

CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 23-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON FINDING A CEQA EXEMPTION AND CONDITIONALLY APPROVING SITE PLAN AND DESIGN REVIEW NO. 1906-22, FOR AN EXTERIOR REMODEL AND RELATED SITE IMPROVEMENTS TO AN EXISTING 2,925 SQUARE-FOOT RESTAURANT WITH DRIVE-THROUGH LOCATED AT 17209 CENTRAL AVENUE.

WHEREAS, on October 16, 2022, the Department of Community Development received a complete application from Humberto Lopez on behalf of Elisseos Patronas for real property located at 17209 Central Avenue and legally described in Exhibit “A” attached hereto, requesting approval of Site Plan and Design Overlay Review No. 1906-22 for an exterior remodel of an existing restaurant with drive-through with related site improvements; 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 28th day of February, 2023, conduct a duly noticed public hearing as required by law to consider said design overlay 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 February 15, 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 (DOR) No. 1906-22, for an exterior remodel of an existing 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 Light Industrial and the proposed exterior remodel to an existing restaurant and related site improvements are compatible with the surrounding uses. There is no applicable Specific Plan.
 - 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 an exterior remodel to an existing restaurant with drive-through. The proposed renovation incorporates contemporary high-quality materials and features including metal siding and updated paint.

Exhibit 1

- c) The proposed development will have adequate street access for pedestrian and vehicles, adequate capacity for parking and traffic, and convenience and safety of circulation for pedestrians and vehicles. The project circulation will remain the same and the parking area will not be altered by the proposed remodel. Vehicular access to the property will be maintained and is provided by driveways at Walnut Street and Central Avenue.
- d) No new signage is associated with this project. Any signage proposed at the property is subject to provisions of the Carson Municipal Code Section 9136.7 and will be reviewed by the Planning Division.
- e) The project will not be developed in phases.
- f) The proposed improvements are in conformance with the City's design standards and guidelines that are applicable to this project.

SECTION 3. The proposed project is limited to Site Plan and Design Review pursuant to CMC Section 9172.23. CEQA applies only to discretionary projects proposed to be carried out or approved by public agencies, and the discretionary component of an action must give the agency the authority to consider a project's environmental consequences to trigger CEQA. Although Site Plan and Design Review approvals pursuant to CMC 9172.23(B)(1) involve discretion of the Planning Commission in applying the facts to determine if the required affirmative findings of CMC 9172.23(D) can be made, the Planning Commission's discretion is limited to the design-related issues included in the required findings. Accordingly, the City cannot impose conditions of approval that constitute environmental impact mitigation measures for DOR No. 1906-22 exceeding the scope of such design-related issues. Additionally, design-related issues such as those found in CMC 9172.23 have been found not to require the separate invocation of CEQA, as it is common sense that such design-related issues do not relate to the potential for whether a project causes a significant effect on the environment. (Pub. Res. Code §21080; *McCorkle Eastside Neighborhood Group v. City of St. Helena*, 31 Cal.App.5th 80 (2018)). In the alternative, pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, the project is categorically exempt from CEQA, as the proposed project to remodel the existing restaurant building and related site improvements meet all of the criteria to fall within this exemption category as set forth in said Section 15301 (14 CCR §15301). 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. Site Plan and Design Overlay Review No. 1906-22 complies with the City's Zoning Ordinance and General Plan and is consistent with the intent of Article IX, Chapter 1, Section 9172.23 (Site Plan and Design Review) 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 Site Plan and Design Overlay Review No. 1906-22, for an exterior remodel to an existing restaurant with drive-through and related site improvements at 17209 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 within that time 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 28th day of February 2023.

CHAIRPERSON

ATTEST:

SECRETARY

LEGAL DESCRIPTION

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

THAT PORTION OF PARCEL 3, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN UPON A RECORD OF SURVEYS 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 FOR REFERENCE AT THE INTERSECTION OF THE NORTHERLY LINE OF SAID PARCEL 3, WITH THE WESTERLY LINE OF CENTRAL AVENUE 40 FEET WIDE, AS SHOWN ON SAID RECORD OF SURVEYS; THENCE SOUTH 0° 22' 20" EAST ALONG SAID WESTERLY LINE 201.60 FEET; THENCE SOUTH 89° 37' 40" WEST 30.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 0° 22' 20" WEST 135.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 25.00 FEET; THENCE NORTHWESTERLY ALONG SAID CURVE 39.98 FEET; THENCE SOUTH 87° 59' 40" WEST TANGENT TO SAID CURVE 139.51 FEET; THENCE SOUTH 2° 00' 20" EAST 156.08 FEET; THENCE NORTH 89° 37' 40" EAST 160.72 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT ALL OIL, GAS, PETROLEUM, HYDROCARBON SUBSTANCES, WATER AND OTHER MINERALS BELOW A DEPTH OF 500 FEET MEASURED VERTICALLY FROM THE PRESENT SURFACE OF SAID LAND TOGETHER WITH THE RIGHT OF ENTRY BELOW SAID DEPTH OF 500 FEET BY SLANT OR DIRECTIONAL DRILLING FROM OTHER LANDS TO DEVELOP AND PRODUCE OIL, GAS, PETROLEUM, HYDROCARBON SUBSTANCES, WATER AND OTHER MINERALS, AND OTHER RIGHT TO USE THE STRUCTURES BELOW SAID DEPTH OF 500 FEET FOR THE STORAGE AND SUBSEQUENT REMOVAL OF GAS OR OTHER SUBSTANCES, BUT WITHOUT ANY RIGHT OF SURFACE ENTRY, AS RESERVED BY ADELE GATES, ET AL., IN VARIOUS DEEDS, BEING RECORDED DECEMBER 1, 1964, MARCH 10, 1965, MARCH 22, 1965, MARCH 25, 1965, AND APRIL 1, 1965.

APN: 7319-033-008

CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY NO. 1906-22

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No. 1906-22 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 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 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.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
5. 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.
6. The applicant and property owner shall sign an Affidavit of Acceptance form accepting these conditions and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
7. 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.
8. 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.

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 applicant 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 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.
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.
13. Indemnification. To the fullest extent permitted by law, 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.

AESTHETICS

14. Exterior building elevations showing roof types, exterior colors and appropriate vertical dimensions shall be included in the development construction drawings.
15. 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).
16. 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.)
17. The proposed project site shall be maintained free of debris at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.
18. Prior to Issuance of building permit, the specification of all colors and materials must be submitted and approved by the Planning Division.

LANDSCAPE/IRRIGATION

19. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
20. 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.
21. The proposed irrigation system shall include best water conservation practices.
22. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
23. **Drought tolerant landscaping will be planted to refurbish the landscaping.**
24. 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

25. Site lighting shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
26. 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.
27. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
28. 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

29. All driveways shall remain clear. No encroachment into driveways shall be permitted.
30. The Developer shall restripe, and slurry seal the parking area, subject to the satisfaction of the Community Development Director, prior to final inspection.

BUILDING AND SAFETY DIVISION

31. Submit development plans for plan check review and approval.
32. Obtain all appropriate building permits and an approved final inspection for the proposed project.
33. 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.

ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

General Conditions

34. 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.
35. A construction permit is required for any work to be done in the public right-of-way.

Prior to Issuance of Building Permit

36. 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.
37. A construction permit is required for any work to be done in the public right-of-way.

38. 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.
39. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of construction permit.
40. 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

41. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way abutting this proposed development per City of Carson Standard drawings and to the satisfaction of the City Engineer.

BUSINESS LICENSE

42. 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.