

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 22-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON, CALIFORNIA, APPROVING
CONDITIONAL USE PERMIT NO. 1118-22 FOR
ALCOHOLIC BEVERAGE SALES WITHIN A HOTEL AT
888 E. DOMINGUEZ STREET**

WHEREAS, on March 30, 2022, the Department of Community Development received an application from Steve Rigor of Arris Studio Architects on behalf of the property owner Carson Hospitality, LLC., for real property located at 888 E. Dominguez Street and described in Exhibit “A” attached hereto, requesting approval of Conditional Use Permit No. 1118-22 to sell/serve beer, wine and distilled spirits for onsite consumption within an approved hotel; and

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-seventh day of September 2022, conduct a duly noticed public hearing as required by law to consider 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 September 15, 2022.

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 use is consistent with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of Regional Commercial and the proposed onsite sale and service of alcoholic beverages is consistent with said General Plan Land Use designation.
- b) Conditional Use Permit (CUP) No.1118-22 will allow the sales and service of beer, wine, and distilled spirits for onsite consumption within the hotel’s outdoor patio, and it’s redesigned first-floor bar/lounge and the third-floor pool/lounge.
- c) The project site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and operations of onsite alcoholic beverage sales and services. The proposed use will occur within a hotel which was approved pursuant to Site Plan and Design Review No. 1827-20 and Conditional Use Permit No. 1101-20 and a subsequent Planning Division-approved modification related to a change of the hotel branding from a Holiday Inn Express to a Marriott TownePlace Suites, which included reducing the number of guest rooms from 118 to 111, reducing the number of parking spaces from 120 to 113, converting a first floor meeting room to a bar/lounge, adding a lounge to the third floor pool area, and reducing the size of the

development by approximately 100 square feet. The approved hotel has not yet been constructed.

- d) There will be adequate street access and traffic capacity for the proposed onsite alcoholic beverage sales and services. There are two existing driveways off Dominguez Street (one exclusively for Motel 6 and the other shared between Motel 6 and the existing Carson Buffet), and an existing driveway off Bonita Street. A third, 26-foot-wide driveway off Dominguez Street will be added for exclusive access to the future hotel, as was approved by the Planning Commission under CUP No. 1101-20. The re-branding of the hotel reduced the number of guest rooms to 111. Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every guest room and 2 parking spaces for the resident manager's unit. The number of required off-street parking spaces is 113, and the approved hotel development meets that requirement. The proposed addition of onsite alcoholic beverage sales and services is not increasing the size or intensity of the development and will not alter parking requirements or significantly increase traffic trips so as to compromise capacity.
- e) The Los Angeles County Fire Department reviewed the approved hotel development and confirmed it will have adequate water supply for fire protection. That determination is not affected by the proposed addition of onsite alcoholic beverage sales and services.
- f) The proposed onsite alcoholic beverage sales and services will be compatible with the intended character of the existing commercial area. The subject property is situated across the street from the South Bay Pavilion Mall with Interstate 405 Freeway accessibility and adjoins an established neighboring hotel.
- g) The proposed use complies with the provisions of CMC Section 9138.5, Alcoholic Beverage Sales and Services. The proposed alcoholic beverage sales and services is on-sale, meaning it will only be for on-site consumption within the hotel bar and lounge area. A license from the Department of Alcoholic Beverage Control (ABC) will be required prior to any sales/service taking place. The applicant will be responsible for obtaining the required ABC license - a Type 70 On Sale General - Restrictive Service ABC License Type that authorizes the sale or furnishing of beer, wine and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. CMC Section 9138.5 stipulates that the total number of on-sale businesses in the City shall not exceed eighty-five (85). The current number of on-sale businesses is eight (8).

SECTION 3. Pursuant to Section 15060(c) of the California Environmental Quality Act (CEQA) Guidelines, the proposed activity (alcohol sales/service) is not subject to CEQA because the activity does not have the potential to, and will not, result in direct or reasonably foreseeable indirect physical change in the environment. As such, it does not constitute a project within the meaning of CEQA (14 CCR 15378). Alternatively, the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. (14 CCR 15061(b)(3)). Here it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, as it relates only to alcohol sales/service.

SECTION 4. Based on the findings and conclusions set forth above, the Planning Commission hereby approves Conditional Use Permit No. 1118-22, subject to the Conditions of Approval attached hereto in Exhibit "B."

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the Zoning Ordinance, unless an appeal is filed within that time in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

APPROVED and **ADOPTED** this 27th day of September 2022.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

PARCEL 5, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON PARCEL MAP NO. 3450, RECORDED IN [BOOK 43, PAGE 33 OF PARCEL MAPS](#), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL 100 PER CENT OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND, WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS OR EQUIPMENT, HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID REAL PROPERTY, AS EXCEPTED IN THE DEED FROM DEL AMO ESTATE COMPANY, A CORPORATION, RECORDED [NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752 OFFICIAL RECORDS](#).

