



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: August 12, 2008  
SUBJECT: Conditional Use Permit No. 679-07  
APPLICANT: Hamid Pournamdari  
P.O. Box 1627  
Redondo Beach, CA 90278  
REPRESENTATIVE: Manuel / Tanya Lam  
4632 W. 130<sup>th</sup> St.  
Hawthorne, CA 90250  
REQUEST: To permit the sale of alcoholic beverages at a proposed two-story commercial center on a vacant property in the CN (Commercial, Neighborhood) zoned district.  
PROPERTY INVOLVED: 23601 S. Avalon Boulevard

### COMMISSION ACTION

Concurred with staff  
 Did not concur with staff  
 Other

### COMMISSIONERS' VOTE

| AYE | NO |                   | AYE | NO |         |
|-----|----|-------------------|-----|----|---------|
|     |    | Chairman Faletogo |     |    | Saenz   |
|     |    | Cannon            |     |    | Verrett |
|     |    | Graber            |     |    |         |

**Item 11D**

## I. Introduction

### *Applicant*

- Hamid Pournamdari; P.O. Box 1627; Redondo Beach, CA 90278

### *Property Owner*

- Same as applicant

### *Representative*

- Manuel / Tanya Lam; 4632 W. 130<sup>th</sup> Street; Hawthorne, CA 90250

### *Project Address*

- 23601 S. Avalon Boulevard

### *Project Description*

- To allow the sale of alcoholic beverages for consumption off the premises where sold at a proposed retail center in the CN (Commercial, Neighborhood) zone district. The applicant has requested approval for a Type 21 license from the Department of Alcoholic Beverage Control (ABC) to allow for the off sale of beer, wine and distilled spirits.
- Pursuant to Section 9131.1 and Section 9138.5 of the Carson Municipal Code, a conditional use permit is required for alcohol sales involving a Type 20 (off sale beer and wine) or Type 21 (off sale beer, wine and distilled spirits) license.

## II. Background

### *Location/Site Characteristics/Existing Development*

- The subject property is located at 23601 S. Avalon Boulevard and is currently vacant.
- Adjacent to the subject property is a commercial shopping center to the north, single family to the south, and multi-family developments to the east across Avalon Boulevard and west across Idabel Avenue.
- The property is irregularly-shaped. The lot is approximately 154 feet in length and the maximum width is 140 feet, with a total lot area of 21,190 square feet.

### *Previous Uses of Property*

- The property is currently vacant. City records indicate previous uses included gas stations with the earliest permits dating back to 1964. A building permit to demolish the gas station was approved in 1998.
- Conditional Use Permit No. 679-07 was continued indefinitely at the September 27, 2007 Planning Commission meeting to allow the applicant to confirm a tenant proposing alcohol sales. Design Overlay Review No. 958-06 and Variance No. 485-06 were approved on September 25, 2007 for a two-story commercial building with a reduced front yard setback.



### *Proposed Use*

- The tenant proposing alcohol sales is the project applicant. Staff requested information on the applicant's previous experience in alcohol sales. The applicant indicated that he had conducted beer and wine sales (Type 20 license) for 5 years at a gas station in Hawthorne. It is unclear whether or not the applicant has direct experience in alcohol sales since the ABC license appears to be in a family members name (Exhibit 1).
- The project is proposed to include 420 square feet of beer, wine and distilled beverage sales on the first floor of the 1,680-square-foot commercial center.
- The proposal includes the following discretionary request:
  - *Conditional Use Permit*: Per Section 9172.21, alcohol sales for a market or liquor store must be approved by the Planning Commission.

### *Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned CN (Commercial, Neighborhood) and properties to the north share the same Zoning designation of CN; adjacent properties to the south are zoned RS (Residential, Single-family); properties across both Avalon Boulevard and Idabel Avenue are zoned RM (Residential, Multi-family).
- The subject property has the General Plan land use designation of Neighborhood Commercial and the property to the north shares the same designation; properties to the south are designated Low-Density Residential; and properties to the east and west are designated Medium and High Density Residential.

### *Previously Approved Discretionary Permits*

- Design Overlay Review No. 322-85 and Variance No. 213-85: Site Plan and Design Review to convert an existing gas station into a self-service station with a reduced yard setback.
- Design Overlay Review No. 958-06 and Variance No. 485-06: Site Plan and Design Review to construct a commercial building with a reduced front yard setback.
  - A current grading permit application was filed in March of 2008. A building permit application for construction of the commercial building was submitted last year and expired in June of 2008. To begin construction, a new building permit application is required.
  - Design Overlay Review No. 958-06 and Variance No. 485-06 expire on September 25, 2008. To prevent the expiration of these permits, an extension of time application would have to be submitted prior to September 25, 2008.

### *Public Safety Issues*

- After consulting with the Public Safety Department, there have not been nor are there any current zoning code enforcement cases associated with this property. However, several crime prevention recommendations have been suggested for the site, which include a video surveillance system.



### III. Analysis

#### *Applicable Zoning Ordinance Regulations*

The following table summarizes the proposed project's consistency with current site development standards for the CN zone district and other zoning code sections applicable to this type of proposed use:

| <b>Applicable Zoning Ordinance Sections</b>                                                                 | <b>Compliance</b> | <b>Non-Compliance</b>                                                                              |
|-------------------------------------------------------------------------------------------------------------|-------------------|----------------------------------------------------------------------------------------------------|
| Section 9131.1 – Uses Permitted                                                                             |                   | Approval of a Conditional Use Permit is required and subject to the requirements of Section 9138.5 |
| Section 9133 – Conditional Use Criteria                                                                     |                   | See <i>Issues of Concern: Off-Site Beer and Wine Sales</i>                                         |
| Division 8 – Special Requirements for Certain Uses / Section 9138.5 (Alcoholic Beverage Sales and Services) |                   | See <i>Issues of Concern: Type 20 and Type 21 Off Sale Licenses</i>                                |
| Section 9172.21 – Conditional Use Permit                                                                    |                   | See <i>Issues of Concern: Type 20 and Type 21 Off Sale Licenses</i>                                |

#### *Required Findings: Conditional Use Permit*

Section 9172.21 (D) of the Carson Municipal Code (CMC) requires that the Planning Commission, by Resolution, render its approval for a Conditional Use Permit based on the ability to make affirmative findings concerning the following:

- 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; and



- f. Such other criteria as are specified for the particular use in other Sections of this Chapter.

In addition to the general criteria for the approval of a Conditional Use Permit, Section 9138.5 outlines special criteria and limitations as indicated below that shall be considered in acting upon a Conditional Use Permit to allow for alcoholic beverage sales in a commercial zone intended for off-site consumption:

- a. No off-sale business (incidental) shall be established within three hundred (300) feet of any school or park, and no off-sale business (primary) shall be established within three hundred (300) feet of any school, park or church. The distances set forth in the preceding sentence shall be determined by measuring from lot line to lot line;
- b. The total number of on-sale businesses shall not exceed 85; and
- c. The total number of off-sale businesses shall not exceed 70.

Based upon the information found in this Analysis section, all of the required findings pursuant to Section 9172.21(d), "Conditional Use Permit, Commission Findings and Decision" cannot be made in the affirmative. Specific details regarding the applicable findings and all other specific criteria identified for the discretionary permit is incorporated in the attached resolution.

*Issues of Concern: Off-Site Beer, Wine and Distilled Spirits Sales*

Although the City of Carson does not have any specific policies or additional municipal zoning code regulations that address issues other than proximity to sensitive land uses or the overall total number of these types of establishments, the Planning Commission may wish to discuss additional issues relative to off-sale alcohol businesses. For example:

- Overconcentration of alcohol sales;
- Hours of sale of alcohol;
- The sale of distilled spirits at a liquor store;
- The sale of single malt beverage cans/bottles; and
- Conditions to control and address alcohol-related incidents at the site.

