



TUESDAY, MAY 9, 2017
701 East Carson Street, Carson, CA 90745
Helen Kawagoe Council Chambers, 2nd Floor
6:30 p.m.

**MINUTES
REGULAR MEETING OF THE
PLANNING COMMISSION**

Members:

De Shon Andrews	Chair Louie Diaz	Uli Fe'esago
Sharon Guidry	Ray Madrigal	Michael Mitoma
Vice-Chair Ramona Pimentel	Barbara Post	Charles Thomas

Alternates:

Jane Osuna	Christopher Palmer	Myla Rahman
------------	--------------------	-------------

Staff:

Planning Naaseh	Manager	Assistant City Attorney Neumeyer	Senior Planner Rojas
--------------------	---------	-------------------------------------	----------------------

"In accordance with the Americans with Disabilities Act of 1990, if you require a disability related modification or accommodation to attend or participate in this meeting, including auxiliary aids or services, please call the Planning Department at 310-952-1761 at least 48 hours prior to the meeting." (Government Code Section 54954.2)

1. CALL TO ORDER

The meeting was called to order at 6:39 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Thomas led the Salute to the Flag.

3. ROLL CALL

Planning Commissioners Present: Andrews, Fe'esago, Guidry, Madrigal, Mitoma, Pimentel, Post, Thomas

Planning Commissioners Absent: Diaz (excused)

Planning Commission Alternates Present: Osuna

Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Neumeyer, Senior Planner Rojas, Associate Planner Alexander, Recording Secretary Bothe

4. ORAL COMMUNICATION FOR MATTERS NOT ON THE AGENDA

The public may at this time address the members of the Planning Commission on any matters within the jurisdiction of the Planning Commission. No action may be taken on non-agendized items except as authorized by law. Speakers are requested to limit their comments to no more than three minutes each, speaking once.

Monique Rose Thomas, resident, expressed her disappointment that the new Forever 21 Red store at the mall does not have clothing for children.

5. CONSENT CALENDAR

A) APPROVAL OF MINUTES - April 11, 2017

Commissioner Madrigal moved, seconded by Commissioner Andrews, to approve the April 11, 2017, Minutes as presented. Motion carried, 8-0 (Post abstained; absent Diaz).

5. CONSENT CALENDAR

B) Design Overlay Review No. 1579-15 and Variance No. 557-15

Applicant's Request:

The applicant, Ralph Deppisch, is requesting a one-year extension to construct a new 47,920-square-foot neighborhood retail center on a property zoned SP-2-CN (Specific Plan No. 2, Neighborhood Commercial). The property is located at 1281 University Drive.

Staff Report and Recommendation:

That the Planning Commission APPROVE a one-year extension of Design Overlay Review No. 1579-15 and Variance No. 557-15 for the construction of a new 47,920-square-foot neighborhood retail center located at 1281 University Drive.

Planning Commission Decision:

Commissioner Madrigal moved, seconded by Commissioner Andrews, to approve the one-year extension, adopting Resolution No. 17-2603. Motion carried, 9-0 (absent Diaz).

6. CONTINUED PUBLIC HEARING

**A) Design Overlay Review No. 1551-14 and
Conditional Use Permit No. 960-14**

Applicant's Request:

The applicant, Bijan Radnia, is requesting to construct a new 3,510-square-foot convenience store with associated site improvements and allow alcoholic beverage sales at an existing Shell auto service station located in the CG-D (Commercial General – Design Overlay) zoning district. The property is located at 21633 Wilmington Avenue.

Staff Report and Recommendation:

Associate Planner Alexander presented staff report and the recommendation to APPROVE the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolution; and ADOPT Resolution No. 17-2604, approving Design Overlay Review No. 1551-14 to construct a new 3,510-square-foot convenience store

with related site improvements at an existing Shell auto service station and Conditional Use Permit (CUP) No. 960-14 to allow alcoholic beverage off-sales at a property located at 21633 Wilmington Avenue.

