funds being cut. We are aware of concerns from the residence.

Maria Davila, Mayor – Thanked everyone for being here. We have open door policies with anyone who has concerns. Make an appointment and come and speak to us.

We need a full report on East LA College. I would like to hear from the experts and need a full report. What are the issues?

**RECESS**

The City Council recessed at 8:28 p.m., and reconvened at 8:35 p.m., with all Members of Council present.

**CONSENT CALENDAR**

Agenda Items 3, 4, 5, 7, 8, 9 and 10 were approved by motion of Mayor Davila and seconded by Vice Mayor Barron. Item 6 was pulled for separate discussion.

**ROLL CALL:** Council Member Avalos, yes (recused from item 5); Council Member Hurtado, yes (recused from item 4); Council Member Rios, yes; Vice Mayor Barron, yes (recused from item 5); Mayor Davila, yes.

**3**
**RISK MGMT**

The City Council unanimously approved items A & B during Consent Calendar:

a. Amendment No. 4 to Contract No. 2232 for the Administration of the City's Self-Insured Workers' Compensation Program between the City of South Gate and AdminSure, Inc.; and

b. Authorized the Mayor to execute Amendment No. 4 in a form acceptable to the City Attorney.

**4**
**TRANSPORTATION PLANNING/ADMIN**

The City Council approved items A, B & C during Consent Calendar:

a. Amendment No. 1 to Measure R Funding Agreement (Contract No. 2024-55-CC) with the Los Angeles County Metropolitan Transportation Authority to accept $6,750,000 in Metro Measure R Funds for the I-710 Firestone Boulevard Southbound On Ramp Modification Project (On-Ramp), City Project No. 354-ST;

4
TRANSPORTATION
PLANNING/ADMIN CONT'D

b. Appropriated $6,750,000 in Metro Measure R Funds to the I-710 Firestone Boulevard Southbound On-Ramp Modification Project, Account No. 311-790-31-9408; and

c. Authorized the Mayor to execute Amendment No. 1 to Measure R Funding Agreement in a form acceptable to the City Attorney.

5
WATER

The City Council approved items A, B & C during Consent Calendar:

a. Agreement (Contract No. 2025-19-CC) with NV5, Inc., to perform construction management and inspection services on the Automatic Meter Reading Upgrade, Phase IV, City Project No. 685-WTR, in an amount not-to-exceed $149,604;

b. Authorized the City Manager to approve and execute amendments to the Agreement up to a cumulative amount of $50,000; and

c. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney.

6
REVENUE & TAXATION

The City Council approved items A, B & C by motion of Council Member Hurtado and seconded by Council Member Rios:

a. Agreement (Contract No. 2025-20-CC) with TeamCivX for Professional Services for consulting services related to the Utility Users Tax (UUT) Ballot Initiative in an amount not-to-exceed $114,350;

b. Appropriated $114,350 from the General Fund, Account 100-120-12-6101; and

c. Authorized the Mayor to execute the Agreement in a form acceptable to the City Attorney.

**ROLL CALL:** Council Member Avalos, no; Council Member Hurtado, yes; Council Member Rios, yes; Vice Mayor Barron, yes; Mayor Davila, yes.

**7**
**DATA PROCESSING SERVICES**

The City Council unanimously approved items A, B & C during Consent Calendar:

a. Amendment No. 1 to Contract No. 2024-31-CC the Agreement for Professional Services for Supplemental Information Technology Support between the City of South Gate and SDI Presence LLC, to provide additional on-site supplemental IT support to the Police Department for four months;

b. Appropriated $66,544 from the General Fund balance to 100-513-21-6101; and

c. Authorized the Mayor to execute the agreement in a form acceptable to the City Attorney.

**8**
**DEEDS & EASEMENTS**

The City Council unanimously approved items A & B during Consent Calendar:

a. Accepted a Grant Deed from Plaza Community Service, LLC., to secure right-of-way for street purposes as a part of the development located at 9722 San Antonio Avenue, at no cost to the City; and

b. Authorized the Mayor to execute the Grant Deed in a form acceptable to the City Attorney.

**9**
**SOLID WASTE MGMT**

The City Council unanimously approved during Consent Calendar:

a. Appropriated $360,000 from the Universal Waste Systems ("UWS") Contract No. 2022-54-CC with the City of South Gate to account number 100-401-61-6308 (Community Engagement) to fund the UWS Community Funding program; and

b. Authorized the Director of Parks & Recreation to execute any additional documents as may be required to properly implement and manage the program.

**10**
**PURCHASING SERVICES**

The City Council unanimously approved during Consent Calendar:

a. Approved a Purchase Order with Stotz Equipment Company for the purchase of two tractors for the Parks and Recreation Department in total amount of $135,049.35; and

b. Authorized City Manager or his designee to approve agreement in a form acceptable to the City Attorney.

11
**LAW ENFORCEMENT**

The City Council unanimously received and filed a summary report on the state of the City as it pertains to crime in South Gate for the calendar year 2024, by motion of Council Member Hurtado and seconded by Council Member Rios.

**ROLL CALL:** Council Member Avalos, yes; Council Member Hurtado, yes; Council Member Rios, yes; Vice Mayor Barron, yes; Mayor Davila, yes.

12
**WARRANTS**

The City Council unanimously approved the Warrant Register for March 11, 2025, by motion of Council Member Avalos and seconded by Mayor Davila.

| | |
|---|---|
| Total of Checks: | $2,352,192.74 |
| Less: Voids | $ (654.01) |
| Less: Employee Payroll Deductions | $ (262,229.52) |
| Grand Total: | $2,089,309.21 |

Cancellations: 104061, 104079, 104080, 104082, 104117, 104118, 104123, 104132, 104137, 104202, 109333, 109351

**ROLL CALL:** Council Member Avalos, yes; Council Member Hurtado, yes; Council Member Rios, yes; Vice Mayor Barron, yes; Mayor Davila, yes.

**ADJOURNMENT**

Council Member Hurtado unanimously adjourned the meeting at 10:28 p.m. and seconded by Council Member Rios.

**PASSED** and **APPROVED** on this 22nd day of April 2025.

ATTEST:

Maria Davila, Mayor

Yodit Glaze, City Clerk

# CITY OF SOUTH GATE
# SPECIAL CITY COUNCIL MEETING
# MINUTES
# TUESDAY, MARCH 25, 2025

**CALL TO ORDER** Maria Davila, Mayor called a Special City Council Meeting to order at 5:30 p.m.

**ROLL CALL** Yodit Glaze, City Clerk

**PRESENT** Mayor Maria Davila, Vice Mayor Joshua Barron, Council Member Gil Hurtado and Council Member Al Rios; City Treasurer Jose De La Paz, City Manager Rob Houston, Special Counsel Jerry Ruiz

**ABSENT/EXCUSED** Council Member Maria del Pilar Avalos, City Attorney Raúl F. Salinas

**1**
**CERTIFICATES** The City Council presented Certificates of Appreciation to the Aztecs AU Cheer for winning 1st Place at the 2025 JAMZ Youth National Championships in Las Vegas, Nevada and South Gate Aztecs 6U Flag Football for winning the 2024 AAU Division 2 Super Bowl Championships in San Bernardino, CA.

**2**
**CERTIFICATES** The City Council presented a Certificate of Appreciation to Jovanna Laborin in recognition of her service as Planning Commissioner and longtime community volunteer.

**3**
**PERSONNEL RECRUITMENT & SELECTION** The City Council received and filed the list of new and promoted full-time employees hired or promoted during February 2025.

**RECESS** At this time, 5:58 p.m., Mayor Davila stated that the special meeting be recessed in order that the Council might hold its 5:35 p.m. Housing Authority meeting. The special meeting reconvened at 6:10 p.m. with four (4) Council present.

## SPECIAL CITY COUNCIL MEETING MINUTES OF MARCH 25, 2025

**CLOSED SESSION**

The Council Members recessed into Closed Session at 6:11 p.m. and reconvened at 6:39 p.m. with four (4) Members of Council present. Special Counsel Ruiz reported the following:

1. CONFERENCE WITH LABOR NEGOTIATOR
Pursuant to Government Code Section 54957.6

| | |
|---|---|
| Agency Representation: | Rob Houston, City Manager |
| Unrepresented Employees: | Top Management/Department Directors<br>Hourly Employees |
| Employee Organizations: | SGMEA, SGPMMA, SGDMA, SGPMA, SGPOA |

On item 1, there was no reportable action taken.

**ADJOURNMENT**

Vice Mayor Barron adjourned the meeting at 6:40 p.m. and seconded by Council Member Rios.

**PASSED** and **APPROVED** on this 22nd day of April 2025.

ATTEST:

Maria Davila, Mayor

Yodit Glaze, City Clerk

# CITY OF SOUTH GATE
# REGULAR CITY COUNCIL MEETING
# MINUTES
# TUESDAY, MARCH 25, 2025

| | |
|---|---|
| **CALL TO ORDER** | Maria Davila, Mayor called a Regular City Council Meeting to order at 6:40 p.m. |
| **INVOCATION** | Steve Costley, Director of Parks & Recreation |
| **PLEDGE OF ALLEGIANCE** | Franklin Arroyo, Recreation Coordinator |
| **ROLL CALL** | Yodit Glaze, City Clerk |
| **PRESENT** | Mayor Maria Davila, Vice Mayor Joshua Barron, Council Member Gil Hurtado and Council Member Al Rios; City Treasurer Jose De La Paz, City Manager Rob Houston, Special Counsel Jerry Ruiz |
| **ABSENT/EXCUSED** | Council Member Maria del Pilar Avalos, City Attorney Raúl F. Salinas |
| **1**<br>**PRESENTATION** | The City Council received a presentation from President Monte Perez and Marco Tarantino from LACCD Bond project will provide update on construction of new campus. |
| **2**<br>**CITY COUNCIL APPOINTMENTS** | The City Council ratified the appointment by Council Member Gil Hurtado of Mayra Castaneda to the Planning Commission by motion of Council Member Hurtado and seconded by Vice Mayor Barron.<br><br>**ROLL CALL:** Council Member Hurtado, yes; Council Member Rios, yes; Vice Mayor Barron, yes; Mayor Davila, yes; Council Member Avalos, excused. |
| **COMMENTS FROM THE AUDIENCE - NON-AGENDA ITEMS** | South Gate resident, concerned about plans to build fifty-four (54) condominiums with the lack of visitor parking. The South Gate streets were not design for the volume of vehicles this will create. The residents are not anti-development but do believe strongly in responsible development.<br><br>Jose Morales, 5343 Almira Rd., opposes the proposed development at 10130 Adella Avenue and is asking Council to support the residents' requests. |

**COMMENTS FROM THE AUDIENCE - NON-AGENDA ITEMS CONT'D**

Rob Houston, City Manager, stated being present at the Planning Commission meeting and there was discussion regarding traffic impacts, the current k-rail that is in place to stop traffic from Legacy Lane into this neighborhood could be replaced with a gate in case of an emergency. The gate would not be open all the time. The apartment would have access through Atlantic Avenue and not through the neighborhood. Mr. Houston also stated that testing of the soil has occurred, and studies can be provided.

Leticia Morales, 5359 Almira Rd., thanked the City Manager for his comments. Ms. Morales mentioned that since the traffic lights were put in place, there have been sever traffic jams during school hours. If a building with so many units is built then that means more people, more traffic.

Rosana Larosa, 5205 Almira Rd., opposes the development of 10130 Adella and appreciates the City Manager's additional information.

Arturo Alvarez, 5305 Aldrich Rd., is concerned about the development behind their homes. Mr. Alvarez stated the traffic is horrible.

Susan Janer, 5314 Batavia Rd., asked Council to listen to her neighbors' objections.

Lizeth Batres, South Gate resident, opposes the condominium project on Adella.

Ricardo Barba Ochoa, 9719 Hildreth Ave., thanked everyone for their hard work, he too, is a civil servant and it's a thankless job. Mr. Barba Ochoa spoke about how fireworks are an antiquated means of celebration and traumatizing not only pets, but military veterans. He hopes there is another way to celebrate without fireworks.

Daniela Solorzano, South Gate resident, is concerned about the proposed condos at 10130 Adella and the lack of transparency around the extent of contamination and cleaning plans. Ms. Solorzano also opposes the removal of the k-rail.

Lupe Perez, area four, opposes the Adella project at 10130 and the removal of the k-rail.

Darla, Aldrich Rd., opposes the Adella project at 10130 and the removal of the k-rail.

**COMMENTS FROM THE AUDIENCE - NON-AGENDA ITEMS CONT'D**

Liz Ruiz, South Gate resident, thanked Chief Arakawa for responding to the public comment regarding animal abuse. Ms. Ruiz is a South Gate Planning Commissioner. She is bringing up a concern regarding residual contamination at some sites.

James Ganeo, South Gate resident and Boy Scout of Troop 468. He is asking for support for his Eagle Scout service project and helping teens within the foster care system.