As of February 2008, the City has twenty-three (23) Type 20 Licenses (off-sale beer and wine) and twenty-six (26) Type 21 Licenses (off-sale beer, wine and distilled spirits). Of the Type 21 Licenses, 11 licenses are for supermarkets and 15 licenses are for liquor store/food markets. Staff is concerned with the number of businesses with alcohol sales in proximity to the residential area surrounding the property (Exhibit No. 2) which include the Bargain Foods supermarket to the north (Type 21 license), a Valero gas station mini-market (Type 20 license) to the south, and Mundo Liquor & Market (Type 21 license) to the southwest. Staff believes additional alcohol



sales in the area would create a negative impact in the neighborhood (14 of these licenses were in existence prior to city incorporation).

Per Section 9131.1 of the Carson Municipal Code, alcoholic beverage sales and services are automatically allowed in department stores, supermarkets and restaurants located in a commercial zone. A conditional use permit is required for alcoholic beverage sales and services in variety stores, drug stores, mini-markets, drive-through markets, food or grocery stores (excluding supermarkets), take-out food establishments and liquor stores in commercial zones. Per the Municipal Code, supermarkets are defined as having a minimum floor area of 20,000 square feet.

Upon researching City records, it was noted that no new liquor stores have opened since the city incorporated in 1968. A review of all conditional use permit applications indicates that only one Type 21 (off sale beer, wine and distilled spirits) license was issued for a Smart & Final at 20410 Susana Road. Attached is a listing of all conditional use permit applications submitted since 1987 (Exhibit No. 3). As shown, there have been a number of Type 20 licenses approved for off sale beer and wine sales and only one Type 21 license approved for the Smart & Final. A number of applications for a Type 20 license have either been denied or withdrawn due to the expectation that the permit would be denied.

Crime statistics for Part 1 and Part 2 crimes from 2004 to 2008 have also been provided by the Sheriff's Department and have been mapped by the city's Geographic Information Systems Department (Exhibit No. 4). The maps show that among residential areas with higher concentrations of alcohol sales, such as Carson Street and the Presidential Tract, the area surrounding the proposed site has the highest concentration of reported crimes. Staff believes that this neighborhood is served with more than an adequate number of alcohol sales locations and that additional locations would be detrimental to the area.

The applicant does not have a building permit for the proposed building and there is concern that the project may not be completed or may be sold to another developer once entitlements are secured. It is staff's opinion that the applicant has not demonstrated sufficient justification to warrant the issuance of a Type 21 license (off-sale of beer, wine and distilled spirits).

In addition, a public hearing on September 27, 2007 regarding the proposed commercial center and alcohol sales at the site included testimony from nearby residents who expressed their concerns about the proposed alcohol sales (Exhibit No. 5). Their concerns included the proximity of additional alcohol sales to Catskill Avenue Elementary School and nearby multi-family developments.

#### IV. Environmental Review

Pursuant to Section 15332 of the California Environmental Quality Act (CEQA), the proposed sale of alcoholic beverages at a proposed commercial center is "Categorically Exempt".



**V. Conclusion**

The current proposal will not meet the criteria for approval of a conditional use permit for alcohol sales. Staff believes that the number of businesses with alcohol sales in the area, proximity to an elementary school and multifamily residential development, and concerns of the nearby residents make it difficult to support the proposed use. Statistics provided by the Sheriff's Department support this claim (Exhibit No. 2). However if the use is approved, the Sheriff's Department has recommended additional conditions of approval to address issues relating to alcohol sales.

**VI. Recommendation**

That the Planning Commission:

- DENY Conditional Use Permit No. 679-07; and
- WAIVE further reading and ADOPT Resolution No. \_\_\_\_\_, entitled "A Resolution of the Planning Commission of the City of Carson Denying Conditional Use Permit No. 679-07 for the sale of alcoholic beverages at a proposed commercial center located at 23601 South Avalon Boulevard."

**VII. Exhibits**

1. California Department of Alcoholic Beverage Control – License Query System Summary as of 8/5/08
2. Locations of ABC Licensees in the City of Carson map
3. Status of CUP Applications for ABC Off-Sale Licenses
4. 2004 – 2008 Part 1 and Part 2 Crimes map
5. Planning Commission Minutes for Design Overlay Review No. 958-06, Variance No. 485-06 and Conditional Use Permit No. 679-07 dated September 25, 2007
6. Land use map
7. Resolution
8. Site plan, elevations, floor plans (under separate cover)

Prepared by: Max Castillo  
Max Castillo, Assistant Planner

Reviewed by: John F. Signo  
John F. Signo, AICP, Senior Planner

Approved by: Sheri Repp-Loadsmann  
Sheri Repp-Loadsmann, Planning Manager





**California Department of Alcoholic  
Beverage Control**  
*License Query System Summary  
as of 8/5/2008*

|                                                                  |                                         |
|------------------------------------------------------------------|-----------------------------------------|
| <b>License Information</b>                                       |                                         |
| <b>License Number:</b> 352436                                    | <b>Status:</b> R65 SURRENDER            |
| <b>Primary Owner:</b> POURNAMDARI MOHAMMADRIZA                   |                                         |
| <b>ABC Office of Application:</b> LB/LAKEWOOD                    |                                         |
| <b>Business Name</b>                                             |                                         |
| <b>Doing Business As:</b> MOBIL MART                             |                                         |
| <b>Business Address</b>                                          |                                         |
| <b>Address:</b> 3950 W IMPERIAL HWY <b>Census Tract:</b> 6020.02 |                                         |
| <b>City:</b> HAWTHORNE <b>County:</b> LOS ANGELES                |                                         |
| <b>State:</b> CA <b>Zip Code:</b> 90303                          |                                         |
| <b>Licensee Information</b>                                      |                                         |
| <b>Licensee:</b> POURNAMDARI MOHAMMADRIZA                        |                                         |
| <b>License Types</b>                                             |                                         |
| 1) <b>License Type:</b> 20 - OFF-SALE BEER AND WINE              |                                         |
| <b>License Type Status:</b> R65 SURRENDER                        |                                         |
| <b>Status Date:</b> 09-APR-2001                                  | <b>Term:</b> 12 Month(s)                |
| <b>Original Issue Date:</b> 18-NOV-1999                          | <b>Expiration Date:</b> 31-OCT-2008     |
| <b>Master:</b> Y                                                 | <b>Duplicate:</b> 0 <b>Fee Code:</b> NA |
| <b>Condition:</b> OPERATING RESTRICTIONS                         |                                         |
| <b>Current Disciplinary Action</b>                               |                                         |
| ... No Active Disciplinary Action found ...                      |                                         |
| <b>Disciplinary History</b>                                      |                                         |
| ... No Disciplinary History found ...                            |                                         |
| <b>Hold Information</b>                                          |                                         |
| ... No Active Holds found ...                                    |                                         |
| <b>Escrow</b>                                                    |                                         |
| ... No Escrow found ...                                          |                                         |

- - - End of Report - - -

For a definition of codes, view our [glossary](#).

