



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 28, 2015

SUBJECT: Conditional Use Permit No. 973-15 & Variance No. 556-15

APPLICANT: Armen Ross  
4582 Wilshire Boulevard, Suite 415  
Los Angeles, CA 90036

REQUEST: 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

PROPERTY INVOLVED: 21761 S. Avalon Boulevard

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#### COMMISSION ACTION

☐ Concurred with staff

☐ Did not concur with staff

☐ Other

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chairman Piñon			Saenz
		Brimmer			Schaefer
		Diaz			Verrett
		Goolsby			

*Item No. 11-B*

## I. Introduction

### *Property Owner:*

DASAMAE Inc., 16825 Opal Drive, Chino Hills, CA 91709

### *Applicant*

Armen Ross, 4582 Wilshire Boulevard, Suite 415, Los Angeles, CA 90036

### *Project Address*

21761 S. Avalon Boulevard

### *Previous Approvals*

On March 24, 2015, the Planning Commission approved shopping center façade remodel and joint-use parking agreement.

### *Proposed Project*

The applicant is now requesting approval of Conditional Use Permit No. 973-15 alcoholic beverage sales and services with for off-sale consumption and Variance No. 556-15 for consideration of special circumstances applicable to the 300-foot separation requirement between alcoholic beverage sales for offsite consumption and schools, as measured from lot line to lot line.

The applicant has filed for a conditional use permit to allow for sale of beer and wine incidental to other convenience market goods with proposed hours of operation to be 24 hours. Proposed hours of beer and wine sales are 9:00 a.m. to 12:00 a.m.

### *Current Improvements*

The subject property is 50,623 square feet and has an existing shopping center with 11 tenant spaces. The southernmost tenant space formerly occupied by a discount suit retailer is currently vacant. A 7-Eleven convenience market is proposed for the vacant 3,095-square-foot space. The existing shopping center is 15,940 square feet and provides 55 parking spaces. Parking is provided in the front of the building, including ADA parking stalls. Access to the site is available from one signalized driveway along Avalon Boulevard.

## II. Background/Analysis

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

The project site is located on Avalon Boulevard at the intersection of Dominguez Street. The site is surrounded by commercial uses. Dominguez Channel runs along the southwesterly property line. The I-405 Freeway is located across the channel.

### *Prior Use of the Site*

The site has been used as a shopping center since it was constructed in 1980.

### *Public Safety Issues*

None.

### III. Analysis and Findings

#### *Zoning/General Plan Designation*

The property is zoned CR-D (Commercial, Regional – Design Overlay) and the General Plan land use designation is Regional Commercial.

#### *Limit on Number of Offsite Alcohol Sales Businesses*

##### Issue

According to CMC, the total number of offsite alcohol sales businesses shall not exceed seventy (70).

##### Solution

The California Department of Alcoholic Beverage Control maintains a count of licensed alcoholic beverages licenses in Carson. According to their most recent report dated June 30, 2014, there are twenty nine (29) offsite alcohol sales businesses in Carson. Therefore, the number of businesses is below the limit.

#### *Hours of Operation*

##### Issue

The applicant has requested that the hours of operation for the convenience market operate 24 hours. The City of Carson does not have many businesses that operate 24 hours and CMC is silent on 24 hours operation.

##### Solution

Staff consulted with the Sheriff's department regarding the proposed hours of operation. Although Carson does not have many businesses that operate 24 hours, there are many businesses within the Sheriff's service area outside of Carson that do. The Sheriff's department staff does not have any concerns with this issue since beer and wine sales are restricted to 9:00 a.m. to 12:00 a.m. in a commercial area.

#### *Alcoholic Beverage Sales Separation Requirement*

##### Issue

Section 9138.5 of CMC entitled Alcoholic Beverage Sales and Services, states that in connection with alcoholic beverage sales and services, the following requirements shall be met:

“...no off-sale business (incidental) shall be established within three hundred (300) feet of any school or park...The distance set forth in the preceding sentence shall be determined by measuring from lot line to lot line.”