Bijan Radnia, applicant, distributed to the Commission a letter from the adjacent Samoan church pastor indicating their support of Mr. Radnia's request. He advised that the consumption of gas is coming down due to alternative fuel vehicles; and pointed out that it is now rare to see a new gas station being built, noting that a lot of stations have been closed in the last decade. He advised that the oil companies are being more selective in choosing which stations will continue to keep their Shell brand; that he needs to improve/upgrade the image of his station; and that he has secured a large loan for these building/landscaping improvements, but stated that in order to operate successfully, it is imperative for him to be able to be competitive with other convenience stores that sell beer/wine. He stated that the liquor store next door is very busy and that the liquor store customers park on his property due to the limited parking at the liquor store site.

Anh Tran advised that his parents own the liquor store next door to this applicant; and noted his opposition to the applicant's request, stating there is already enough liquor being sold in this immediate area.

Charles Cho distributed another letter from the same Samoan church pastor indicating they do not support the applicant's request; and he echoed Mr. Tran's comments.

Diane Cervantes, resident, stated that she lives nearby and noted her opposition to another business selling liquor in this area; and she commented on the vehicle break-ins in this area from the vagrants, believing they purchase alcohol with their stolen funds. She added that the liquor store next door has been held up and the clerk had been shot. She questioned if liquor store clerks adequately check for proper age identification from those buying alcohol.

Ladarian Hines, resident, noted his opposition to another business selling alcohol near this intersection.

Jane Besler, owner of the liquor store across the street, noted her opposition to the over-saturation of liquor licenses in this immediate area; and she questioned if this sets a precedent for other areas in the city having a concentration of alcohol sales.

John Hong stated that he used to own/operate a liquor store across the street from City Hall, stating that the city forced him out of his building because of a new development; advised that he was not able to find a new location for his business in Carson; and noted his opposition to more alcohol sales near this intersection.

Nakia Hines, resident, noted her opposition to more liquor sales in this immediate area; and commented on large businesses pushing out small businesses.

Faitasia Higgins, resident, stated that the liquor stores in this area close around 10:30 p.m., noting her concern with drunk drivers buying alcohol late in the evening.

Marie Jaurin, property owner across the street, stated that her shopping center has a liquor store and that she is opposed to another business selling liquor in this area. She stated that her shopping center has experienced three break-ins in the last two weeks.

Mr. Bijan noted for Commissioner Mitoma that he needs the Planning Commission approval prior to applying for the beer/wine license from Alcohol Beverage Control (ABC). He pointed out that his prices will be higher than the two full-alcohol licensed liquor stores next door and across the street; and confirmed that he will only be selling beer/wine, no hard liquor. He pointed out that the two existing businesses which sell alcohol in this area are only opposed to his request because they don't want any competition, stating that he should be able to do business on a level playing field. He noted that once he obtains approval from the Planning Commission, he will apply for a beer/wine license from ABC; and he stated that he'd like to improve the aesthetics of his property.

Associate Planner Alexander clarified that the DOR is for approval of the new convenience store, and the CUP is to allow the applicant to sell beer/wine should he obtain a Type 20 license; and she pointed out that his beer/wine sales would be limited/incidental to his convenience store sales.

Planning Manager Naaseh confirmed that ABC will not approve any permit unless the applicant has an approved CUP from the City.

Mr. Radnia stated that he has been doing business in Carson for 28 years; pointed out that he is a small business owner; explained that Shell stringently regulates its station owners, noting that they do not make a lot of money on gasoline sales; and he added that the cash registers will be equipped with a program that will scan the customers' identification and that the sale of beer/wine will not be possible if the cash register computer program rejects the I.D. He added that if he sold beer/wine to an underaged customer, he would lose his ABC license and the Shell business branding.

Commissioner Thomas pointed out that staff report should indicate the Planning Commission, at its prior meeting, recommended reduced/restricted floor area for alcohol display to 200 square feet. He commented on the possibility of restricting window signage.

Assistant City Attorney Neumeyer clarified for Commissioner Thomas that the City can restrict window signage altogether, but that it cannot regulate which advertisements can be displayed in the window.