Exhibit No. 1



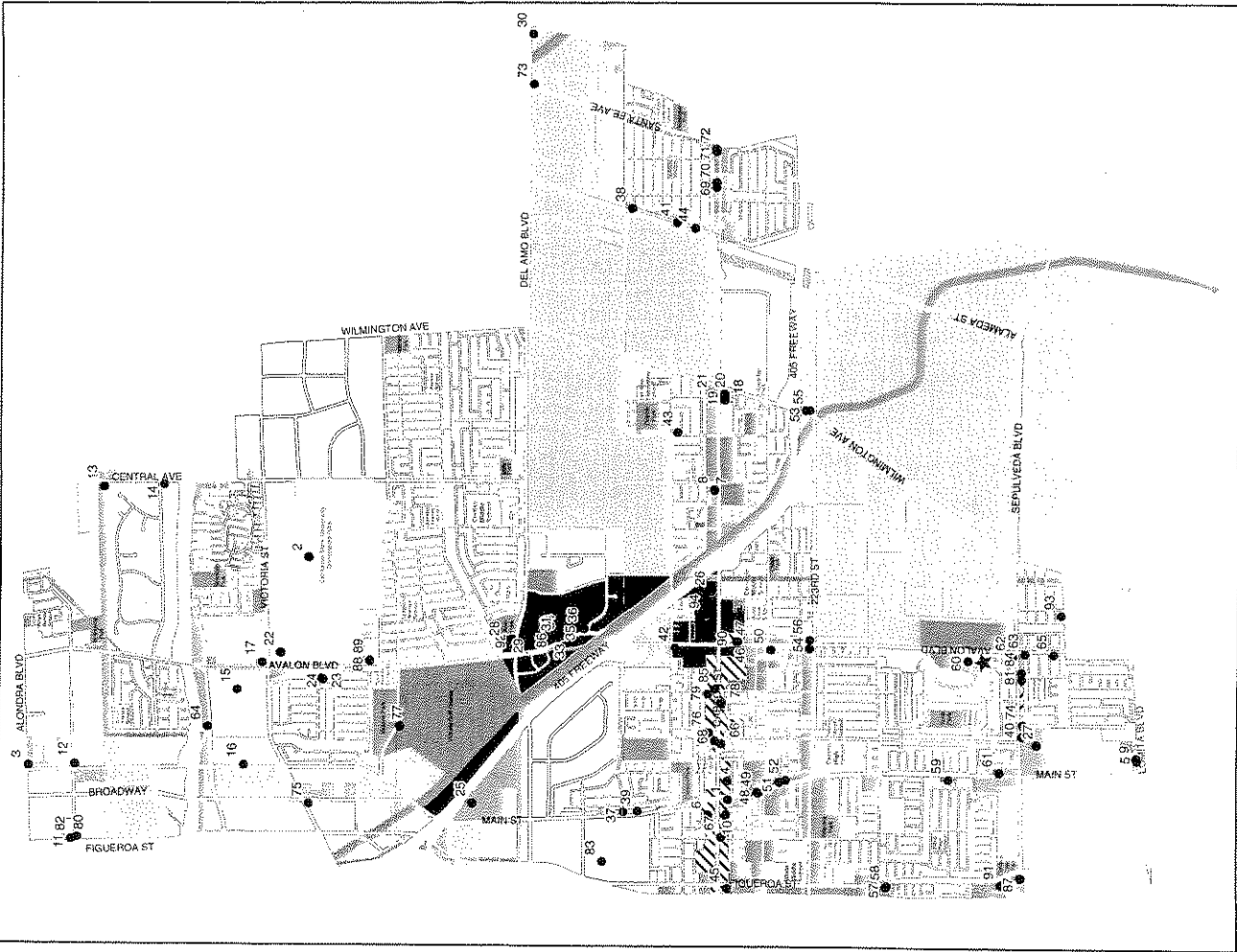


# Locations of ABC Licensees in the City of Carson

- Proposed Site
- ★ ABC Licensee
  - RESIDENTIAL, AGRICULTURAL
  - RESIDENTIAL, SINGLE-FAMILY
  - RESIDENTIAL, MULTI-FAMILY, 10-12 UNITS PER ACRE
  - RESIDENTIAL, MULTI-FAMILY, 14-25 UNITS PER ACRE
  - RESIDENTIAL, MULTI-FAMILY, 14-25 UNITS PER ACRE
  - MIXED USE, CARSON STREET
  - MIXED USE, SEPULVEDA BLVD
  - COMMERCIAL, NEIGHBORHOOD
  - COMMERCIAL, ALTERNATIVE
  - COMMERCIAL, GENERAL
  - COMMERCIAL, REGIONAL
  - MANUFACTURING, LIGHT
  - MANUFACTURING, HEAVY
  - OPEN SPACE
  - SPECIAL USE
  - SPECIFIC PLAN



| Number | Form Name                | Form Address          | Business Type        |
|--------|--------------------------|-----------------------|----------------------|
| 1      | CSUBH Foundation         | 1001 E Victoria St    | RESTAURANT/FAST FOOD |
| 2      | Jamba's Deli Market      | 104 E Alondra Blvd    | MARKET               |
| 3      | Alondra's Deli Market    | 110 E Carson St       | MARKET               |
| 4      | Bestway Supermarket #9   | 129-131 E Central Ave | MARKET               |
| 5      | Seaford City Supermarket | 151 W Carson St       | MARKET               |
| 6      | Seaford's Market & Deli  | 151 W Carson St       | MARKET               |
| 7      | Seaford's Market & Deli  | 151 W Carson St       | MARKET               |
| 8      | Jacob's Pizza House      | 150 E Central Ave     | RESTAURANT/FAST FOOD |
| 9      | CVS Pharmacy #8339       | 150 W Carson St       | PHARMACEUTICAL       |
| 10     | Paolo's Lino's Club      | 151 W Carson St       | NIGHT CLUB           |
| 11     | Seaford's Market & Deli  | 151 W Carson St       | MARKET               |
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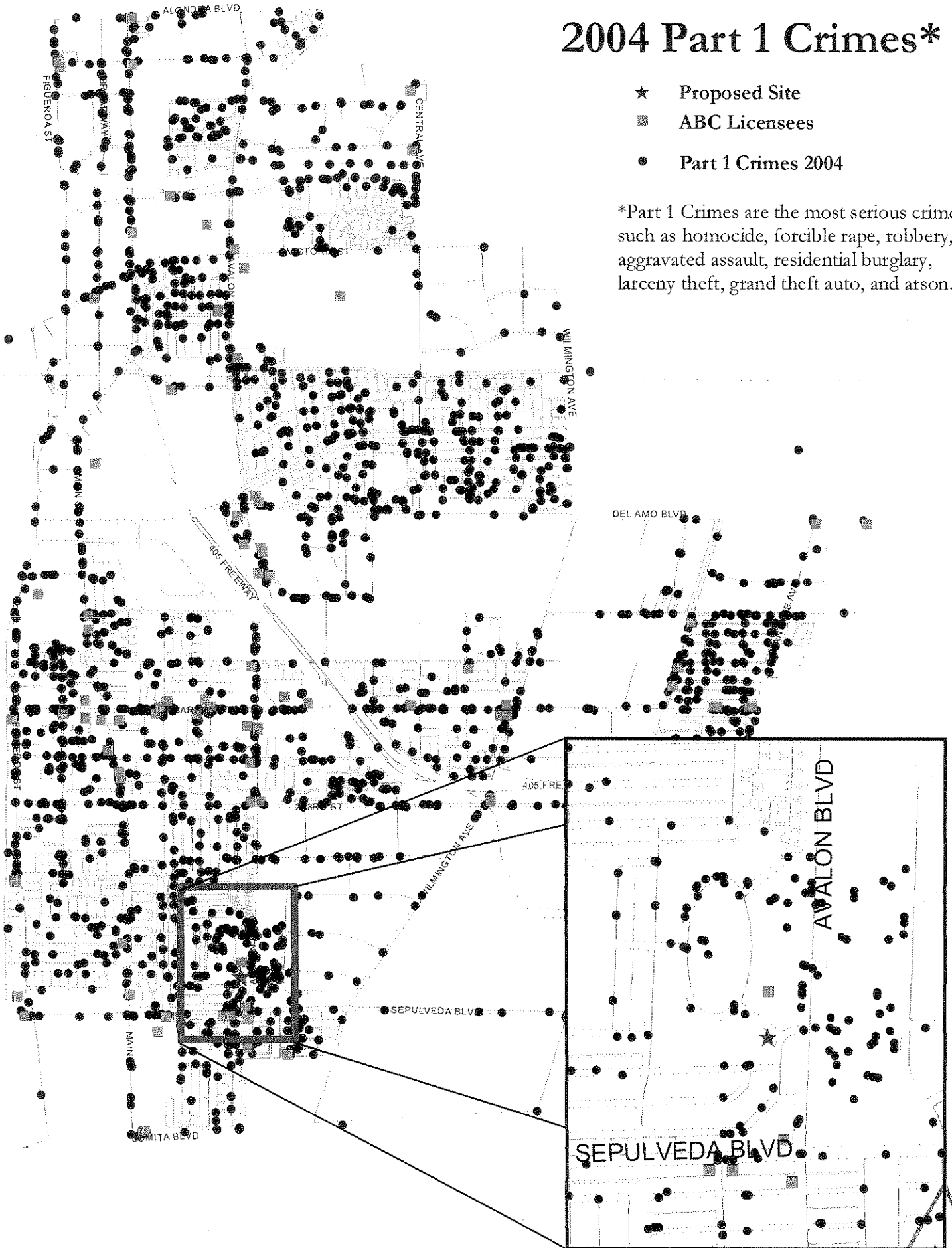
Status of CUP Applications for ABC Off-Sale Licenses

