



PLANNING COMMISSION STAFF REPORT

HEARING DATE: September 28, 2021

SUBJECT: Site Plan and Design Review (DOR) No. 1782-19

APPLICANT: Mario Jaime of MJ Design Construction
P.O. Box 5044
Long Beach, CA 90805

PROPERTY OWNER: Rodney Argo of Argo Family Trust
439 W Gardena Blvd
Carson, CA 90248

REQUEST: A one-year time extension of Project Approval (Site Plan and Design Review 1782-19) for a previously-approved project for development of a 3,754 square foot warehouse building on a 0.15-acre parcel.

PROPERTY INVOLVED: 439 W Gardena Boulevard

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			D. Thomas
		Diaz			Rashad
		Guerra			
		Huff			Alt. Docdocil Alt. Hernandez Alt. Wilson

Item No. 5A

EXHIBIT NO. 3

I. Introduction

Applicant

Mario Jaime of MJ Design Construction
P.O. Box 5044
Long Beach, CA 90805

Property Owner

Rodney Argo of Argo Family Trust
439 West Gardena Boulevard
Carson, CA 90248

II. Project Description and Background

The 0.15 acre subject property is located close to the northeast corner intersection of Gardena Boulevard and Figueroa Street in a predominantly light industrial area with some commercial uses interspersed. The project site currently contains a vacant, undeveloped site.

The proposed 3,754 gross square foot two-story warehouse building is intended to be used as a warehouse for personal storage for the Argo Family Trust. The warehouse will not be publicly accessible and will house mainly personal effects related to Don Argo and family. Collector cars and show cars owned by Don Argo may be stored. There will not be any employees. Access will be for only family members, those given permission to access the structure or appointments.

On July 9, 2019, the Planning Commission adopted Resolution No. 19-2671, approving Site Plan and Design Review No. 1782-19, subject to specified conditions of approval.

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. The procedure/criteria for approval of a time extension by the Commission are set forth in Carson Municipal Code (“CMC”) Sections 9172.21(H)(2) and 9172.23(I)(2), discussed in the “Analysis” section, below.

The applicant submitted for Building Plan Check and plans were approved in February 2021 after several rounds of revisions. However, LA County Public Works Department identified issues with the proposed Low-Impact Development (LID) due to existing soil type and thus permits could not be pulled unless LID plans were revised and approved. Applicant is currently working diligently towards obtaining the necessary approvals and permits. As stated in its letter of justification (Exhibit 4), it has taken longer than expected to obtain building permits due to issues arising in inter-departmental coordination and limited staffing at both ends. These issues have been exacerbated due to restrictions brought about by the COVID-19 pandemic. Therefore, the applicant is requesting additional time to complete the process and start construction on this project.

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 one-year time extension for effectiveness of the project approvals pursuant to the aforementioned Condition No. 3.

III. Analysis

On July 5, 2021, the applicant made a timely request for an extension of time to complete the subject project (Exhibit 3).

Subsection (I)(2) of CMC Section 9172.23 (“Site Plan and Design Review”) provides, “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 . . . if the Commission . . . 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.”

The requested extension is for one (1) year. Thus, the requested extension may be granted by the Planning Commission upon finding that:

- The termination of the permit would constitute an undue hardship upon the permit holder; and
- The continuation of the permit would not be materially detrimental to the health, safety and general welfare of the public.

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 in inter-departmental coordination and limited staffing at both ends.

The project was originally approved and conditioned so as to ensure it is not materially detrimental to the health, safety and general welfare of the public, and staff is not aware of any circumstances, whether existing at the time of project approval or arising since that time, that would cause the extended effectiveness of the project approvals for an additional year to be materially detrimental to the health, safety and general welfare of the public. Subject to ongoing compliance by applicant with all of the conditions of approval, staff believes that granting the requested extension of the permit would not be materially detrimental to the health, safety and general welfare of the public.

If the request is approved, the one-year extension of time will expire on July 9, 2022.

IV. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 21-2717, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A ONE-YEAR TIME EXTENSION FOR EFFECTIVENESS OF PREVIOUSLY-GRANTED PROJECT ENTITLEMENTS (SITE PLAN AND DESIGN REVIEW 1782-19 FOR A PROPOSED TWO-STORY WAREHOUSE BUILDING LOCATED AT 439 WEST GARDENA BOULEVARD.

V. Exhibits

1. Draft Resolution .
2. Planning Commission Staff Report dated July 9, 2019, including Resolution No. 19-2671
3. Letter of Justification.

Prepared by: Manraj Bhatia, Associate Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-2717

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A ONE-YEAR TIME EXTENSION FOR EFFECTIVENESS OF PREVIOUSLY GRANTED PROJECT ENTITLEMENTS (SITE PLAN AND DESIGN REVIEW 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 July 5, 2021, the Department of Community Development received an application from Mario E. Jaime requesting a one-year time extension for the Project Entitlement. (the "Request"); and

WHEREAS, a staff report with recommendations was submitted, and the Planning Commission duly considered the Request on the 28th day of September, 2021.

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 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 complete the LA County's Department of Public Works Low-Impact Development (LID) requirements and 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 other agencies, 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 2019 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 Entitlement 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 or expiration of the Project Entitlement 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 delays caused in the inter-department coordination which was further exacerbated by the COVID-19 pandemic.

SECTION 3. Based on the foregoing findings, the Commission hereby approves a one (1)-year extension, effective and commencing as of July 24, 2021, of effectiveness of the Project Entitlement, thus allowing the applicant/holder of the Project Entitlement until July 24, 2022 to obtain building permits and commence construction in compliance with Condition No. 3 of the Project conditions of approval. 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, 2022, and the Project conditions of approval remain in full force and effect.

SECTION 4. Following expiration of the 15-day appeal period pursuant to Sections 9173.33-9173.4 of the Zoning Ordinance, if not appealed within such time period, this resolution shall take effect and shall thereupon be effective as stated in Section 3.

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

PASSED, APPROVED and ADOPTED this 28th day of September, 2021.

Chair Charles Thomas (Covid Signature)

CHAIRPERSON

ATTEST:

Lucille Sandoval
SECRETARY