The northerly lot line of the subject property is located approximately 230 feet from the southerly lot line of a pre-school known as Golden Wings Academy located at 20715 S. Avalon Boulevard. The pre-school is located in an office building in the

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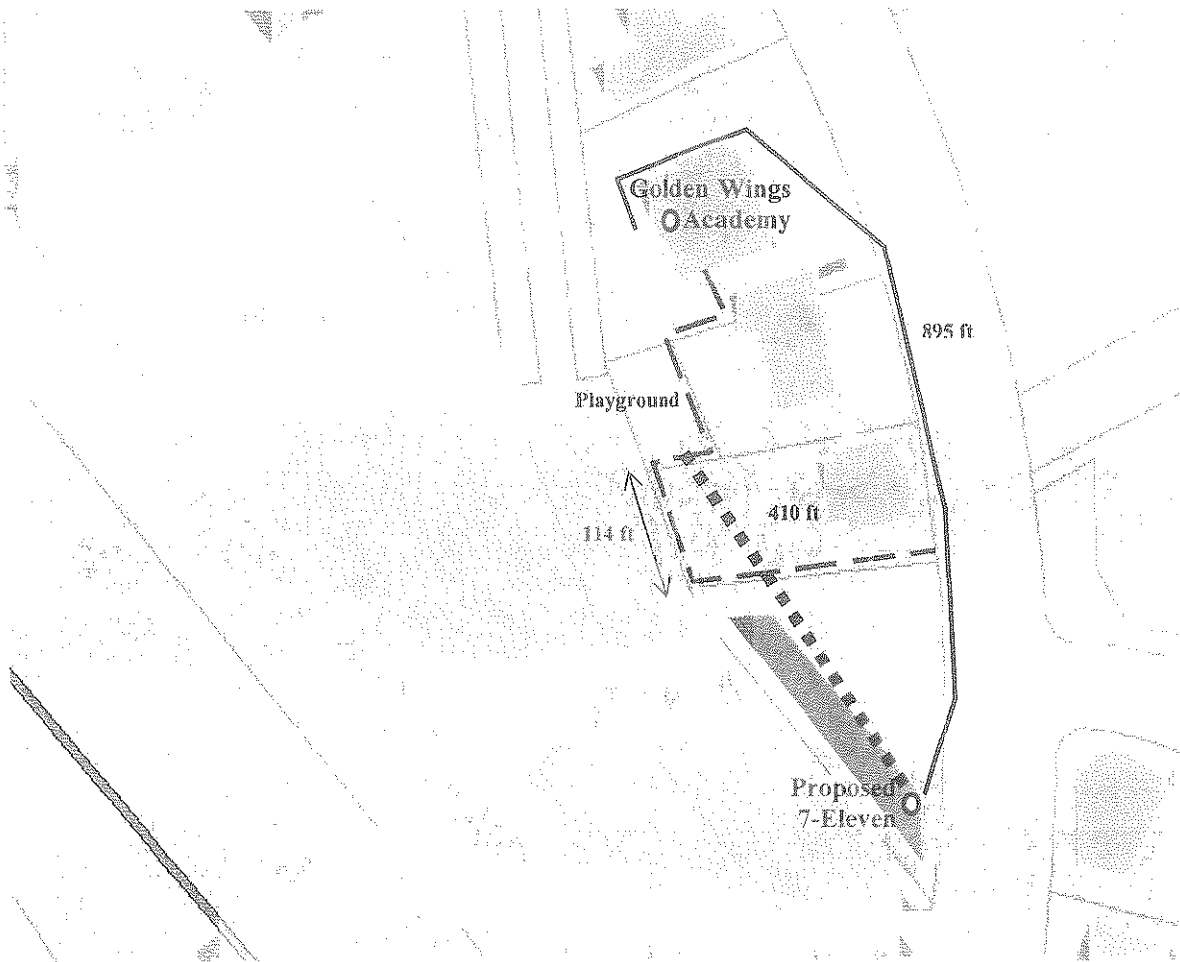
same commercial zone as the subject property. Additionally, the pre-school operates a playground area on a separate adjoining lot that is only 114 feet from the subject property.