| CUP    | Description                                                                                                          | Address             | Permit Status |
|--------|----------------------------------------------------------------------------------------------------------------------|---------------------|---------------|
| 679-07 | Proposed liquor store/market                                                                                         | 23601 Avalon Blvd.  | Pending       |
| 636-06 | 7-11/gas station                                                                                                     | 1881 E. Del Amo     | Withdrawn     |
| 585-04 | Convenience store (Maya Market)                                                                                      | 21314 Martin Street | Approved      |
| 569-04 | Convenience store/gas station                                                                                        | 23825 S. Avalon     | Approved      |
| 560-03 | Liquor store/market (Mundo Market)<br>(Note: legal, nonconforming – CUP not required unless expansion or violations) | 510 E. Sepulveda    | Withdrawn     |
| 550-03 | ARCO AM/PM                                                                                                           | 241 Albertoni       | Approved      |
| 552-03 | ARCO AM/PM                                                                                                           | 23650 Alameda       | Expired       |
| 544-03 | Chevron/convenience store                                                                                            | 22222 Wilmington    | Approved      |
| 534-02 | Convenience store                                                                                                    | 22005 Avalon Blvd.  | Approved      |
| 517-01 | Chevron/convenience store                                                                                            | 20320 Avalon Blvd.  | Withdrawn     |
| 490-98 | Gas station/convenience store                                                                                        | 18523 Avalon Blvd.  | Denied        |
| 362-90 | Convenience store (Tambuli Market)<br>(store closed/building demolished)                                             | 22015 S. Main St.   | Expired       |
| 357-89 | Smart & Final (Type 21)                                                                                              | 20410 Susanna Rd.   | Approved      |
| 348-88 | Convenience store<br>(store closed/building demolished)                                                              | 22939 S. Avalon     | Approved      |
| 341-87 | Convenience store<br>(within 300 feet of park)                                                                       | 600 W. Sepulveda    | Withdrawn     |
| 329-87 | Circle K convenience store<br>(within 300 feet of school)                                                            | 18523 S. Avalon     | Withdrawn     |
| 330-87 | Circle K convenience store<br>(within 300 feet of school)                                                            | 23900 S. Avalon     | Withdrawn     |
| 326-87 | Circle K convenience store<br>(within 300 feet of school)                                                            | 22309 S. Main       | Denied        |
| 318-87 | 7-11 convenience store                                                                                               | 17920 S. Avalon     | Approved      |

# 2004 Part 1 Crimes\*

- ★ Proposed Site
- ABC Licenses
- Part 1 Crimes 2004

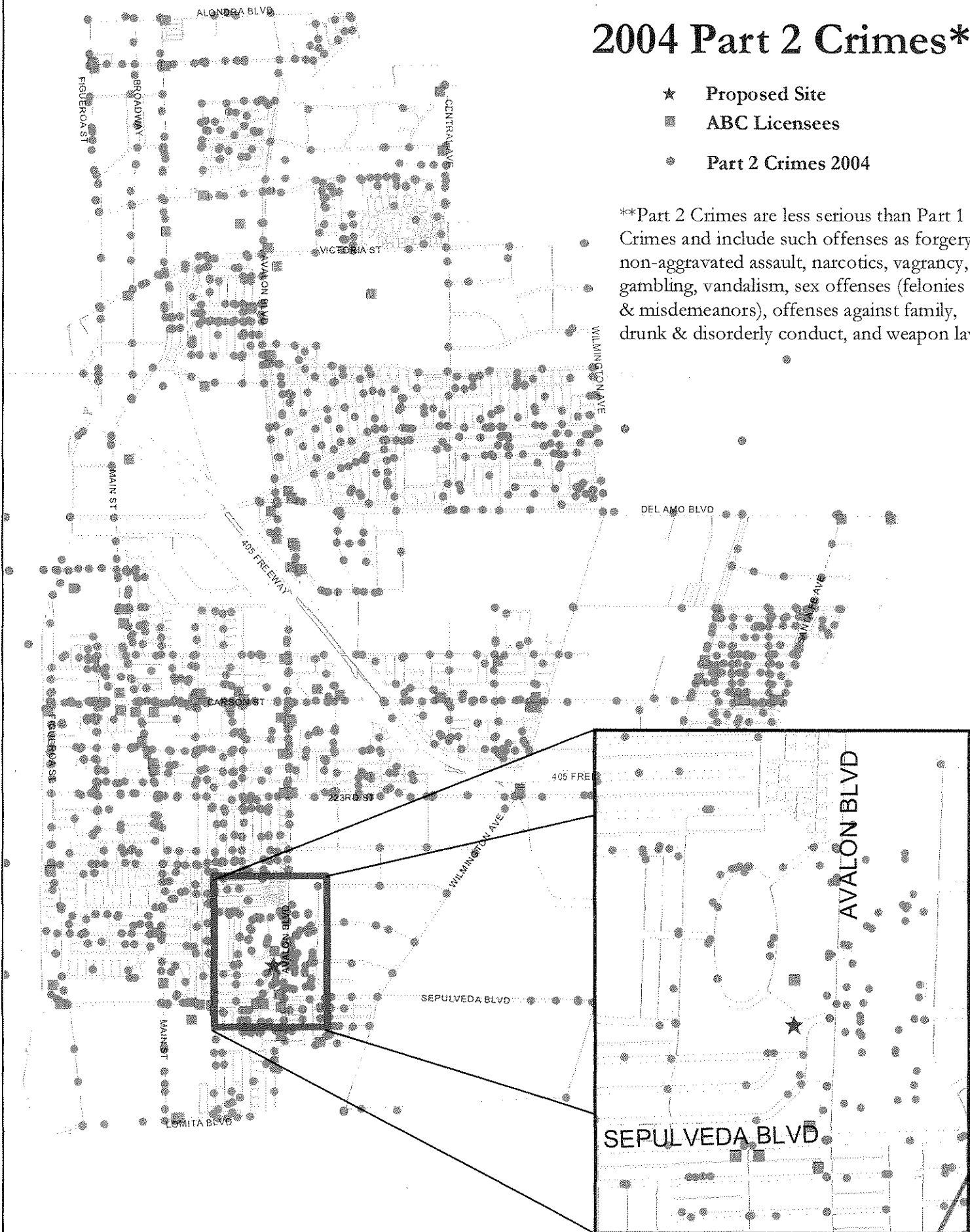
\*Part 1 Crimes are the most serious crimes, such as homicide, forcible rape, robbery, aggravated assault, residential burglary, larceny theft, grand theft auto, and arson.



# 2004 Part 2 Crimes\*\*

- ★ Proposed Site
- ABC Licenses
- Part 2 Crimes 2004

\*\*Part 2 Crimes are less serious than Part 1 Crimes and include such offenses as forgery, non-aggravated assault, narcotics, vagrancy, gambling, vandalism, sex offenses (felonies & misdemeanors), offenses against family, drunk & disorderly conduct, and weapon laws.