Commissioner Osuna asked the applicant if he will go ahead with the improvements if the CUP is denied for beer/wine sales.

Mr. Radnia explained that it would not be a financially viable project without the beer/wine sales to help pay back his large loan for the improvements, reiterating that his fuel sales are going down each day due to the increase in alternative fuel vehicles. He stated that he needs all the help he can get to make this a successful project. He explained that people typically like the convenience of a one-stop shop to get their fuel and purchase some goods inside the store. He stated that if he does not have

beer/wine sales, he will lose customers to another station that does have beer/wine sales, such as the Chevron on 223rd Street.

Planning Manager Naaseh explained that certain findings need to be made to approve or deny a CUP, noting that staff has not discovered any findings for denial; therefore, if the Commission were to deny the CUP, the Commission would have to make a finding to support any denial.

Assistant City Attorney Neumeyer stated that the City's code states that the Planning Commission shall approve a CUP if it is able to make affirmative findings based on the following criteria:

- a. The proposed use and development will be consistent with the General Plan.
- b. The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development.
- c. There will be adequate street access and traffic capacity.
- d. There will be adequate water supply for fire protection.
- e. The proposed use and development will be compatible with the intended character of the area.
- f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

Assistant City Attorney Neumeyer added that if the CUP were to be denied, the Commission would need to find substantial evidence that supports findings which don't meet one of the conditions above.

Commissioner Madrigal expressed his belief there is an over-saturation of liquor licenses around this intersection, asking if the Commission is permitted to look at the concentration of alcohol licenses in the area.

Planning Manager Naaseh stated no, the Commission may not use over-saturation of liquor licenses as a finding because the City's code as currently written does not limit the number of alcohol licenses in any one area; and advised that Carson is at approximately 70 percent of its maximum allowable ABC licenses permitted within a city. He mentioned that cities routinely exceed the maximum allowed by ABC through exceptions. He reiterated that Carson does not have any other mechanism in place to limit the number of liquor licenses in the city or within a concentrated area.

Commissioner Madrigal expressed his belief that approximately a quarter of Carson's liquor licenses are located in east Carson and that this should be considered a finding.

Planning Manager Naaseh reiterated that concentration of licenses is currently not a finding in the City's code, but suggested that when the General Plan is updated, that the issue of concentration of licenses could be considered.

Assistant City Attorney Neumeyer explained for Commissioner Fe'esago that as long as he does not have a financial interest in a case being presented to the Planning Commission for consideration, he is able to participate in the approval process.

Commissioner Fe'esago pointed out that we consumers go to convenience stores when we put fuel in our vehicles and typically go inside to pay for the gas and purchase other goods, such as a six-pack of beer. He stated that this business operator should have the same opportunity to compete in business as those currently in the area, noting he does not see any issue with the limited sale of beer/wine at this location.

Commissioner Andrews asked for clarification on the current liquor/convenience store moratorium and its impact, if any, on this request.

Planning Manager Naaseh explained that the City made it clear in the convenience store portion of the moratorium/code that the City would allow existing businesses to do whatever they needed to do to expand their businesses to survive; and stated that was one of the principles in the City's decision to amend the code, which was done, allowing the expansion of this use.

Commissioner Andrews asked what the Commission can legally do if it believes this area is over-saturated with alcohol licenses.

Assistant City Attorney Neumeyer stated that the only restriction for alcohol sales currently in the City's code would be if the business were located within 300 feet of a school, pointing out it was investigated and confirmed there is no school within 300 feet of this site. He pointed out that Sunday school classes do not fall into the definition of school.

Commissioner Guidry pointed out that the beer/wine sales is permitted by code and the Commission is bound by the findings of the code, which this project has met and is consistent with those findings; and that there are no findings and no basis to support a denial of the CUP, pointing out it was confirmed there is no school within 300 feet of this site. She mentioned that the Commission can support Commissioner Thomas' recommendation that the display area for beer/wine be limited to 200 square feet; and pointed out that the First Amendment does not allow the City to regulate the content of store advertisements.

