

MINUTES

CITY OF CARSON REGULAR MEETING OF THE PLANNING COMMISSION

*Helen Kawagoe City Council Chambers, 2ND Floor
701 East Carson Street, Carson, CA 90745*

April 28, 2015 – 6:30 P.M.

1. **CALL TO ORDER** Chairman Faletogo called the meeting to order at 6:30 P.M.
2. **PLEDGE OF ALLEGIANCE** Commissioner Saenz led the Salute to the Flag.
3. **ROLL CALL**

Planning Commissioners Present: Brimmer, Diaz, Faletogo, Goolsby, Gordon, Piñon, Schaefer, Saenz, Verrett

Planning Commissioners Absent: None

Planning Staff Present: Planning Manager Naaseh, Assistant City Attorney Chaffin, Associate Planner Rojas, Recording Secretary Bothe
4. **AGENDA POSTING CERTIFICATION** Recording Secretary Bothe indicated that all posting requirements had been met.
5. **AGENDA APPROVAL** Commissioner Diaz moved, seconded by Commissioner Saenz, to approve the Agenda as submitted. Motion carried, 9-0.
6. **INSTRUCTIONS TO WITNESSES** Chairman Faletogo requested that all persons wishing to provide testimony stand for the oath, complete the general information card at the podium, and submit it to the secretary for recordation.
7. **SWEARING OF WITNESSES** Assistant City Attorney Chaffin
8. **ORAL COMMUNICATIONS**

For items **NOT** on the agenda. Speakers are limited to three minutes.

Commissioner Goolsby thanked everyone for the condolence card he received following his son's passing.

9. CONSENT CALENDAR

Minutes: April 14, 2015

Motion: Vice-Chairman Piñon moved, seconded by Commissioner Verrett, to approve the April 14, 2015, Minutes as submitted. Motion carried, 7-0 (Commissioners Diaz and Goolsby abstained).

10. CONTINUED PUBLIC HEARING None

11. PUBLIC HEARING

A) Conditional Use Permit No. 971-15

Applicant's Request:

The applicant, VCG SouthBay Pavilion, LLC, is requesting approval to sell beer and wine for onsite consumption within a movie theater at the SouthBay Pavilion located at 20700 S. Avalon Boulevard.

Staff Recommendation:

Staff advised that the applicant is seeking a continuance to May 26th to allow additional time to address financial details with mall management.

Chairman Faletogo opened the public hearing.

RuthAnn Mackusen, resident, noted her opposition to alcohol sales in the theater, stating the theater is a place for family enjoyment; and that the families should not be affected by the negative aspects of alcohol use.

Richard Bis, resident, noted his opposition to alcohol sales in the theater; highlighted Carson's support of Red Ribbon Week and the Carson Public Health and Safety Advocacy work that has been adopted to address substance abuse in this community; and stated that substance-abuse crimes in Carson have decreased as a result of this awareness. He added that the mall is a family-oriented facility and noted his concern for public safety.

Planning Commission Decision:

Without objection, Chairman Faletogo continued this matter to May 26, 2015.

11. PUBLIC HEARING

B) Conditional Use Permit No. 973-15 & Variance No. 556-15

Applicant's Request:

The applicant, Armen Ross, is requesting approval to sell beer and wine in conjunction with a mini-market for offsite consumption in the CR-D (Commercial, Regional – Design Overlay) zoning district. The property is located at 21761 S. Avalon Boulevard.

Staff Recommendation:

Approve CUP No. 973-15 and VAR No. 556-15 and WAIVE further reading and ADOPT Resolution No. 15-2540, entitled, "A Resolution of the Planning Commission of the city of Carson approving Conditional Use Permit No. 973-15 and Variance No. 556-15 to permit offsite beer and wine sales in conjunction with a mini-market."

Chairman Faletogo asked how many 7-Elevens there are in Carson. Staff deferred to the applicant for the answer.

Chairman Faletogo opened the public hearing.

Armen Ross, representing the applicant, explained that part of 7-Eleven's business plan is for all their franchise stores to be 24-hour operations, believing this is part of the reason for their success; stated that most of their stores are open 24 hours and have beer and wine sales, which are incidental to other items such as coffee and fresh food; and stated this mini-market is a convenient quick-stop market rather than someone having to visit a full-service market. He pointed out that the Golden Wings school located nearby is a school for toddlers who are closely supervised, kept completely secured onsite, and are dropped off and picked up by people driving vehicles, not walking to and from this location.