12

# 2005 Part 1 Crimes\*

- ★ Proposed Site
- ABC Licensees
- Part 1 Crimes 2005

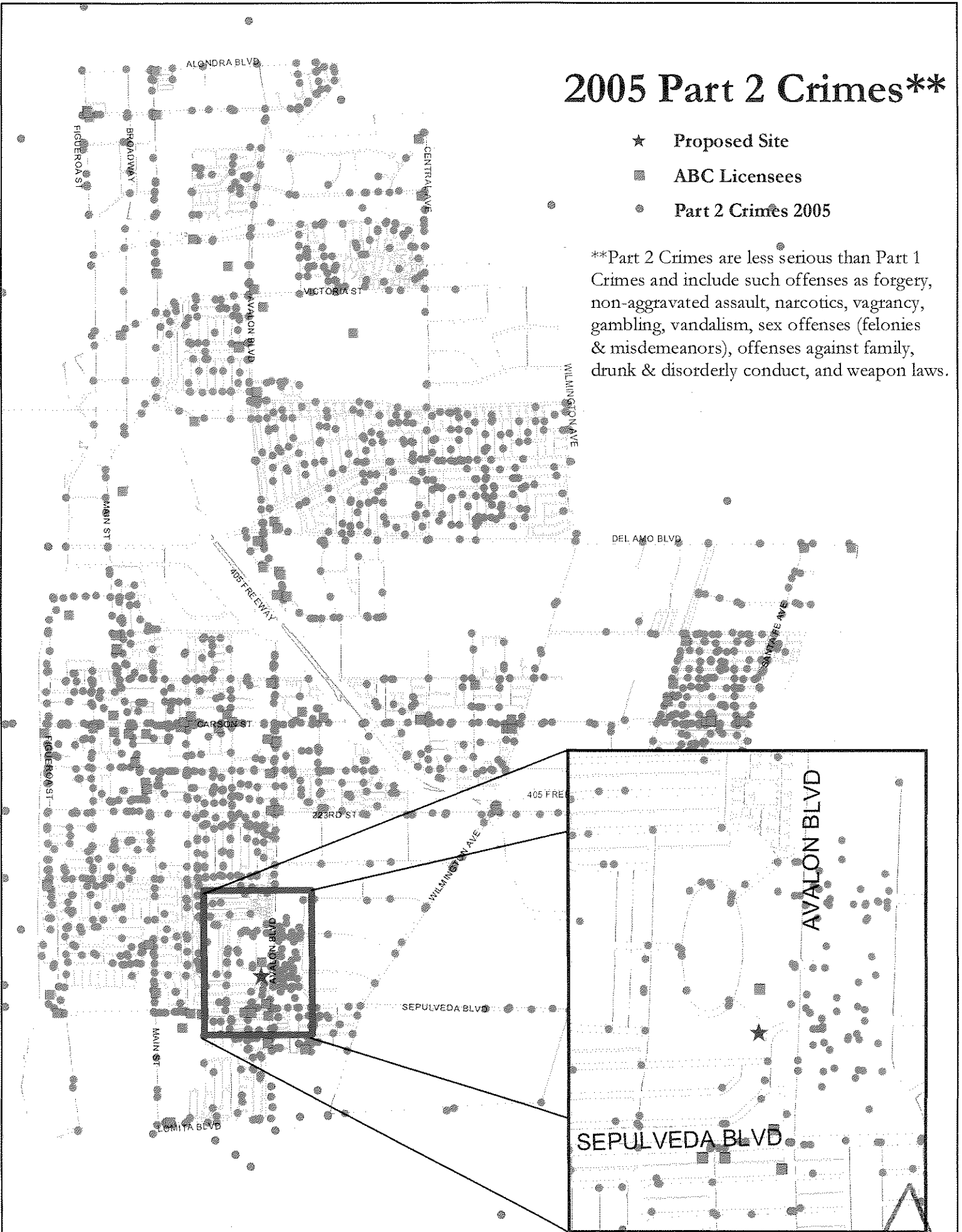
\*Part 1 Crimes are the most serious crimes, such as homicide, forcible rape, robbery, aggravated assault, residential burglary, larceny theft, grand theft auto, and arson.



# 2005 Part 2 Crimes\*\*

- ★ Proposed Site
- ABC Licensees
- Part 2 Crimes 2005

\*\*Part 2 Crimes are less serious than Part 1 Crimes and include such offenses as forgery, non-aggravated assault, narcotics, vagrancy, gambling, vandalism, sex offenses (felonies & misdemeanors), offenses against family, drunk & disorderly conduct, and weapon laws.



# 2006 Part 1 Crimes\*

- ★ Proposed Site
- ABC Licensees
- Part 1 Crimes 2006

\*Part 1 Crimes are the most serious crimes, such as homicide, forcible rape, robbery, aggravated assault, residential burglary, larceny theft, grand theft auto, and arson.

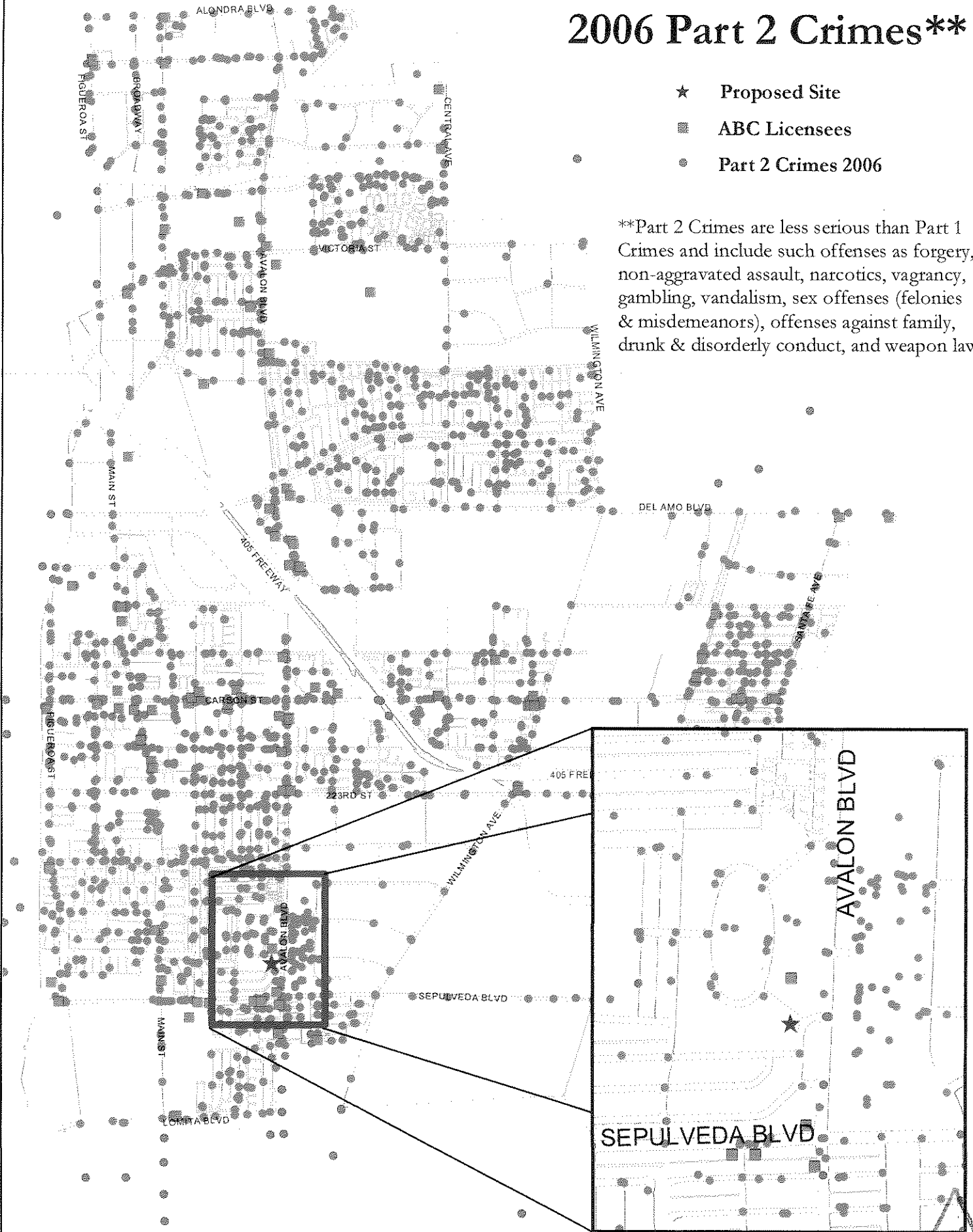


15

# 2006 Part 2 Crimes\*\*

- ★ Proposed Site
- ABC Licensees
- Part 2 Crimes 2006

\*\*Part 2 Crimes are less serious than Part 1 Crimes and include such offenses as forgery, non-aggravated assault, narcotics, vagrancy, gambling, vandalism, sex offenses (felonies & misdemeanors), offenses against family, drunk & disorderly conduct, and weapon laws.

