



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 28, 2020

SUBJECT: Modification to existing Conditional Use Permit (CUP)
No. 1070-18

APPLICANT: Charles Kim, Hampton Inn franchisee
767 E. Albertoni Street
Carson, CA 90746

PROPERTY OWNER: Theoxenia LLC
767 E. Albertoni St.
Carson, CA 90746

REQUEST: Consider approval for a modification of Conditional
Use Permit No. 1070-18 to change the Alcohol
Beverage Control (ABC) license type from 42 to 70 at
the Carson Hampton Inn

PROPERTY INVOLVED: 767 East Albertoni Street

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Pimentel			Palmer
		Vice-Chair Cainglet			Rahman
		Fe'esago			Rashad
		Madrigal			Valdez
		Mitoma			Alt. Diaz Alt. Hellurud Alt. Zuniga

Item No. 6A

I. Introduction

Applicant

Charles Kim, Hampton Inn franchisee
767 E. Albertoni Street
Carson, CA 90746

Property Owner

Theoxenia, LLC
767 E. Albertoni Street
Carson, CA 90746

II. Project Description

The applicant, Charles Kim, doing business as a Hampton Inn franchisee, requests approval of a modification to CUP No. 1070-18 to change an existing ABC License from Type 42 (On Sale Beer & Wine – Public Premises) to a Type 70 (On Sale General – Restrictive Service).

On September 11, 2018, the Planning Commission considered and approved CUP No. 1070-18 for an ABC Type 42 license; however, this license type is designated for the operation of bars and taverns. The applicant in consultation with the State of California Department of Alcohol Beverage Control is requesting a modification to CUP 1070-18 to correctly secure an ABC Type 70, On-Sale General Restrictive Service. An ABC Type 70 license authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises of a hotel or motel by overnight transient occupancy guests or their invitees.

Hampton Inn is a popular hotel brand that is recognized globally with over 2,000 locations. With hotels in North America, Europe and India, the Hampton Inn franchise is rapidly growing and advancing their services. Hampton Inn hotels specialize in free Wi-Fi, free hot breakfast and a variety of amenities offered at each hotel. The Hampton Inn franchise is owned by the Hilton and operates 24/7 in order to check-in and out guests. Hampton Inn has been operating at this location in Carson since 1990.



III. Project Site and Surrounding Land Uses

The subject project is located in the CG-D (Commercial, General; Design Overlay) Zone and has a General Commercial General Plan designation. The subject property is located on the northeast corner of Albertoni Street and Avalon Boulevard, south of the 91 Freeway.

Land uses surrounding the proposed project site are commercial, light industrial and residential uses.



Figure (a) Project Site in context to surrounding zoning.

The following table provides a summary of information regarding the project site:

Site Information	
General Plan Land Use	General Commercial
Zone District	CG-D (Commercial, General - Design Overlay District)
Site Size	48,737 square feet (1.12 acres)
Present Use and Development	Existing Hampton Inn & Suites Hotel
Surrounding Uses/ Zoning	North: Light Industrial, Zoned ML South: Low Density, Zoned RM-8-D & General Commercial, Zoned CG-D East: General Commercial, Zoned CG-D West: General Commercial, Zoned CG-D
Access	Ingress/Egress: E. Albertoni Street

IV. Analysis

Site History

The six-story, 63,618 square foot Hampton Inn was developed in 1989. The hotel has 137 guest suites and with onsite amenities including a pool, lounge area, meeting spaces and complimentary breakfast buffet. The existing hotel building is immediately south of the 91 Artesia Freeway and is west of South Avalon Boulevard.

Alcohol Sales

On September 11, 2018, the Planning Commission considered and approved CUP No. 1070-18 for an ABC Type 42 license.

The applicant in consultation with the State of California Department of Alcohol Beverage Control is requesting a modification to CUP 1070-19 to correctly secure an ABC Type 70, On Sale General - Restrictive Service. An ABC Type 70 license authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises of a hotel or motel by overnight transient occupancy guests or their invitees.

Alcoholic beverages will be sold in closed containers behind the front desk. Guests would be allowed to purchase unopened bottles of wine and cans of beer. All sales are limited to hotel patrons and their guests and shall be consumed on the premises of the hotel. The applicant proposes to use the ABC license for only beer and wine and will not sell any type of distilled spirits.

