

CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 23-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING SITE PLAN AND
DESIGN OVERLAY REVIEW NO. 1940-23, FOR
PROPOSED DEMOLITION OF AN EXISTING
COMMERCIAL BUILDING AND CONSTRUCTION OF A
NEW DRIVE-THROUGH RESTAURANT AT 17625
CENTRAL AVENUE.**

WHEREAS, on July 19, 2023, the Department of Community Development received an application from Marks Architects on behalf of Jack in the Box for real property located at 17625 Central Avenue and legally described in Exhibit “A” attached hereto, requesting approval of Design Overlay Review No. 1940-23 to demolish an existing commercial building and construct a new drive-through restaurant.

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 12th day of December, 2023, conduct a duly noticed public hearing as required by law to consider said design overlay and variances application. Notice of the hearing was originally posted and mailed to property owners and properties within a 750-foot radius of the project site by December 2, 2023; 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:

1. With respect to Site Plan and Design Review No. 1940-23, for the development of a drive-through restaurant at the subject property:
 - 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 Corridor Mixed-Use and the proposed restaurant development is compatible with the surrounding uses.
 - b) The proposed project is compatible in architecture and 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. The proposed project consists of developing an approximately 1,885-square-foot restaurant with a double-laned drive-through and adjoining 19 stall parking lot. The project is compatible with the surrounding area in that it is in keeping with other commercial restaurants in the vicinity using similar massing, articulation and fenestration.
 - c) The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic. The applicant will maintain two

ATTACHMENT NO. 5

existing driveways located along Central Avenue and Radbard Street for vehicular access to the subject property. Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 100 square-foot of gross floor area for dining and drinking establishments. The proposed restaurant requires 19 parking spaces (1,885/100sf=18.85 parking spaces); 18 regular and 1 ADA compliant parking spaces. The project design will allow for and promote safe and convenient pedestrian and vehicle circulation.

- d) All signage associated with this project will comply with applicable Carson Municipal Code provisions, and will exhibit attractiveness, effectiveness and restraint in signing graphics and color.
- e) The project will not be developed in phases.

SECTION 3. The project is categorically exempt pursuant to Section 15303 of the California Environmental Quality Act. Section 15303 consists of projects characterized as new construction of small structures meeting the conditions as enumerated below:

- (a) The project does not involve the use of significant amounts of hazardous.
- (b) The proposed structure does not exceed 2,500 square feet.

The project meets all of the foregoing criteria. 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. Design Overlay Review No. 1940-23 complies with the City's Zoning Ordinance and General Plan and are consistent with the intent of Article IX, Chapter 1, Section 9172.23 (Site Plan and Design Review) and Section 9172.22 (Variance) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings set forth above, does hereby approve Design Overlay Review No. 1940-23 to demolish an existing commercial building and construct a new, approximately 1,885-square-foot drive-through restaurant at 17625 Central Avenue, subject to the Conditions of Approval contained in Exhibit "B," attached hereto.

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.

PASSED, APPROVED and ADOPTED this 12th day of December 2023.

CHAIRPERSON

ATTEST:

SECRETARY

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EXHIBIT "A"

THE SURFACE AND THAT PORTION OF THE SUBSURFACE WHICH IS WITHIN 500 FEET MEASURED VERTICALLY DOWNWARD FROM THE PRESENT SURFACE OF THAT PORTION OF PARCEL NO. 4, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON RECORD OF SURVEY, FILED IN BOOK 82 PAGES 31 AND 32 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 14 OF TRACT NO. 24268, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 747 PAGES 51 TO 57 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG THE EASTERLY LINE OF SAID LOT 14 SOUTH 0° 22' 20" EAST 150.00 FEET; THENCE PARALLEL WITH THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID LOT 14, NORTH 89° 37' 40" EAST 156.85 FEET TO THE WESTERLY LINE OF CENTRAL AVENUE 70.00 FEET WIDE AS SHOWN ON MAP OF SAID TRACT NO. 24268; THENCE ALONG SAID CENTRAL AVENUE NORTH 0° 22' 20" WEST 131.00 FEET TO THE BEGINNING OF THAT CERTAIN TANGENT CURVE CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 19.00 FEET AS SHOWN ON THE MAP OF SAID TRACT NO. 24268; THENCE NORTHERLY, NORTHWESTERLY AND WESTERLY THROUGH A CENTRAL ANGLE OF 90° 00' 00" AN ARC DISTANCE OF 29.85 FEET TO THE EASTERLY PROLONGATION OF THE NORTHERLY LINE OF LOT 14; THENCE ALONG SAID EASTERLY PROLONGATION SOUTH 89° 37' 40" WEST 137.85 FEET TO THE POINT OF BEGINNING.

