



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: April 22, 2008
SUBJECT: Design Overlay Review No. 1259-08

APPLICANT: Jack in the Box Inc.
Attention: David Frink
3549 Camino Del Rio S., Suite C
San Diego, CA 92108

REQUEST: Remodel an existing Jack in the Box restaurant on a property located in the CG-D (Commercial, General – Design Overlay Review) zone

PROPERTY INVOLVED: 23813 S. Avalon Boulevard

COMMISSION ACTION

Concurred with staff
 Did not concur with staff
 Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Hudson			Saenz
		Cannon			Verrett

Item No.11-A

I. Introduction

Date Application Received

- January 17, 2008: Design Overlay Review No. 1259-08.

Applicant

- Jack in the Box, Attention: David Frink, 3549 Camino Del Rio S. Suite C, San Diego, CA 92108

Property Owner

- Major Dhillon; 18869 S. Jeffery; Cerritos, CA 90703

Project Address

- 23813 S. Avalon Boulevard

Project Description

- Proposed storage and Americans with Disabilities Act (ADA)-compliant restrooms to an existing Jack in the Box restaurant totaling 254 square feet, and new exterior elevation colors.
- The application includes the following:
 - Design Overlay Review No. 1259-08 for the approval of 254 square feet for restaurant storage and restrooms, and new exterior elevation colors.

II. Background

Current Use of Property

- The property is developed with an existing 1,870-square-foot Jack in the Box restaurant. The restaurant was built in 1966.

Previously Approved Discretionary Permits

- There is no record of previously approved discretionary permits on this property.

Public Safety Issues

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

III. Analysis

Location/Site Characteristics/Existing Development

- The subject property is located at 23813 S. Avalon Boulevard, north of Sepulveda Boulevard and on the west side of Avalon Boulevard.
- The existing Jack in the Box restaurant was built in 1966.
- Adjacent to the subject property to the north and west are single family residential dwellings and to the south and east are general commercial uses.
- The lot has an irregular shape with a total lot area of 14,784 square feet.



- The lot has no landscaping and will be required to provide landscaping and irrigation.
- The property meets Section 9162.21.C.2 (Commercial, Dining) of the Carson Municipal Code (CMC) of providing a minimum of 10 parking spaces.
- The property signage shall not exceed 244 square feet of sign area. There shall be no banner signs and proposed decorative graphics panels shall be removed to meet signage requirement.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CG-D (Commercial General, Design Overlay Review) and the properties to the east and south share the same zoning. The properties to the north and west are zoned RS (Residential Single-family).
- The subject property has the General Plan Land Use designation of General Commercial.

Applicable Zoning Ordinance Regulations

The proposed restaurant addition and building elevation color changes are subject to the approval of a development plan in accordance with the Site Plan and Design Review (DOR) procedures as provided in Section 9172.23.

Required Findings: Site Plan and Design Review

Pursuant to Section 9172.23, Site Plan and Design Review, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
2. Compatibility of 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 and open spaces and other features relative to a harmonious and attractive development of the area.
3. Convenience and safety of circulation for pedestrians and vehicles.
4. Attractiveness, effectiveness and restraint in signing, graphics and color.
5. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.



All of the required findings pursuant to Section 9172.23(D), "Site Plan and Design Review, Approval Authority and Findings and Decision", can be made in the affirmative. Details can be found in the attached Resolution.

Issues of Concern / Mitigation:

- **Issue- Nonconforming Parking:** Pursuant to Section 9182. 41 (D), Site Development Nonconformities. Regarding the nonconformity number of parking spaces, allowed to continue indefinitely, except that any expansion of use which requires additional parking space shall be required to only the parking space needed to serve the expansion.
 - **Mitigation:** The proposed 254 square foot restaurant addition shall require 3 new vehicle parking spaces.

- **Issue-Safe Circulation:** Pursuant to Section 9172.23 finding 3, "convenience and safety of circulation for pedestrians and vehicles, the proposed site plan shall provide the following mitigation:
 - **Mitigation:** To increase on-site vehicular circulation safety, relocate preview reader board adjacent to the existing speaker board.

- **Issue-Lack of Landscaping:** Pursuant to Section 9172.23 (2) Compatibility of architecture and design including landscaping to foster a harmonious and attractive development in the area, the proposed site plan shall provide the following mitigation to address the property's lack of landscaping:
 - **Mitigation:** To provide a harmonious and attractive development for the area, the project shall provide a landscape and irrigation plan. The landscaping and irrigation system shall be planted and installed as a condition of approval and as approved by the Planning Division.

IV. Environmental Review

Pursuant to Section 15301(a) "Existing Facilities" of the California Environmental Quality Act (CEQA), the proposed restaurant addition on an existing developed commercial general property does not have the potential for causing a significant effect on the environment and is found to be exempt.

V. 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 DESIGN OVERLAY REVIEW NO. 1259-08 RECOMMENDING APPROVAL FOR A REMODEL AND ADDITION TO AN EXISTING JACK IN THE BOX RESTAURANT LOCATED AT 23813 AVALON BOULEVARD."

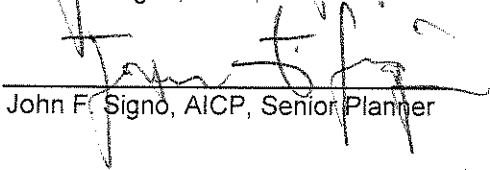


VI. Exhibits

1. Resolution
2. Development Plans

Prepared by: 
Zak Gonzalez II, Planner

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

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

DOR No. 1259-08_23813_Avalon_Blvd_4



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW
NO. 1259-08 RECOMMENDING APPROVAL FOR A REMODEL
AND ADDITION TO AN EXISTING JACK IN THE BOX
RESTAURANT LOCATED AT 23813 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, David Frink, on behalf of Jack in the Box, Inc., with respect to real property located at 23813 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of a Design Overlay Review (DOR No. 1259-08) for a developed property in the CG-D (Commercial, General Design Overlay) zone.