Section 9138.5 of the CMC specifies that the total number of on-sale businesses allowed in the City is 85. Based on an ABC report generated on October 16, 2019 the number of active on-sale businesses currently within the City is 54. The number of active on-sale businesses would not change with this modification, and does not exceed the number allowed within the city.

V. CFD/DIF Discussion

On April 16, 2019, the City Council adopted Ordinance No 19-1931 to implement the City's Interim Development Impact Fee (IDIF) Program. In accordance with this IDIF program, the project is exempt due to the scope of work being a modification to an Alcohol License Type.

Based on the adopted CFD, the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1 – Existing Facilities.

VI. Zoning and General Plan Consistency

The proposed modification is consistent with the standards of the Commercial, General Center (CG) zoning designation and General Commercial General Plan land use designation and will remain consistent with the surrounding uses.



VII. Environmental Review

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 (a) Class 1 for Existing Facilities.

VIII. Public Notice

Notice of public hearing was posted to the project site on January 16, 2020. Notices were mailed to property owners and occupants within a 750' radius on January 16, 2020. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

IX. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 19-___, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A MODIFCATION OF CUP NO. 1070-18 TO CHANGE THE ALCOHOL BEVERAGE CONTROL LICENSE TYPE FROM 42 TO 70 AT THE CARSON HAMPTON INN AT 767 E. ALBERTONI STREET."

X. Exhibits

1. Draft Resolution
 - A. *Legal Description*
 - B. *Conditions of Approval*

Prepared by: Victoria Toris, Planning Intern



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 19-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING A MODIFICATION
OF CUP NO. 1070-18 TO CHANGE THE ALCOHOL
BEVERAGE CONTROL LICENSE TYPE FROM 42 TO 70
AT THE CARSON HAMPTON INN AT 767 E. ALBERTONI
STREET.**

WHEREAS, on September 15, 2019, the Department of Community Development received an application from Charles Kim on behalf of Hampton Inn, for real property located at 767 E. Albertoni Street and described in Exhibit "A" attached hereto, requesting a modification of Conditional Use Permit No. 1070-18 to change the Alcohol Beverage Control license Type from 42 (Bar, Tavern) to 70 (On-Sale General- Restrictive Services) at the Carson Hampton Inn at 767 E. Albertoni Street in the CG-D (Commercial, General- Design Review) zone.

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the twenty-eighth of January, 2020, conduct a duly noticed public hearing as required by law to consider modifications to said conditional use permit. Notice of the hearing was duly posted and mailed to property owners and properties within a 750-foot radius of the project site by January 16, 2020; and

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The proposed project is consistent with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of General Commercial and the use and the proposed modification to the existing CUP is compatible with the surrounding areas.
- b) The project site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use.

SECTION 3. The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301, Class 1- Existing Facilities. Class 1 consists of the operation, repair, maintenance, permitting,

EXHIBIT NO. - 1



leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negotiable or no expansion of the use beyond that existing at the time of the lead agency's determination. A Notice of Exemption shall be filed with the County Clerk of the County of Los Angeles pursuant to the California Environmental Quality Act.

SECTION 4. A Modification to the existing Conditional Use Permit 1070-18 complies with the City's Zoning Ordinance and General Plan and is consistent with the intent of Article IX, Chapter 1, Section 9172.21 (Conditional Use Permit) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve the Modification to Conditional Use Permit No. 1070-18 to permit the Alcohol Beverage Control, Type 70, license for On-Sale General- Restrictive Services, for the existing hotel facility located at 767 E. Albertoni Street, subject to the Conditions of Approval contained in Exhibit "B".

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED and ADOPTED this 28th day of January, 2020.

CHAIRPERSON

ATTEST:

SECRETARY



EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Lot 5 of Tract No. 43789, in the City of Carson, County of Los Angeles, State of California, as per map recorded in Book 1094, Pages 82 and 83 of Maps, in the Office of the County Recorder of said County.

Except from said land that portion lying below a depth of 500 feet measured vertically from the surface of said land, as said surface existed on October 25, 1965.

