



## CITY OF CARSON

### PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: December 8, 2009  
SUBJECT: Design Overlay Review No. 1338-09  
APPLICANT: Albertoni Business Center LLC  
Carl's Jr. Restaurant  
Attention: Jenny Hodges  
3605 Long Beach Blvd., Suite 450  
Long Beach, CA 90807  
REQUEST: Remodel an existing Carl's Jr. restaurant on a property located in the CG-D (Commercial General – Design Overlay) zone  
PROPERTY INVOLVED: 17450 S. Avalon Boulevard

---

#### COMMISSION ACTION

Concurred with staff

Did not concur with staff

#### COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Graber
		Vice-Chair Saenz			Park
		Brimmer			Schaefer
		Brown			Verrett
		Gordon			

***Item No. 11-A***

## I. Introduction

### *Date Application Received*

- October 27, 2009: Design Overlay Review No. 1338-09.

### *Applicant*

- Carl's Jr., Attention: Jenny Hodges 3605 Long Beach Blvd., Suite 450, Long Beach, CA 90807

### *Property Owner*

- Albertoni Business Center, LLC; 3605 Long Beach Blvd., Suite 450; Long Beach, CA 90807

### *Project Address*

- 17450 S. Avalon Boulevard

### *Project Description*

- Proposed exterior remodel which includes a parapet cap, entrance tower feature, exterior repainting, and replacing wall signs.
- The application includes the following:
  - Design Overlay Review No. 1338-09 for the approval of an exterior remodel to an existing Carl's Jr. restaurant.

## II. Background

### *Current Use of Property*

- The property is developed with an existing 4,016-square-foot Carl's Jr. restaurant. The restaurant building was built in 1983.

### *Previously Approved Discretionary Permits*

- Design Overlay Review No. 167-81 was approved by the Planning Commission on December 8, 1981 for modification to exterior improvement plans, however the building permit was not finalized until 1983.

### *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 17450 S. Avalon Boulevard.
- The existing Carl's Jr. Restaurant was built in 1983.
- Surrounding properties are developed with commercial uses zoned CG-D.
- The lot has an irregular shape with a total lot area of 25,853 square feet.
- Previously approved landscaping plans identified the planting of three street trees along the Albertoni Street frontage. Two of the approved trees are missing therefore, the applicant will be required to plant two 24-inch box trees (identified



in the city's street tree list) with automatic drip irrigation system in coordination with the city's public works division.

- The brick retaining wall fronting Albertoni Street is in disrepair breaking apart and is in need of repainting. The brick wall shall be repaired, repainted and maintained.
- The existing onsite pavement is in disrepair, therefore, the entire parking and driveway areas shall be re-slurried. All parking spaces shall be re-striped. A wheel stop fronting Avalon Boulevard needs repair and relocation.
- The proposed signage for the restaurant meets the sign area requirements of CMC Section 9136.7.B.2.

*Zoning/General Plan/Redevelopment Area Designation*

- The subject property is zoned CG-D (Commercial General, Design Overlay) and surrounding properties have the same zoning.
- The subject property has a General Plan land use designation of General 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-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 are required. The proposed site plan shall provide the following mitigation to address the building's aesthetics and the property's lack of maintenance:
  - *Mitigation:* To provide a harmonious and attractive development for the area, the decorative tile with a polished finish shall be provided along the base of the building up to the windows (areas fronting South Avalon Boulevard and Albertoni Street) to the satisfaction of the Planning Division. Additionally, the applicant shall plant two 24-inch box trees along the Albertoni Street frontage with an automatic drip irrigation system and repair/repaint the existing retaining wall fronting Albertoni Street. Additional site improvements shall be made to improve the parking lot area.

**IV. Environmental Review**

Pursuant to Section 15301(a) "Existing Facilities" of the California Environmental Quality Act (CEQA), the proposed remodel to a restaurant building does not have the potential to create a significant effect on the environment and is found to be categorically 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. 1338-09 FOR EXTERIOR IMPROVEMENTS TO A CARL'S JR. RESTAURANT LOCATED AT 17450 S. 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:   
Sheri Repp, Planning Officer



**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 09-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW  
NO. 1338-09 FOR A REMODEL TO A CARL'S JR.  
RESTAURANT LOCATED AT 17450 S. 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, Jenny Hodges, on behalf of Carl's Jr. Restaurant, with respect to real property located at 17450 S. Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting the approval of a Design Overlay Review (DOR No. 1338-09) to remodel the exterior of a building. The remodel includes a parapet cap, entrance tower feature, exterior repainting, and replacement of wall signs for a developed property in the CG-D (Commercial General, Design Overlay) zone.

A public hearing was duly held on December 8, 2009, 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 appropriate for the restaurant use. The proposed remodel to the restaurant building will be consistent with the surrounding commercial uses and is appropriate for the subject property;
- 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 commercial uses and the proposed project is compatible with those uses. The site is 25,853 square feet, relatively flat, and is 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 proposal 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 (A) "Existing Facilities".

**Section 5.** Based on the aforementioned findings, the Commission hereby grants Design Overlay Review No. 1338-09 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 8<sup>TH</sup> DAY OF DECEMBER, 2009**

\_\_\_\_\_  
**CHAIRMAN**

**ATTEST:**

\_\_\_\_\_  
**SECRETARY**



**LEGAL DESCRIPTION**

**EXHIBIT "A"**

THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 1 OF TRACT NO. 43789, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1094, PAGES 82 AND 83 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

APN: 7319-035-011



**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

**DESIGN OVERLAY REVIEW NO. 1338-09**

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No. 1338-09 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. 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. 1338-09. 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-SAFETY

9. The existing masonry retaining wall fronting Albertoni Street shall be re-paired, re-painted and maintained.
10. The applicant shall plant two 24-inch box trees along the Albertoni Street frontage in coordination with the city's Public Works Division and the city's street tree list. All existing landscaping and new trees shall be maintained with an automatic irrigation system.
11. The property signage shall not exceed 608 square feet of sign area which was previously approved via DOR No. 167-81.

#### CIRCULATION-SAFETY-PARKING

12. The applicant shall repave and restripe all parking space areas as required to the satisfaction of the Planning Division prior to final approval.
13. The applicant shall repair and re-locate an in-correct placed wheel stop located on the west side of the parking area fronting Avalon Boulevard to the satisfaction of the Planning Division prior to final approval.

#### ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

14. As necessary, the applicant shall remove and replace any broken driveway approach per City of Carson Standard.
15. 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

16. 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.