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EXHIBIT NO. 5A

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

**EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1940-23**

I. GENERAL CONDITIONS

1. ***Interim Development Impact Fee:*** In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code ("CMC"), the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible for payment of one-time interim development impact fees ("IDIF") at the applicable amounts/rates detailed below for each square foot of commercial development constructed for the project. If the project increases or decreases regarding the square footage constructed, the total IDIF amount will be adjusted accordingly at the applicable rate.

Additionally, subject to the review, verification, and approval of the Community Development Director, the applicant may be eligible for development impact fee credits for demolition of an existing permitted structure or structures. To be eligible for credits, prior to demolition, please make the credit request with James Nguyen at jnguyen@carsonca.gov in the Community Development Department. Awarded fee credits shall reduce the final development impact fee amount and are applied when development impact fees are due.

Final IDIF rates and amounts are calculated and due prior to issuance of the building permit(s). No building permit shall be issued prior to the full payment of the required IDIF amount, which payment shall be made in one lump sum installment. IDIF amounts/rates are subject to adjustment every July 1st based on State of California Construction Cost Index (Prior March to Current March Adjustment), per CMC Section 11500.

IDIF amounts/rates for commercial development have been set at \$6.03 per square foot for Fiscal Year 2023-24, effective July 1, 2023, through June 30, 2024. Based on these rates, the Developer would be responsible for payment of IDIF in the amount of \$11,366.55 for the proposed project, calculated as follows: 1,855 square feet X \$6.03 per square foot = \$11,366.55. However, if the IDIF for the project is not paid by the end of the 2023-24 fiscal year (i.e., by June 30, 2024), a new IDIF rate/amount will apply for the period of July 1, 2024, through June 30, 2025, based on the IDIF rate for Fiscal Year 2024-25, and so on for subsequent fiscal year(s).

Notice of Imposition of Interim Development Impact Fees; Right to Protest

Pursuant to CMC Section 11503, Developer is hereby notified of the IDIF imposed on the project, as described and in the amount stated above. In accordance with Government Code Section 66020, Developer may protest the imposition of the IDIF on the project by complying with the requirements set forth in CMC 11900. Any such protest shall be filed within ninety (90) days after the effective date of the City's approval/conditional approval of the project.

If you have any questions or comments regarding this notice, please contact James Nguyen at jnguyen@carsonca.gov or (310) 952-1700 ext. 1310.

2. If a building permit for Design Overlay Review No. 1940-23 is not issued within **two years** of their effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
 3. 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.
 4. Developer 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.
 5. Developer shall comply with all city, county, state and federal regulations applicable to this project.
 6. Any 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.
 7. 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.
 8. 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.
 9. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the Developer 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 these Conditions of Approval alter a commitment made by the Developer 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. 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 therefor, or work may cease on the Project.
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13. Indemnification. The applicant, property 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.

II. AESTHETICS

1. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
2. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
3. Graffiti shall be removed from all areas within twenty-four (24) hours 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.).
4. 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.

III. LANDSCAPE/IRRIGATION

1. Comply with the provisions of Section 9168 of the Zoning Ordinance, “Water Efficient Landscaping.”
 2. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically timed controller station set for early morning or late evening irrigation.
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3. Installation of 6" x 6" concrete curbs are required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
4. The proposed irrigation system shall include best water conservation practices.
5. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
6. 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.

IV. LIGHTING

1. Developer shall provide adequate lighting for the parking areas.
2. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
3. 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.

V. PARKING

1. All driveways shall remain clear. No encroachment into driveways shall be permitted.
2. The new parking area will be slurry sealed and striped with a parking configuration that complies with ADA, Fire, and Traffic Engineering standards.
3. All areas used for movement, parking, loading, or storage of vehicles shall be paved, striped, and provided with wheel stops in accordance with Section 9162.0 of the Zoning Ordinance.