Assessor's Parcel No: 7319-035-015



**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

**EXHIBIT "B"
CONDITIONS OF APPROVAL
MODIFICATION OF CONDITIONAL USE PERMIT NO. 1070-18**

GENERAL CONDITIONS

1. **Must meet all previous Conditions of Approval from CUP NO. 1070-18 set on September 11, 2018.**

ALCOHOLIC BEVERAGE CONTROL

2. No alcohol shall be placed in the refrigerators immediately adjacent to the hotel entrance.
3. Closed container alcoholic beverages shall be kept behind the hotel front desk away from public access.
4. Alcoholic beverages shall be served by Hampton Inn employees that are over the age of 21 years old.
5. No distilled spirits will be sold, only beer and wine.

Previous Conditions of Approval from September 11, 2018 as follows:

6. If a building permit for Design Overlay Review No. 1701-18 and Conditional Use Permit No.1070-18 is not issued within one year of their effective date of approval, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
7. 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.
8. 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.
9. The applicant shall comply with all city, county, state and federal regulations applicable to this project.



10. 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.
11. 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.
12. 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.
13. 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.
14. 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.
15. 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.
16. 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.
17. 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.



18. Indemnification. The applicant, the owner, tenant(s), and their subsequent successors (Parties) agree to 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 any damage or harm to people or property, real and personal, that may result from the Property Owner(s) operations or any claims against the City for or as a result of the granting of the approval. The City will promptly notify the Parties of any such claim, action, or proceeding against the City, and Parties will pay the City's associated legal costs and will advance funds assessed by the City 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 Parties' 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. Parties 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 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 Parties fails to provide or maintain the deposit, the City may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.

AESTHETICS

19. Exterior building elevations showing building wall materials, roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
20. The applicant shall provide revised elevations for Planning Division's review and approval to add new contrasting base color/material such as stone.
21. All exterior roof-top mechanical, heating and air conditioning equipment and appurtenances thereof, shall be completely screened from public view by parapet walls that are architecturally treated so as to be consistent with the building. The construction plans shall include appropriate elevations and cross section drawings demonstrating how such equipment is to be screened from public view (include dimensions, materials and colors).
22. Graffiti shall be removed from all areas within three (3) days of written notification by the City of Carson, including graffiti found on perimeter walls and fences. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modification (i.e. fencing, landscaping, chemical treatment, etc.)



23. The proposed project site shall be maintained free of debris, litter and inoperable vehicles at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.
24. Prior to Issuance of building permit, the specification of all colors and materials must be submitted and approved by the Planning Division.
25. Plans shall be submitted to the Planning Division to show that the "smoke shelter" will be consistent with the overall building and site design.

LANDSCAPE/IRRIGATION

26. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
27. Landscaping shall be provided with a permanently installed working, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
28. The proposed irrigation system shall include best water conservation practices.
29. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
30. Prior to Issuance of Building Permit, the applicant shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division

LIGHTING

31. Site lighting shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
32. Exterior lights shall be arranged or shielded in such a manner as to contain direct illumination on the parking area and avoid glare on an adjoining site.
33. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
34. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

PARKING

35. All driveways shall remain clear. No encroachment into driveways shall be permitted.



36. The applicant shall coordinate with the landlord to provide an electric vehicle (EV) charging station within the property.

ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

General Conditions

37. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson standard plan and to the satisfaction of the City Engineer.

38. A construction permit is required for any work to be done in the public right-of-way.

Prior to Issuance of Building Permit

39. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.

40. 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 permit by Engineering Services.

41. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of construction permit.

42. The Developer shall submit improvement plans to the Development Services Group – Engineering Division showing all the required improvements in the public right-of-way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.

Prior to Issuance of Certificate of Occupancy

43. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right-of-way along E. Albertoni Street abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.

44. Security barriers, visual screen barriers, or other obstructions shall not be installed on the roof of any building in such a manner as to obstruct firefighter access or egress in the event of fire or other emergency. Parapets shall not exceed 48 inches from the top of the parapet to the roof surface on more than two sides. Fire Code 504.5

45. Clearly indicate the height of all parapets in a section view.

BUSINESS LICENSE



46. All parties involved in the subject project 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.
47. The City is in the process of developing and adopting Development Impact Fees (DIF) on new developments to pay for impacts of a project on the City's infrastructure. Projects with existing buildings are exempt from this proposed fee. Since this project is proposed within the existing Hampton Inn & Suites building, the project is exempt from DIF.