Armando Velasquez, Independence Ave., an exciting report from the Kiwanis Club of South Gate, Vice President Emma is in the audience, are launching a new tradition in the City of South Gate. It is the Golden Apple and Heart of the Hero Award Ceremony Program for educators and first responders. The event is Friday May 2nd at the Henry C. Gonzalez Auditorium. They are selling tickets, selling tables and soliciting sponsorships.

**EMAILS**

Claudia Rivera, South Gate resident, is frustrated that her email was misrepresented at last week's Planning Commission meeting where it was only stated that she was against the project however that wasn't what her email was about. It criticized people for going to meetings talking about corruption. She stated if the content of our messages is not going to be conveyed then people should not be allowed to submit emails at all.

Jennifer Daily commends the South Gate Planning Commission for rejecting the appeal and the zone change for the Engle's illegal truckyard at 8530 Alameda Street, citing health and safety concerns. She asks the City Council to uphold the commission's decision if the appeal is brought before them and criticizes the lack of enforcement. She also questions the termination of the Community Development Director, Ms. Meredith Elguira.

Mario Dominguez, South Gate resident, expresses his dissatisfaction with Jennifer Daily's statements, particularly her accusations that the City Council members are crooked and corrupt. He appreciates Ms. Daily who spoke against the business. He appreciates Mr. Salinas for clarifying the government structure and dismissing the faulty accusations.

Mayor Davila commends everyone present tonight with their concerns and stated their questions will be addressed.

**REPORTS AND COMMENTS FROM CITY OFFICIALS**

Arturo Cervantes, Director of Public Works addressed the concerns with regards to potential issues on Santa Ana and potential solutions. William Orejana is an individual from the Traffic Engineering Division that was tasked with contacting the residents and explaining some of the challenges with attempting to install a speed hump on Santa Ana.

Mr. Cervantes provided an update on the Tweedy Mile Complete Streets Project.

Steve Costley, Director of Parks & Recreation, provided an update on the Azalea Festival this past weekend.

David Crabtree, Interim Director of Community Development, appreciates the comments from the public regarding the recent Planning Commission action.

Jon Hamilton, Director of Human Resources, stated that there are job listings on the city's website.

Darren Arakawa, Chief of Police stated a police officer graduated from the academy last week. The officer was a former dispatcher at the Bell Police Department. He stated three candidates are getting ready to attend the academy. A recent lateral was hired from the LA Sheriff's Department.

The Chief stated responding to Ms. Ruiz's email. He adopted a dog from SEAACA and cats from the streets. SEAACA is a contract the city works with to handle animal control services. SEAACA services fourteen cities. The City of South Gate gets 40 hours of service from a fully dedicated animal control officer.

The Chief reminded everyone that tomorrow at Chick-fil-A is the Meet the S.W.A.T. team. And, this Thursday is the Baker to Vegas fundraiser at Astro Aluminum.

Rob Houston, City Manager – nothing to add.

Jerry Ruiz, Special Counsel – nothing to add.

Jose De La Paz, City Treasurer – nothing to report.

Yodit Glaze, City Clerk – nothing to report.

Gil Hurtado, Council Member, had hoped the residents were still in the audience. He explained the reason why the city is required to build 8,282 housing. He also stated that the city takes accidents very seriously.

**REPORTS AND COMMENTS FROM CITY OFFICIALS CONT'D**

He explained the streets have been examined by traffic experts. People are failing to follow the laws.

Mr. Hurtado thanked Laura Gonzalez and the South Gate Youth Football for the jacket.

Al Rios, Council Member, thanked the public for attending tonight's meeting with their concerns. He asked if the city participated in the homeless count this year. He thanked the Mayor for inviting the folks from the college to give a presentation on the construction/time frame. He also appreciated the Vice Mayor's positive comments on the college.

Joshua Barron, Vice Mayor, had hoped the residents were still in the audience. He lives on the westside near the Calden apartments that have 217 units. The city is asking developers to bring in projects where people can purchase/invest in the community. Mr. Barron explained about preferential parking.

Maria Davila, Mayor, stated that anyone is welcome to email/call the City Manager and including any of the Councilmembers with inquiries. She attended the Azalea festival. Ms. Azaelita was canceled due to lack of participation. She reported on the committees she attended.

Gil Hurtado, Council Member, informed the Mayor that the Wi-Fi went down for fifteen minutes. Part of the meeting was not seen.

**RECESS**

The City Council recessed at 8:31 p.m., and reconvened at 8:39 p.m., with four (4) Members of Council present.

**CONSENT CALENDAR**

Agenda Items 3, 4, 5, 6, 7 and 8 were approved by motion of Mayor Davila and seconded by Council Member Hurtado.

**ROLL CALL:** Council Member Hurtado, yes (recused from voting on 7); Council Member Rios, yes (recused from voting on 6); Vice Mayor Barron, yes; Mayor Davila, yes; Council Member Avalos, excused.

**3 STREETS/SIDEWALKS/ LANDSCAPING**

The City Council approved items A, B & C during Consent Calendar:

a. Amendment No. 1 to Contract No. 2025-05-CC with NV5 for the preparation of the Comprehensive Safety Action and Local Roadway Safety Plan City Project No. 731-RPT, for an amount not-to-exceed $17,460;

**3**
**STREETS/SIDEWALKS/ LANDSCAPING CONT'D**

b. Appropriated $17,460 in Proposition C Funds to fully fund the Comprehensive Safety Action and Local Roadway Safety Plan, City Project No. 731-RPT; and

c. Authorized the Mayor to execute Amendment No. 1 in a form acceptable to the City Attorney.

**4**
**GENERAL PLAN**

The City Council approved items A & B during Consent Calendar:

a. Received and filed the General Plan and Housing Element annual progress reports for calendar year 2024; and

b. Directed staff to file the annual progress reports to the State Department of Housing and Community Development and the Office of Planning and Research prior to the April 1, 2025, deadline.

**5**
**PARKS**

The City Council approved items A, B, C, D, E, F, G & H during Consent Calendar:

a. Appropriated $63,529 from Measure "A" fund to account #100-461-6101 (Professional Services) which includes $57,529 for replacement of flooring and $6,000 in contingency; and

b. Approved the purchase and installation of flooring and wall base, from DFS Flooring, for Hollydale Community Park building in the amount of $57,529; and

c. Appropriated $27,876.25 from Prop "A" fund to account #100-461-6101 (Professional Services) which includes $24,876.25 for repairs to the building and $3,000 in contingency; and

d. Approved the purchase and installation of door closers, from Lawrence Doors, for the Henry C. Gonzalez Auditorium in the amount of $24,876.25; and

e. Appropriated $37,295 from Measure "A" fund to account #100-461-6701 (Equipment Maintenance) which includes $37,295 for a replacement lift;

f. Approved the purchase of ADA wheelchair lift, from Ascension Wheelchair lift, for Henry C. Gonzalez Auditorium in the amount of $37,295; and

**5**
**PARKS CONT'D**

g. Authorized the City's Purchasing Division to issue a Purchase Order for these projects in accordance with the City's purchasing ordinance and policies; and

h. Authorized the Director of Parks & Recreation to execute any additional documents as may be required to properly implement and manage this purchase.

**6**
**STREETS/SIDEWALKS/ LANDSCAPING**

The City Council approved items A & B during Consent Calendar:

a. Authorized the City Manager to approve a Purchase Order with Carol Electric Company, Inc., on a sole-source basis for repairs to the electrical and irrigation systems of the Firestone Boulevard Median, located between Santa Fe Avenue and Calden Avenue, in an amount not to exceed $165,700; and

b. Appropriated $190,000 in Gas Tax Funds to fund the repairs and construction contingency.

**7**
**STREETS/SIDEWALKS/ LANDSCAPING**

The City Council approved items A & B during Consent Calendar:

a. Accepted completion of construction, effective September 13, 2024, of the Garfield Avenue Complete Street Improvement, City Project No. 564-ST, constructed by Sequel Contractors, Inc.; and

b. Directed the City Clerk to file a Notice of Completion with the Los Angeles County Registrar Recorder's Office.

**8**
**MINUTES**

The City Council approved items A & B during Consent Calendar:

a. The Special and Regular Meeting minutes of February 11, 2025; and

b. The Special and Regular Meeting minutes of February 25, 2025.

9

**WARRANTS**

The City Council approved the Warrant Register for March 25, 2025, by motion of Mayor Davila and seconded by Council Member Rios.

| | |
|---|---|
| Total of Checks: | $3,252,598.60 |
| Less: Voids | $ (2,650.02) |
| Less: Employee Payroll Deductions | $ (533,203.25) |
| Grand Total: | $2,716,745.33 |

Cancellations: 106027, 106140, 106268, 106272, 106347, 106359, 106478, 106537, 106568, 106750, 106770, 106943, 107011, 107012, 109500

**ROLL CALL:** Council Member Hurtado, yes; Council Member Rios, yes; Vice Mayor Barron, yes; Mayor Davila, yes; Council Member Avalos, excused.

**ADJOURNMENT**

Council Member Hurtado adjourned the meeting in memory of Liliana Salazar Lopez, Mayor Davila's daughter's mother-in-law at 8:48 p.m. and seconded by Council Member Rios.

**PASSED** and **APPROVED** on this 22nd day of April 2025.

ATTEST:

Maria Davila, Mayor

Yodit Glaze, City Clerk

Office of the
South Gate City Clerk

APR 17 2025

FILED 4:00PM

# PARTIAL WARRANT REGISTER FOR COUNCIL MEETING 4/22/2025
## CHECK NOT APPROVED ON 4/8/2025)

PART I

apChkLst
04/15/2025 2:11:39PM

Final Check List
CITY OF SOUTH GATE



Bank : botw BANK OF THE WEST

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109714 | 4/8/2025 | 0011064 | W.A. RASIC CONSTRUCTION | 345592-B | 3/5/2025 | W.A. RASIC AMENDMENT NO. 5 A | 77,708.94 | |
| | Voucher: | | | 345592-C | 3/5/2025 | W.A. RASIC AMENDMENT NO. 5 A | 40,222.47 | |
| | | | | 345592-A | 3/5/2025 | W.A. RASIC AMENDMENT NO. 5 A | 26,399.31 | 144,330.72 |
| | | | | 25-01-692 | | | | |

Sub total for BANK OF THE WEST: 144,330.72

1 check in this report.

Grand Total All Checks: 144,330.72

Item No. 7A

# WARRANT REGISTER SUMMARY
## CITY COUNCIL MEETING OF 4/22/2025
## CHECK NOT APPROVED ON 4/8/2025

| | |
|---|---|
| TOTAL PART I - ACCOUNTS PAYABLE CHECKS & WIRE TRANSFERS | 144,330.72 |
| GRAND TOTAL | 144,330.72 |

## SOUTH GATE CITY COUNCIL
## WARRANT APPROVAL AND CANCELLATION

Warrant Number **109714** totaling **$144,330.72** as listed on the accompanying Accounts Payable Partial Warrant Register of **APRIL 22, 2026** is approved as presented, with the exception of the following voided and replacement warrants:

| Voided Check | Vendor | Check Date | Amount | Reason for Void or Replacement |
|---|---|---|---|---|
| | | | | |
| | **TOTAL OF VOIDED CHECKS** | | **$0.00** | |
| | | | | |
| | *** TOTAL OF REPLACEMENT CHECKS** | | **$0.00** | |

* Replacement checks reported in previous warrant registers have no impact to the grand total.

INTERIM DIRECTOR OF ADMINISTRATIVE SERVICES

Pursuant to action of the City Council on **APRIL 22, 2026** at a regular or adjourned meeting, the City Treasurer was ordered to pay and/or cancel the above warrants, wire transfers & ETFs, as approved.