There being no further input, Vice-Chair Pimentel closed the public hearing.

Planning Commission Decision:

Commissioner Mitoma moved, seconded by Vice-Chair Pimentel, to approve the applicant's request as presented, limiting the beer/wine sales area to 200 square feet. (This motion ultimately carried.)

By way of a substitute motion, Commissioner Madrigal moved, seconded by Commissioner Post, to deny the applicant's request to sell beer and wine, Conditional Use Permit No. 960-14. This motion failed as follows:

AYES: Madrigal, Post, Thomas
NOES: Andrews, Fe'esago, Guidry, Mitoma, Osuna, Pimentel
ABSTAIN: None
ABSENT: Diaz

The motion carried to approve the applicant's request for Design Overlay Review No. 1551-14 and Conditional Use Permit No. 960-14; moved to limit the beer/wine display to 200 square feet; and to adopt Resolution No. 17-2604 as follows:

AYES: Andrews, Fe'esago, Guidry, Mitoma, Pimentel, Thomas
NOES: Madrigal, Osuna, Post
ABSTAIN: None
ABSENT: Diaz

7. PUBLIC HEARING

A) Zone Text Amendment No. 24-16

Applicant's Request:

The applicant, Becker Boards Small, LLC, is requesting to consider a zone text amendment modifying Section 9146.7.A. (Outdoor Advertising Signs) creating a SR-91 Freeway Corridor for outdoor advertising signs ("Billboards"). The property involved is the portion of the SR-91 Freeway that directly abuts the north side of the SR-91 Freeway, is zoned ML-D between Avalon Boulevard and Central Avenue located at APN 7319-033-064.

Staff Report and Recommendation:

Assistant Planner Alexander presented staff report and the recommendation for APPROVAL of the proposed project subject to the conditions of approval attached as Exhibit "B" to the Resolution; and ADOPT Resolution No. 17- , entitled, "A Resolution of the Planning Commission of the city of Carson recommending to the City Council to consider approval of Zone Text Amendment to the Carson Municipal Code Section 9146.7.a, Outdoor Advertising Signs, establishing a SR-91 Freeway corridor for outdoor advertising signs."

Joseph White, applicant, explained that this billboard is restricted to the north side of the freeway, noting that is an industrial site; and advised that the only residents on the north side of the freeway are to the west of their site on Avalon Boulevard, with heavy industrial obstructing the visibility of this sign from the residents. He explained that they have taken every measure/precaution to protect the neighbors from seeing this sign and that they believe this sign will not be detrimental to the surrounding community. He added that only one resident showed up to their community meeting; advised that they have been communicating with that resident to address his concern with ambient lighting from this sign; and he confirmed for this resident that he will not be able to see this sign or its lighting from his house, including from his second story. He added that this billboard will not be visible from any of the residential homes; and advised that the City's contracted/independent consultant performed a light study and concluded there

will be no ambient light pollution to the residents, reiterating the City hired its own independent group to study this proposal to make sure there were no issues of concern for the residents to the south.

James June stated that his business is located directly next to this property; stated he is concerned that he will not be able to operate his business while the electrical work for this billboard will be done on his property; and expressed his concern that this billboard will be hanging over his building.

Mr. White advised that he made numerous attempts to stay in contact with this adjoining business, but noted that they were not returning his calls; and as a result, his company has decided to spend the extra money to completely do the electrical work on their own property, away from Mr. June's business; and advised that Mr. June's business will not be impacted at all by the construction activity. He explained that Edison's preference is to run the shortest electrical lines possible to any new source of power and that it is not uncommon to be granted an easement to perform this work with adjacent land owners; but he reiterated that they will spend the extra money to pull the electrical from the north part of their own property from Walnut and route the electrical run all the way down, noting it will be four times longer to keep the construction activity from impacting Mr. June's business activities. He stated that Mr. June's business sits to the east and that the billboard will not be overhanging, which was an inaccurate statement by Mr. June; and that the billboard will be completely located on the 840 Walnut site. He reiterated that they did everything they could to resolve any concerns with this project directly with the neighboring business; and he mentioned that the construction work typically takes 5 days.

