



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 28, 2023

SUBJECT: Site Plan and Design Review (DOR) No. 1773-19
Lot Line Adjustment (LLA/COC) No. 286-19
Conditional Use Permit (CUP) No. 1094-19
Zone Change (ZC) No. 180-19
Tentative Tract Map (TTM) No. 067200
Mitigated Negative Declaration, Mitigation Monitoring & Reporting Program

APPLICANT: Richard Welter of Cambria Court LLC
23705 Crenshaw Blvd., Suite 200
Torrance, CA 91350

OWNER: Cambria Court LLC
23705 Crenshaw Blvd., Suite 200
Torrance, CA 90745

REQUEST: A two-year time extension of project entitlements for the construction of a 35-unit condominium development on a 3.11-acre parcel

PROPERTY INVOLVED: 427 E. 220th Street

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson (Vacant)			Monteclaro
		Hernandez			D. Thomas
		Diaz			Rashad
		Guerra			Docdocil
		Huff			Alt. (Vacant) Alt. Mfume Alt. Wilson

Item No. 7A

I. Introduction

Applicant

Cambria Court, LLC
23705 Crenshaw Boulevard, Suite 200
Torrance, California 90510

Property Owner

Richard Welter of Cambria Court LLC
23705 Crenshaw Boulevard, Suite 200
Torrance, California 90510

II. Project Description and Background

On February 11, 2020, the Planning Commission adopted Resolution No. 20-2686, approving Site Plan and Design Review (DOR) No. 1773-19, Conditional Use Permit (CUP) No. 1094-19, Lot Line Adjustment (LLA) No. 286-19, and Tentative Tract Map (TTM) No. 06700, and recommending City Council approval of Zone Change (ZC) No. 180-19 and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MND/MMRP) for the above-referenced project, subject to the project conditions of approval attached to said resolution as Exhibit "B".

On March 17, 2020, the City Council adopted Ordinance No. 20-2003: (i) adopting the MND/MMRP; and (ii) approving Zone Change No. 180-19 to change the zoning designations from RM-8-D (Residential Multiple-Family - 8 Dwelling Units/Acre with a Design Overlay to RM-12-D (Residential Multiple-Family - 12 Dwelling Units/Acre with a Design Overlay) for APNs 7335-007-017, 7335-006-023, AND 7335-006-024 for the project, subject to the project conditions of approval.

Pursuant to Condition No. 3 of the project conditions of approval, "Development project approval shall become null and void two years following the effective date of application approval unless a building permit is issued and construction is commenced and diligently pursued toward completion or a time extension has been approved by the Planning Manager."

Per CMC 9172.21(H)(1), a CUP approval "shall become automatically null and void, unless otherwise provided in this Chapter or unless extended as provided in subsection (H)(2) of this Section, if any of the following occurs: (a) The permit has not been used within the time specified in the permit"

Per CMC 9172.23(I)(1), a DOR approval "shall become automatically null and void, unless otherwise provided in this Chapter or unless extended as provided in subsection (I)(2) of this Section, if any of the following occurs: . . . (a) Within two (2) years from the Approving Authority's action, a construction permit . . . shall be issued by the Building Official for the Development Plan"

Thus, the applicant was required to obtain building permits for the project within two years of approval of the project entitlements (DOR, CUP, LLA, ZC, TTM), or obtain an extension.

On October 11, 2021, the then-Planning Manager, having determined the "effective date of application approval" for purposes of Condition No. 3 of the project conditions of approval to have

been March 17, 2020, provided a written approval of a 12-month extension of the project entitlements pursuant to Condition No. 3, thereby extending the applicant's time to obtain building permits and commence construction until March 16, 2023, based on these findings:

- a) The applicant has been diligently working with the City's staff to proceed with the Project and fully comply with the Project conditions of approval, but it has taken the applicant longer than anticipated to obtain final construction permits. The applicant has experienced Project delays caused by the COVID-19 pandemic related to limitations in its own staff, limitations on its ability to communicate with City plan checkers, and the need to work remotely/virtually. As a result, additional time is needed beyond the two-year period provided by Condition No. 3 of the project conditions of approval for the applicant to obtain building permits and commence construction.
- b) The project was conditionally approved in 2020 in such a manner as to ensure that the project is not materially detrimental to the health, safety and general welfare of the public, and no circumstances, either existing at the time of project approval or arising since that time, have come to light that would make the requested one-year extension of effectiveness of the project entitlements materially detrimental to the health, safety and/or general welfare of the public, subject to ongoing compliance with the conditions of approval. Granting the requested one-year extension would not be materially detrimental to the health, safety, and general welfare of the public.
- c) The termination of the project entitlements, or any of them, would constitute an undue hardship on the permit holder. The permit holder has worked diligently to complete the project and to satisfy the Project conditions of approval, investing significant time, effort, and/or resources in doing so, but has been unable to do so within the time limit specified in Condition No. 3, due to factors largely beyond its control related to the COVID-19 pandemic.

(Exhibit No. 4). The proposed resolution would ratify the Planning Manager's aforementioned approval as it pertains to the CUP and DOR.

