

CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 24-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON REJECTING AND
DISAPPROVING SITE PLAN AND DESIGN REVIEW NO.
1940-23, FOR PROPOSED DEMOLITION OF AN EXISTING
COMMERCIAL BUILDING AND DEVELOPMENT OF A
NEW DRIVE-THROUGH RESTAURANT AT 17625 S.
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 S. 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 13th day of February, 2024, and the 27th day of February, 2024, conduct a duly noticed public hearing as required by law to consider said design overlay review 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 1st, 2024 and February 15th, 2024.

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, based on substantial evidence in the administrative record:

- a) The proposed development plan is not compatible with the General Plan or the surrounding uses as required by CMC 9172.23(D)(1)(a), and will not provide for safe or convenient pedestrian and vehicle circulation as required by CMC 9172.23(D)(1)(c).

The proposed development would be located immediately adjacent to a residential neighborhood to the west of the subject property, and immediately adjacent to a school and church to the south of the subject property. The proposed development plan would include a drive-through (with associated window, speaker and lanes), would allow and facilitate use by fast food restaurant businesses that operate 24 hours per day, 7 days per week or at least late into the night, and would attract a potentially significant amount of passenger vehicles, service trucks, bicyclists and pedestrians to the subject property, whereas the current development of the property as a small commercial office building attracts very little vehicular or pedestrian traffic. The proposed development plan is designed for, and realistically could only be occupied by, a fast food restaurant. The Trip Generation Assessment submitted by the applicant projects that a fast food

restaurant with drive through on the site would generate a total of 881 new trips per day to the site. The AM peak hour alone would be projected to generate 84 new trips.

Although some of the vehicles that would access the proposed development would likely be “pass-by” trips (about half of the trips according to the Trip Generation Assessment), most of the pass-by trips would come from Central Avenue rather than Radbard Street, because Central Avenue is the bigger street and provides access between the 91 Freeway (to the north of the site) and the California State University Dominguez Hills campus, Dignity Health Sports Park, and VELO Sports Center (all to the southwest of the site), and therefore would be entirely new trips to Radbard Street, which they would frequently use to enter and/or exit the site via Central Avenue, as discussed further below. Additionally, large sporting and entertainment events frequently occur at the Dignity Health Sports Park, generating crowds coming in and out of the stadium that are directed to use Central. This could simulate odd “peak hour” conditions with respect to vehicles passing by and accessing the site and therefore using Radbard when they otherwise would not. The Trip Generation Assessment and the ‘Drive-thru Queuing Analysis’ (which was based on empirical data collection from another site located at 23813 Avalon Blvd. in Carson, which is not affected by the same conditions) submitted by the applicant do not take these factors into consideration. The Planning Commission takes administrative notice of (i) the location of the 91 Freeway and the California State University Dominguez Hills campus, Dignity Health Sports Park, and VELO Sports Center in relation to the site of the proposed development, (ii) the nature of the events that occur at the Dignity Health Sports Park stadium, and (iii) the use of Central Avenue by authorities directing traffic for such events.

The proposed development plan provides for use of two driveways located along Central Avenue and Radbard Street for vehicular access to the proposed development. The development plan would cause and allow passenger vehicle and service truck traffic to enter and exit the development using the driveway on Radbard Street as well as the driveway on Central Avenue. Vehicles using the driveway on Radbard Street would also have to traverse Radbard Street to and from the intersection with Central Avenue, which is a very short distance (less than 200’) between the driveway and the intersection. Radbard Street is a small two-lane street running from Central Avenue to Amantha Avenue, and its entire length is less than 400’.

Per the General Plan Circulation Element, Radbard Street is a “local street,” which is intended to carry low traffic volumes and be exclusively oriented to local traffic. With the proposed development plan, Radbard Street would no longer meet these criteria. Radbard Street is already heavily used because it is the only street connecting Central Avenue to the large residential development to its west between Albertoni Street to the north and Aspen Hill Road to the south, and with the proposed development plan, it would be subject to significant additional traffic coming from Central Avenue to the proposed development and from the proposed development to Central Avenue. Central Avenue is a “major highway” per the General Plan Circulation Element, with two lanes running in each direction, north and south.

The proposed development plan and its use of Radbard Street in this manner both day and night, together with the surrounding residential, school and church uses which heavily rely on Radbard Street to access their properties, would create circulation and ingress/egress problems for both the persons attempting to access the proposed development and the persons attempting to access the surrounding uses, because there would not be sufficient space or capacity on Radbard Street to accommodate (i) the

need for vehicular traffic coming from the adjacent neighborhood and the proposed development to queue at the traffic light on Radbard Street while waiting to turn onto Central Avenue, and also (ii) the need for vehicular traffic coming from Central Avenue to turn onto Radbard Street and then into the proposed development and to queue while waiting to do so. At times of peak hours or events at the Dignity Health Sports Complex, there could also be issues relating to drive-through queuing capacity and the need for vehicles in the drive through to exit onto Radbard that could exacerbate these problems. The applicant's project analyses do not take these factors into consideration, and the proposed development plan does not include any measures to address these issues.

As such, the proposed development plan would not only cause inconvenience, but also would create a risk to the safety of pedestrians and vehicles because it would increase the risk of traffic collisions and accidents. Furthermore, the surrounding uses (including family residences, a school and a church) involve a significant presence of children in the area, and the proposed development plan therefore creates an increased risk of vehicular collisions with children who may be walking or biking in the area. The proposed development plan also includes a bike rack and would attract additional pedestrians and bicyclists to the site who could then be involved in traffic collisions.

These considerations negate the Commission's ability to find that the proposed development plan is compatible with the surrounding uses and also negates the Commission's ability to find that the development plan provides for convenience and safety of circulation for pedestrians and vehicles.

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. 1940-23 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)).

Additionally, CEQA does not apply to this action because pursuant to Public Resources Code Section 21080, CEQA does not apply to projects which a public agency rejects or disapproves.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings set forth above and based on the administrative record, does hereby reject and disapprove Site Plan and Design Review No. 1940-23 for demolition of an existing commercial building and development of a new, approximately 1,885-square-foot drive-through restaurant at 17625 Central Avenue.

SECTION 5. 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 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 12th day of March, 2024.

CHAIRPERSON

ATTEST:

SECRETARY