

CITY OF CARSON
PLANNING COMMISSION

RESOLUTION NO. 21-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON DENYING AN APPLICATION FOR A SECOND ONE-YEAR TIME EXTENSION FOR EFFECTIVENESS OF PREVIOUSLY GRANTED PROJECT ENTITLEMENTS (SITE PLAN AND DESIGN REVIEW NO. 1782-19) FOR A PROPOSED TWO-STORY WAREHOUSE BUILDING LOCATED AT 439 WEST GARDENA BOULEVARD.

WHEREAS, on September 28, 2021, the Planning Commission adopted Resolution No. 21-2717, approving a one-year time extension until July 24, 2022, for effectiveness of a previously granted project entitlement (Site Plan and Design Review No. 1782-19) for a proposed two-story warehouse building located at 439 West Gardena Boulevard; and

WHEREAS, on July 20, 2022, the Department of Community Development received an application from Mario E. Jaime requesting a second one-year time extension for the project entitlement (the “Request”); and

WHEREAS, a staff report with recommendations was submitted, and the Planning Commission held a duly noticed public hearing to consider the Request on the 11th day of October 2022.

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

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and the same are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The subject property was originally developed with a single-family residence and it offered shared driveway access to the adjoining residential property at 433 W. Gardena Boulevard. The shared driveway measured approximately 10’ feet at its widest point and offered shared access for over 20 years to the respective properties.
- b) The application for Site Plan and Design Review No. 1782-19 acknowledged the shared driveway and showed that although the proposed development plan provided for access to the subject property to instead be provided by a new separate driveway to be constructed to the west of the existing shared driveway, the development would preserve/provide for a 10’ foot driveway for the adjoining neighbor at 433 W. Gardena Boulevard. The staff report thus stated that the reduced driveway would continue to adequately serve the existing single-family residence. Additionally, the issue of access to the adjoining property was raised by the adjoining property occupant during the July 9, 2019 Planning Commission hearing, and the applicant reassured staff and the Planning Commission that the development would preserve/provide for a 10’ foot driveway for the adjoining neighbor at 433 W. Gardena Boulevard, resulting in the Planning Commission’s approval.

EXHIBIT NO. 1

- c) In September 2022, the applicant began demolition and rough grading of the subject property. This included the demolition of all existing hardscape (including portions of the shared driveway) up to the eastern property line and installation of a temporary fence along the eastern perimeter of the subject property that adjoins the neighbor at 433 W. Gardena Boulevard. Planning Division staff inspected the demolition progress on September 28, 2022, and determined that what remains of the once shared driveway is now inoperable and inaccessible to the adjoining neighbor, measuring only 5' feet in width at its narrowest point.
- d) The Planning Commission's 2019 approval of Site Plan and Design Review No. 1782-19 required a 10' wide driveway be preserved for the use of the adjoining parcel at 433 W. Gardena Boulevard and based its affirmative findings pursuant to CMC 9172.23(D)(1)(c) on that understanding, but due to certain misrepresentations made by the applicant in the development plan and at the July 9, 2019 Planning Commission hearing, the actual development plan is not consistent therewith, and only provides for 5' of driveway width to be preserved for the adjoining property Accordingly, it does not allow for safe or convenient access to the adjoining property.
- e) The Project was conditionally approved in 2019. Pursuant to Condition No. 3 of the project conditions of approval, the applicant is required to obtain building permits and commence construction within two years following the effective date of project approval (July 24, 2019), or the project approval shall become null and void, unless a time extension is approved by the Planning Commission. A one-year extension of the project entitlement has already been granted, effective July 24, 2021 to July 24, 2022. Per CMC 9172.23(I)(2), extensions of Site Plan and Design Review project approvals 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. One such criterion is the required finding of CMC 9172.23(D)(1)(c) regarding "convenience and safety of circulation for pedestrians and vehicles." This finding cannot be made in the affirmative with respect to the Request, and therefore the Request cannot be granted.

SECTION 3. Based on the foregoing findings, the Planning Commission of the City of Carson hereby disapproves and denies the Request for a one (1)-year extension of Site Plan and Design Review No. 1782-19.

SECTION 4. 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 Carson Zoning Ordinance.

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

PASSED, APPROVED and ADOPTED this 11th day of October, 2022.

CHAIRPERSON

ATTEST:

SECRETARY