No building permit has been issued to date, and the applicant now requests an additional two-year extension of the project entitlements.

The procedure/criteria for approval of a time extension of a DOR approval are set forth in CMC 9172.23(I)(2), and those for approval of a time extension of a CUP approval are set forth in CMC 9172.21(H)(2), both of which provide as follows (emphasis added):

"Upon application by the permit holder filed with the Director on or before the date of expiration of the permit, a permit which would otherwise expire may be extended by the Commission, or by the Council upon appeal, if the Commission or Council finds that the termination of the permit would constitute an undue hardship upon the permit holder and that the continuation of the permit would not be materially detrimental to the health, safety and general welfare of the public. Extensions shall not be granted for more than a total of one (1) year unless a public hearing is held, and approval granted in the same manner and based upon the same criteria as for the issuance of a new permit."

Thus, the CMC requires Commission approval of the requested CUP and DOR extensions, based on the same criteria as for the original issuance of these entitlements in 2020.

III. Request

On December 8, 2022, the applicant made a timely written request for an extension of time to complete the project. According to the request, the applicant has diligently processed the improvement plans, is working closely with staff to obtain a demolition permit and invested a great deal of time and resources toward the completion of this project.

To complete the Final Map and lot line adjustment, all utility easements must be vacated beforehand. The Federal and State Eviction Moratoriums delayed vacating utility easements resulting in delays with completing the Final Map and lot line adjustment process which are lengthy processes with the County of Los Angeles. Additionally, substantial slowdown and change of market conditions is causing obtaining building permits to take longer than expected. The applicant requests a two-year extension to complete these required processes and obtain the permits for the development.

The request before the Planning Commission is not for reconsideration or modification of the project approvals or conditions, but rather is only for consideration of approval of the applicant's request for a further two-year time extension for effectiveness of the project entitlements.

IV. Analysis

Per CMC 9172.23(I)(2) and CMC 9172.21(H)(2), the requested extensions of the DOR and CUP entitlements shall not be granted unless a public hearing is held and approval is granted in the same manner and based upon the same criteria as for the issuance of a new permit. Thus, Planning Commission approval is required for the DOR and CUP extensions, per the CMC.

The requirement for extension of the LLA, TTM and ZC entitlements comes solely from Condition No. 3 of the project conditions of approval; extension of such entitlements is not also required per the CMC, unlike for the CUP and DOR entitlements. Accordingly, the LLA, TTM and ZC extensions can only be granted by the Planning Manager per the language of the Council-approved Condition No. 3. The requested extensions of those project entitlements will be considered for approval by the Planning Manager following Commission's approval (if given) of the DOR and CUP extensions, which is per the CMC.

The applicant has been diligently working with the City to fully comply with the conditions of approval and obtain the required permits, but it has taken longer than anticipated. The applicant's letter of justification states that additional time is needed to obtain building permits due to issues arising due the substantial slowdown, change of market conditions and inter-departmental coordination, and staff has no reason to disagree with these assertions.

Staff believes that all of the required findings for approval of the DOR and CUP as set forth in the original project approval resolutions are still satisfied and can be made in the affirmative for the DOR and CUP entitlements, subject to ongoing compliance by applicant with the existing project conditions of approval (which will be required, as the conditions of approval will remain in effect with the proposed extension), as set forth in the proposed resolution. If the requested recommendation is approved, the two-year extension of time for the CUP and DOR entitlements will expire on March 16, 2025.

V. CEQA

The MND/MMRP for the project was adopted by City Council Ordinance No. 20-2003 and is available at <https://ci.carson.ca.us/communitydevelopment/cambria.aspx>. The proposed action does not affect that determination. Since adoption of the MND/MMRP, there has been no change to the project or its circumstances that would require revisions to the MND/MMRP, and no new information of substantial importance to the project has become available. As such, no subsequent EIR, subsequent negative declaration, addendum, or other CEQA document is required to be prepared in connection with the proposed extensions (Pub Res. Code §21166; 14 CCR §15162). The proposed resolution contains a finding to that effect.

VI. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. -23-____, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON MAKING A CEQA FINDING OF RELIANCE ON PREVIOUSLY ADOPTED MITIGATED NEGATIVE DECLARATION AND APPROVING A TWO-YEAR TIME EXTENSION FOR EFFECTIVENESS OF PREVIOUSLY GRANTED PROJECT ENTITLEMENTS (SITE PLAN AND DESIGN REVIEW NO. 1773-19 AND CONDITIONAL USE PERMIT NO. 1094-19, WITH CONDITIONS OF APPROVAL) FOR A 35-UNIT CONDOMINIUM DEVELOPMENT LOCATED AT 427 E. 220TH STREET.

VII. Exhibits

1. Draft Resolution No. 23-_____.
2. Staff Report Planning Commission Meeting dated February 11, 2020, including Planning Commission Resolution No. 20-2686 (signed).
3. City Council Ordinance No. 20-2003 (signed).
4. Planning Manager Approval Letter dated October 12, 2021.
5. Request Letter.

Prepared by: McKina Alexander, Senior Planner