



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 8, 2013
 SUBJECT: Conditional Use Permit No. 944-13

APPLICANT: Eurocongroup, Inc.
 c/o: Bobby Bhattardi
 2008 Westwood Boulevard
 Los Angeles, CA 90025

REQUEST: To allow beer and wine sales at an existing Mobil gas station mini-market located in the CR-D (Commercial, Regional – Design Overlay) zoning district

PROPERTY INVOLVED: 20223 S. Avalon Boulevard

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Piñon
		Brimmer			Saenz
		Diaz			Schaefer
		Goolsby			

Item No. 11A

I. Introduction

Request

Conditional Use Permit No. 944-13 for the sale of beer and wine at an existing Mobil gas station and mini-market

Property Owner

Bobby Bhattardi, Petroleum Management and Marketing Inc., 20223 S. Avalon Boulevard, Carson, CA 90746

Property Applicant

Euroncon Group Inc., 2008 Westwood Boulevard, Los Angeles, CA 90025

Project Address

20223 S. Avalon Boulevard, Carson, CA 90746

Project Description

The proposed project is for beer and wine sales at an existing Mobil gas station mini-market with a self-service car wash.

The hours of operation will be every day from 7:00 a.m. to 11:00 p.m. The existing mini-mart is not within 100 hundred feet of a residential zone.

The proposed project provides 19 parking spaces, which exceeds the requirements in Section No. 9162.21(C) of the Carson Municipal Code (CMC) for a mini-market.

Background

Current Use of Property

The property is developed with a Mobil gas station, a mini-mart and a self-service car wash.

Previously Approved Discretionary Permits

On July 2, 1988, the Planning Commission approved DOR No. 436-88 and CUP No. 350-88 to construct a self-service car wash. On October 24, 2000, the Planning Commission approved DOR No. 720-00 to permit the development of a mini-market.

Public Safety Issues

After consulting with the Public Safety Department it was determined that there is no open zoning code enforcement case associated with this property.

II. Analysis

Location/Site Characteristics/Existing Development

The subject property is located at 20223 S. Avalon Boulevard (northwest corner of Avalon and Del Amo Boulevards). The project site is approximately 38,606 square feet. The property is abutted by a flood control channel on the north (approximately 115 feet wide) and the Victoria Golf Course (which abuts the flood channel on north). A gas station occupies the southeast corner of the Del Amo-Avalon Boulevards intersection. The Mission Revival style shopping center abuts the northeast corner. The Sears Auto Service Center portion of the SouthBay Pavilion Shopping Center--the dominant land use feature in the neighborhood--abuts the southeast corner of the intersection. A 1950's-themed McDonald's restaurant is located immediately south (across Del Amo Boulevard) from the subject property, along with a Pizza Hut restaurant (abutting McDonald's on south). Southwest from the subject property are two-story office park developments (along Del Amo Boulevard, Carson Plaza Court, Carson Plaza Drive).

The mini-market is developed with 2,160 square feet and will be offering the sale of beer and wine with the approval of the subject conditional use permit application. The hours of operation will be from 7:00 a.m. to 11:00 p.m. seven days a week and the site is not within 100 feet of a residential area. The enhancement of the existing security camera system with the Los Angeles County Sheriff's Department security camera monitoring system will provide added protection to the business patrons. Furthermore, the applicant shall incorporate "no loitering" signs to discourage anyone from drinking alcoholic beverages in the parking lot.

Zoning/General Plan Designation

The subject property is zoned CR-D and the properties to the east and south share the same zoning designation. The property to the north is zoned OS (Open Space) and the subject property has a General Plan Land Use designation of Regional Commercial.

Applicable Zoning Ordinance Regulations

The proposed beer and wine sales in conjunction with the existing mini-market use are subject to the approval of Conditional Use Permit (CUP) procedures as provided in Section 9172.21.

The existing project site includes 19 parking spaces, exceeding CMC Section No. 9162.21.C, which requires 1 parking space for each 300 square feet of floor area (2,160-square-foot mini-market requires a minimum of 7 spaces).

Required Findings: Conditional Use Permit

Pursuant to Section 9172.21 (D), Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. The proposed use and development will be consistent with the General Plan.
2. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
3. There will be adequate street access and traffic capacity.
4. There will be adequate water supply for fire protection.
5. The proposed use and development will be compatible with the intended character of the area.