The entrance to the Golden Wings Academy is located in the rear of the office building. In addition, all students are transported to the school either by their families or by a licensed transportation van service. There are no children that walk to the school and no students are allowed to leave until they are signed out by an authorized adult.

#### Solution

There are special circumstances applicable to the size and shape of this property, including its 50,623-square-foot size, more than 340 feet of frontage, and the location of the proposed 7-Eleven store on the most southerly portion of the shopping center. These special circumstances make the 300-foot separation requirement between the closest lot line of the lot on which the sale of beer and wine will occur and the closest lot line of the school impractical. In addition, the direct distance between the entrance of the proposed 7-Eleven convenience market and the playground area is 410 feet. Additionally, the distance from the entrance of the proposed 7-Eleven to the Academy entrance by pedestrian pathways, due to the presence of existing fences and walls that surround adjacent lots, is nearly 900 feet. Therefore, the strict application of the CMC requirement of 300 feet between the alcoholic beverage sales and school measuring lot line to lot line rather than the more practical distance between the entrances of the two uses of more than 900 feet deprives the property owner of privileges enjoyed by other property in the vicinity and under identical zoning classification.

**Map: Separation Distance between  
7-Eleven and Golden Wings Academy**



**IV. Environmental Review**

Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project is categorically exempt since the project site is located in a developed area and the project consists of minor alteration of private structures, involving no expansion of an existing use.

V. Recommendation

That the Planning Commission:

Approve CUP No. 973-15 and VAR No. 556-15

WAIVE further reading and ADOPT Resolution No. 14-\_\_\_, 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."

VI. Exhibits

1. Site Map
2. Draft Resolution
3. Development Plans

Prepared by: \_\_\_\_\_

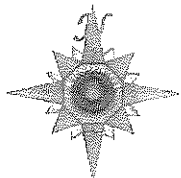
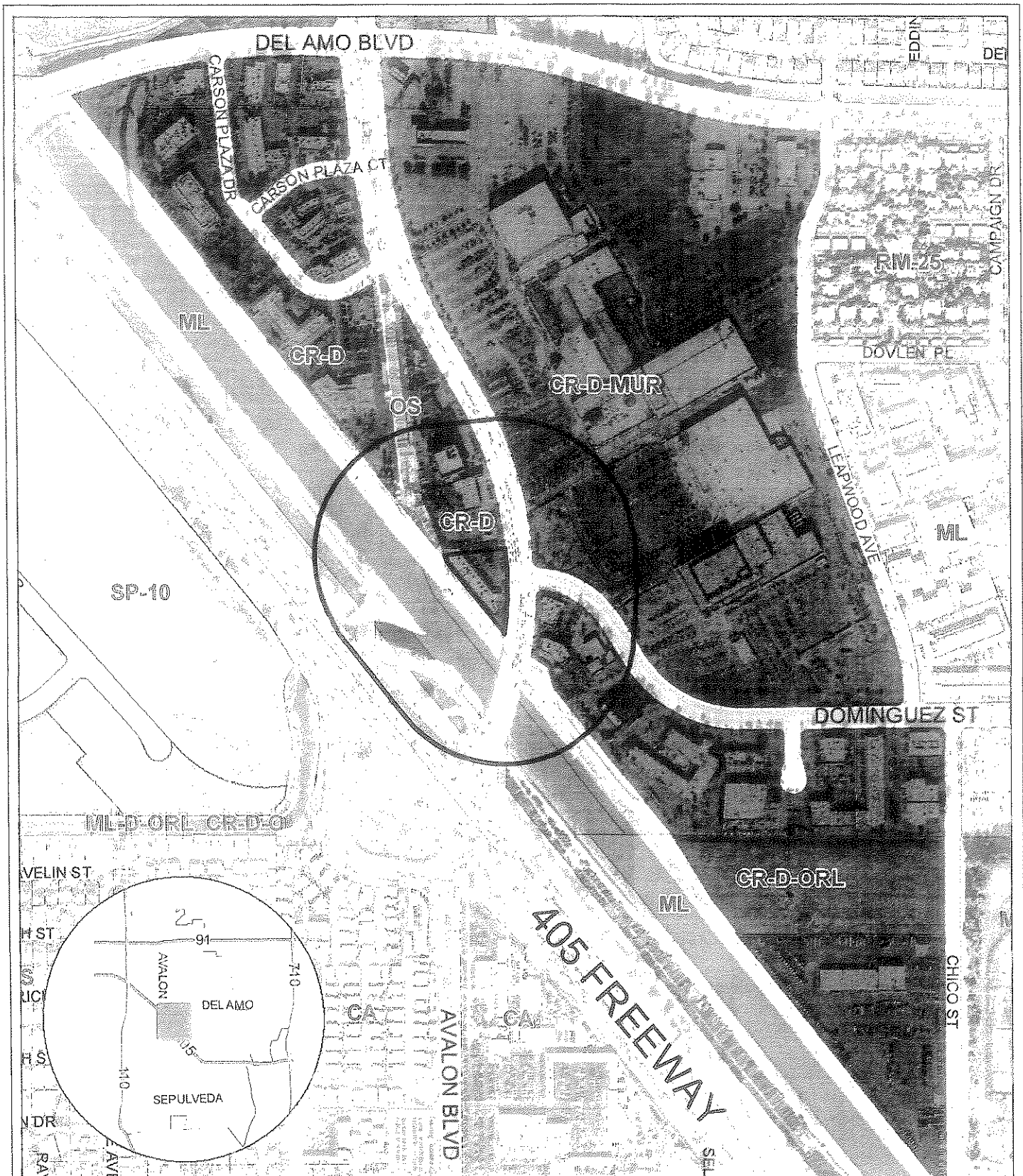
Richard A. Rojas, AICP, Associate Planner

