



STAFF REPORT

TIME EXTENSION SITE PLAN NO. 22-04

TO: Planning Commission

FROM: Community Development Department

DATE: January 21, 2026

CASE NO.: Plot Plan Review No. 22-04 (Time Extension)

APPLICANT REQUEST: The applicant is requesting a two-year time extension of the approved Plot Plan Review No. 22-04 for the property located at 2425 S. Malt Avenue, Commerce, California, within the Heavy Manufacturing (M-2) zoning district. Pursuant to Commerce Municipal Code ("CMC") Chapter 19.39, a Site Plan Review approval shall lapse and become void one year from the effective date unless a right to use is established or a time extension is granted in accordance with the Municipal Code.

LOCATION: 2425 S. Malt Avenue
Commerce CA 90040

APPLICANT: BTC III MALT AVE CC LP

REPRESENTATIVE: Jamie McLaughlin
4675 MacArthur Ct, Suite 625
Newport Beach CA 92660

PUBLIC HEARING NOTICE:

A Public Hearing Notice was not required for this request.

ATTACHMENTS: A) Applicant Request
B) Site Plan Review 22-04 Staff Report

LAND USE, ZONING AND APPLICABLE REGULATIONS:

Project Site - Land Use & Applicable Regulations	
General Plan Designation:	Industrial
Zoning:	Heavy Manufacturing (M-2)

Applicable Zoning Regulations:	CMC Chapter 19.11, Manufacturing Zones; CMC Chapter 19.19, Development Standards; CMC Chapter 19.21, Off-Street Parking; CMC Chapter 19.23, Landscaping; CMC Chapter 19.39 Division 10, Site Plan Review; CMC Section 19.39.680 Basis for Approval.
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SURROUNDING ZONING AND LAND USES:

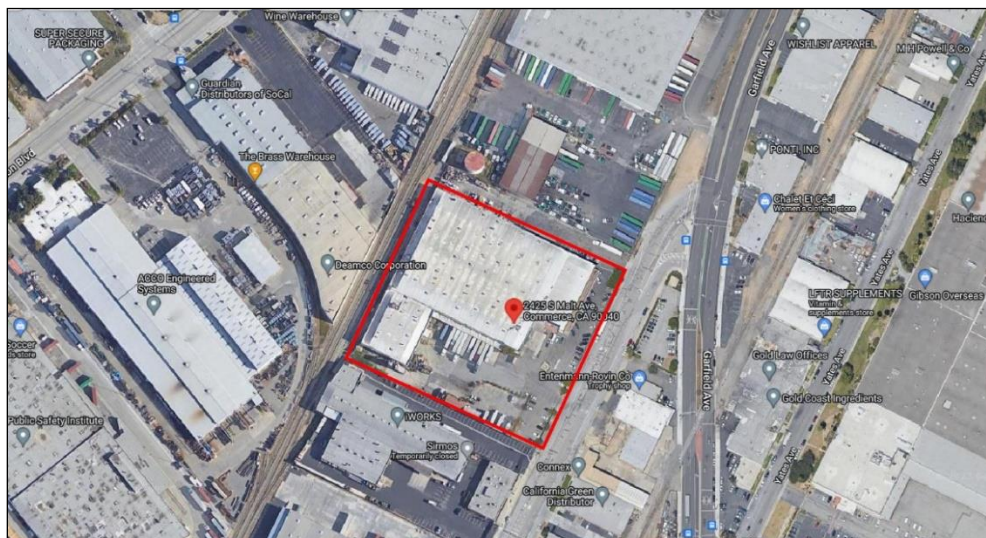
Direction	Zoning	Land Use
North	M-2	Industrial
South	M-2	Industrial
East	M-2	Industrial
West	M-2	Industrial

ENVIRONMENTAL ASSESSMENT:

This project was determined to be exempt from environmental review pursuant to the guidelines of the California Environmental Quality Act (Public Resources Code §21080(b)(9); Administrative Code, Title 14, Chapter 3, §15302, Class 2, Replacement or Reconstruction).

DESCRIPTION OF PROPERTY & NEIGHBORHOOD CHARACTERISTICS:

The project site is a parcel of land located at the end of Malt Avenue approaching Garfield Avenue and measures approximately 5.77 acres (251,280 square feet). The site was previously developed with an industrial building. The previously existing industrial building was demolished and the site is currently vacant.



BACKGROUND:

On February 15, 2023, the City of Commerce Planning Commission approved Plot Plan Review No. 22-04 allowing for the demolition of an existing 118,026 square foot building and allowing the construction of a new warehouse building measuring approximately 124,144 square feet on a 5.77-acre site in the City's M-2 zone.