City of South Gate
South Gate, CA 90280
APR 15 2025
FILED 5:45pm

# WARRANT REGISTER FOR COUNCIL MEETING 4/22/2025

PART I

apChkLst
04/02/2025 1:40:59PM

Final Check List
CITY OF SOUTH GATE



Bank : botw BANK OF THE WEST

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109729 | 4/2/2025 | 0011577 | ALL PHASE ELECTRIC SUPP | 0946-1098936 | 9/11/2024 | INVENTORY PO/ SEQUIA PARTS | 35,205.47 | 35,205.47 |
| | Voucher: | | | | | | | |
| 109730 | 4/2/2025 | 00002451 | CHICAGO TITLE COMPANY | 81985-x46 | 12/14/2023 | CITY MATCHING FUNDS SETTLE | 75,000.00 | 75,000.00 |
| | Voucher: | | | | | | | |
| 109731 | 4/2/2025 | 0010400 | T.E ROBERTS, INC | 5679 | 1/31/2025 | AUTOMATIC WATER METER UPD | 97,225.02 | 97,225.02 |
| | Voucher: | | | | | | | |

**Sub total for BANK OF THE WEST:** 207,430.49

**3 checks in this report.**

**Grand Total All Checks:** 207,430.49



Item No. 7

# WARRANT REGISTER FOR COUNCIL MEETING 4/22/2025

PART II

apChkLst
04/09/2025 2:06:14PM

Final Check List
CITY OF SOUTH GATE



Bank : botw BANK OF THE WEST

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109732 | 4/9/2025 | 0011336 | AVANT-GARDE INC. | 11169-B | 1/17/2025 | 2025-2029 CON PLAN AVANT GAI | 21,775.40 | |
| | Voucher: | | | 11391 | 3/12/2025 | FEB 2025 AVANT GARDE SVCS | 17,837.50 | |
| | | | | 11384 | 3/12/2025 | FEB 2025 AVANT GARDE SVCS | 11,118.75 | |
| | | | | 11268 | 2/20/2025 | JAN 2025 CDBG ADMIN AVANT G. | 7,271.25 | |
| | | | | 11269 | 2/20/2025 | JAN 2025 AVANT GARDE SVCS | 4,462.50 | |
| | | | | 11165 | 1/17/2025 | CDBG AVANT GARDE SVCS | 3,507.50 | |
| | | | | 11385 | 3/12/2025 | FEB 2025 AVANT GARDE SVCS | 3,400.00 | |
| | | | | 11166 | 1/17/2025 | CDBG GRANT AVANT GARDE SV | 3,166.25 | |
| | | | | 11281 | 2/20/2025 | JAN 2025 AVANT GARDE SVCS | 2,755.00 | |
| | | | | 11272 | 2/20/2025 | JAN 2025 AVANT GARDE SVCS | 2,105.00 | |
| | | | | 11388 | 3/12/2025 | FEB 2025 AVANT GARDE SVCS | 1,666.25 | |
| | | | | 11270 | 2/20/2025 | JAN 2025 CDBG AVANT GARDE S | 1,256.25 | |
| | | | | 11267 | 2/20/2025 | JAN 2025 CDBG ADMIN AVANT G. | 1,136.25 | |
| | | | | 11387 | 3/12/2025 | AVANT GARDE SVCS | 871.25 | |
| | | | | 1169 | 1/17/2025 | DEC 2024 AVANT GARDE SVCS | 845.00 | |
| | | | | 11273 | 2/20/2025 | JAN 2025 AVANT GARDE SVCS | 650.00 | |
| | | | | 11271 | 2/20/2025 | JAN 2025 AVANT GARDE SVCS | 595.00 | |
| | | | | 11386 | 3/12/2025 | FEB 2025 AVANT GARDE SVCS | 552.50 | |
| | | | | 11389 | 3/12/2025 | FEB 2025 AVANT GARDE SVCS | 520.00 | |
| | | | | 11170 | 1/17/2025 | HOME ARP AVANT GARDE SVCS | 520.00 | |
| | | | | 11164 | 1/17/2025 | CDBG AVANT GARDE SVCS | 340.00 | |
| | | | | 11168 | 1/17/2025 | CDBG AVANT GARDE SVCS | 220.00 | |
| | | | | 11167 | 1/17/2025 | CDBG COMMERCIAL AVANT GAF | 127.50 | |
| | | | | 11383 | 3/12/2025 | FEB 2025 AVANT GARDE SVCS | 63.75 | 86,762.90 |
| 109733 | 4/9/2025 | 0011669 | BDO USA LLP | 002368310 | 1/29/2025 | JAN 2025 BDO USA, LLP ACCOUI | 2,347.50 | |
| | Voucher: | | | 002409993 | 3/27/2025 | BDO USA, LLP ACCOUNTING SEI | 1,335.00 | |
| | | | | 002388311 | 2/26/2025 | FEB 2025 BDO USA, LLP ACCOUI | 992.50 | 4,675.00 |

Bank : botw BANK OF THE WEST (Continued)

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109734 | 4/9/2025 | 00004934 | GAS COMPANY | 189 300 9500 7 03 | 3/20/2025 | BILLING PRD- 02/14/25 -03/18/25 | 2,438.90 | |
| | Voucher: | | | 094 300 7500 3-3/ | 3/19/2025 | BILLING PRD- 02/13/25-03/17/25 | 1,911.27 | |
| | | | | 134 700 9400 7 03 | 3/14/2025 | BILLING PRD-02/12/25 -03/12/25 | 443.73 | |
| | | | | 049 200 7902 9 03 | 3/18/2025 | BILLING PRD- 02/12/2025-03/14/2 | 338.05 | |
| | | | | 130 500 9400 5-3/ | 3/14/2025 | BILLING PRD- 02/10/25-3/12/25 | 327.58 | |
| | | | | 132 600 9400 1-03 | 3/14/2025 | BILLING PRD- 02/10/25-03/12/25 | 174.10 | |
| | | | | 130-500-9400-5-1 | 12/13/2024 | BILLING PRD- 11/08/24-12/11/24 | 126.25 | |
| | | | | 132 600 9400 112/ | 12/13/2024 | BILLING PRD- 11/08/24-12/11/24 | 99.17 | |
| | | | | 134 700 94007-12 | 12/13/2024 | BILLING PRD- 11/08/24 -12/11/24 | 68.72 | |
| | | | | 083 407 6536 402 | 2/24/2025 | BILLING PRD- 01/21/25 -02/20/25 | 19.01 | |
| | | | | 083 407 6536 4 3/ | 3/25/2025 | BILLING PRD-02/20/25 -03/21/25 | 18.87 | 5,965.65 |
| 109735 | 4/9/2025 | 00004869 | GOLDEN STATE WATER COI | 33744100000 - 03 | 3/25/2025 | BILLING PRD- 02/04/25 -03/03/25 | 1,582.58 | |
| | Voucher: | | | 73744100006 - 03 | 3/4/2025 | BILLING PRD- 02/04/25 -03/03/25 | 650.47 | |
| | | | | 53744100008 - 03 | 3/25/2025 | BILLING PRD- 02/04/25 -03/03/25 | 472.44 | |
| | | | | 63744100007 - 03 | 3/14/2025 | BILLING PRD- 02/04/25 -03/03/25 | 406.51 | |
| | | | | 32809400008 - 03 | 3/4/2025 | BILLING PRD- 02/04/25 -03/03/25 | 70.76 | 3,182.76 |
| 109736 | 4/9/2025 | 0005368 | PRINTCO DIRECT | 86122 | 3/21/2025 | BUSINESS CARDS (500) SEAN P | 115.76 | |
| | Voucher: | | | 86123 | 3/21/2025 | BUSINESS CARDS & LETTERHE | 115.76 | |
| | | | | 86137 | 4/18/2025 | BUSINESS CARDS & LETTERHE | 115.76 | |
| | | | | 86138 | 4/25/2025 | BUSINESS CARDS & LETTERHE | 115.76 | |
| | | | | 86136 | 4/11/2025 | BUSINESS CARDS & LETTERHE | 115.76 | 578.80 |
| 109737 | 4/9/2025 | 00004338 | SEQUEL CONTRACTORS IN | 616-11 | 3/12/2025 | CONSTRUCTION OF THE LONG | 416,656.75 | |
| | Voucher: | | | 613-RET | 1/22/2025 | FIRESTONE BLVD REGIONAL CC | 170,869.64 | |
| | | | | 613-9 | 12/3/2024 | FIRSTONE BLVD. CORRIDOR CA | 27,706.75 | 615,233.14 |
| 109738 | 4/9/2025 | 00004865 | SO CALIF EDISON | 12/26/24 | 12/6/2024 | BILLING PERIOD - 11/1/2025 TO | 12,432.25 | |
| | Voucher: | | | 4/2/25 | 4/9/2025 | BILLING PERIOD - 3/4/2025 TO 4/ | 7,972.98 | |
| | | | | 4/8/25 | 4/9/2025 | BILLING PERIOD - 3/1/2025 TO 3/ | 19.96 | 20,425.19 |
| 109739 | 4/9/2025 | 0010265 | UNITED PACIFIC SERVICES, | 1001-1-1001-5 | 12/1/2024 | DEC 2024 ANNUAL TREE MAINTE | 147,155.00 | |
| | Voucher: | | | 1001-6-1001-11 | 1/1/2025 | JAN 2025 ANNUAL TREE MAINTE | 131,180.00 | |
| | | | | 24-1202-1 | 11/1/2024 | NOV 2024 ANNUAL TREE MAINTE | 101,000.00 | |
| | | | | 1002-1-1002-5 | 2/1/2025 | FEB 2025 ANNUAL TREE MAINTE | 48,645.00 | 427,980.00 |

**Sub total for BANK OF THE WEST:** 1,164,803.44

**8 checks in this report.**

**Grand Total All Checks:** 1,164,803.44

# WARRANT REGISTER FOR COUNCIL MEETING 4/22/2025

**PART III**



**Bank : botw BANK OF THE WEST**

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109740 | 4/10/2025 Voucher: | 00000437 | AFLAC | Ben366759 | 4/10/2025 | AMERICAN FAMILY LIFE INS.: PA | 675.97 | 675.97 |
| 109741 | 4/10/2025 Voucher: | 00002417 | AMERICAN FIDELITY ASSUR | Ben366749 | 4/10/2025 | AMERICAN FIDELITY (ABT): PAYI | 183.86 | 183.86 |
| 109742 | 4/10/2025 Voucher: | 0012107 | CALIFORNIA STATE DISBUR | Ben366765 | 4/10/2025 | CA STATE DISB. UNIT: PAYMENT | 1,396.90 | 1,396.90 |
| 109743 | 4/10/2025 Voucher: | 00000438 | COLONIAL INSURANCE CO. | Ben366757 | 4/10/2025 | COLONIAL INSURANCE CO: PAY | 2,273.95 | 2,273.95 |
| 109744 | 4/10/2025 Voucher: | 0014756 | LIBERTY DENTAL PLAN, OF | Ben366751 | 4/10/2025 | LIBERTY DENTAL INSUR (MISC): | 3,058.00 | 3,058.00 |
| 109745 | 4/10/2025 Voucher: | 00002421 | POLICE MANAGEMENT ASS | Ben366761 | 4/10/2025 | POLICE MANAGEMENT ASSOC. | 2,250.00 | 2,250.00 |
| 109746 | 4/10/2025 Voucher: | 00000335 | POLICE OFFICERS ASSOCIA | Ben366763 | 4/10/2025 | POLICE ASSOCIATION DUES: PA | 6,500.00 | 6,500.00 |
| 109747 | 4/10/2025 Voucher: | 0011466 | PRINCIPAL LIFE INSURANCE | Ben366743 | 4/10/2025 | PRINCIPAL DENTAL PPO (MISC): | 30,698.91 | 30,698.91 |
| 109748 | 4/10/2025 Voucher: | 0011467 | RELIANCE STANDARD | Ben366745 | 4/10/2025 | LONG TERM DISABILITY: PAYME | 5,658.05 | 5,658.05 |
| 109749 | 4/10/2025 Voucher: | 00003152 | SOUTH GATE POLICE EXPL | Ben366753 | 4/10/2025 | SGPD EXPLORER YOUTH PROG | 545.00 | 545.00 |
| 109750 | 4/10/2025 Voucher: | 0011468 | SUPERIOR VISION SERVICE | Ben366747 | 4/10/2025 | SUPERIOR VISION MISC.: PAYME | 3,929.29 | 3,929.29 |
| 109751 | 4/10/2025 Voucher: | 0014949 | TEXAS CHILD SUPPORT SDI | Ben366767 | 4/10/2025 | TX CHILD SUPPORT SDU: PAYME | 638.31 | 638.31 |
| 109752 | 4/10/2025 Voucher: | 00000334 | UNITED WAY OF GREATER L | Ben366755 | 4/10/2025 | UNITED WAY: PAYMENT | 26.00 | 26.00 |