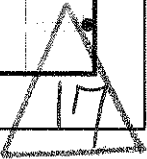




# 2007 Part 1 Crimes\*

- ★ Proposed Site
- ABC Licensees
- Part 1 Crimes 2007

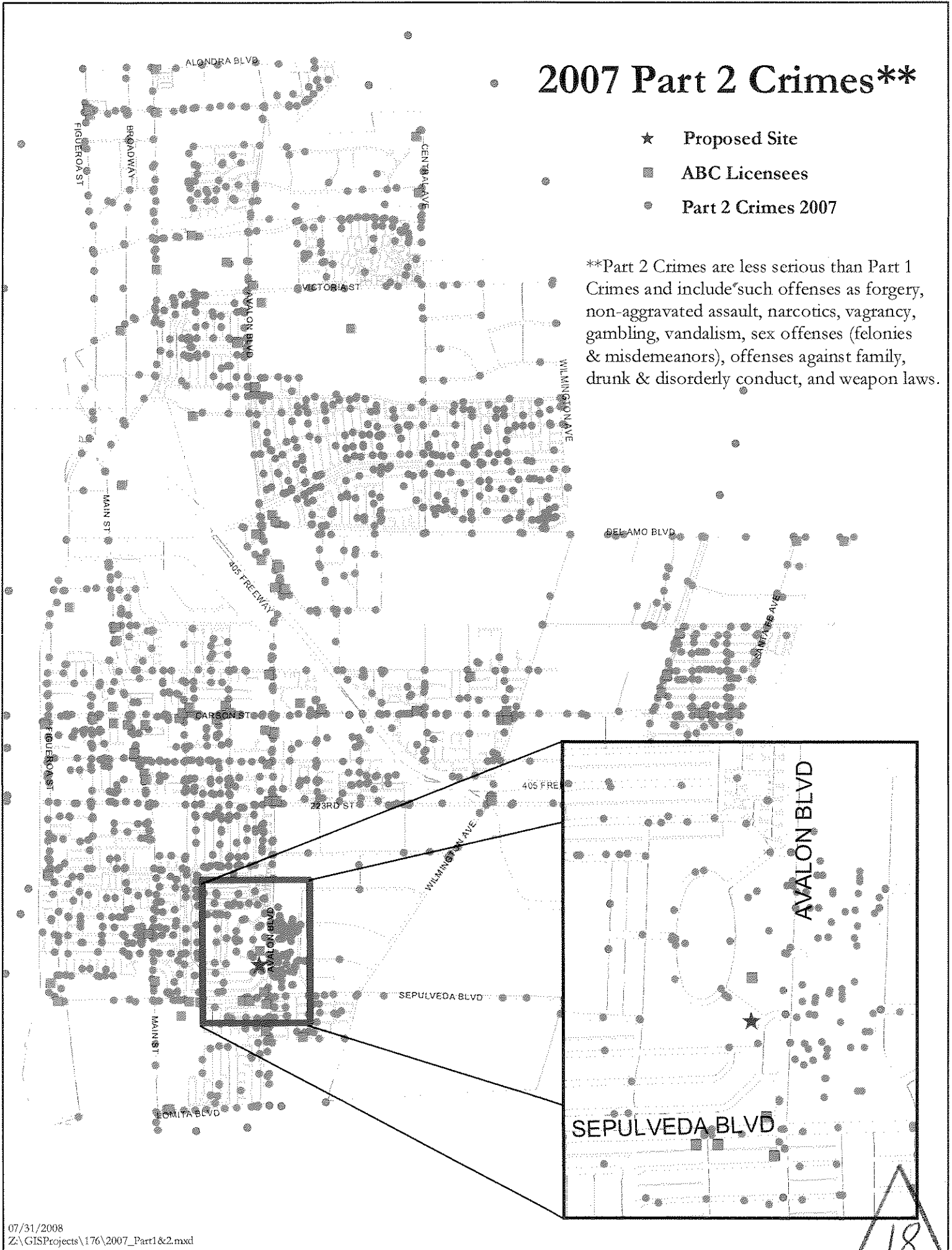
\*Part 1 Crimes are the most serious crimes, such as homicide, forcible rape, robbery, aggravated assault, residential burglary, larceny theft, grand theft auto, and arson.



# 2007 Part 2 Crimes\*\*

- ★ Proposed Site
- ABC Licensees
- Part 2 Crimes 2007

\*\*Part 2 Crimes are less serious than Part 1 Crimes and include such offenses as forgery, non-aggravated assault, narcotics, vagrancy, gambling, vandalism, sex offenses (felonies & misdemeanors), offenses against family, drunk & disorderly conduct, and weapon laws.