A public hearing was duly held on April 22, 2008, 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 General Plan designates the property as General Commercial which is compatible with the proposed use. The proposed addition to an existing restaurant use will be consistent with the surrounding general commercial uses and is appropriate for the subject property as proposed;
- b) 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 and open spaces and other features relative to a harmonious and attractive development of the area;
- c) The site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development. The surrounding land uses are primarily residential single family uses and general commercial uses and the proposed project is compatible with those uses. The site is 14,784 square feet, relatively flat, and located in a general commercial area;
- d) Applicable off-street parking requirements will be provided and circulation on the adjacent public streets will not be adversely impacted. Safety and convenience of vehicular and pedestrian access is provided;
- e) The new signs proposed for the subject project shall meet the requirements of the Municipal Code; and



- f) The proposed DOR application for the proposed restaurant remodel 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 9172.23 (D), "Design Overlay Review, Approval Authority and Findings and Decision" can be made in the affirmative.

Section 4. The Planning Commission further finds that the use permitted by the proposed Design Overlay Review will not have a significant effect on the environment. The proposed use will not alter the predominantly commercial and residential 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 exempt under the general rule of CEQA, Section 15301.

Section 5. Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1259-08 with respect to the properties 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 22nd DAY OF April, 2008

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT "A"

LEGAL DESCRIPTION

Real property in the City of Carson, County of Los Angeles, State of California, described as follows:

PARCEL 1:

THAT PORTION OF LOT 230 OF TRACT NO. 11468, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 254 PAGES 1 TO 4 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, LYING EASTERLY OF A LINE THAT IS PARALLEL WITH THE EASTERLY LINE OF SAID LOT AND ITS SOUTHERLY PROLONGATION AND PASSES THROUGH A POINT IN THE SOUTHERLY LINE OF SAID LOT, DISTANT WESTERLY ALONG SAID SOUTHERLY LINE AND ITS EASTERLY PROLONGATION, 150 FEET FROM SAID SOUTHERLY PROLONGATION.

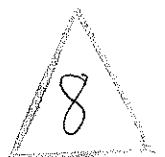
EXCEPT THAT PORTION OF SAID LAND LYING SOUTHERLY OF A LINE THAT IS PARALLEL WITH THE SOUTHERLY LINE AND ITS EASTERLY PROLONGATION AND PASSES THROUGH A POINT IN THE EASTERLY LINE OF SAID LOT, DISTANT NORTHERLY ALONG SAID EASTERLY LINE AND ITS SOUTHERLY PROLONGATION 150 FEET FROM SAID EASTERLY PROLONGATION.

PARCEL 2:

THAT PORTION OF AVALON BOULEVARD, AS SHOWN ON MAP OF TRACT NO. 11468, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, FILED IN BOOK 254 PAGES 1 TO 4 INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITHIN A STRIP OF LAND, 14.50 FEET WIDE, THE WESTERLY LINE OF WHICH IS DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY CORNER OF LOT 230, SAID TRACT NO. 11468; THENCE SOUTHERLY ALONG THE EASTERLY LINE OF SAID LOT TO A LINE THAT IS PARALLEL WITH AND 150 FEET NORTHERLY, MEASURED ALONG THE SOUTHERLY PROLONGATION OF SAID EASTERLY LINE AND ALONG SAID EASTERLY LINE FROM THE EASTERLY PROLONGATION OF THE SOUTHERLY LINE OF SAID LOT, AS DESCRIBED IN THAT CITY OF CARSON, RESOLUTION NO. 74-027, RECORDED FEBRUARY 27, 1974 AS INSTRUMENT NO. 3830.

APN: 7329-046-022





CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1259-08

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No. 1259-08 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 comply with all city, county, state and federal regulations applicable to this project.
4. 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.
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. 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.
8. The operator of a lawfully erected facility, and the owner of the premises upon which it is located, shall promptly notify the Planning Division in writing in the event that the use of the facility is discontinued for any reason. In the event the



facility is discontinued or abandoned for a period of more than 180 days, then the owner(s) and/or operator(s) shall promptly remove the facility, repair any damage to the premises caused by such removal, and restore the premises as appropriate so as to be in conformance with applicable zoning codes at the owner's and/or operator's expense. All such removal, repair and restoration shall be completed within 90 days after the use is discontinued or abandoned, and shall be performed in accordance with all applicable health and safety requirements.

9. 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, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Design Overlay Review No. 1259-08. 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.

AESTHETICS-SIGNAGE

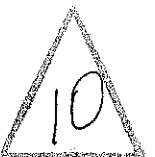
10. The existing masonry wall shall be re-painted and planted with an evergreen vine on its inside edge.
11. The applicant shall plant and maintain all new landscaping per submitted landscape and irrigation plans as approved by Planning Division.
12. The applicant shall repave and restripe all parking space areas as required.
13. The property signage shall not exceed 244 square feet of sign area. There shall be no banner signs allowed. Proposed decorative graphic signs shall be removed to meet sign requirements.

CIRCULATION-SAFETY-PARKING

14. To promote on-site vehicular traffic safety relocate the preview reader board next to the menu order speaker board location.
15. There shall be 3 new parking spaces installed on said property.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

16. As necessary, the applicant shall remove and replace any broken driveway approach per City of Carson Standard.



17. Prior to issuance of a Building Permit, Proof of Worker's Compensation and Liability Insurance must be on file with the Los Angeles County Building and Safety Department.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

18. 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.

