

ORDINANCE NO. 22-2221

AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA: (1) MAKING, RATIFYING AND AFFIRMING THE CEQA FINDINGS AND ACTIONS OF THE PLANNING COMMISSION RELATED TO CERTIFICATION OF ENVIRONMENTAL IMPACT REPORT (SCH NO. 2021010116) WITH RESPECT TO APPROVAL OF SPECIFIC PLAN NO. 21-19 (IMPERIAL AVALON SPECIFIC PLAN) AND ZONE CHANGE NO. 188-19; (2) APPROVING SPECIFIC PLAN NO. 21-19 SUBJECT TO CONDITIONS OF APPROVAL; AND (3) APPROVING ZONE CHANGE NO. 188-19 CHANGING THE PROJECT SITE'S ZONING FROM COMMERCIAL AUTOMOTIVE AND RM-8-D TO IMPERIAL AVALON SPECIFIC PLAN ZONING, FOR A 1,115 UNIT MIXED USE DEVELOPMENT REFERRED TO AS THE IMPERIAL AVALON PROJECT

WHEREAS, on December 17, 2019, the Department of Community Development received an application from Imperial Avalon LLC ("Developer") for certain entitlements for the development of a mixed-use residential and commercial project. The project consists of 764 multi-family residential units in two buildings of up to four stories each, 351 attached/detached and stacked flat townhome units of up to three stories each, 111,581 square feet of publicly accessible open space (including a minimum 22,859 square foot park), and 10,000 square feet of commercial restaurant space, upon real property located at 21207 S. Avalon Blvd. having Assessor's Parcel Numbers 7337-001-025, -026, -027, -028, and -029, and legally described in Exhibit "A" attached hereto and incorporated herein by this reference (the "Project"); and

WHEREAS, Developer's requested entitlements consist of the following: (1) certification of an Environmental Impact Report (SCH No. 2021010116; the "EIR") for the Project; (2) General Plan Amendment ("GPA") No. 105-19, to change the land use designation of the Property from Regional Commercial/Low Density Residential to Urban Residential; (3) Specific Plan ("SP") No. 21-19, the Imperial Avalon Specific Plan ("IASP"), to establish the development standards and permitted uses for the Property; (4) Zone Change ("ZCC") No. 188-19, to change the Property's zoning from Commercial Automotive/RM-8-D to Imperial Avalon Specific Plan; (5) Development Agreement ("DA") No. 23-19, to grant specified development rights in exchange for provision of specified community benefits; (6) Site Plan Review and Design Review ("DOR") No. 1803-19; and (7) Vesting Tentative Tract Map ("VTTM") No. 83157; and

WHEREAS, the Project requires a Zone Change to change the Project site's zoning from Commercial, Automotive and RM-8-D to Specific Plan (Imperial Avalon Specific Plan); and

WHEREAS, The Specific Plan will include a maximum of 1,115 residential dwelling units (including 764 multi-family units and 351 townhomes) with an approximate overall

density of 41 Dwelling Units/Acre; 10,000 square feet of commercial/restaurant space; and 111,581 square feet of publicly accessible but privately maintained open space (including a 22,859 square foot park).; and

WHEREAS, the proposed Specific Plan and Zone Change, collectively with the other aforementioned entitlements, is considered a “project” as defined by the California Environmental Quality Act, Public Resources Code §21000 et seq. (“CEQA”); and

WHEREAS, the City, as the Lead Agency, has prepared an environmental impact report (“EIR”) for the Project; and

WHEREAS, after notice of the time, place and purpose of a public hearing was duly given, the City’s Planning Commission held a public hearing and heard testimony and considered all factors both oral and written on the 21st day of November, 2022, to consider Developer’s applications for the Project. Following such public hearing, the Planning Commission: (1) certified the EIR for the Project, made associated CEQA findings, and took associated CEQA actions; (2) approved DOR No. 1803-19 and VTTM No. 83157 contingent upon City Council approval of GPA No. 105-19, SP No. 21-19, ZCC No. 188-19, and DA No. 23-19 and subject to the conditions of approval of DOR No. 1803-19 and VTTM No. 83157; and (3) recommended that the City Council approve the GPA No. 105-19, SP No. 21-19 (subject to the conditions of approval thereof), ZCC No. 188-19, and DA No. 23-19; and