VI. Pavement

1. A new parking lot shall be constructed in its entirety as part of the new development.

VII. TRASH

1. Trash collection from the project site shall comply with the requirements of the City's trash collection company.
2. Trash enclosure shall be kept clean and free of excessive odor.

VIII. UTILITIES

1. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
 2. Developer shall remove, at its own expense, any obstructions within the utility easements that would interfere with the use for which the easements are intended.
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3. Any aboveground utility cabinet or equipment cabinet shall be screened from the public right-of-way by a decorative block wall or landscaping, to the satisfaction of the Planning Division.

IX. BUILDING AND SAFETY DIVISION

1. Applicant shall submit development plans for plan check review and approval.
 2. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.
 3. Prior to issuance of building permit, proof of worker's compensation and liability insurance for Developer must be on file with the Los Angeles County Building and Safety Division.
 4. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
 5. Plans prepared in compliance with the current Building Code shall be submitted to Building Division for review prior to permit issuance.
 6. School Developmental Fees shall be paid to School District prior to the issuance of the building permit.
 7. Fees shall be paid to the County of Los Angeles Sanitation District prior to issuance of the building permit.
 8. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
 9. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
 10. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a. Observation of cleared areas and benches prepared to receive fill;
 - b. Observation of the removal of all unsuitable soils and other materials;
 - c. The approval of soils to be used as fill material;
 - d. Inspection of compaction and placement of fill;
 - e. The testing of compacted fills; and
 - f. The inspection of review of drainage devices.
 11. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by other soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits and has accepted by the City, a new Preliminary Soils and/or Geotechnical Investigation.
 12. A grading and drainage plan shall be approved prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
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X. FIRE DEPARTMENT

The proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements.

XI. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

1. The Developer shall submit an electronic copy of **approved** plans (*such as, Sewer, Street and/or Storm Drain Improvements, whichever applies*), to the City of Carson – Engineering Division, prior to issuance of permit by Engineering Division.
 2. Any existing off-site improvements including sidewalks, driveway, curb and gutter etc., damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 3. A construction permit is required for any work to be done in the public right-of-way.
 4. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of permit by Engineering Division.
 5. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to approval of the Final Map.
 6. Covenants shall be recorded to address drainage responsibilities are required.
 7. Private easement shall be reserved for ingress/egress between the two parcels.
 8. Prior to approval of the project or issuance of any permits, a soils report, sewer area study,
 9. The Developer shall comply with applicable LID requirements (*Carson Municipal Code 5809*) and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of Building and Safety.
 10. The Developer shall send a print of the development map to the County Sanitation District, to request for annexation. The request for annexation must be approved prior to project approval.
 11. Sidewalk repair for both Central Ave. and East Radbard street up to the property limits.
 12. New ADA ramp to be installed at the corner of Central Ave. and Radbard.
 13. Fill in old tree well along Central Avenue.
 14. Sidewalk in need of repair along Central and East Radbard should be repaired to the satisfaction of Public Works inspection.
 15. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the
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City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.

- a. All utility connections shall be shown on the plans and each building shall have its own utility connections.
16. Off-site improvements (eg. driveways, sidewalk, parkway drains, trees, curb/gutter etc) shown on the grading plans must provide a concurrent submittal to City of Carson Engineering Division. Off-site improvements shall be shown on a separate set of street improvement plans.
 17. All existing overhead utility lines 12 kilovolts and less along Central Ave shall be underground to the satisfaction of the City Engineer.
 18. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
 19. Provide a Street light along East Radbard Street and a photometric study.
 20. The Developer shall execute and provide to the City Engineer, a will serve letter from the utility companies.
 21. The developer shall construct new driveway approaches per City of Carson PW Standard Drawings and in compliance with the ADA requirements. Easement may be required to accommodate the construction of the driveway and meet the ADA requirement.
 22. Replace driveway, to 30ft' wide, approach within the public right of way along Central Ave. abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 23. Install striping and pavement legend per City of Carson PW Standard Drawings.
 24. Developer shall pay for any fees applicable at he the time of the approval of the projects.
 25. Drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved.
 - a. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.

XII. BUSINESS LICENSE

1. 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.
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