PARCEL B:

PARCELS 6, 7 AND 8, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, AS SHOWN ON PARCEL MAP NO. 2540, FILED IN [BOOK 38, PAGE 6 OF PARCEL MAPS](#), IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT ALL 100 PER CENT OF THE OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE PARALLEL TO AND 500 FEET BELOW THE NATURAL SURFACE OF SAID LAND, WITHOUT, HOWEVER, ANY RIGHT TO ENTER UPON THE SURFACE OF SAID LAND TO EXPLORE FOR, DEVELOP OR REMOVE SAID SUBSTANCES, BUT WITH FULL RIGHT TO EXPLORE FOR, DEVELOP AND REMOVE THE SAME BY MEANS OF WELLS OR EQUIPMENT, HAVING SURFACE LOCATIONS OUTSIDE THE OUTER BOUNDARIES OF SAID REAL PROPERTY, AS EXCEPTED IN THE DEED FROM DEL AMO ESTATE COMPANY, A CORPORATION, RECORDED [NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 752 OFFICIAL RECORDS](#).

[APN: 7381-025-071](#)

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

**EXHIBIT "B"
CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 1118-2022**

GENERAL CONDITIONS

1. Approved CUP No. 1118-22 is for the approval of onsite alcoholic beverage sales and services of beer, wine, and distilled spirits and consumption within a hotel in the Commercial Regional-Design Overlay Review zone. A maximum of two employees will operate this from 12:00 PM to 11:00 PM., Monday through Sunday.
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 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.
4. The applicant, property owner, and/or successor to whom these project entitlements are assigned shall submit a complete set of electronic 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.
5. If a building permit for Conditional Use Permit No. 1118-22 is not issued within **two years** of the effective date, said permit shall be declared null and void unless an extension of time is approved by the Planning Commission.
6. The applicant shall comply with all city, county, state, and federal regulations applicable to this project.
7. City 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 limited to tenant improvements. See the following City webpage for additional information:
<http://ci.carson.ca.us/CommunityDevelopment/IDIFProgram.aspx>.
8. City adopted CFD 2018-01 to finance the ongoing costs of the following: law enforcement, street and sidewalk maintenance, landscape maintenance, street sweeping and sidewalk cleaning, and other eligible impacts of the Project within the CFD (the CFD Services). Based on the adopted CFD, the project is exempt due to the scope of work limited to tenant improvements. See the following City webpage for additional information:
<http://ci.carson.ca.us/communitydevelopment/CFD.aspx>.
9. Substantial project 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.
10. A modification of these conditions, 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.

11. 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; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
12. Indemnification. The applicant, owner, and tenant(s), for themselves and their successors in interest ("Indemnitors"), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them ("Indemnitees") from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, "Claims") against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees' review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors' operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors' consent. Indemnitors shall provide a deposit to the City 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 attorneys' fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.
13. **Identification will be reviewed to assure legally aged adult consumption before the service and sale of alcoholic beverages.**

ALCOHOLIC BEVERAGE CONTROL

14. **The proposed conditional use permit is a precursor to an application with the California Department of Alcoholic Beverage Control. The applicant will be solely responsible for pursuing a Type 70 On Sale General - Restrictive Service ABC License Type that authorizes the sale or furnishing of beer, wine, and distilled spirits for consumption on the premises to the establishment's overnight transient occupancy guests or their invitees. The ABC license would be required prior to any alcohol sales taking place, notwithstanding the issuance of the proposed conditional use permit.**
15. **The proposed service/sale of alcoholic beverages is solely for on-site consumption, there is no proposed off-sale business and therefore the distance restrictions from sensitive uses are inapplicable. The total number of on-sale businesses in the City is currently eight (8). Therefore, the proposed project meets the requirements of CMC 9133 and 9138.5.**

BUILDING AND SAFETY DIVISION

16. Submit development plans for plan check review and approval.
17. Obtain all appropriate building permits and an approved final inspection for the proposed project.
18. Prior to issuance of building permit, proof of worker's compensation and liability insurance must be on file with the Los Angeles County Building and Safety Division.

BUSINESS LICENSE

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

SHERIFF DEPARTMENT – COUNTY OF LOS ANGELES

20. **A Construction Traffic Management Plan shall be implemented as part of the proposed Project to address construction-related traffic congestion and emergency access issues. If temporary lane closures are necessary for the installation of utilities, emergency access shall be always maintained. Flag persons and/or detours should also be provided as needed to ensure safe traffic operations, and construction signs shall be posted to advise motorists of reduced construction zone speed limits. On-site inspector shall notify the Carson Station when these measures are in place.**
21. **Installation of security cameras and building lights with motion sensors shall be installed. Proposed locations of exterior building security cameras shall be in areas where they can adequately identify vehicle license plates upon entry/exit into the proposed Project with adequate lighting to enhance visibility.**
22. **Installation of security cameras inside the building at each level's entry/exit points, at the elevators, and at the stairwells.**
23. **Installation of video monitoring system where appropriate.**