The required findings pursuant to Section 9172.21 (D) "Conditional Use Permit" Approval Authority and Findings and Decision", can be made in the affirmative. Details can be found in the attached Resolution.

Issues of Concern:

- Issue – Security: The existing mini-market is currently equipped with security cameras monitoring systems. For patrons security enhancement the following mitigation shall be added as a condition of approval:
 - Mitigation: The applicant/owner shall coordinate with the Los Angeles County Sheriff Office and link the security cameras with Sheriff's security camera monitoring systems.
 - One or more convictions of any employee or other person affiliated with the business for any crime involving alcoholic beverages or sales of an alcoholic beverage to a minor may be grounds for revocation of this Conditional Use Permit.
 - If excessive calls for police services occur for three or more consecutive months, the business may be considered a public nuisance and such calls may be used as grounds for revocation of this Conditional Use Permit. Excessive calls for service shall be defined as more than three bona fide calls for police assistance in any calendar month.

III. Environmental Review

Pursuant to Section 15301 "Existing Facilities" of the California Environmental Quality Act (CEQA), the sale of beer and wine at an existing gas station mini-market is a minor alteration to an existing use and does not have the potential for causing a significant effect on the environment, thus the proposed project is found to be categorically exempt.

IV. Recommendation


That the Planning Commission:


- **WAIVE** further reading and **ADOPT** Resolution No._____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING CONDITIONAL USE PERMIT NO. 944-13 FOR THE SALE OF BEER AND WINE AT AN EXISTING MOBIL GAS STATION MINI-MARKET LOCATED AT 20223 S. AVALON BOULEVARD."

V. Exhibits

1. Development Plans

Prepared by: 
Zak Gonzalez II, Planner

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

Approved by: 
Sheri Repp, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 13-2497

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING CONDITIONAL USE PERMIT
NO. 944-13 FOR BEER AND WINE SALES AT AN EXISTING
MOBIL GAS STATION MINI-MARKET LOCATED AT 20223 S.
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, Eurocon Group Inc., with respect to real property located at 20223 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of Conditional Use Permit (CUP) No. 944-13 for beer and wine sales at an existing mini-market in the CR-D (Commercial Regional, Design Overlay) zoning district.

A public hearing was duly held on October 8, 2013, 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.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The proposed use is compatible with the General Plan land use designation for the property of Regional Commercial. The proposed beer and wine sales at the existing Mobil gas station mini-market will be consistent with the surrounding regional commercial uses. Thus, the proposed use is appropriate for the subject property.
- b) The use is controlled and monitored by the California Department of Alcoholic Beverage Control (ABC) as well as the attached Conditions of Approval. In addition, retail sales are allowed in this zone and beer and wine are part of the normal retail sales of a mini-mart. Adding beer and wine sales to the existing retail use will not increase the intensity of the use.
- c) The project is compatible in design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures, open spaces, and other features relative to a harmonious and attractive development of the area.
- d) The proposed project provides 19 parking spaces and meets and exceeds the requirements of Section No. 9162.21(C), Commercial Parking, of the Carson Municipal Code (CMC). Safety and convenience of vehicular and pedestrian access are provided.



- e) The site is served by Avalon Boulevard and Del Amo Boulevard which are classified as Major Arterial streets and already accommodate the traffic generated by the service station with a mini-mart. The addition of beer and wine sales will not significantly increase the amount of traffic already generated by the uses on the site. Any increase in traffic as a result of alcohol sales is expected to be minimal. The main draw to the site will be the service station with the mini-mart serving as a complimentary use. As such, the existing transportation infrastructure is adequate to support the type and quantity of traffic generated at the subject site.
- f) All future building signs will comply with CMC signage requirements.
- g) The proposed CUP for beer and wine sales meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Section 9172.21 (D), Conditional Use Permit, can be made in the affirmative.