**Sub total for BANK OF THE WEST:** 57,834.24

**13 checks in this report.**

**Grand Total All Checks:** 57,834.24

Bank : botw BANK OF THE WEST

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109753 | 4/22/2025 | 0014979 | 2018-3 IH BORROWER LP | Ref000366671 | 3/10/2025 | UB REFUND CST #00065187- 456 | 204.28 | 204.28 |
| | Voucher: | | | | | | | |
| 109754 | 4/22/2025 | 00001467 | ADMINISTRATIVE SERV. CO- | 250218 | 2/28/2025 | PROVIDE PHONE-A-RIDE SERVI | 54,175.78 | 54,175.78 |
| | Voucher: | | | | | | | |
| 109755 | 4/22/2025 | 00003971 | ADMINSURE INC. | 17768 | 3/15/2025 | APR 2025 - WORKERS COMP CL | 9,789.00 | 9,789.00 |
| | Voucher: | | | | | | | |
| 109756 | 4/22/2025 | 0011293 | AGRI-TURF DISTRIBUTING, I | 103870 | 3/17/2025 | PESTICIDES - FERTILIZERS & PE | 970.82 | 970.82 |
| | Voucher: | | | | | | | |
| 109757 | 4/22/2025 | 0011325 | ALAN'S LAWN & GARDEN CE | 77380 | 4/1/2025 | CARRY LARGE SUPPLY OF IRRI | 118.07 | 118.07 |
| | Voucher: | | | | | | | |
| 109758 | 4/22/2025 | 0014721 | ALL SECURITY ENFORCEME | 0119 | 4/1/2025 | FEB 3-FEB28, 2025 - ADULT COR | 3,506.25 | 3,506.25 |
| | Voucher: | | | | | | | |
| 109759 | 4/22/2025 | 0013987 | ALL STAR GLASS LLC | 2916207 | 3/26/2025 | AUTOMOTIVE GLASS REPAIR AN | 174.78 | 174.78 |
| | Voucher: | | | | | | | |
| 109760 | 4/22/2025 | 00004309 | AMERIFLEX | INV858194 | 4/2/2025 | FSA ADMIN FEE APRIL 2025 FOF | 163.50 | 163.50 |
| | Voucher: | | | | | | | |
| 109761 | 4/22/2025 | 00003098 | AMERINAT | LPM-24-002317 | 12/9/2024 | NOV 2024 - MONTHLY SERVICE I | 228.70 | |
| | Voucher: | | | LPM-24-002539 | 1/8/2025 | DEC 2024 - MONTHLY SERVICE I | 228.70 | |
| | | | | LPM-25-000164 | 1/31/2025 | JAN 2025 - MONTHLY SERVICE F | 228.70 | |
| | | | | LPM-25-000383 | 3/7/2025 | FEB 2025 - MONTHLY SERVICE F | 228.70 | 914.80 |
| 109762 | 4/22/2025 | 0007290 | APW KNOX-SEEMAN | 20904869 | 3/20/2025 | MISC AUTO PARTS & LUBES | 159.91 | 159.91 |
| | Voucher: | | | | | | | |
| 109763 | 4/22/2025 | 00005075 | AT&T | 23116987 | 3/1/2025 | BAN 9391034759: 02/01/2025-02/2 | 60.19 | |
| | Voucher: | | | 23120765 | 3/1/2025 | BAN 9391068970: 02/01/2025-02/2 | 1,766.61 | |
| | | | | 23122100 | 3/1/2025 | BAN 9391081298: 02/01/2025-02/2 | 1,607.36 | |
| | | | | 0023183244 | 3/13/2025 | BAN 9391034763: 02/13/2025-03/1 | 1,212.96 | |
| | | | | 23183246 | 3/13/2025 | BAN 9391034762: 02/13/2025-03/1 | 1,215.25 | |
| | | | | 0023183250 | 3/13/2025 | BAN 9391034761: 02/13/2025-03/1 | 31.65 | |
| | | | | 23183247 | 3/13/2025 | BAN 9391034760: 02/13/2025-03/1 | 21.82 | |
| | | | | 23183245 | 3/13/2025 | BAN 9391034765: 2/13/2025-3/12/ | 1,059.48 | |
| | | | | 000023183248 | 3/13/2025 | BAN 9391034766: 2/13/2025-3/12/ | 150.83 | |
| | | | | 000023183243 | 3/13/2025 | BAN 9391034764: 2/13/2025-03/12 | 779.34 | 7,905.49 |
| 109764 | 4/22/2025 | 00003692 | AT&T MOBILITY | 28728833867x021 | 2/2/2025 | 01/3/2025-02/2/2025- ACCT# 2872 | 1,207.20 | 1,207.20 |
| | Voucher: | | | | | | | |

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| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109765 | 4/22/2025 | 0008827 | AT&T NATIONAL COMPLIANC | 546537 | 1/21/2025 | INVESTIGATIVE SERVICES | 95.00 | 95.00 |
| | Voucher: | | | | | | | |
| 109766 | 4/22/2025 | 0009040 | ATLAS BACKFLOW | 46145 | 3/19/2025 | MISC | 1,250.00 | |
| | Voucher: | | | 46166 | 3/19/2025 | MISC | 1,925.66 | |
| | | | | 46167 | 3/19/2025 | MISC | 1,750.80 | |
| | | | | 46202 | 3/24/2025 | MISC | 1,887.75 | |
| | | | | 46201 | 3/24/2025 | MISC | 1,737.75 | 8,551.96 |
| 109767 | 4/22/2025 | 0014961 | AUTO CONNECT, SSM DEAL | Ref000366559 | 3/17/2025 | UB REFUND CST #00063280- 881 | 167.35 | 167.35 |
| | Voucher: | | | | | | | |
| 109768 | 4/22/2025 | 0010585 | AUTOZONE STORES, INC. | 05488802857 | 3/24/2025 | AUTO PARTS | 24.38 | |
| | Voucher: | | | 05488798183 | 3/20/2025 | AUTO PARTS | 35.37 | |
| | | | | 05488798174 | 3/20/2025 | AUTO PARTS | 85.98 | |
| | | | | 05488797556 | 3/19/2025 | AUTO PARTS | 33.05 | |
| | | | | 05488802858 | 3/24/2025 | AUTO PARTS | 7.85 | |
| | | | | 05488797015 | 3/19/2025 | AUTO PARTS | 45.19 | 231.82 |
| 109769 | 4/22/2025 | 0013311 | AXON ENTERPRISE, INC. | INUS192935 | 10/5/2023 | CODE ENFORCEMENT BODY CA | 10,570.57 | |
| | Voucher: | | | INUS199160 | 10/1/2023 | CODE ENFORCEMENT BODY CA | 10,570.56 | 21,141.13 |
| 109770 | 4/22/2025 | 0014974 | BACA, CHRISTIAN | Ref000366666 | 3/10/2025 | UB REFUND CST #00065651- 104 | 174.45 | 174.45 |
| | Voucher: | | | | | | | |
| 109771 | 4/22/2025 | 0010207 | BANNER BANK | SG-UO-2 | 1/28/2025 | URBAN ORCARD INTERIM CONT | 41,299.00 | 41,299.00 |
| | Voucher: | | | | | | | |
| 109772 | 4/22/2025 | 0010615 | BEARCOM | 5874652 | 4/1/2025 | RENEWAL PO#8046 - MOTOROL | 1,607.21 | 1,607.21 |
| | Voucher: | | | | | | | |
| 109773 | 4/22/2025 | 0011929 | BENNETT-BOWEN & LIGHTH | 3034847 | 2/26/2025 | INVENTORY PO/ SAFETY SUPPL | 430.95 | |
| | Voucher: | | | 3034670 | 2/14/2025 | INVENTORY PO/ SAFETY SUPPL | 1,766.41 | |
| | | | | 3034927 | 2/28/2025 | INVENTORY PO/ SAFETY SUPPL | 858.30 | 3,055.66 |
| 109774 | 4/22/2025 | 0012885 | CANON FINANCIAL SERVICE | 38361257 | 2/6/2025 | 2/17/25-3/16/25 - CONTRACT# 82: | 1,558.72 | |
| | Voucher: | | | 39159806 | 3/12/2025 | 3/20/25-4/16/25 - PD MONTHLY LE | 337.98 | 1,896.70 |
| 109775 | 4/22/2025 | 0014967 | CASTELLANOS, MARINA | Ref000366659 | 3/10/2025 | UB REFUND CST #00066085- 818 | 89.45 | 89.45 |
| | Voucher: | | | | | | | |

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| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109776 | 4/22/2025 | 0006239 | CENTRAL FORD | 57227 | 3/25/2025 | AUTO PARTS | 1,431.05 | |
| | Voucher: | | | 57039 | 3/21/2025 | AUTO PARTS | 131.78 | |
| | | | | 57044 | 3/20/2025 | AUTO PARTS | 81.14 | |
| | | | | 58466 | 2/12/2025 | AUTO PARTS | 250.00 | |
| | | | | 56859 | 3/18/2025 | AUTO PARTS | 150.47 | |
| | | | | 57002 | 3/20/2025 | AUTO PARTS | 105.84 | 2,150.28 |
| 109777 | 4/22/2025 | 00004302 | CINTAS UNIFORM SERVICES | 4225209937 | 3/25/2025 | SHOP TOWEL CLEANING SERVI( | 55.30 | 55.30 |
| | Voucher: | | | | | | | |
| 109778 | 4/22/2025 | 00005090 | CITY OF PARAMOUNT | 03/19/25 WATER | 3/19/2025 | 1/7/25-3/10/25 - 13652 GARFIELD | 28.08 | 28.08 |
| | Voucher: | | | | | | | |
| 109779 | 4/22/2025 | 0013515 | CITY TIRES | 46817 | 3/17/2025 | AUTO ALIGNMENT AND TIRES | 89.00 | |
| | Voucher: | | | 46902 | 3/25/2025 | AUTO ALIGNMENT AND TIRES | 89.00 | 178.00 |
| 109780 | 4/22/2025 | 00001423 | DAILY JOURNAL CORPORAT | B3907429 | 3/20/2025 | CITYWIDE RESIDENTIAL RESUR | 1,470.00 | 1,470.00 |
| | Voucher: | | | | | | | |
| 109781 | 4/22/2025 | 0013681 | DANIELS TIRE SERVICE, INC | 200532219 | 3/19/2025 | AUTOMOTIVE TIRES | 357.43 | |
| | Voucher: | | | 200532456 | 3/18/2025 | AUTOMOTIVE TIRES | 538.00 | 895.43 |
| 109782 | 4/22/2025 | 00000314 | DAPEER ROSENBLIT & LITV/ | 24217 | 2/28/2025 | 2/4/25-2/28/25 - MUNICIPAL CODE | 420.00 | |
| | Voucher: | | | 24218 | 2/28/2028 | 1/3/25-2/28/25 - SPECIALIZED LE( | 5,030.13 | |
| | | | | 24220 | 2/28/2025 | 1/14/25-2/28/25 - SPECIALIZED LE | 17.50 | |
| | | | | 24219 | 2/28/2025 | 2/17/25-2/28/25 - SPECIALIZED LE | 24.50 | 5,492.13 |
| 109783 | 4/22/2025 | 00001565 | DEPT OF JUSTICE-(DOJ) CE | 802312 | 3/5/2025 | FEB 2025 FINGERPRINT APPS- C | 757.00 | 757.00 |
| | Voucher: | | | | | | | |
| 109784 | 4/22/2025 | 00001782 | EBERHARD EQUIPMENT | 16561 | 3/18/2025 | KABOTA EQUIPMENT REPAIR AN | 1,581.50 | |
| | Voucher: | | | 16635 | 3/21/2025 | KABOTA EQUIPMENT REPAIR AN | 1,409.84 | |
| | | | | 16702 | 3/25/2025 | KABOTA EQUIPMENT REPAIR AN | 76.98 | |
| | | | | 16545 | 3/17/2025 | KABOTA EQUIPMENT REPAIR AN | 1,757.03 | |
| | | | | 16631 | 3/20/2025 | KABOTA EQUIPMENT REPAIR AN | 1,409.84 | |
| | | | | 16673 | 3/24/2025 | KABOTA EQUIPMENT REPAIR AN | 984.78 | |
| | | | | 16700 | 3/25/2025 | KABOTA EQUIPMENT REPAIR AN | 419.25 | 7,639.22 |
| 109785 | 4/22/2025 | 00001917 | ENTENMANN - ROVIN CO. | 0184301-IN | 10/29/2024 | BADGES | 1,063.18 | 1,063.18 |
| | Voucher: | | | | | | | |
| 109786 | 4/22/2025 | 0010558 | FACTORY MOTOR PARTS C( | 12-W23337 | 3/20/2025 | FACTORY AUTO PARTS | 622.05 | 622.05 |
| | Voucher: | | | | | | | |