Reviewed by: \_\_\_\_\_

John Signo, AICP, Senior Planner

Reviewed and Approved by: \_\_\_\_\_

Saied Naaseh, Planning Manager



# 20775 S AVALON BLVD 500 FOOT RADIUS MAP

EXHIBIT NO. 1

CITY OF CARSON  
PLANNING COMMISSION  
RESOLUTION NO. 15-XXXX

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 LOCATED AT 21761 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's representative, Armen Ross, on behalf of the property owner, DASAMAE Inc., with respect to real property located at 21761 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting approval of Conditional Use Permit No. 973-15 for offsite beer and alcohol sales and Variance No. 556-15 for consideration of special circumstances applicable to the 300-foot separation requirement between alcoholic beverage sales and schools, as measured from lot line to lot line on a site located in the CR-D (Commercial, Regional – Design Overlay) zoning district.

A public hearing was duly held on April 28, 2015, at 6:30 P.M. at City Hall, Helen Kawagoe 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 of Regional Commercial. The proposed use will be consistent with the surrounding commercial uses. Thus, the proposed use is appropriate for the subject property.
- b) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The site is approximately one acre in size and is located in a developed area. The proposed project is compatible with the surrounding commercial uses.
- c) There will be adequate street access and parking for the commercial uses. The applicant will utilize a shared parking agreement to meet the on-site parking requirements. In accordance with the requirements for shared parking the applicant has shown evidence that there is no substantial conflict or overlap in the principal operating hours of the uses for which the shared parking facilities are proposed and the reduction in parking shall not decrease the total number of parking spaces below the level necessary to meet the collective peak parking demand for all users.