Section 4. The Planning Commission further finds that the proposed project will not have a significant effect on the environment. The proposed use will not alter the predominantly regional commercial character of the surrounding area and will meet or exceed all City standards for protection of the environment. Therefore, the proposed project is found to be categorically exempt under Section 15301 "Existing Facilities" of the CEQA (California Environmental Quality Act) Guidelines.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 944-13 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 7. 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 8TH DAY OF OCTOBER 2013

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

LEGAL DESCRIPTION:

ASSESSOR'S PARCEL NUMBERS: 7339017005 & 733017004

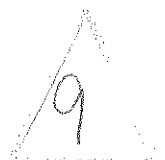
PART OF RANCHO PEDRO ALLOTTED TO MANUEL DOMINGUEZ LOT COMENCING
EAST ON NORTH LINE OF DEL AMO BOULEVARD 610.2 FEET, 410.2 FEET FROM
INTER-SECTION OF SAID NORTH LINE WITH NORTHWEST LINE



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 944-13

GENERAL CONDITIONS

1. Conditional Use Permit No. 944-13 shall be declared null and void after one year of the date of approval if not used unless an extension of time is requested prior to expiration and approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
4. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
5. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
6. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
7. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.



8. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
9. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
10. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
11. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 944-13. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein. The applicant shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant.

AESTHETICS/ PRIVACY INTRUSION/SIGNAGE/SAFETY

12. The applicant shall maintain all landscaping with an automatic irrigation system.
13. The applicant shall obtain a sign permit for all future building or lot signage in compliance with the Carson Municipal Code (CMC) sign requirements.



14. Any window signs shall not obstruct views into the store from public rights of way or affect the ability of emergency personnel from observing the inside of the business.
15. There shall be no advertising of alcoholic beverages in the windows of the business facing a public street, or otherwise placed on the interior or exterior of the business with the intent of being visible from a public street.
16. The applicant shall provide a 24-hour video monitoring system that is linked with the LA County Sheriff Office video monitoring links to deter crime and nuisance activity. Video monitoring system installation to be coordinated with the Sheriff's office.
17. The applicant shall provide wall signage that states no alcohol drinking or loitering allowed in parking lot and carwash area. Said signage to have lighting directed at the signs for night visibility by the public. Loitering shall be prohibited near the entrances and around the building. Persons in charge of the store shall notify the Los Angeles County Sheriff Department in the event that individuals are observed loitering in these areas and refuse to disperse.
18. One or more convictions of any employee or other person affiliated with the business for any crime involving alcoholic beverages or sales of an alcoholic beverage to a minor may be grounds for revocation of this Conditional Use Permit.
19. If excessive calls for police services occur for three or more consecutive months, the business may be considered a public nuisance and such calls may be used as grounds for revocation of this Conditional Use Permit. Excessive calls for service shall be defined as more than three bona fide calls for police assistance in any calendar month.
20. The applicant shall maintain a Type 20 California Department of Alcoholic Beverage Control (ABC) License. All ABC rules and regulations shall be proactively enforced and complied with. The applicant shall submit to the City Planner a copy of the ABC license, including any and all conditions imposed, within 60 days of the issuance of the license.
21. The applicant shall repair the existing pothole and broken driveway approach along the Del Amo Boulevard eastern driveway.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

22. On-site flatwork (e.g. base, paving, curb and gutters) are subject to inspection by Public Works Inspectors. Permit shall be obtained from City of Carson Engineering Services.
23. Any existing off-site improvements damaged during construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
24. A construction permit is required for any work to be done in the public right-of-way.

*Prior to issuance of **Building Permit**, the proposed development is subject to the following:*



25. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services prior to issuance of Building Permit.
26. Proof of Worker's Compensation and Liability Insurance.

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

27. Repair any broken or raised sidewalk, curb and gutter along Avalon and Del Amo Boulevards within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
28. The Developer shall fill in any missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
29. Remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
30. The Developer shall modify existing driveways in the public right of way per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

31. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

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PROJECT INFORMATION:

I. SITE:		III. PARKING:	
ADDRESS:	20223 AVALON BLVD., CARSON, CA 90746	CARWASH (as per CMC Section 9138.12.G)	1-PS
OWNER:	MR. BOBY BHATTARDI	MINI-MART 1/300 SQ. FT.	2160 SQ. FT. / 300= 7
EXISTING USE:	MINI-MART, CAR-WASH & GAS STATION	AS REQUIRED PER SPECIFIC PLAN:	
A. LOT AREA:	39962 SQ. FT.	A. STANDARD SPACES: 16	
B. ZONING:	CR-D	B. COMPACT SPACES: 2	
C. LANDSCAPING:	8097 SQ. FT. (20.2%)	C. HANDICAP SPACES: 1	
II. BUILDING AREA:		TOTAL PARKING SPACES PROVIDED: 19	
A. (E) CARWASH DRIVE-THRU:	1084 SQ. FT.	IV. OCCUPANCY:	
B. (E) MINI-MART:	2160 SQ. FT.	A. CARWASH: _____	B. _____
	3416 SQ. FT.	B. MINI-MART: _____	M. _____
V. TYPE OF CONSTRUCTION:		A. TYPE V/B ONE STORY BUILDING	

SITE PLAN

SCALE: 1/16" = 1'-0"

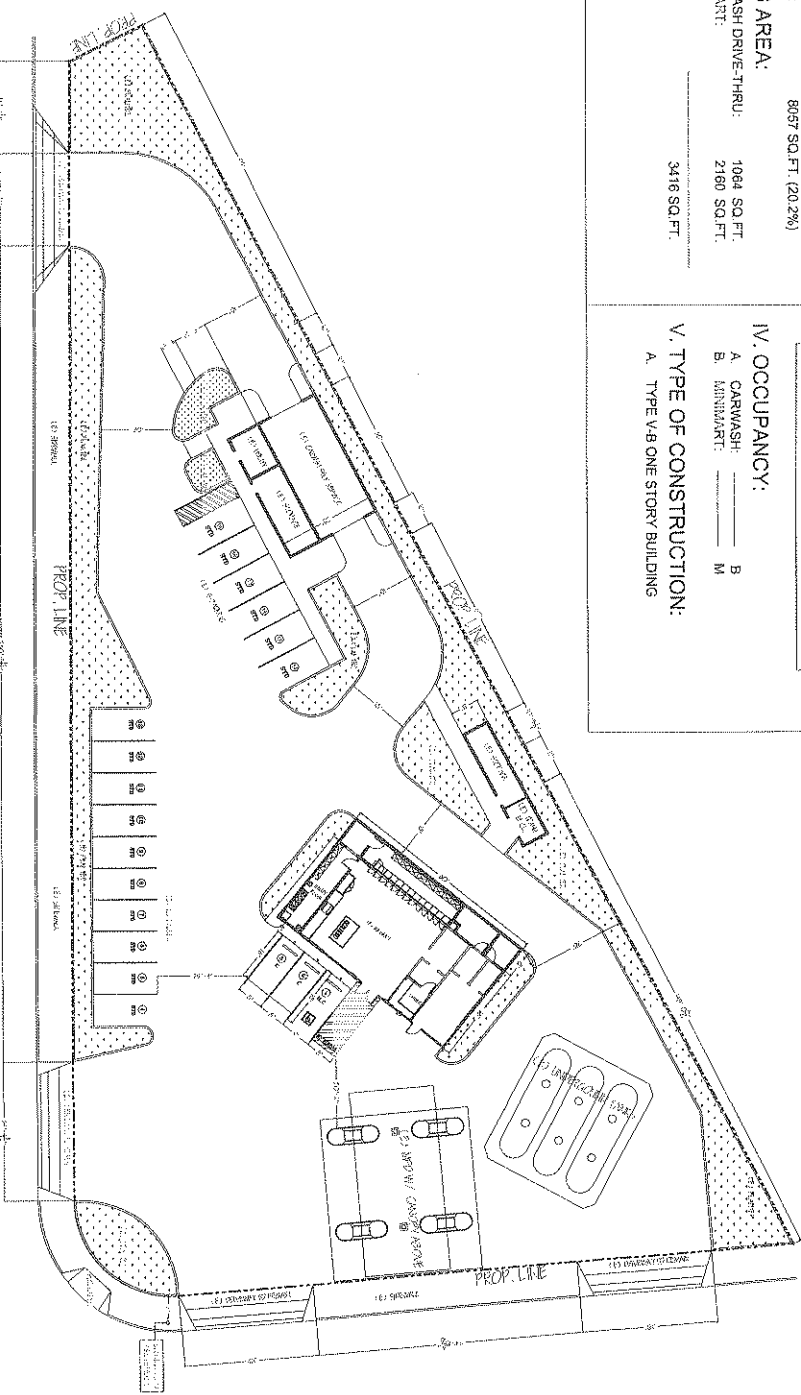
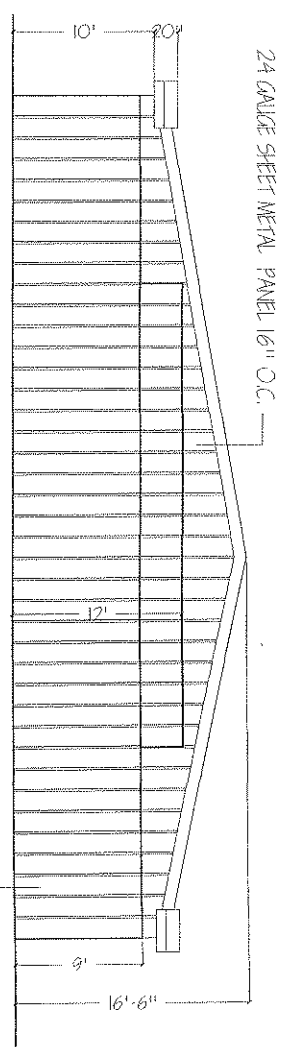