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|---|---|---|---|---|---|---|---|---|
| 109787 | 4/22/2025 | 00000619 | FALCON FUELS, INC. | 81871 | 3/11/2025 | REG UNLEADED 10% ETH FUEL | 11,089.42 | |
| | Voucher: | | | 82085 | 3/19/2025 | REG UNLEADED 10% ETH FUEL | 5,229.73 | |
| | | | | 81972 | 3/14/2025 | REG UNLEADED 10% ETH FUEL | 27,550.99 | 43,870.14 |
| 109788 | 4/22/2025 | 0005869 | FERGUSON WATERWORKS | 0032052-1 | 8/9/2024 | INVENTORY PO/ WATER PARTD | 2,030.68 | 2,030.68 |
| | Voucher: | | | | | | | |
| 109789 | 4/22/2025 | 0006262 | FIRESTONE HAND WASH LL | 2025001 | 2/14/2025 | CAR WASH FOR DEPARTMENT \ | 4,494.50 | 4,494.50 |
| | Voucher: | | | | | | | |
| 109790 | 4/22/2025 | 00003770 | FLEMING ENVIRONMENTAL | 22431 | 3/19/2025 | UNDERGROUND STORAGE TANI | 1,391.13 | |
| | Voucher: | | | 22436 | 3/19/2025 | UNDERGROUND STORAGE TANI | 3,866.40 | 5,257.53 |
| 109791 | 4/22/2025 | 0014977 | FLORES, STACY | Ref000366669 | 3/10/2025 | UB REFUND CST #00066150- 96C | 204.28 | 204.28 |
| | Voucher: | | | | | | | |
| 109792 | 4/22/2025 | 0014981 | FRANCO, JOSE | Ref000366673 | 3/10/2025 | UB REFUND CST #00042731-102 | 40.00 | 40.00 |
| | Voucher: | | | | | | | |
| 109793 | 4/22/2025 | 0010237 | FRONTIER COMMUNICATIOI | 562-197-1130 - 02 | 2/5/2025 | ACC# 562-197-1130-040121-5 FEI | 567.16 | |
| | Voucher: | | | 562-197-1130 - 03 | 3/5/2025 | ACC# 562-197-1130-040121-5 MA | 564.15 | 1,131.31 |
| 109794 | 4/22/2025 | 0009215 | G&M OIL COMPANY, LLC | 012-072 | 4/1/2025 | CAR WASH | 70.00 | 70.00 |
| | Voucher: | | | | | | | |
| 109795 | 4/22/2025 | 0014971 | GASPER, JOSE ENRIQUE | Ref000366663 | 3/10/2025 | UB REFUND CST #00059841- 524 | 157.75 | 157.75 |
| | Voucher: | | | | | | | |
| 109796 | 4/22/2025 | 0014965 | GASPER, JUAN | Ref000366657 | 3/10/2025 | UB REFUND CST #00065702- 10C | 17.78 | 17.78 |
| | Voucher: | | | | | | | |
| 109797 | 4/22/2025 | 0014970 | GAUTHIER, BRANDY | Ref000366662 | 3/10/2025 | UB REFUND CST #00062132- 52C | 120.49 | 120.49 |
| | Voucher: | | | | | | | |
| 109798 | 4/22/2025 | 0010016 | GLOBAL PARATRANSIT INC. | 112425-08 | 3/10/2025 | TRANSIT SERVICES FOR GATE E | 54,993.20 | 54,993.20 |
| | Voucher: | | | | | | | |
| 109799 | 4/22/2025 | 0014972 | GONZALEZ, ARACELI | Ref000366664 | 3/10/2025 | UB REFUND CST #00064666- 103 | 162.03 | 162.03 |
| | Voucher: | | | | | | | |
| 109800 | 4/22/2025 | 0014966 | GONZALEZ, PATRICIA | Ref000366658 | 3/10/2025 | UB REFUND CST #00042637- 103 | 24.17 | 24.17 |
| | Voucher: | | | | | | | |
| 109801 | 4/22/2025 | 00002890 | GRAINGER | 9434937596 | 3/11/2025 | SPECIALTY HARDWARE | 528.31 | |
| | Voucher: | | | 9434900123 | 3/11/2025 | SPECIALTY HARDWARE | 619.18 | 1,147.49 |
| 109802 | 4/22/2025 | 0014978 | GUZMAN, NICANDRO | Ref000366670 | 3/10/2025 | UB REFUND CST #00059500- 105 | 204.28 | 204.28 |
| | Voucher: | | | | | | | |
| 109803 | 4/22/2025 | 0014962 | GUZMAN, VALENTE | Ref000366560 | 3/17/2025 | UB REFUND CST #00065966- 93C | 180.60 | 180.60 |
| | Voucher: | | | | | | | |

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|---|---|---|---|---|---|---|---|---|
| 109804 | 4/22/2025 | 00000268 | HOME DEPOT CREDIT SERV | 0350551 4/1/2025 | 4/1/2025 | STREET SUPPLIES | 681.05 | |
| | Voucher: | | | 6350501 | 3/26/2025 | MISC SUPPLIES | 645.52 | |
| | | | | 0350547 | 4/1/2025 | MISC SUPPLIES | 89.41 | |
| | | | | 9362014 | 4/2/2025 | MISC SUPPLIES | 219.90 | |
| | | | | 7361965 | 3/25/2025 | MISC SUPPLIES | 878.28 | |
| | | | | 5361911 | 3/17/2025 | MISC SUPPLIES | 149.07 | 2,663.23 |
| 109805 | 4/22/2025 | 0005586 | JOE A. GONSALVES & SONS | 162381 | 3/20/2025 | APR 2025 -LEGISLATIVE ADVOC/ | 2,500.00 | 2,500.00 |
| | Voucher: | | | | | | | |
| 109806 | 4/22/2025 | 0014968 | KALLINI, MAGDY | Ref000366660 | 3/10/2025 | UB REFUND CST #00066145- 813 | 101.16 | 101.16 |
| | Voucher: | | | | | | | |
| 109807 | 4/22/2025 | 0014963 | KALLINI, RAFAAT | Ref000366561 | 3/18/2025 | UB REFUND CST #00066178- 930 | 181.73 | 181.73 |
| | Voucher: | | | | | | | |
| 109808 | 4/22/2025 | 00004004 | KELLY SPICERS | 50304147 | 2/21/2025 | INVENTORY PO/ COPY PAPER | 4,720.79 | 4,720.79 |
| | Voucher: | | | | | | | |
| 109809 | 4/22/2025 | 0012510 | KILEY & ASSOCIATES, LLC | 2020-01-CC | 3/31/2025 | AMEND NO 2 TO CONTRACT NO | 3,333.33 | 3,333.33 |
| | Voucher: | | | | | | | |
| 109810 | 4/22/2025 | 0012590 | LA TRUCK & AUTO INC, NAP/ | 314054 | 3/26/2025 | AUTOMOTIVE PARTS | 113.51 | 113.51 |
| | Voucher: | | | | | | | |
| 109811 | 4/22/2025 | 00001478 | LAKESHORE | 031925 | 3/19/2025 | SUPPLIES FOR QUARTERLY TOT | 548.35 | 548.35 |
| | Voucher: | | | | | | | |
| 109812 | 4/22/2025 | 0014756 | LIBERTY DENTAL PLAN, OF ( | MAR 2025 | 2/12/2025 | MAR 2025 : ADJ FOR ACTIVE EE | 373.08 | 373.08 |
| | Voucher: | | | | | | | |
| 109813 | 4/22/2025 | 0013343 | LITTLEJOHN COMMUNICATI( | 04012025 | 1/4/2025 | MARCH 2025 SERVICES FOR INM | 100.00 | |
| | Voucher: | | | 03012025 | 3/3/2025 | FEB 2025 SERVICES FOR INMAT | 100.00 | 200.00 |
| 109814 | 4/22/2025 | 00003793 | LONG BEACH BMW MOTOR( | 52393 | 3/6/2025 | MINOR REPAIRS AND PARTS | 895.28 | 895.28 |
| | Voucher: | | | | | | | |
| 109815 | 4/22/2025 | 0014975 | LUNA SALAZAR, AUDREY | Ref000366667 | 3/10/2025 | UB REFUND CST #00066072- 103 | 183.29 | 183.29 |
| | Voucher: | | | | | | | |
| 109816 | 4/22/2025 | 00003941 | M. HARA LAWNMOWER CEN | 51625 | 3/19/2025 | SMALL EQUIPMENT PURCHASE | 131.75 | 131.75 |
| | Voucher: | | | | | | | |
| 109817 | 4/22/2025 | 0014973 | MAURICIO, UBALDO | Ref000366665 | 3/10/2025 | UB REFUND CST #00065502- 941 | 166.87 | 166.87 |
| | Voucher: | | | | | | | |
| 109818 | 4/22/2025 | 00004060 | MCMASTER-CARR SUPPLY ( | 42589690 | 3/19/2025 | SPECIAL HARDWARE. NO WORK | 702.75 | |
| | Voucher: | | | 42874065 | 3/25/2025 | SPECIAL HARDWARE. NO WORK | 544.44 | |
| | | | | 42649453 | 3/20/2025 | SPECIAL HARDWARE. NO WORK | 103.13 | 1,350.32 |

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|---|---|---|---|---|---|---|---|---|
| 109819 | 4/22/2025 | 00004093 | MELAD & ASSOCIATES | SG25-13 | 3/31/2025 | MAR 2025 - MELAD & ASSOCIATE | 14,715.00 | |
| | Voucher: | | | SG25-12 | 3/31/2025 | MAR 2025 - MELAD & ASSOCIATE | 300.00 | 15,015.00 |
| 109820 | 4/22/2025 | 00003815 | MICHELSON LABORATORIES | 0719373 | 3/14/2025 | TITLE 22 LAB ANALYSIS | 1,135.50 | |
| | Voucher: | | | 0719374 | 3/14/2025 | TITLE 22 LAB ANALYSIS | 946.25 | 2,081.75 |
| 109821 | 4/22/2025 | 00000170 | MISC - PKS & REC REFUND | 79560265, 804228 | 3/17/2025 | REFUND - CHARGFED MULTIPLE | 20.00 | 20.00 |
| | Voucher: | | | | | | | |
| 109822 | 4/22/2025 | 00000452 | MISC - POLICE | 24-11554 REFUND | 3/25/2025 | REFUND - IMPOUND FEE COLLE | 139.00 | 139.00 |
| | Voucher: | | | | | | | |
| 109823 | 4/22/2025 | 0014960 | MORALES, FIDEL | Ref000366558 | 3/17/2025 | UB REFUND CST #00059497 - 89 | 59.47 | 59.47 |
| | Voucher: | | | | | | | |
| 109824 | 4/22/2025 | 00004335 | MOTOROLA SOLUTIONS, IN | 8282088513 | 3/4/2025 | RADIO FOR NEW PATROL UNIT- | 5,759.48 | |
| | Voucher: | | | 8282089231 | 3/5/2025 | RADIO FOR NEW PATROL UNIT- | 5,140.29 | 10,899.77 |
| 109825 | 4/22/2025 | 00004620 | MUTUAL PROPANE | 785030 | 1/29/2025 | PROPANE SERVICE | 909.16 | 909.16 |
| | Voucher: | | | | | | | |
| 109826 | 4/22/2025 | 00000902 | NAN MCKAY & ASSOCIATES | INV296691 | 1/15/2025 | 04/01/25- 03/31/26- GO SECTION | 3,000.00 | 3,000.00 |
| | Voucher: | | | | | | | |
| 109827 | 4/22/2025 | 0009990 | NATURE'S SELECT PET FOC | 213493 | 3/6/2025 | DOG FOOD SUPPLIER | 126.12 | 126.12 |
| | Voucher: | | | | | | | |
| 109828 | 4/22/2025 | 0014969 | NORIGA, JOSE | Ref000366661 | 3/10/2025 | UB REFUND CST #00037685- 863 | 110.83 | 110.83 |
| | Voucher: | | | | | | | |
| 109829 | 4/22/2025 | 00003867 | NUCCIO'S NURSERIES INC. | 032525 | 3/25/2025 | GROWER OF AZALEA AND CAME | 410.63 | 410.63 |
| | Voucher: | | | | | | | |

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| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109831 | 4/22/2025 | 00001414 | OFFICE DEPOT | 414937219001 | 3/7/2025 | OFFICE SUPPLIES | 40.01 | |
| | Voucher: | | | 413920349001 | 3/4/2025 | OFFICE SUPPLIES | 2.19 | |
| | | | | 413921024001 | 3/5/2025 | OFFICE SUPPLIES | 89.51 | |
| | | | | 413156039001 | 3/11/2025 | OFFICE SUPPLIES | 325.09 | |
| | | | | 414209708001 | 3/13/2025 | OFFICE SUPPLIES | 330.34 | |
| | | | | 414127144001 | 3/4/2025 | OFFICE SUPPLIES | 55.18 | |
| | | | | 414935965001 | 3/10/2025 | OFFICE SUPPLIES | 35.82 | |
| | | | | 414668486001 | 3/5/2025 | OFFICE SUPPLIES | 44.09 | |
| | | | | 415019504001 | 3/10/2025 | OFFICE SUPPLIES | 120.77 | |
| | | | | 414062541001 | 3/27/2025 | OFFICE SUPPLIES | 67.65 | |
| | | | | 414239871001 | 3/13/2025 | OFFICE SUPPLIES | 89.72 | |
| | | | | 414239874001 | 3/25/2025 | OFFICE SUPPLIES | 64.92 | |
| | | | | 415216613001 | 3/11/2025 | OFFICE SUPPLIES | 48.28 | |
| | | | | 415217905001 | 3/11/2025 | OFFICE SUPPLIES | 24.52 | |
| | | | | 415919522001 | 3/13/2025 | OFFICE SUPPLIES | 196.34 | |
| | | | | 415921703001 | 3/17/2025 | OFFICE SUPPLIES | 29.12 | |
| | | | | 415921704001 | 3/13/2025 | OFFICE SUPPLIES | 86.42 | |
| | | | | 414375288001 | 3/4/2025 | OFFICE SUPPLIES | 105.71 | |
| | | | | 414375892001 | 3/5/2025 | OFFICE SUPPLIES | 12.44 | |
| | | | | 415181178001 | 3/11/2025 | OFFICE SUPPLIES | 90.82 | |
| | | | | 416651409001 | 3/18/2025 | OFFICE SUPPLIES | 59.39 | |
| | | | | 412221637001 | 3/6/2025 | OFFICE SUPPLIES | 68.78 | |
| | | | | 414203765001 | 3/4/2025 | OFFICE SUPPLIES | 413.53 | |
| | | | | 414204828001 | 3/6/2025 | OFFICE SUPPLIES | 28.22 | |
| | | | | 416477851001 | 3/20/2025 | OFFICE SUPPLIES | 95.00 | |
| | | | | 412313541001 | 3/6/2025 | OFFICE SUPPLIES | 154.31 | |
| | | | | 416257687001 | 3/17/2025 | OFFICE SUPPLIES | 88.01 | |
| | | | | 410577801001 | 3/5/2025 | OFFICE SUPPLIES | 70.44 | |
| | | | | 413914974001 | 3/4/2025 | OFFICE SUPPLIES | 467.64 | |
| | | | | 413916005001 | 3/4/2025 | OFFICE SUPPLIES | 199.80 | |
| | | | | 413916006001 | 3/4/2025 | OFFICE SUPPLIES | 30.31 | |
| | | | | 413916007001 | 3/3/2025 | OFFICE SUPPLIES | 165.68 | |
| | | | | 415564875001 | 3/13/2025 | OFFICE SUPPLIES | 100.31 | |
| | | | | 414008947001 | 3/24/2025 | OFFICE SUPPLIES | 876.92 | |
| | | | | 414832440001 | 3/6/2025 | OFFICE SUPPLIES | 110.51 | |