Pursuant to CMC Section 19.39.720, a Site Plan Review approval is valid for one year from the effective date unless a right to use is established or an extension is granted in accordance with the Municipal Code.

A. Such a right shall be established if either:

1. A building permit has been issued and construction commenced and diligently pursued toward completion on the site for which the site plan was approved; or
2. In the event no building permit is required, a certificate of occupancy has been issued for the structure for which the site plan was approved; or
3. In the event no building permit or occupancy is required, the site for which the site plan was approved is occupied; or
4. Prior to the date on which the site plan review approval will elapse, the grantee files an application to renew the permit pursuant to subsection B of this section.

B. A site plan review approval subject to lapse may be renewed up to an additional one-year period; provided, that the application for renewal is filed with the Community Development Department prior to the expiration date.

C. The Community Development Director may approve or deny an application for renewal of a site plan review approval. As part of the action, the Director may also modify existing conditions of approval or add new conditions to reflect any change in circumstances related to the site plan and surrounding properties.

On October 31, 2023, the Interim Director of Community Development Department ("Interim Director") authorized a one-year extension, extending the Plot Plan entitlement to February 14, 2025.

On December 10, 2024, the Interim Director authorized an additional one-year extension to February 14, 2026, based on submittal of construction plans to the Building and Safety Division.

On December 8, 2025, the Applicant submitted a request for an additional two-year extension of the Plot Plan to February 14, 2028.

Review of CMC Section 19.39.720 clarified that the Municipal Code authorizes the Director to approve only one one-year extension of a Site Plan Review approval. The Code does not identify submission of construction plans to the Building Division as an independent mechanism to vest or extend a Site Plan Review approval.

Condition of Approval No. 3 for the Project further states that the permit and all rights thereunder shall terminate within twelve months of the effective date unless operations commence or a written time extension is granted as provided in Section 19.39.720 of the CMC.

Condition No. 4 also specifies that abandonment or non-use of the approval for a period of one year shall terminate the approval without further action of the Planning Commission or City Council.

While Condition No. 46 authorizes the Director to approve minor modifications to the approved plans or conditions, such authority is limited to modifications that achieve substantially the same results as strict compliance and does not extend to approval of additional entitlement periods.

Based on this review, City staff, in consultation with the City Attorney's Office, has determined that there is no clear administrative process under the Municipal Code to approve further extensions beyond the single one-year extension authorized at the Director level. To ensure procedural compliance and preserve the validity of the entitlement, the request for additional time is being forwarded to the Planning Commission for consideration and final determination.

ANALYSIS:

The Applicant submitted a letter requesting an extension of the validity of Plot Plan Review No. 22-04 by two years until February 14, 2028, contained in Attachment A. In the Applicant's letter, he indicated that they have demonstrated good faith efforts toward project implementation, including completion of demolition, advancement of construction documents through plan check with the Building and Safety Division, coordination with outside agencies, and significant financial investment in the project. The Applicant indicated that delays with other agencies have prolonged their construction timeline and unfavorable market conditions such as, inflation, high interest rates and high vacancies have posed challenges for the project. These reasons were provided to justify the need for a two-year extension, which will allow the Applicant with additional time to complete the project.

Although prior administrative extensions were previously granted, Staff finds that approval of additional time beyond what is expressly permitted by the Municipal Code exceeds the Director's authority. Granting further extensions affects the Applicant's ability to continue with the construction of the previously approved

project. Therefore, Staff is referring this request to the Planning Commission for review and final determination.

It is recommended that the Planning Commission consider approving the Applicant's request for a two-year extension of Plot Plan Review No. 22-04 until February 14, 2028. Alternatively, the Planning Commission can:

1. Modify or deny the Applicant's request for a two-year extension; or
2. Take such additional, related action that may be desirable.

Please note that should the Planning Commission deny the Applicant's request, Plot Plan Review No. 22-04 will expire, and the Applicant will not be able to proceed with the construction of the project unless they can secure building permits and commence construction by February 14, 2026. If they are unable to meet this deadline, the entitlements to build a new warehouse on the site will expire. The Applicant would have the option to re-apply for new entitlements requiring Planning Commission review and approval.

CONCLUSION:

Based on the foregoing, Staff recommends that the Planning Commission approve the Applicant's request for a two-year extension of Plot Plan Review No. 22-04 until February 14, 2028 for the project located at 2425 S. Malt Avenue.

Prepared by: Norma Lopez
Contract Planner

Reviewed by: Jessica Serrano
Director of Community Development Department

Reviewed by: Araceli Almazan
City Attorney