EXHIBIT NO. 2

- d) There will be adequate water supply for fire protection for the commercial uses.
- e) The proposed use 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.
- f) The proposed CUP application to permit alcoholic beverage sales and service meets the goals and objectives of the General Plan and would be consistent with applicable zoning and design regulations. Therefore all of the required findings pursuant to Sections 9172.21(D) and 9172.26(D) can be made in the affirmative.
- f) The project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and therefore a De Minimis Impact Finding is made relative to AB 3158, Chapter 1706, Statutes of 1990.
- g) In addition, the following provides the unique features and special circumstances applicable to this property that justify approval of a Variance:
  - a. The property is 50,623 feet in size.
  - b. The property provides more than 340 feet of street frontage.
  - c. The location of the proposed alcoholic beverage sales and service is at the most southerly portion of the property and furthest away from the school.
  - d. The physical distance between the front of the proposed alcoholic beverage sales business and the school playground is more than 410 feet.
  - e. The distance from the entrance of the proposed alcoholic beverage sales and service business to the school by pedestrian pathways is 895 feet on foot.
  - f. These special circumstances make the requirement for 300 feet of separation between the closest lot line of the lot on which the sale of beer and wine will occur and the closet lot line of the school impractical. Furthermore, the intent of the Code is met as discussed above.

**Section 4.** Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, the proposed project is categorically exempt since the project site is located in a developed area and the project consists of minor alteration of private structures, involving no expansion of an existing use. Furthermore, the project site is zoned CR-D (Commercial, Regional – Design Overlay) and the land use designation under the General Plan is Regional Commercial. The proposed use is consistent with both the zoning and land use designation and the environmental impact report prepared for the General Plan anticipated the proposed use with no further adverse impacts being generated.

Section 5. Based on the aforementioned findings, the Commission hereby approves Conditional Use Permit No. 963-14 and Variance No. 556-15 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 28<sup>TH</sup> DAY OF APRIL 2015

\_\_\_\_\_  
CHAIRMAN

ATTEST:

\_\_\_\_\_  
SECRETARY

EXHIBIT "A"

PARCEL 1 OF PARCEL MAP NO. 5453, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 60, PAGE 63 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

PARCEL B:

A NON-EXCLUSIVE INGRESS AND EGRESS EASEMENT OVER AND ACROSS THAT PORTION OF PARCEL 2 OF PARCEL MAP NO. 2538, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 38, PAGE 5 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

CITY OF CARSON  
COMMUNITY DEVELOPMENT DEPARTMENT  
PLANNING DIVISION  
EXHIBIT "B"  
CONDITIONS OF APPROVAL  
CONDITIONAL USE PERMIT NO. 973-15  
VARIANCE NO. 556-15

GENERAL CONDITIONS

1. If a building permit for Conditional Use Permit No. 973-15 and Variance No. 556-15 and is not issued within one year of their effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. 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.
6. 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.
7. 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.

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8. 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.
9. 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.
10. 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.
11. 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.
12. Indemnification. The Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding 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. 973-15 and Variance No. 556-15. The applicant shall provide a deposit in the amount of 100 percent 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 the 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 the City shall have no liability to the applicant.
13. *The hours of operation for the convenience market may be 24 hours. However, no sale of beer and wine shall occur between the hours of 12 a.m. and 9 a.m.*
14. The proposed project site shall be maintained free of debris, litter and inoperable vehicles *on a daily basis for a distance of 300 feet along public streets from the site*. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.

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15. *The applicant shall install a 24-hour video monitoring surveillance camera/system to the satisfaction of the Los Angeles County Sheriff's Department.*

### SIGNS

16. Business signs and sign structures shall be permitted in conformance with development plans pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23. The signs shall be designed to match the convenience store building, including color(s), texture(s), and/or finish(es), and shall be subject to Planning Division review and approval prior to the issuance of a building permit for said sign.
17. All permitted business signs must be in compliance with the provisions of Section 9146.7 of the Zoning Ordinance.
18. *The applicant shall install building wall signs stating "no loitering and no drinking alcoholic beverages" in parking lot. Wall signage shall be illuminated to be clearly visible during evening hours.*
19. *Advertising signs promoting alcoholic beverage sales that are visible from the public right-of-way are prohibited.*

### FIRE DEPARTMENT

20. The proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements (i.e. fire hydrant installations and fire flow requirements).

### BUSINESS LICENSE

21. All parties involved in the subject project located at 21761 Avalon Boulevard including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.