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| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| | | | | 414833167001 | 3/6/2025 | OFFICE SUPPLIES | 91.88 | |
| | | | | 415840029001 | 3/13/2025 | OFFICE SUPPLIES | 38.34 | |
| | | | | 415850127001 | 3/13/2025 | OFFICE SUPPLIES | 42.31 | |
| | | | | 416846222001 | 3/25/2025 | OFFICE SUPPLIES | 72.49 | |
| | | | | 416849104001 | 3/20/2025 | OFFICE SUPPLIES | 571.39 | |
| | | | | 416849322001 | 3/24/2025 | OFFICE SUPPLIES | 294.42 | |
| | | | | 414045873001 | 3/6/2025 | OFFICE SUPPLIES | 637.01 | |
| | | | | 411927613001 | | OFFICE SUPPLIES | -34.61 | |
| | | | | 414402922001 | 3/5/2025 | INVENTORY PO/ COFFEE | 272.10 | |
| | | | | 414403126001 | 3/6/2025 | INVENTORY PO/ COFFEE | 324.40 | 7,097.52 |
| 109832 | 4/22/2025 | 0007984 | O'REILLY AUTO PARTS | 3063-211549 | 4/8/2025 | AUTO PARTS | 322.87 | |
| | Voucher: | | | 3063-211922 | 3/19/2025 | AUTO PARTS | 60.04 | |
| | | | | 3063-211881 | 3/19/2025 | AUTO PARTS | 105.28 | |
| | | | | 3063-211908 | 3/19/2025 | AUTO PARTS | 44.74 | |
| | | | | 3063-211691 | 3/18/2025 | AUTO PARTS | 116.15 | |
| | | | | 3063-212980 | | CREDIT - INV# 3063-212933 | -20.58 | |
| | | | | 3063-212960 | 3/26/2025 | AUTO PARTS | 21.26 | |
| | | | | 3063-212764 | 3/25/2025 | AUTO PARTS | 48.39 | |
| | | | | 3063-213104 | 3/27/2025 | AUTO PARTS | 8.81 | |
| | | | | 3063-212841 | 3/25/2025 | AUTO PARTS | 15.41 | |
| | | | | 3063-212768 | 3/25/2025 | AUTO PARTS | 59.89 | |
| | | | | 3063-212766 | 3/25/2025 | AUTO PARTS | 52.58 | |
| | | | | 3063-212765 | 3/25/2025 | AUTO PARTS | 16.53 | |
| | | | | 3063-212846 | 3/25/2025 | AUTO PARTS | 40.73 | |
| | | | | 3063-212833 | 3/25/2025 | AUTO PARTS | 124.40 | |
| | | | | 3063-212979 | 3/26/2025 | AUTO PARTS | 47.30 | |
| | | | | 3063-212036 | 3/20/2025 | AUTO PARTS | 15.29 | 1,079.09 |
| 109833 | 4/22/2025 | 00001346 | PD: CSULB RESEARCH FOU | TNR-187 | 3/19/2025 | SEMINAR- SGT CANCIO APRIL 2 | 397.00 | 397.00 |
| | Voucher: | | | | | | | |
| 109834 | 4/22/2025 | 00003935 | PD: GARCIA, EVELYN | TNR 189 | 4/1/2025 | REIMB- MILAGE & PER DIEM - O( | 314.48 | 314.48 |
| | Voucher: | | | | | | | |
| 109835 | 4/22/2025 | 0009511 | PD:PRADO FAMILY SHOOTIN | 7364 | 3/17/2025 | MARCH 10 2025- FIREARMS TRA | 450.00 | |
| | Voucher: | | | 7372 | 3/23/2025 | MARCH 10, 2025-FIRE ARMS TR/ | 450.00 | |
| | | | | 7379 | 3/30/2025 | MARCH 26, 2025-FIRE ARMS TR/ | 450.00 | 1,350.00 |

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| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
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| 109836 | 4/22/2025 | 00004717 | PETTY CASH- GENERAL FUI | 3/17/25-3/25/25 | 3/27/2025 | 3/17-25-3/25/25: PETTY CASH | 433.74 | 433.74 |
| | Voucher: | | | | | | | |
| 109837 | 4/22/2025 | 00002335 | PITNEY BOWES | APRIL 2025 | 4/3/2025 | RESERVE ACCOUNT (# 3471907( | 4,500.00 | 4,500.00 |
| | Voucher: | | | | | | | |
| 109838 | 4/22/2025 | 0011066 | PK: BARNETT, RHONDA | 71812345, 704560 | 3/11/2025 | FOREFIT FEE - FALL 2024 | 80.00 | 80.00 |
| | Voucher: | | | | | | | |
| 109839 | 4/22/2025 | 0012870 | PK: BIBRIESCA DE ARELLAN | MBsprings0325-1 | 3/27/2025 | STEP AEROBICS CLASSES | 360.00 | |
| | Voucher: | | | MBspring0325 | 3/28/2025 | STEP AEROBICS CLASSES | 360.00 | 720.00 |
| 109840 | 4/22/2025 | 0011257 | PK: GUILMETTE, ROBERT | RGSPRING0325 | 3/31/2025 | YOGA CLASSES | 960.00 | 960.00 |
| | Voucher: | | | | | | | |
| 109841 | 4/22/2025 | 0013797 | PK: MANRIQUEZ, EYVAR | 0013797 | 3/28/2025 | MUAY THAI CONDITIONING | 280.00 | 280.00 |
| | Voucher: | | | | | | | |
| 109842 | 4/22/2025 | 0014459 | PK: RANGEL, VIOLETA ISAVE | VRSPRING0325 | 3/29/2025 | ADULT EXERCISE CLASSES | 90.00 | 90.00 |
| | Voucher: | | | | | | | |
| 109843 | 4/22/2025 | 00003720 | PK: RODRIGUEZ, BEATRIZE | 83788083 | 3/10/2025 | OVER EASY CLASS REGISTRATI | 56.00 | 56.00 |
| | Voucher: | | | | | | | |
| 109844 | 4/22/2025 | 0010624 | PK: SANCHEZ, MARIBEL | MSspring0325 | 3/29/2025 | ZUMBA | 135.00 | 135.00 |
| | Voucher: | | | | | | | |
| 109845 | 4/22/2025 | 0013659 | PK: SANCHEZ, ROCIO | RSSPRING0325 | 3/31/2025 | ZUMBA CLASSES | 900.00 | 900.00 |
| | Voucher: | | | | | | | |
| 109846 | 4/22/2025 | 0013796 | PK: YOGAWITHVANESA | VJSPRING0325 | 3/31/2025 | ADULT YOGA | 405.00 | 405.00 |
| | Voucher: | | | | | | | |
| 109847 | 4/22/2025 | 0014204 | PREFERRED IMPRESSIONS. | 27713 | 3/4/2025 | K 9 UNIT "1K" VEHICLE GRAPHI( | 199.74 | |
| | Voucher: | | | 27601 | 2/12/2025 | VEHICLE GRAPHICS DODGE UN | 698.69 | 898.43 |
| 109848 | 4/22/2025 | 0005368 | PRINTCO DIRECT | 86103 | 2/28/2025 | BUSINESS CARDS & LETTERHE/ | 115.76 | 115.76 |
| | Voucher: | | | | | | | |
| 109849 | 4/22/2025 | 0006933 | PSYCHOLOGICAL CONSULT | 528509_THERAP\ | 9/2/2024 | 60 MINS SESSION INDIVIDUAL | 867.00 | |
| | Voucher: | | | 900162_THERAP\ | 11/13/2024 | 60MINS SESSION INDIVIDUAL PS | 289.00 | 1,156.00 |
| 109850 | 4/22/2025 | 00000416 | RAPID-O-PRINT | 33336 | 3/17/2025 | INVENTORY PO/ PAYMENT FORI | 1,764.00 | 1,764.00 |
| | Voucher: | | | | | | | |
| 109851 | 4/22/2025 | 0012962 | REGIONAL TAP SERVICE CE | 6024662 | 2/28/2025 | FEB. 2025 - LOAD STORED VALU | 422.40 | 422.40 |
| | Voucher: | | | | | | | |
| 109852 | 4/22/2025 | 00004773 | RET: ALMANZA, JOSEPH A | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 185.08 | 185.08 |
| | Voucher: | | | | | | | |

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|---|---|---|---|---|---|---|---|---|
| 109853 | 4/22/2025 | 0008275 | RET: AROCHA, FRANCIS X. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 109854 | 4/22/2025 | 00001840 | RET: BLASKA, WILLIAM MIKE | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 109855 | 4/22/2025 | 00004776 | RET: CARTER, LLOYD B | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 109856 | 4/22/2025 | 00000495 | RET: CHAVEZ, ANTHONY A | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 109857 | 4/22/2025 | 0006505 | RET: CORBET, RONALD | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,435.98 | 1,435.98 |
| | Voucher: | | | | | | | |
| 109858 | 4/22/2025 | 0008746 | RET: DELEON, RUBEN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 109859 | 4/22/2025 | 0011326 | RET: GALVAN, RAY A. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 109860 | 4/22/2025 | 0006508 | RET: GOMEZ, JOSEPH C. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 109861 | 4/22/2025 | 0010881 | RET: KOOPMANS, WILLIAM ( | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 109862 | 4/22/2025 | 0010410 | RET: LEO, FRANK | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 109863 | 4/22/2025 | 00003833 | RET: MOOMEY, STEVEN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 518.00 | 518.00 |
| | Voucher: | | | | | | | |
| 109864 | 4/22/2025 | 00003798 | RET: RANGEL, ARMANDO | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 109865 | 4/22/2025 | 0014732 | RETURN TO WORK PARTNE | 27597 | 3/25/2025 | 1/23/25 - 3/19/25 - ACCOMMODAT | 1,980.00 | 1,980.00 |
| | Voucher: | | | | | | | |
| 109866 | 4/22/2025 | 00002735 | ROADLINE PRODUCTS, INC. | 21135 | 3/18/2025 | STREET DIVISION AS NEEDED P | 396.90 | 396.90 |
| | Voucher: | | | | | | | |
| 109867 | 4/22/2025 | 00004821 | S & J SUPPLY COMPANY, IN( | S100246155.001 | 3/3/2025 | INVENTORY PO/ COPPER | 6,489.32 | |
| | Voucher: | | | S100245726.001 | 2/13/2025 | INVENTORY PO/WATER PARTS | 1,205.59 | |
| | | | | S100247618.001 | 3/20/2025 | MISC HARDWARE | 614.10 | |
| | | | | S100247499.001 | 3/20/2025 | MISC HARDWARE | 745.88 | 9,054.89 |
| 109868 | 4/22/2025 | 0008369 | SAFETY-KLEEN SYSTEM, IN( | 96832172 | 3/15/2025 | CLEANING SERVICE OF EQUIPM | 731.73 | 731.73 |
| | Voucher: | | | | | | | |