WHEREAS, after notice of the time, place and purpose of a public hearing was duly given, the City Council held a public hearing on December 6, 2022, to consider Developer’s applications for GPA No. 105-19, SP No. 21-19, ZCC No. 188-19, and DA No. 23-19 for the Project, during which the City Council heard testimony and considered all factors both oral and written; and

WHEREAS, following the hearing, the City Council approved GPA No. 105-19 by adoption of Resolution No. 22-243, and by this Ordinance desires to approve (i) ZCC No. 188-19, and (ii) SP No. 21-19 subject to certain conditions of approval, in connection with its approval of the other entitlements associated with the Project, based on the findings set forth herein, including findings of consistency with the City’s General Plan, as amended by GPA No. 105-19, and SP No. 21-19, and on the terms set forth herein.

WHEREAS, all legal prerequisites to the adoption of this Ordinance have occurred.

THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ORDAINS AS FOLLOWS:

Section 1. The above recitals are true and correct and incorporated fully herein.

Section 2. Following an initial study, a notice of preparation, and scoping, the EIR was prepared, circulated, and made available for public review, all in accordance

with CEQA. The Planning Commission certified the EIR (inclusive of an Errata to the Final EIR) and adopted the Mitigation Monitoring and Reporting Program (MMRP), Findings of Fact, and Statement of Overriding Considerations for the Project on November 21, 2022, all in accordance with CEQA. Electronic copies of the EIR and associated CEQA documents are available at <https://ci.carson.ca.us/CommunityDevelopment/ImperialAvalon.aspx>. The mitigation measures set forth in the EIR and MMRP are incorporated into the Project as conditions of approval. The City Council hereby makes, ratifies and affirms the Planning Commission's CEQA findings and actions as the Council's own with respect to the approval of SP No. 21-19 and ZCC No. 188-19.

Section 3. Based upon all oral and written reports and presentations made by City staff, Developer, and members of the public, regarding Specific Plan No. 21-19 and Zone Change No. 188-19, including any attachments and exhibits, the City Council hereby finds that:

a) The Specific Plan (Exhibit "B") provides for a project that is located within an area suitable for the proposed use and is in conformance with the General Plan as amended by GPA No. 105-19, and the Imperial Avalon Specific Plan (SP No. 21-19), which is also the zoning designation for the Property pursuant to Zone Change (ZCC) No. 188-19, which would change the zoning map designation for the Property from Commercial Automotive/RM-8-D to Imperial Avalon Specific Plan.

b) The Specific Plan will not be detrimental to the public's health, safety and general welfare, nor will it adversely affect the orderly development or property values for the subject property or areas surrounding it.

c) The Specific Plan is in the best public interest of the City and its residents and will achieve a number of City objectives including ensuring compatibility of the development and use of the site with surrounding uses, providing much needed housing in a variety of housing types, and helping achieve a sustainable balance of residential and non-residential development and a balance of traffic circulation through the City, in furtherance of General Plan goals and objectives.

d) The Specific Plan supports General Plan goal LU-6: A sustainable balance of residential and nonresidential development and a balance of traffic circulation throughout the city. The project promotes a balanced mix of residential development and ground floor, pedestrian-serving commercial restaurant uses. The project provides for the inclusion of commercial restaurant uses that would provide easy access to a variety of foods within close proximity to existing and future residential communities. Consistent with policy LU-6.3, the Specific Plan specifically promotes a mixed-use zone that encourages pedestrian-oriented mobility.

e) The Specific Plan supports General Plan goal LU-7: adjacent land uses that are compatible with one another. The proposed development of the project, with its gradual sensitive transition toward the western edge of the subject property, is compatible with the adjacent single-family residential Grace Avenue neighborhood, and with the project's pedestrian bridge connection over the Torrance lateral flood channel, it will provide

pedestrian access to The District at South Bay specific plan area and the commercial and open space amenities that will be available there.

f) The Specific Plan supports General Plan goal LU-8: Promote mixed-use development where appropriate. The project is proposed as part of the City's ongoing effort to develop new mixed-use corridors. This site is located within close proximity to the Carson Street mixed-use corridor and The District at South Bay proposed development.