Chairman Faletogo commented on the code requirement for a 300-foot separation from alcohol sales and schools, asking for clarification on why staff is recommending approval when there is only a 230-foot separation.

Mr. Ross stated that if you consider lot line to lot line, then any business within the mall that sells offsite alcohol would not be permitted, noting that Target sells alcohol; and he explained that this property is unusually shaped and that they believe there are enough special circumstances applicable to the size and shape of this property to allow for some relief from any strict interpretation/application of the code.

Chairman Faletogo asked if the applicant has been in contact with representatives from this school.

Mr. Ross indicated yes.

Commissioner Brimmer stated she would have liked to have seen something in writing that the school is not in opposition to this proposal or documentation sent to the school regarding this proposal. She asked how long the surveillance footage will be maintained.

Mr. Ross stated that the surveillance footage will be maintained for as long as the sheriff's department requires; he added that 7-Eleven is nationally known for its advanced security program; and stated that their stores are well-lit and that they maintain a good business relationship with neighboring businesses, making sure people are not loitering at their stores. He added that 7-Eleven's policy is not to maintain any more than \$30 in the cash register at any given time, that the rest of the money is kept in a locked safe. He advised that video surveillance equipment is also located inside the stores, and their employees are trained to recognize when someone is exhibiting suspicious behavior.

Marvin Stovall, resident, noted his opposition to this proposal; expressed his belief the residents are opposed to further alcohol sales businesses in Carson; and stated that someone will rob a store for any amount of money and that the surveillance equipment

does not keep a cashier safe. He also noted his opposition to alcohol sales at the theater and other events taking place in Carson.

Associate Planner Rojas pointed out that the hours permitted for alcohol sales are from 9:00 a.m. to 12:00 a.m., noting the market would still be open for purchase of other items after midnight. He added the following condition: "The proposed 7-Eleven shall not move from the proposed tenant space as identified on the site plan."

There being no further input, Chairman Faletogo closed the public hearing.

Vice-Chairman Piñon asked if there are other business establishments that are required to stop alcohol sales at midnight.

Associate Planner Rojas advised that state law prohibits the sale of alcohol after 2:00 a.m.

Commissioner Gordon asked for input on Mr. Ross' comment of Target being permitted to sell alcohol.

Associate Planner Rojas explained that different standards are applied to grocery stores versus convenience stores and, therefore, these sales are automatically permitted without a conditional use permit.

Commissioner Gordon asked for clarification on granting a conditional use permit and variance and how long that approval stays in place.

Assistant City Attorney Chaffin explained that a variance typically runs with the property/land; that if a new business/owner were to replace 7-Eleven and request alcohol sales, it would be required to operate under the same conditions/limitations attached to this variance and would also require the new business/owner to obtain an ABC license.

Commissioner Brimmer asked what type of security gate system the school uses.

Associate Planner Rojas stated this school is in compliance with the state's regulations for securing the property; he added that someone seeking to enter the school/playground must enter from inside the building, be greeted by school staff, and have appropriate clearance to gain access; and he noted that the gate is controlled with a fob. He added that alcohol sales are automatically permitted for a full-sized grocery store and that a conditional use permit is not required for these sales, adding that the code standards are different with respect to separation/distance requirements when considering a convenience store to a full-sized grocery store.

Commissioner Verrett pointed out this school is mostly for pre-school children with the parents dropping off and picking up their children with vehicles, not walking; and noted her belief staff has adequately addressed the alcohol sales operations.

Associate Planner Rojas highlighted the 500-foot radius map, noting it shows all the properties that received notice; and stated that the school is within this 500-foot radius and has also received notice of this hearing.

Chairman Faletogo stated that he lives in this area and he believes this mini-market is a nice, convenient store for this area.

Planning Commission Decision:

Commissioner Goolsby moved to approve, seconded by Commissioner Schaefer, the applicant's request; added a new Condition No. 16, renumber accordingly, "The

proposed 7-Eleven shall not move from the proposed tenant space as identified on the site plan"; and moved to adopt Resolution No. 15-2540. Motion carried, 9-0.

12. WRITTEN COMMUNICATIONS None

13. MANAGER'S REPORT None

14. COMMISSIONERS' REPORTS

Commissioner Brimmer urged full awareness in consideration of future alcohol sales applications.

15. ADJOURNMENT

At 7:30 P.M., the meeting was formally adjourned to Tuesday, May 12, 2015, 6:30 P.M., Helen Kawagoe City Council Chambers.

Chairman

Attest By:

Secretary