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| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109869 | 4/22/2025 | 00000322 | SAM'S CLUB | 000742 | 2/11/2025 | MISC SUPPLIES | 452.44 | |
| | Voucher: | | | 005766 | 2/18/2025 | MISC SUPPLIES | 115.30 | |
| | | | | 008756 | 4/2/2025 | MISC SUPPLIES | 456.08 | |
| | | | | 008755 | 4/2/2025 | MISC SUPPLIES | 29.94 | 1,053.76 |
| 109870 | 4/22/2025 | 0014767 | SC FUELS | IN-0000095228 | 3/24/2025 | INVENTORY PO/ BARE BRICK | 2,401.10 | 2,401.10 |
| | Voucher: | | | | | | | |
| 109871 | 4/22/2025 | 0010623 | SECTRAN SECURITY INC. | 25030616 | 3/14/2025 | SECTRAN - ARMORED TRUCK SI | 444.83 | 444.83 |
| | Voucher: | | | | | | | |
| 109872 | 4/22/2025 | 00004868 | SO CALIF REHABILITATION S | 2024-OCT | 10/31/2024 | OCT 2024 SOCAL REHABILITATIC | 3,122.21 | |
| | Voucher: | | | 2024-NOV | 11/30/2024 | NOV 2024 SOCAL REHABILITATIC | 10,697.52 | |
| | | | | 2024-MAY | 5/31/2024 | MAY 2024 SOCAL REHABILITATIC | 6,830.21 | |
| | | | | 2024-JUNE | 6/30/2024 | JUNE 2024 SOCAL REHABILITATI | 10,959.68 | |
| | | | | 2024-DEC | 12/31/2024 | DEC 2024 SOCAL REHABILITATIC | 27,843.65 | |
| | | | | 2024-SEPT | 9/30/2024 | SEPT 2024 SOCAL REHABILITATI | 823.74 | 60,277.01 |
| 109873 | 4/22/2025 | 0013538 | STACY MEDICAL CENTER | 2452-56223 | 2/4/2025 | 01/27/25- MEDICAL SERVICES FC | 390.00 | |
| | Voucher: | | | 2452-55351 | 1/8/2025 | 12/27/24- MEDICAL SERVICES FC | 235.00 | 625.00 |
| 109874 | 4/22/2025 | 00004908 | STATUS ONE MEDICAL INC | 69965 | 3/20/2025 | FIRST AID SUPPLIES | 94.26 | 94.26 |
| | Voucher: | | | | | | | |
| 109875 | 4/22/2025 | 0012518 | THE HITT COMPANIES | OE-138523 | 2/28/2025 | PRINTING AND STAMPS | 32.74 | |
| | Voucher: | | | OE-139073 | 3/18/2025 | PRINTING AND STAMPS | 47.02 | |
| | | | | OE-139063 | 3/21/2025 | PRINTING AND STAMPS | 76.02 | |
| | | | | OE-138831 | 3/13/2025 | PRINTING AND STAMPS | 250.92 | 406.70 |
| 109876 | 4/22/2025 | 00003851 | THOMSON REUTERS | 851145592 | 12/1/2024 | ONLINE / SOFTWARE SUBSCRIP | 759.00 | |
| | Voucher: | | | 851586752 | 3/1/2025 | 2/1/25-2/28/25 THOMSON RETUR | 759.00 | 1,518.00 |
| 109877 | 4/22/2025 | 0011640 | TIREHUB, LLC | 48461074 | 3/20/2025 | TIRES PURCHASE | 629.65 | |
| | Voucher: | | | 48586972 | 3/26/2025 | TIRES PURCHASE | 102.73 | 732.38 |
| 109878 | 4/22/2025 | 0009355 | T-MOBILE USA, INC. | 9593896956 | 1/30/2025 | 12/27/24-01/03/25; INVESTIGATIV | 100.00 | 100.00 |
| | Voucher: | | | | | | | |
| 109879 | 4/22/2025 | 00003438 | TRANS UNION-SOUTHERN ( | 02503359 | 2/25/2025 | 02/25/25- CREDIT CHECKS | 41.88 | 41.88 |
| | Voucher: | | | | | | | |

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|---|---|---|---|---|---|---|---|---|
| 109880 | 4/22/2025 | 0008005 | U.S. BANK-PARS ACCT#6746 | FEB 2025 | 1/28/2025 | FEB 2025: PARS SUPPLEMENTAI | 5,349.40 | |
| | Voucher: | | | JAN 2025 | 12/28/2024 | JAN 2025: PARS SUPPLEMENTAI | 5,349.40 | |
| | | | | APR 2025 | 3/28/2025 | APR 2025: PARS SUPPLEMENTA | 5,349.40 | |
| | | | | DEC 2024 SCH AI | 11/28/2024 | DEC 2024: PARS SUPPLEMENTA | 5,349.40 | |
| | | | | OCT 2024 | 9/28/2024 | OCT 2024: PARS SUPPLEMENTA | 5,330.12 | |
| | | | | MAR 2025 | 2/28/2025 | MAR 2025: PARS SUPPLEMENTA | 5,349.40 | |
| | | | | NOV 2024 | 10/28/2024 | NOV 2024: PARS SUPPLEMENTA | 5,349.40 | 37,426.52 |
| 109881 | 4/22/2025 | 0008005 | U.S. BANK-PARS ACCT#6746 | MAR 2025 MOSTA | 2/25/2025 | MAR 2025 - M. MOSTAKHAMI: PA | 680.00 | |
| | Voucher: | | | MAR 2025 LOUIE | 2/25/2025 | MAR 2025: KEN LOUIE: PARS - E | 550.00 | |
| | | | | APR 2025 LOUIE | 3/25/2025 | APR 2025: KEN LOUIE: PARS - E | 550.00 | |
| | | | | APR 2025 MOSTA | 3/25/2025 | APR 2025 - M. MOSTAKHAMI: PA | 680.00 | |
| | | | | FEB 2025 LOUIE | 1/25/2025 | FEB 2025: KEN LOUIE: PARS - E | 550.00 | |
| | | | | FEB 2025 MOSTA | 1/25/2025 | FEB 2025 - M. MOSTAKHAMI: PA | 680.00 | 3,690.00 |
| 109882 | 4/22/2025 | 00000505 | U.S. POSTAL SERVICE | P.O. BOX 1429 2( | 4/2/2025 | 12 MONTHS PO BOX FEE - BOX | 436.00 | 436.00 |
| | Voucher: | | | | | | | |
| 109883 | 4/22/2025 | 0005750 | UNITED INDUSTRIES | 237243 | 3/13/2025 | INVENTORY PO/ NITRILE GLOVE | 1,824.75 | 1,824.75 |
| | Voucher: | | | | | | | |
| 109884 | 4/22/2025 | 00004975 | US ARMOR | 49159 | 3/25/2025 | VESTS | 927.10 | |
| | Voucher: | | | 49162 | 3/25/2025 | VESTS | 927.10 | |
| | | | | 49094 | 3/18/2025 | VESTS | 927.10 | |
| | | | | 49199 | 3/28/2025 | VESTS | 596.09 | 3,377.39 |
| 109885 | 4/22/2025 | 00002634 | VULCAN MATERIALS COMP/ | 2976505 | 3/19/2025 | ASPHALT, BASE, EMULSION PRC | 131.40 | |
| | Voucher: | | | 301678 | 3/27/2025 | ASPHALT, BASE, EMULSION PRC | 219.00 | |
| | | | | 3031075 | 3/27/2025 | ASPHALT, BASE, EMULSION PRC | 254.04 | |
| | | | | 3043353 | 3/29/2025 | ASPHALT, BASE, EMULSION PRC | 707.87 | |
| | | | | 3065340 | 3/31/2025 | ASPHALT, BASE, EMULSION PRC | 252.82 | 1,565.13 |
| 109886 | 4/22/2025 | 00002593 | WAXIE'S SANITARY SUPPLY | 83130905 | 3/28/2025 | JANITORIAL SUPPLIES | 62.84 | |
| | Voucher: | | | 83062226 | 2/25/2025 | INVENTORY PO/ JANITORIAL SU | 9,711.71 | |
| | | | | 83062468 | 2/25/2025 | INVENTORY PO/ JANITORIAL SU | 3,191.08 | |
| | | | | 83057846 | 2/24/2025 | INVENTORY PO/ JANITORIAL SU | 84.78 | |
| | | | | 83123833 | 3/25/2025 | JANITORIAL SUPPLIES | 46.77 | 13,097.18 |
| 109887 | 4/22/2025 | 00001522 | WHITE CAP CONSTRUCTION | 50030325503 | 2/26/2025 | INVENTORY PO/ SHOVELS | 2,777.11 | 2,777.11 |
| | Voucher: | | | | | | | |
| 109888 | 4/22/2025 | 0012301 | WHITTIER FERTILIZER COM | 421455 | 3/12/2025 | SOIL MIXES,AMENDMENTS & SP | 177.05 | 177.05 |
| | Voucher: | | | | | | | |

**Bank : botw BANK OF THE WEST** (Continued)

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 109889 | 4/22/2025 | 0014203 | WILLIAMS SCOTSMAN, INC. | 9023178245 | 2/26/2025 | YEAR 2 OF 2 - RENTAL OF MOBII | 1,816.79 | 1,816.79 |
| | Voucher: | | | | | | | |
| 109890 | 4/22/2025 | 0014976 | WIN SOON, INC | Ref000366668 | 3/10/2025 | UB REFUND CST #00058622- 456 | 198.33 | 198.33 |
| | Voucher: | | | | | | | |
| 109891 | 4/22/2025 | 0014980 | WIN SOON, INC DBA EPOCA | Ref000366672 | 3/10/2025 | UB REFUND CST #00063755- 456 | 204.28 | 204.28 |
| | Voucher: | | | | | | | |
| 109892 | 4/22/2025 | 0014959 | ZAMORA, JOSE | Ref000366557 | 3/17/2025 | UB REFUND CST #00051848 - 89 | 58.23 | 58.23 |
| | Voucher: | | | | | | | |
| 109893 | 4/22/2025 | 00000062 | ZIEGLER'S HARDWARE& SU | 5013 | 2/7/2025 | MISC HARDWARE | 18.71 | 18.71 |
| | Voucher: | | | | | | | |
| 1928145296 | 3/19/2025 | 00001186 | EMPLOYMENT DEVELOPME | L861443792 | 3/12/2025 | 10/1/24-12/31/24 UNEMPLOYMEI | 10,845.15 | 10,845.15 |
| | Voucher: | | | | | | | |

**Sub total for BANK OF THE WEST:** 528,013.25

**140 checks and 1 wire transfer in this report.**

**Grand Total All Checks and Wire Transfers:** 528,013.25

***Void Checks***

**Bank code:** botw

| Check # | Date |
|---|---|
| 109830 | 4/22/2025 |

**Bank code:** efbotw

(none)

apChkLst
04/15/2025 8:38:51AM

Final Check List
CITY OF SOUTH GATE



Bank : botw BANK OF THE WEST

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 2905 | 3/13/2025 Voucher: | 00004708 | PERS HEALTH PLAN | Ben365514 | 3/13/2025 | MEDICAL HMO ANTHEM SELECT | 544,735.60 | 544,735.60 |
| 2911 | 3/27/2025 Voucher: | 00000343 | PUBLIC EMPLOYEES RETIRI | Ben366135 | 3/27/2025 | MILITARY SERVICE CREDIT: PAY | 278,152.43 | 278,152.43 |
| 2916 | 4/10/2025 Voucher: | 00004836 | SEIU LOCAL 721 CTW CLC-2 | Ben366769 | 4/10/2025 | SEIU DUES: PAYMENT | 2,904.08 | 2,904.08 |
| 2917 | 4/10/2025 Voucher: | 00002370 | INTERNAL REVENUE SERVI( | Ben366771 | 4/10/2025 | MEDICARE: PAYMENT | 191,048.71 | 191,048.71 |
| 2919 | 4/10/2025 Voucher: | 00000343 | PUBLIC EMPLOYEES RETIRI | Ben366775 | 4/10/2025 | MILITARY SERVICE CREDIT: PAY | 301,351.90 | 301,351.90 |
| 2920 | 4/10/2025 Voucher: | 00001186 | EMPLOYMENT DEVELOPME | Ben366777 | 4/10/2025 | SDI: PAYMENT | 68,747.59 | 68,747.59 |
| 2921 | 4/10/2025 Voucher: | 00000004 | NATIONWIDE RETIREMENT : | Ben366779 | 4/10/2025 | DEF COMP NATIONWIDE: PAYME | 118,591.49 | 118,591.49 |
| 2922 | 4/10/2025 Voucher: | 00004996 | SEIU-COPE LOCAL 721, LA/C | Ben366781 | 4/10/2025 | SEIU- COPE LOCAL 721 DEDUCT | 64.01 | 64.01 |
| 2923 | 4/10/2025 Voucher: | 00004988 | CHILD SUPPORT ON-LINE, S | Ben366783 | 4/10/2025 | CHILD SUPPORT-ONLINE: PAYMI | 1,036.12 | 1,036.12 |

**Sub total for BANK OF THE WEST:** 1,506,631.93

**9 in this wire transfers.**

**Grand Total All Wire Transfers:** 1,506,631.93

Bank : efbotw BANK OF THE WEST EFT

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 4714 | 4/22/2025 Voucher: | 0014823 | RET: ANTHONY PEREZ, EDV | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| 4715 | 4/22/2025 Voucher: | 0012466 | RET: ADAMS, PAUL L. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,299.14 | 1,299.14 |
| 4716 | 4/22/2025 Voucher: | 0005570 | RET: ALONZO, ANTHONY | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,011.40 | 1,011.40 |
| 4717 | 4/22/2025 Voucher: | 0014715 | RET: ANDERSON, KENNETH | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| 4718 | 4/22/2025 Voucher: | 0012843 | RET: AUSTIN, BYRON A. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,578.30 | 1,578.30 |
| 4719 | 4/22/2025 Voucher: | 0005813 | RET: AVILA, VINCENT | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| 4720 | 4/22/2025 Voucher: | 0013775 | RET: AVILES, OMAR ADOLFC | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| 4721 | 4/22/2025 Voucher: | 0014366 | RET: BARKER, RILEY M. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,435.98 | 1,435.98 |
| 4722 | 4/22/2025 Voucher: | 0012982 | RET: BONILLA CLAYTON, YAI | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| 4723 | 4/22/2025 Voucher: | 00001265 | RET: BRASSFIELD, CHARLES | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| 4724 | 4/22/2025 Voucher: | 0006324 | RET: BURBACH, MAUREEN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| 4725 | 4/22/2025 Voucher: | 0012844 | RET: CAMACHO, EDWARD | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| 4726 | 4/22/2025 Voucher: | 0014800 | RET: CHAVEZ, CELESTE | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| 4727 | 4/22/2025 Voucher: | 00000817 | RET: CHRIST, DOUGLAS F | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| 4728 | 4/22/2025 Voucher: | 00003408 | RET: DAMRON, ROGER V | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| 4729 | 4/22/2025 Voucher: | 0014404 | RET: DAVILA, PAULITA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| 4730 | 4/22/2025 Voucher: | 0013163 | RET: DAVIS, RANDALL JOHN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,196.68 | 1,196.68 |

