



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 23, 2008

SUBJECT: Design Overlay Review No. 1285-08

APPLICANT: Jack in the Box Inc.
Attention: Sabrina Wright
2439 W. Coast Hwy., Suite 101
Newport Beach, CA 92663

OWNER: Granite Peak Property
3655 Noble Dr. Ste 650
San Diego, CA 92122

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

PROPERTY INVOLVED: 20423 S. Avalon Boulevard

COMMISSION ACTION

Concurred with staff

Did not concur with staff

Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Saenz
		Cannon			Verrett
		Graber			

Item No. 11-D

I. Introduction

Date Application Received

- July 28, 2008: Design Overlay Review No. 1285-08.

Applicant

- Jack in the Box, Attention: Sabrina Wright 2439 W. Coast Hwy, CA 92663

Property Owner

- Granite Peak Property Investments C/O The Midtown Niki Group; 3655 Nobel Drive Suite 650; San Diego, CA 92122

Project Address

- 20423 S. Avalon Boulevard

Project Description

- Proposed interior and exterior remodel including Americans with Disabilities Act (ADA)-compliant restrooms to an existing Jack in the Box.
- The application includes the following:
 - Design Overlay Review No. 1285-08 for the approval of an interior and exterior remodel to an existing Jack in the Box Restaurant.

II. Background

Current Use of Property

- The property is developed with an existing 2,372-square-foot Jack in the Box restaurant. The restaurant was built in 1974.

Previously Approved Discretionary Permits

- Design Overlay Review No. 53-78 was approved by the Planning Commission on November 14, 1978 for the expansion of an existing restaurant.

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 20423 S. Avalon Boulevard.
- The existing Jack in the Box restaurant was built in 1974.
- Surrounding properties are developed with commercial uses zoned CR-D.
- The lot has an irregular shape with a total lot area of 20,253 square feet.
- The lot's landscaping has not been maintained and a previous landscaped planter strip was filled in with concrete, therefore, the applicant will be required to remove the concrete and plant evergreen ground cover and evergreen flowering plants with an automatic drip irrigation system. Further, all existing



planter/landscaped areas shall be replanted with evergreen ground cover and evergreen flowering plants. These areas shall also have an automatic drip irrigation system installed.

- The brick retaining wall at the south driveway is in disrepair and is breaking apart. The brick wall shall be repaired and the existing palm tree causing the damage shall be replaced by a different tree known not to cause root damage.
- The existing pavement is in a disrepair condition, therefore, the entire parking and driveway areas shall be re-paved or re-slurried. All parking spaces shall also be re-stripped.
- The restaurants proposed signage meets the sign area requirements of CMC Section 9136.7.B.2.

Zoning/General Plan/Redevelopment Area Designation

- The subject property is zoned CR-D (Commercial Regional, Design Overlay Review) and the surrounding properties have the same zoning.
- The subject property has the General Plan Land Use designation of Regional Commercial.

Applicable Zoning Ordinance Regulations

The proposed restaurant remodel 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- Illegal Parking: Upon inspection of the subject property on several site visits staff found customers parking next to the restaurants east windows.
 - *Mitigation:* The applicant shall keep this area clear and shall paint "no parking" on the pavement next to this building location.

- Issue-Building Aesthetics & 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 building's aesthetics and property's lack of maintained landscaping:
 - *Mitigation:* To provide a harmonious and attractive development for the area, the project shall provide tile with a polished finish around the building up to the windows base. Additionally, all planter areas shall be replanted with shrubs, ground cover, and flowering plants and with an automatic irrigation drip system. The landscaping and irrigation system shall be planted and installed as a condition of approval and as approved by the Planning Division.
 - *Mitigation:* To further enhance the site's landscaping staff recommends that the asphalt area east of the restaurant (facing Avalon Boulevard) be developed with additional landscaping being that this area is not required for safe vehicular ingress and egress to and from this site.

IV. Environmental Review

Pursuant to Section 15301(a) "Existing Facilities" of the California Environmental Quality Act (CEQA), the proposed restaurant remodel 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 RECOMMENDING APPROVAL OF DESIGN OVERLAY REVIEW NO. 1285-08 TO THE CARSON REDEVELOPMENT AGENCY".



VI. Exhibits

1. Resolution
2. Development Plans

Prepared by: 
Zak Gonzalez II, Planner

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

Approved by: 
Sheri Repp, Planning Manager

DOR No. 1285-08_20423_Avalon_Bldv_4

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF CARSON RECOMMENDING APPROVAL OF DESIGN
OVERLAY REVIEW NO. 1285-08 TO THE CARSON
REDEVELOPMENT AGENCY

THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA,
HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

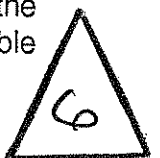
Section 1. An application was duly filed by the applicant, Sabrina Wright, on behalf of Jack in the Box Inc., with respect to real property located at 20423 Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of a Design Overlay Review (DOR No. 1285-08) for a developed property in the CR-D (Regional Commercial, Design Overlay) zone.

A public hearing was duly held on September 23, 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 Regional Commercial which is compatible with the proposed use. The proposed remodel to an existing restaurant will be consistent with the surrounding 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 uses and general commercial uses and the proposed project is compatible with those uses. The site is 20,253 square feet, relatively flat, and is located in a regional 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 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. 1285-08 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 23Th DAY OF SEPTEMBER, 2008

CHAIRMAN

ATTEST:

SECRETARY



Exhibit "A"

Legal Description:

That portion of Parcel 2, in the City of Carson, County of Los Angeles, State of California, as shown on Parcel Map No. 3441, filed in the Book 49, Page 46 of Parcel Maps, in the Office of the County Recorder of said County.

Also known as: Assessor's Parcel Number 7339018027



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL

DESIGN OVERLAY REVIEW NO. 1285-08

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No. 1285-08 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. 1285-08. 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 applicant shall install tile with a polished finish around the building up to the window base.
11. The applicant shall replant all planter areas with evergreen ground cover and evergreen flowering plants. An automatic drip irrigation system shall be installed where needed and all new landscaping to be maintained per submitted landscape and irrigation plans as approved by Planning Division.
12. To further enhance the site's landscaping staff recommends that the asphalt area east of the restaurant (facing Avalon Boulevard) be developed with additional landscaping being that this area is not required for safe vehicular ingress and egress to and from the site.
13. The applicant shall repair the broken brick retaining wall at the south driveway. The existing palm tree that caused the wall damage shall be replaced with a different tree variety that will not cause the same root damage.
14. The property signage shall not exceed 414 square feet of sign area. There shall be no banner signs allowed.

CIRCULATION-SAFETY-PARKING

15. The applicant shall repave and restripe all parking space areas as required.



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.