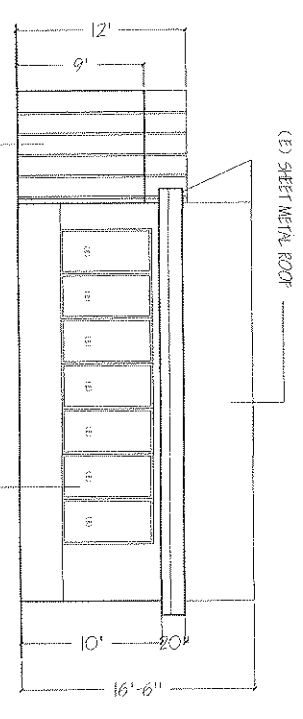
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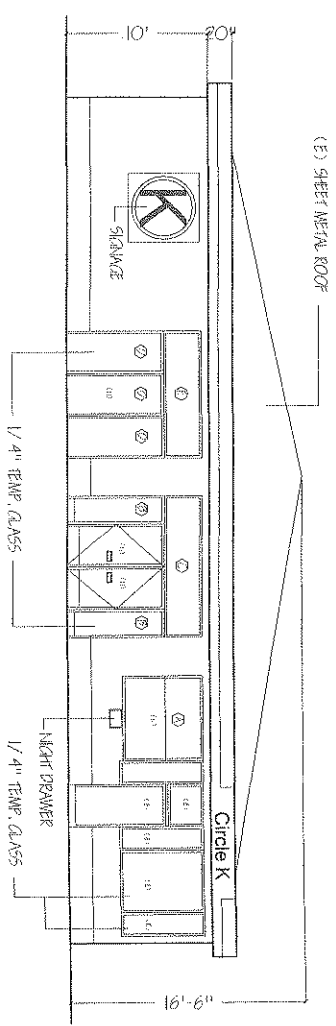
REAR ELEVATION

SCALE : 1/4" = 1'-0"



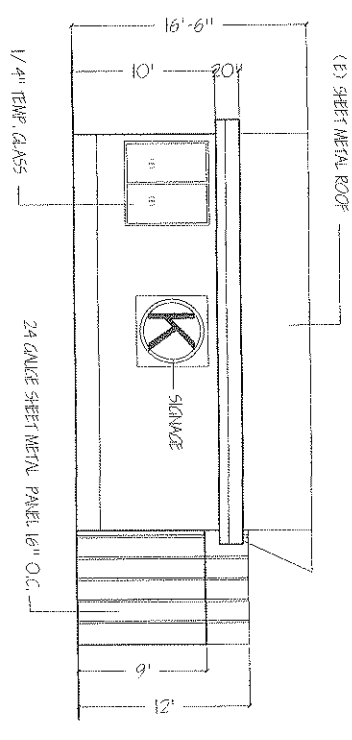
SIDE ELEVATION

SCALE : 1/4" = 1'-0"



FRONT ELEVATION

SCALE : 1/4" = 1'-0"



SIDE ELEVATION

SCALE : 1/4" = 1'-0"