Bank : efbotw BANK OF THE WEST EFT (Continued)

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 4731 | 4/22/2025 | 00004777 | RET: DAY, ROBERT A | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4732 | 4/22/2025 | 00001776 | RET: EADE, JOANN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 185.08 | 185.08 |
| | Voucher: | | | | | | | |
| 4733 | 4/22/2025 | 00003973 | RET: EADS, KENNETH P. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,011.40 | 1,011.40 |
| | Voucher: | | | | | | | |
| 4734 | 4/22/2025 | 00003853 | RET: FANNIN, ZONA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4735 | 4/22/2025 | 0008820 | RET: FERNANDEZ, CARLOS | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4736 | 4/22/2025 | 00004403 | RET: FIELD, GARY | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4737 | 4/22/2025 | 0006507 | RET: FIGUEROA, GLORIA A. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4738 | 4/22/2025 | 0013564 | RET: FLAD, MICHAEL | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,339.68 | 1,339.68 |
| | Voucher: | | | | | | | |
| 4739 | 4/22/2025 | 00000605 | RET: FORRESTER, BOB L | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4740 | 4/22/2025 | 0005355 | RET: GALBREATH, RUSSELL | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 388.13 | 388.13 |
| | Voucher: | | | | | | | |
| 4741 | 4/22/2025 | 0011186 | RET: GAMBOA, OSCAR | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4742 | 4/22/2025 | 00000496 | RET: GEORGE, RONALD P | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4743 | 4/22/2025 | 00001660 | RET: GOMEZ, RANDOLPH | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| | Voucher: | | | | | | | |
| 4744 | 4/22/2025 | 0013121 | RET: GONZALES, LORETTA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4745 | 4/22/2025 | 00003940 | RET: GONZALEZ, HIRAM | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4746 | 4/22/2025 | 0006328 | RET: GUTIERREZ, MANUEL | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4747 | 4/22/2025 | 0014822 | RET: GUTIERREZ, REYNA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| | Voucher: | | | | | | | |

Bank : efbotw BANK OF THE WEST EFT (Continued)

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 4748 | 4/22/2025 | 0006510 | RET: HERNANDEZ, MARIA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4749 | 4/22/2025 | 0006329 | RET: HOMSHER, HUGH | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,118.76 | 1,118.76 |
| | Voucher: | | | | | | | |
| 4750 | 4/22/2025 | 0013216 | RET: HUFFMAN, EDWARD R/ | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4751 | 4/22/2025 | 0012845 | RET: HUGAR L., JAMES | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4752 | 4/22/2025 | 00004784 | RET: HUNTRODS, RICHARD | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 239.00 | 239.00 |
| | Voucher: | | | | | | | |
| 4753 | 4/22/2025 | 0009521 | RET: HUPP, KEITH | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4754 | 4/22/2025 | 0008058 | RET: INMAN, RONALD | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4755 | 4/22/2025 | 00004785 | RET: IRISH, TERRY F | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4756 | 4/22/2025 | 0011110 | RET: JOHNSON, GERALD | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4757 | 4/22/2025 | 00004787 | RET: KENNEDY, GARY E | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4758 | 4/22/2025 | 0005356 | RET: KEY, ANDREW | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,011.40 | 1,011.40 |
| | Voucher: | | | | | | | |
| 4759 | 4/22/2025 | 0011111 | RET: KOOMEN, SHERI L. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4760 | 4/22/2025 | 0009946 | RET: LEFEVER, STEVEN A. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 200.00 | 200.00 |
| | Voucher: | | | | | | | |
| 4761 | 4/22/2025 | 00004789 | RET: LILLEY, RAYMOND E | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4762 | 4/22/2025 | 0012707 | RET: LLOYD, BRUCE W. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4763 | 4/22/2025 | 0012927 | RET: LONG, PENG | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4764 | 4/22/2025 | 0005633 | RET: LOPEZ, ALFONSO | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 590.37 | 590.37 |
| | Voucher: | | | | | | | |

Bank : efbotw BANK OF THE WEST EFT (Continued)

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 4765 | 4/22/2025 | 0006511 | RET: LOPEZ, RAMON A. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4766 | 4/22/2025 | 0009453 | RET: LOPEZ, VERONICA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4767 | 4/22/2025 | 0013398 | RET: MARIN, SANDRA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4768 | 4/22/2025 | 0007656 | RET: MATSUKIYO, DAVID | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4769 | 4/22/2025 | 0014276 | RET: MCEVILLY, DEBORAH | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| | Voucher: | | | | | | | |
| 4770 | 4/22/2025 | 0013777 | RET: MONTANEZ JR., ABELIN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| | Voucher: | | | | | | | |
| 4771 | 4/22/2025 | 00003328 | RET: MOSBY, DOROTHEA S | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 185.08 | 185.08 |
| | Voucher: | | | | | | | |
| 4772 | 4/22/2025 | 0011895 | RET: MUNOZ, ALFREDO | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4773 | 4/22/2025 | 00003239 | RET: NASSAR, SAMI R | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 200.00 | 200.00 |
| | Voucher: | | | | | | | |
| 4774 | 4/22/2025 | 0014639 | RET: O'MALLEY, DEREK | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4775 | 4/22/2025 | 0012468 | RET: ORTIZ, JULIAN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 768.52 | 768.52 |
| | Voucher: | | | | | | | |
| 4776 | 4/22/2025 | 0012467 | RET: PATINO, IGNACIO M. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4777 | 4/22/2025 | 0011522 | RET: PELLERIN, ROBERT | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4778 | 4/22/2025 | 00005237 | RET: PEREZ, SUSAN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4779 | 4/22/2025 | 0010733 | RET: PIXLER, DAVID | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4780 | 4/22/2025 | 00004794 | RET: POWELL, ROBERT K. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4781 | 4/22/2025 | 0006326 | RET: RAMIREZ, VIRGINIA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |

Bank : efbotw BANK OF THE WEST EFT (Continued)

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 4782 | 4/22/2025 | 0006327 | RET: RASCO, ANGELA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4783 | 4/22/2025 | 0011967 | RET: RIVERA, FRANK J. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 786.34 | 786.34 |
| | Voucher: | | | | | | | |
| 4784 | 4/22/2025 | 0011978 | RET: RIVERA, HANNAH TELL | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 786.34 | 786.34 |
| | Voucher: | | | | | | | |
| 4785 | 4/22/2025 | 0012837 | RET: RODRIGUEZ, ANNA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4786 | 4/22/2025 | 0012682 | RET: RUIZ, NELLIE | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4787 | 4/22/2025 | 0011112 | RET: SALDIVAR, MARIO M. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4788 | 4/22/2025 | 0013274 | RET: SAUCEDO NEVAREZ, L | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4789 | 4/22/2025 | 0009865 | RET: SCHRADER, GEORGE I | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,331.00 | 1,331.00 |
| | Voucher: | | | | | | | |
| 4790 | 4/22/2025 | 0011521 | RET: SCOTT, DAVID | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| | Voucher: | | | | | | | |
| 4791 | 4/22/2025 | 0013273 | RET: SEKIYA, JONATHAN M | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,086.55 | 1,086.55 |
| | Voucher: | | | | | | | |
| 4792 | 4/22/2025 | 00000458 | RET: SEWELL, ELAINE | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4793 | 4/22/2025 | 00000459 | RET: SEWELL, KENNETH R | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4794 | 4/22/2025 | 0006513 | RET: SHETTER, RANDOLPH | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| | Voucher: | | | | | | | |
| 4795 | 4/22/2025 | 00000869 | RET: SMITH, CHARLES R | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4796 | 4/22/2025 | 00004796 | RET: SPEELMAN, PATRICIA L | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4797 | 4/22/2025 | 00002147 | RET: SPROWLS, KENNETH C | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| | Voucher: | | | | | | | |
| 4798 | 4/22/2025 | 0008313 | RET: SULLIVAN, DARREN | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,011.40 | 1,011.40 |
| | Voucher: | | | | | | | |

**Bank : efbotw BANK OF THE WEST EFT** (Continued)

| Check # | Date | Vendor | | Invoice | Inv Date | Description | Amount Paid | Check Total |
|---|---|---|---|---|---|---|---|---|
| 4799 | 4/22/2025 Voucher: | 0006512 | RET: TATTI, WILLIAM P. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| 4800 | 4/22/2025 Voucher: | 0012960 | RET: TAYLOR, TOM C. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| 4801 | 4/22/2025 Voucher: | 0014457 | RET: TEEPLES, JAMES | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |
| 4802 | 4/22/2025 Voucher: | 0014524 | RET: TIMOTEO, VINEULA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| 4803 | 4/22/2025 Voucher: | 0014403 | RET: TORRES, DAVID E | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 200.00 | 200.00 |
| 4804 | 4/22/2025 Voucher: | 0012959 | RET: TREJO, RAMONA M | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| 4805 | 4/22/2025 Voucher: | 0014379 | RET: URTEZ, YOLANDA | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| 4806 | 4/22/2025 Voucher: | 00003573 | RET: VAN LIEROP, MARTIN G | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 426.70 | 426.70 |
| 4807 | 4/22/2025 Voucher: | 0013776 | RET: VARGAS, ALEX J. | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 300.00 | 300.00 |
| 4808 | 4/22/2025 Voucher: | 00003959 | RET: WADE, RICHARD | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 306.00 | 306.00 |
| 4809 | 4/22/2025 Voucher: | 0007655 | RET: WELLS, GREGORY | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 768.52 | 768.52 |
| 4810 | 4/22/2025 Voucher: | 00004379 | RET: WHALEN, HARVEY | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 150.00 | 150.00 |
| 4811 | 4/22/2025 Voucher: | 00000498 | RET: WILLIAMS, GALE M | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 250.00 | 250.00 |
| 4812 | 4/22/2025 Voucher: | 0008821 | RET: WILLIAMS, TIMOTHY | APR 2025 | 4/8/2025 | APR 2025- RETIREE MEDICAL IN | 1,507.78 | 1,507.78 |

**Sub total for BANK OF THE WEST EFT:** 60,259.59

**99 EFTs in this report.**

**Grand Total All EFTs:** 60,259.59

# WARRANT REGISTER SUMMARY
# CITY COUNCIL MEETING OF 4/22/2025

| | | |
|---|---|---|
| TOTAL PART I - PREPAID CHECKS (4/2/2025) | | 207,430.49 |
| TOTAL PART II - PREPAID CHECKS (4/9/2025) | | 1,164,803.44 |
| TOTAL PART III - PAYROLL- RELATED CHECKS | | 57,834.24 |
| TOTAL PART IV - ACCOUNTS PAYABLE CHECKS & WIRE TRANSFERS | | 528,013.25 |
| TOTAL PART V - PAYROLL- RELATED WIRE TRANSFERS | | 1,506,631.93 |
| TOTAL PART VI - ACCOUNTS PAYABLE EFTs | | 60,259.59 |
| | SUB - TOTAL | 3,524,972.94 |
| LESS: VOIDS | | 0.00 |
| LESS: EMPLOYEE PAYROLL DEDUCTIONS | | (612,163.86) |
| | GRAND TOTAL | 2,912,809.08 |

## SOUTH GATE CITY COUNCIL
## WARRANT APPROVAL AND CANCELLATION

Warrant Number **109729** to Warrant Number **109893** inclusive, plus WireTransfers and EFTs totaling **$2,912,809.08** as listed on the accompanying Accounts Payable Warrant Register of **APRIL 22, 2025** are approved as presented, with the exception of the following voided and replacement warrants:

| Voided Check Number | Vendor | Check Date | Amount | Reason for Void or Replacement |
|---|---|---|---|---|
| 109830 | OFFICE DEPOT | 4/22/2025 | $0.00 | A PORTION OF THE REMITTANCE DETAIL FOR THE VENDOR CARRIED OVER TO CHECK# 109831 |
| | **TOTAL OF VOIDED CHECKS** | | **$0.00** | |
| | | | | |
| | NONE | | | |
| | *** TOTAL OF REPLACEMENT CHECKS** | | **$0.00** | |

* Replacement checks reported in previous warrant registers have no impact to the grand total.

INTERIM DIRECTOR OF ADMINISTRATIVE SERVICES

Pursuant to action of the City Council on **APRIL 22, 2025** at a regular or adjourned meeting, the City Treasurer was ordered to pay and/or cancel the above warrants, wire transfers & ETFs, as approved.