



# CITY OF CARSON

## PLANNING COMMISSION STAFF REPORT

**PUBLIC HEARING:** October 11, 2022

**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

**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 the development of a 3,754 square foot warehouse building on a 0.15-acre parcel.

**PROPERTY INVOLVED:** 439 W Gardena Boulevard

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### COMMISSION ACTION

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

***Item No. 7B***

**EXHIBIT NO. 4**

## **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**

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.

On September 28, 2021, the Planning Commission adopted Resolution No. 21-2717, approving a one-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. No building permit has issued to date.

The procedure/criteria for approval of a time extension of a Site Plan and Design Review approval are set forth in Carson Municipal Code (“CMC”) Section 9172.23(I)(2), which provides as follows: “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.”

## **III. Request**

The property owner/applicant requests an additional one-year extension of the Site Plan and Design Review No. 1782-19 for the subject property. On July 20, 2022, the applicant made a timely request for the extension of time to complete the project. According to the written request of the applicant, “The Grading Plans were approved on July 18, 2022, which doesn’t give the owner enough time to find a general contractor to do the grading.”

The request before the Planning Commission is not for reconsideration or modification of the project approval or conditions, but rather is only for consideration of approval of the applicant’s request for a further one-year time extension for effectiveness of the project approval (DOR No. 1782-19).

## **IV. Analysis**

As previously stated, a one-year extension has been granted for the subject request. Per CMC 9172.23(I)(2), 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. This means all required findings for a Site Plan and Design Review Approval set forth in CMC 9172.23 must be made in the affirmative, including the required finding of CMC 9172.23(D)(1)(c), “convenience and safety of circulation for pedestrians and vehicles.”

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.

The application for Site Plan and Design Review No. 1782-19 acknowledged the existing 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. Exhibit 2. 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. The video of the hearing is available at: [https://carson.granicus.com/MediaPlayer.php?view\\_id=2&clip\\_id=2105](https://carson.granicus.com/MediaPlayer.php?view_id=2&clip_id=2105).

An aerial image of the two adjoining properties, showing the subject property on the left side (to the west) and the adjoining 433 W. Gardena Boulevard property on the right side (to the east), is provided in Figure A, below.



Figure A.

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) 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 has concluded that the once shared driveway is now inoperable and inaccessible to the adjoining neighbor, measuring only 5' in width at its narrowest point. Figure B.



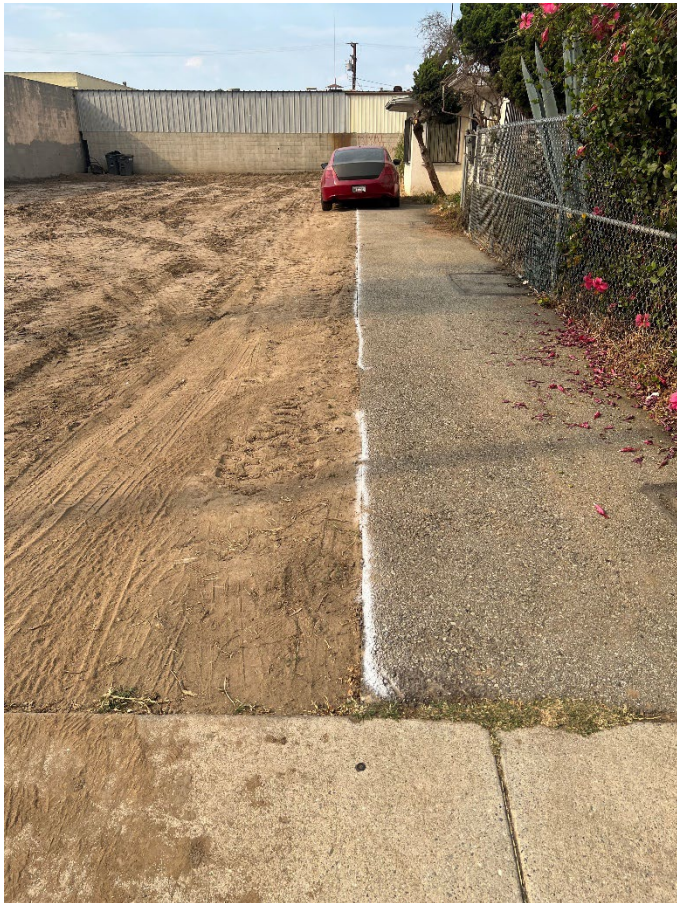


Figure B.

Upon further review following complaints from the adjoining neighbor in response to the recent work, staff has determined that (i) the actual location of the property line is not where it was represented to be in the 2019-approved development plan, (ii) the actual width of the shared driveway was less than what it was represented to be in the 2019-approved development plan, and/or (iii) the applicant represented it would allow the adjacent property owner an access easement for the necessary 10' driveway width. However, the actual conditions leave only 5' rather than 10' of driveway width for the adjoining property, which is insufficient to access the property and inconsistent with the approval of Site Plan and Design Review No. 1782-19. The demolition and grading work done by the subject property owner extend to the actual property line (and the temporary fencing was placed thereon), showing the property owner's awareness of its current location and that it has not granted an access easement to the adjoining property owner. As such, the 2019 project was misrepresented to Planning staff and the Planning Commission.

Based on the foregoing, the required finding of CMC 9172.23(D)(1)(c), "convenience and safety of circulation for pedestrians and vehicles," which must be made in the affirmative for this extension request to be granted pursuant to CMC 9172.23(I)(2), cannot be made in the affirmative, because contrary to the misrepresentations in the 2019-approved development plan regarding the location of the property line and despite the assurances the applicant made to staff and the Planning Commission at that time, the project development plan does not preserve or provide for a 10' wide or otherwise operable or accessible driveway for the adjacent residents. Therefore, in the judgment of staff, the requested extension cannot be granted.

Based on the above, staff recommends that the extension request be denied, as set forth in the proposed resolution.

If the request is denied, DOR No. 1782-19 would become automatically null and void. The applicant would have the opportunity to file a new DOR application, but any such application would be subject to the required finding of CMC 9172.23(D)(1)(c) regarding convenience and safety of circulation for pedestrians and vehicles, which would include providing/preserving an operable/accessible driveway for the adjoining neighbor at 433 W. Gardena Boulevard.

## **V. Recommendation**

That the Planning Commission:

- **ADOPT** Resolution No. -22-\_\_\_\_, 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 ENTITLEMENT (SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1782-19) FOR A PROPOSED TWO-STORY WAREHOUSE BUILDING LOCATED AT 439 WEST GARDENA BOULEVARD.

## **VI. Exhibits**

1. Draft Resolution No. 22-\_\_\_\_\_.
2. Planning Commission Staff Report dated July 9, 2019, including Resolution No. 19-2671.
3. Planning Commission Staff Report dated September 28, 2021, including Resolution No. 21-2717.
4. Extension Request/Letter of Justification.

Prepared by: Aaron Whiting, Associate Planner