Commissioner Guidry commented on the past attempts to limit/reduce the number of billboards in Carson, questioning if there has been a shift in those plans; and she expressed her belief there is an overconcentration of billboards in Carson.

Mr. White advised that the state has enacted legislation for landscaped freeways and outdoor advertising along the state's freeways in order to control the proliferation of signs/billboards; and stated that the only place a billboard can be erected today is along a non-landscaped portion of the 91 Freeway. He added that because of Carson's current code to restrict the spacing of billboards in both directions to 1,000 feet, this site will be the only opportunity for a billboard on this stretch of the 91 Freeway because it runs into a landscaped freeway as you go east of their site; and as you go west of the Avalon corridor, the code only allows billboards between Avalon and Central, so there is no possibility of an additional billboard. He stated that in order for another billboard to be erected, that area would have to be declassified by Caltrans.

Commissioner Guidry stated that this stretch was a landscaped area at one time and declassified by Caltrans, stating that other areas can be declassified; and expressed her concern with blight and how bad it makes this city appear from the freeways versus when traveling through other cities that have landscaping and no billboards along the freeways.

Commissioner Thomas noted his concern with freeway billboard advertisements distracting drivers.

Planning Manager Naaseh stated that the ordinance as proposed allows only one billboard; and advised that Caltrans has performed extensive studies to put safety standards in place that controls billboard lighting, changing/timing of display advertisements, noting a display/advertisement should remain on screen for a minimum of 8 seconds.

Commissioner Mitoma expressed his belief that billboards are a blight on a community and noted his opposition to supporting these businesses.

Mr. White commented on the difficulty with declassifying a landscaped freeway; noted that Governor Brown mandated that Caltrans was no longer allowed to replant the landscaping during the drought; and explained now that the drought is over, Caltrans will be replanting and any potential for declassifying will be eliminated. He mentioned that they are a small business; that they also cater to the needs of local businesses for billboard displays, offering discounts to the community; advised that they participate in the community, reaching out to schools and advertising community events, etc.; advised that they have a Development Agreement (DA) with Carson; and that they will be paying substantially more than any other DA in place.

Planning Manager Naaseh explained that while Caltrans can declassify a landscaped part of the freeway in Carson, it is still the City's prerogative to control the installation of billboards along the freeway.

Vice-Chair Pimentel closed the public hearing.

Planning Commission Decision:

Commissioner Post moved, seconded by Commissioner Mitoma, to deny the applicant's request. Motion carried, 9-0 (absent Diaz).

8. MANAGER'S REPORT

Planning Manager Naaseh stated that the upcoming General Plan update should include the possibility of limiting the concentration of alcohol licenses in one area, pointing out that the entire community will be invited to participate in this lengthy process; and noted his anticipation of bringing the General Plan contract for approval to the first City Council meeting in June.

9. COMMISSIONERS' ORAL COMMUNICATIONS

Associate Planner Alexander noted for Commissioner Mitoma that there are currently 8 static freeway-oriented billboards in Carson along the 91 Freeway and 21 billboards along the 405 Freeway.

Commissioner Fe'esago thanked and commended Assistant City Attorney Neumeyer for conducting the informative AB 1234 Ethics training last week.

Vice-Chair Pimentel thanked and commended Assistant City Attorney Neumeyer on the interesting AB 1234 Ethics training session last week; and she thanked everyone for

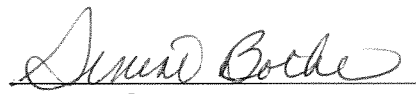
helping guide her through running this evening's meeting during Chairman Diaz' absence.

10. ADJOURNMENT

At 8:43 p.m., the meeting was formally adjourned to Tuesday, May 23, 2017, 6:30 p.m., Helen Kawagoe City Council Chambers.


Chairman

Attest By:


Secretary