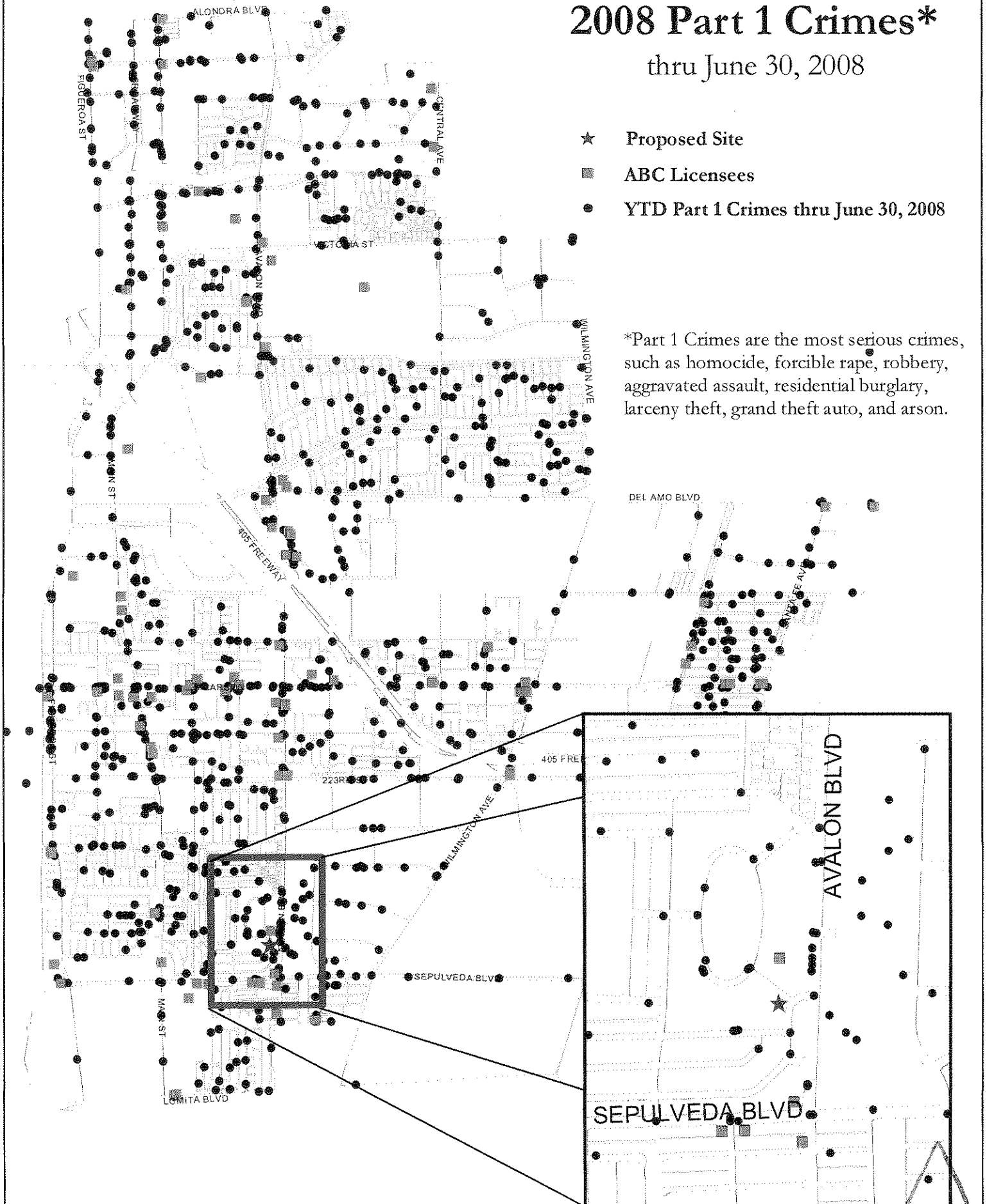


# 2008 Part 1 Crimes\*

thru June 30, 2008

- ★ Proposed Site
- ABC Licensees
- YTD Part 1 Crimes thru June 30, 2008

\*Part 1 Crimes are the most serious crimes, such as homicide, forcible rape, robbery, aggravated assault, residential burglary, larceny theft, grand theft auto, and arson.

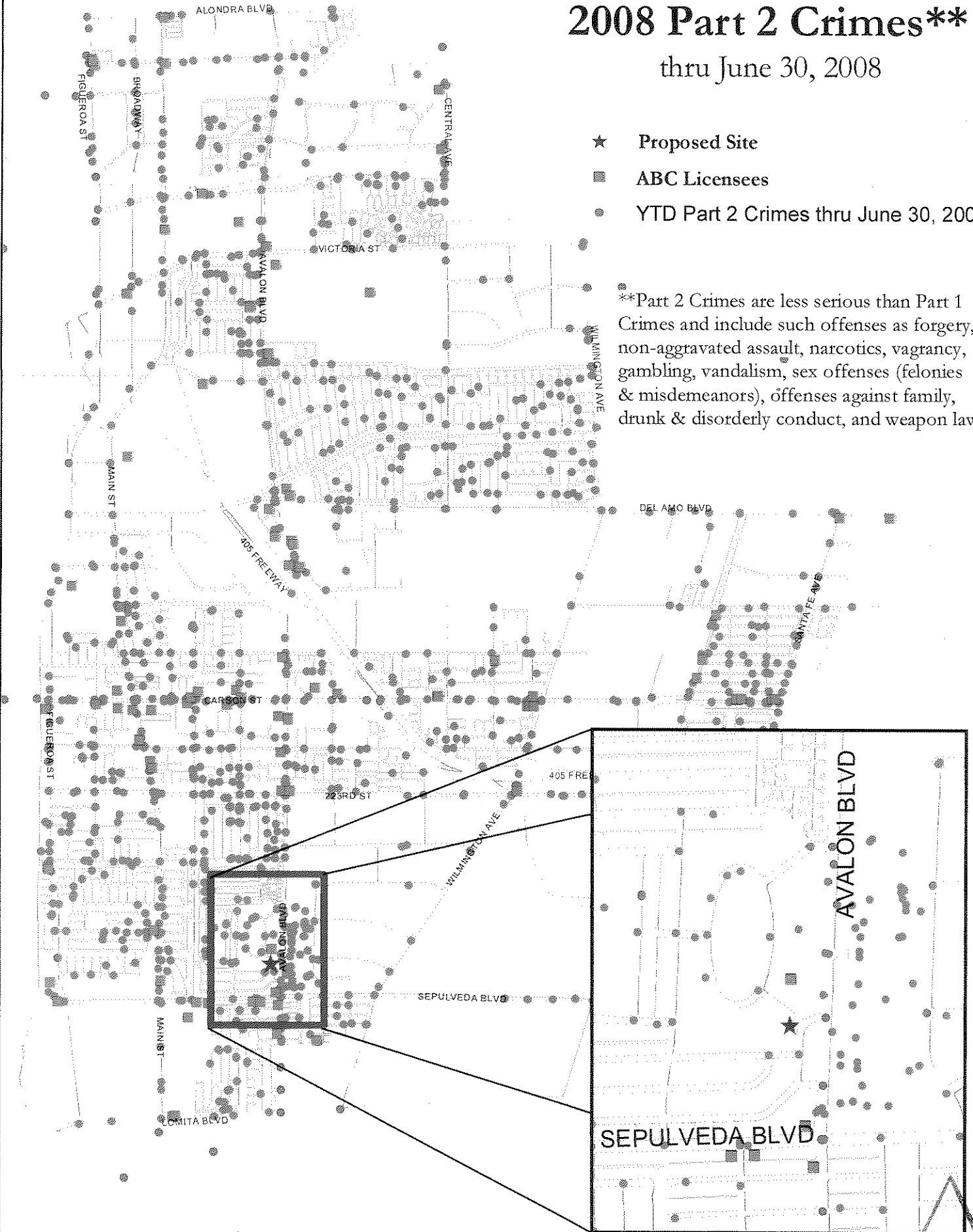


# 2008 Part 2 Crimes\*\*

thru June 30, 2008

- ★ Proposed Site
- ABC Licensees
- YTD Part 2 Crimes thru June 30, 2008

\*\*Part 2 Crimes are less serious than Part 1 Crimes and include such offenses as forgery, non-aggravated assault, narcotics, vagrancy, gambling, vandalism, sex offenses (felonies & misdemeanors), offenses against family, drunk & disorderly conduct, and weapon laws.



20

Chairman Faletogo closed the public hearing.

The Planning Commission urged the residents to call the Code Enforcement Department and/or the Sheriff's Department to inform them of the illegal parking in this neighborhood.

Planning Commission Decision:

Commissioner Graber moved, seconded by Vice-Chair Hudson, to concur with staff recommendation; moved to amend the Resolution, Section 3e, adding "...in terms of **the location and shape of the property** in that..."; and moved to adopt Resolution No. 07-2170. Motion carried.

**11. PUBLIC HEARING**

- D) Design Overlay Review No. 958-06; Variance No. 485-06; and Conditional Use Permit No. 679-07**

Applicant's Request:

The applicant, Hamid Pournamdari, is requesting to approve a new commercial building with alcoholic beverage sales for one tenant on a currently vacant property in the CN (Commercial, Neighborhood) zoned district and approve a variance request for reduction of the front yard setback. The property is located at 23601 South Avalon Boulevard.

Staff Report and Recommendation:

Senior Planner Signo presented staff report and the recommendation to CONTINUE Conditional Use Permit No. 679-07 indefinitely; APPROVE Design Overlay Review No. 958-06 and Variance No. 485-06; and WAIVE further reading and ADOPT Resolution No. \_\_\_\_\_, entitled, "A Resolution of the Planning Commission of the city of Carson approving Design Overlay Review No. 958-06 and Variance No. 485-06 for the construction of a commercial building and a reduced front yard setback at 23601 South Avalon Boulevard."

Chairman Faletogo opened the public hearing.

Hamid Pournamdari, applicant, noted his concurrence with the conditions of approval.

Luis Alvarez, Idabel Avenue resident, commented on his and the neighbors' concerns with regard to alcohol sales from this property, stating there already is an over-abundance of alcohol sales in the area; addressed his concern with the limited parking in the neighborhood because of the Scottsdale overflow of parking; and noted his concern with problems that can occur with the sales of liquor at this location -- increased traffic and pedestrian nuisance and crime in the neighborhood. He stated that children attending Catskill Elementary School will have to walk by this liquor store on a daily basis. He also noted that street sweeping on Avalon Boulevard takes place on the same day for both sides of the road, creating a parking nightmare for his neighborhood. He stated a two-story building is too much for this site; and he urged the property owner to properly maintain this property at all times.

21

Chairman Faletogo closed the public hearing.

