

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 22-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON FINDING A CEQA EXEMPTION AND CONDITIONALLY APPROVING A SECOND ONE-YEAR TIME EXTENSION FOR EFFECTIVENESS OF 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.**

**WHEREAS**, on July 9, 2019, the Planning Commission adopted Resolution No. 19-2671, approving Site Plan and Design Review No. 1782-19 (the “Project Entitlement”), for the development of a 3,754 gross square foot two-story warehouse project on the real property located at 439 W. Gardena Boulevard and legally described in Exhibit “A” attached thereto (the “Project”), subject to the conditions of approval attached to said resolution as Exhibit “B.” The approval of the Project Entitlement took effect on July 24, 2019; and

**WHEREAS**, Condition No. 3 of the Project conditions of approval provides that if a building permit is not issued for the Project within two years of the Project Entitlement effective date, the Project Entitlement shall be declared null and void unless an extension of time is approved by the Planning Commission; and

**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 the Project Entitlement; 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**, pursuant to Carson Municipal Code Section 9172.23(I), extensions of site plan and design review 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”; 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, based on the entire administrative record including the evidence and testimony received during the October 11, 2022 hearing:

- a) The Project is exempt from CEQA as stated in Planning Commission Resolution No. 19-2671. This resolution does not affect that determination, and is not a CEQA “project” or alternatively is covered by CEQA’s “general rule” that CEQA applies only to projects that have the potential for causing a significant effect on the environment.
- b) The 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 development is compatible with the surrounding uses.
- c) The Project, as conditioned pursuant to this resolution, 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.
- d) The Project, as conditioned pursuant to this resolution, adequately accommodates safe circulation for pedestrians and vehicles.
- e) The proposed wall signage will be individual channel letters subject to review by the Planning Division under separate permit pursuant to code.
- f) The required findings pursuant to Section 9172.23(D) can be and are made in the affirmative with respect to the Project as conditioned pursuant to this resolution.

**SECTION 3.** Based on the foregoing findings, the Commission hereby conditionally approves, subject to the added conditions of approval set forth in paragraphs A and B below, a one (1)-year extension, effective and commencing as of July 24, 2022, of effectiveness of the Project Entitlement, thus allowing the applicant/holder of the Project Entitlement until July 24, 2023 to obtain building permits and commence construction in compliance with Condition No. 3 of the Project conditions of approval.

A. **Prior to issuance of building permits**, the applicant, property owner, and/or successor to whom the project entitlements are assigned (“Developer”) shall, at Developer’s expense, and subject to the consent of the property owner(s) and tenant(s) of the adjacent property located at 433 W. Gardena Blvd. (“Adjacent Property”) and their respective successors-in-interest (collectively, “Adjacent Owner”): (i) demolish and pave, for driveway use by the Adjacent Owner, a roughly 6’ x 44’3” area on the Adjacent Property, which area shall extend width-wise approximately 6’ from the eastern edge of the existing paved driveway to a point that would align with the easterly corner of the existing driveway apron connecting to Gardena Blvd., and length-wise approximately 44’3” from the northerly edge of the Gardena Blvd. sidewalk/driveway apron to the face of the portion of the existing single-family residence on the Adjacent Property that protrudes furthest toward the western property line of the Adjacent Property, as depicted in the modified site plan displayed during the Planning Commission’s 10/11/22 hearing (the “New Paved Area”); (ii) to the satisfaction of the City’s Community Development Director or designee (“Director”), provide new landscaping elsewhere on the Adjacent Property sufficient to replace the total square footage of existing landscaping that would need to be removed to facilitate the New Paved Area; and (iii) install a wrought iron fence meeting the standards of the Carson Municipal Code along the eastern edge of the New Paved Area and along the Adjacent Property frontage on Gardena Blvd. from from the eastern edge of the existing driveway apron to the eastern property line. Developer shall, commencing immediately upon effective date of this resolution, make good faith best efforts to obtain the consent of the Adjacent Property Owner to said improvements, and shall demonstrate the same to the satisfaction of the Director upon request of the Director. In addition, Developer shall, within 30 days of the effective date of this resolution, post a bond in an amount sufficient to cover the cost of such improvements as determined by the Director, the proceeds of which bond shall be available to the Adjacent Property Owner to make the improvements itself in the event

Developer fails to do so or to obtain the Adjacent Property Owner’s consent to do so. **Notwithstanding the first sentence of this paragraph**, in the event Developer is unable to obtain the Adjacent Property Owner’s consent after having made the required good faith best efforts and having posted the required bond, Developer may proceed with the approved development plan pursuant to the Project Entitlement provided it remains valid and in effect and provided such development is consistent with any prescriptive easement that may have been declared pursuant to court order as of such time.

B. To the fullest extent permitted by law, Developer, for itself and its 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 the approval set forth in this resolution, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the request that is the subject of said approval (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 the approval set forth in this resolution or Indemnitors’ operations or activities pursuant thereto. 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.

With approval of the one (1) year extension pursuant to this Section 3, the new date for expiration of the Project Entitlements is July 24, 2023, and the Project conditions of approval imposed pursuant to Planning Commission Resolution No’s. 19-2671 and 21-2717, as supplemented by this resolution, remain in full force and effect.

**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 8<sup>th</sup> day of November, 2022.

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**CHAIRPERSON**

**ATTEST:**

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**SECRETARY**