Planning Commission Decision:

Commissioner Saenz moved, seconded by Commissioner Verrett, to approve the applicant's request for Design Overlay Review No. 958-06, Variance No. 485-06, and to continue indefinitely the request for Conditional Use Permit No. 679-07, thus adopting Resolution No. 07-2171. Motion carried.

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**12. WRITTEN COMMUNICATIONS** None.

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**13. MANAGER'S REPORT**

Senior Planner Signo advised that the tentative town hall meeting related to the 7-Eleven proposal on Del Amo Boulevard has been cancelled and that this matter will go before City Council for review on October 16, 2007. He noted that Planning Manager Repp is attending the meeting this evening in Wilmington related to the update on the Draft EIS/EIS for the Schuyler Heim Bridge and SR 47 Expressway.

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**14. COMMISSIONERS' REPORTS**

Commissioner Cannon advised that he will not be able to attend the next Planning Commission meeting, October 9<sup>th</sup>.

Commissioner Graber welcomed Chairman Faletogo back from his trip to the South Pacific.

Commissioner Verrett stated that the Environmental Issues Workshop on September 19, 2007, at the Carson Community Center was informative, and she distributed materials from that workshop to the Commissioners.

Vice-Chair Hudson stated that the Friends of the Carson Library is now an official non-profit agency; and announced that she was recently appointed to the County Library Commission. She stated that she recently took advantage of the county's energy efficient lamp exchange program, urging people to participate in this program.

Chairman Faletogo stated he enjoyed his business trip to the South Pacific and thanked the Commission for carrying on its business during his absence; he thanked staff for their work in providing the Commission with all the materials for the meetings; and he thanked the Mayor, City Council, the City Manager, staff and the Planning Commissioners for supporting and attending the Samoan Flag Day event in August. Because of Commissioner Cannon's announcement that he will not be able to attend the next Planning Commission meeting, he urged every other Commissioner to be in attendance at the next meeting so a quorum is reached.

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**15. ADJOURNMENT**

At 8:30 P.M., the meeting was formally adjourned to Tuesday, October 9, 2007, City Council Chambers.

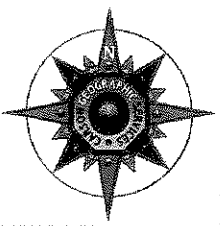
\_\_\_\_\_  
Chairperson

Attest By:

\_\_\_\_\_  
Secretary







PANA

MARIBEL AVE

BAYPORT ST

AVALON BLVD

BANNING BLVD

TH ST

234TH WALK

RM-12-D

ANCHOR AVE

CN

RM-12-D

FAIRHAVEN ST

RM-25-D

236TH

IDABEL AVE

CN

RS

RS

RS

238TH ST

RS

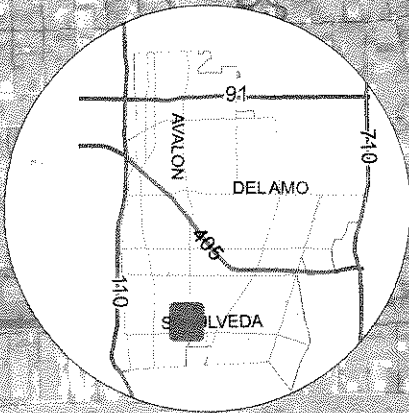
CG-D

CG

ML

SEPULVEDA BLVD

MH



LINCOLN ST

CG

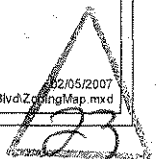
ML

RS

City of Carson

500 FT RADIUS ZONING MAP FOR 23601 S AVALON BLVD

Ex. 6



CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE PLANNING COMMISSION  
OF THE CITY OF CARSON DENYING CONDITIONAL USE PERMIT NO. 679-07  
FOR THE SALE OF ALCOHOLIC BEVERAGES AT A PROPOSED COMMERCIAL  
CENTER LOCATED AT 23601 SOUTH AVALON BOULEVARD**

**THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,  
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

**Section 1.** An application was duly filed by the applicant, Hamid Pournamdari, represented by Manuel and Tanya Lam, with respect to real property located at 23601 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting approval of Conditional Use Permit No. 679-07 to permit the sale of beer, wine and distilled spirits at a proposed two-story commercial center on a vacant property in the CN (Commercial, Neighborhood) zoned district.

**Section 2.** A public hearing was duly held on August 12, 2008, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 3.** Pursuant to CMC Section 9131.1 and Section 9133, Conditional Use Permits are required for the issuance of a license to alcohol beverage sales intended for off-site consumption in a CN zone. Pursuant to Section 9172.21(D), "Conditional Use Permit – Commission Findings and Decision", Section 9138.5, "Alcoholic Beverage Sales and Service", and Section 9133, "Conditional Use Criteria", the Planning Commission finds that:

- a) The proposed use is not compatible with the area, in terms of its service to the community, and does not fit as an incidental use with the intended character of the area. A shopping center directly to the north across Idabel Avenue shares the same Zoning designation of CN (Commercial, Neighborhood) as the subject property and currently provides off-sale alcoholic beverage sales within a supermarket. Adjacent properties to the south are zoned RS (Residential, Single-family) and properties across both Avalon Boulevard and Idabel Avenue are zoned RM (Residential, Multi-family).
- b) Overconcentration of businesses with alcohol sales in proximity to the residential areas surrounding the property would create a negative impact on the surrounding area. As of February 2008, the City has twenty-three (23) Type 20 Licenses (off-sale beer and wine) and twenty-six (26) Type 21 Licenses (off-sale beer, wine and distilled spirits), many of which were established prior to the city's incorporation. Of the Type 21 Licenses, 11 licenses are for supermarkets and 15 licenses are for liquor store/food markets. In the vicinity of the project site, existing alcohol beverage sales facilities include the Bargain Foods supermarket to the north (Type 21 license), the Valero gas station mini-market (Type 20 license) to the south, and Mundo Liquor & Market (Type 21) to the southwest. The applicant has requested approval for a Type 21 license from the Department of Alcoholic Beverage Control (ABC) to allow for the off sale of beer, wine and distilled spirits at a new liquor store. The additional liquor store would create a negative impact on the neighborhood.

**Exhibit No. 7**





Per Section 9131.1 of the Carson Municipal Code, alcoholic beverage sales and services are automatically allowed in department stores, supermarkets and restaurants located in a commercial zone. Pursuant to Section 9131.1 and Section 9138.5 of the Carson Municipal Code, a conditional use permit is required for alcohol sales involving a Type 20 (off sale beer and wine) or Type 21 (off sale beer, wine and distilled spirits) license and include variety stores, drug stores, mini-markets, drive-through markets, food or grocery stores (excluding supermarkets), take-out food establishments and liquor stores in commercial zones. The proposed project is for a liquor store, and thus, the city has discretion to approve or deny it based on its findings.

Only one Type 21 (off sale beer, wine and distilled spirits) license was issued for a Smart & Final at 20410 Susana Road. There have been a number of Type 20 licenses approved for off sale beer and wine sales and only one Type 21 license approved for the Smart & Final. A number of applications for a Type 20 license have either been denied or withdrawn due to the expectation that the permit would be denied.

- c) The applicant does not have a building permit for the proposed building and there is concern that the project may not be completed or may be sold to another developer once entitlements are secured. It is staff's opinion that the applicant has not demonstrated sufficient justification to warrant the issuance of a Type 21 license.

**Section 4.** Based on the aforementioned findings, the Commission hereby denies Conditional Use Permit No. 679-07 with respect to the property described in Section 1 hereof.

**Section 5.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**Section 6.** This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

**PASSED, APPROVED AND ADOPTED THIS 12<sup>th</sup> DAY OF AUGUST, 2008.**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



**EXHIBIT "A"**

**Legal Description**

Lot 2 of Tract No. 29042, in the City of Carson, County of Los Angeles, State of California, as per Map recorded in Book 711, Pages 37 to 42 inclusive of Maps, in the Office of the County Recorder of said County.