g) The Specific Plan supports General Plan goal LU-15: promote development in Carson which reflects the "Livable Communities" concepts. The project encourages the location of housing, jobs, shopping, services, and other activities within easy walking distance of each other. By providing the potential for a variety of housing types, various multifamily unit types which may include affordable housing and senior housing, and for-sale townhome units, the project also supports Policy LU-15.2 which seeks to maintain a diversity of housing types to enable citizens from a wide range of economic levels and age groups to live in Carson.

h) The Specific Plan supports General Plan Housing Element Goal 2: encourage the development of a variety of housing to meet needs of the broad spectrum of the community, with a particular emphasis on multifamily housing, and Goal 4: Promote housing opportunities for lower-income households and seniors. By providing a mix of unit types ranging from studios to four-bedroom homes, the project facilitates diversity of housing types and prices, supporting a wide variety of housing needs and promoting a multi-generational community. Additionally, the project supports Goal 4 by providing an exclusive pre-lease period for seniors and establishing a quota for units rented to seniors, recognizing that senior populations benefit from various types of housing models and from providing independent senior housing to meet the diverse needs of Carson's and the region's aging population.

i) The Project includes a zone change request changing the existing zoning district for the Property from Commercial, Automotive and RM-8-D zone to Imperial Avalon Specific Plan zoning district, which shall have standards substantially in compliance with the Imperial Avalon Specific Plan.

j) The zone change, to be effectuated by this ordinance, is consistent with the General Plan, as amended pursuant to GPA No.105-19. Where the Carson Zoning Ordinance regulations and/or development standards are inconsistent with Imperial Avalon Specific Plan, the Imperial Avalon Specific Plan standards and regulations shall prevail. The proposed "Imperial Avalon" zone and Urban Residential General Plan Land Use designation will allow the development of up to 1,115 residential units, 10,000 square feet of commercial/restaurant uses and 111,581 square feet of publicly accessible but privately maintained open space, in furtherance of General Plan goals, policies and objectives.

k) The zone change from Commercial, Automotive and RM-8-D to Imperial Avalon Specific Plan is compatible with the surrounding uses and compatible/consistent with a General Plan land use designation of Urban Residential upon approval of GPA No. 105-19.

Section 4. Based on the aforementioned findings, the City Council hereby (i) approves Specific Plan No. 21-19 subject to the Conditions of Approval attached hereto as Exhibit “C”; and (ii) approves Zone Change No. 188-19. Copies of Specific Plan No. 21-19 and Zone Change No. 188-19 (map) are attached hereto as Exhibits “B” and “D”, respectively, and are incorporated herein by this reference.

Section 5. This Ordinance shall take effect concurrent with effectiveness of City of Carson Ordinance No. 22-2222. If and when the Development Agreement No. 23-19 should terminate pursuant to Article 7 thereof, this Ordinance will automatically terminate concurrently therewith without any action needing to be taken by the City Council.

Section 6. The City Council declares that, should any provision, section, paragraph, sentence or word of this Ordinance be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Ordinance as hereby adopted shall remain in full force and effect.

Section 7. The City Clerk of the City of Carson shall certify to the passage and adoption of this Ordinance and shall cause the same to be published in a newspaper of general circulation, printed and published within the City of Carson in accordance with the provisions of the Government Code.

PASSED, APPROVED and ADOPTED this 6th day of December, 2022.

Mayor Lula Davis-Holmes

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

APPROVED AS TO FORM

Sunny Soltani, City Attorney

EXHIBIT "A"

PROPERTY LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS: LOT 1 OF TRACT NO. 71206, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1400, PAGES 1 TO 6 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY. EXCEPT THEREFROM PORTIONS OF SAID LAND ALL MINERALS, OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE SURFACE OF SAID LAND, AS EXCEPTED IN DEED RECORDED DECEMBER 08, 1960 AS INSTRUMENT NO. 1520 OFFICIAL RECORDS, AND IN DEED RECORDED MAY 18, 1959 AS INSTRUMENT NO. 590 OFFICIAL RECORDS.

APN: 7337-001-025

APN: 7337-001-026

APN: 7337-001-027

APN: 7337-001-028

APN: 7337-001-029

EXHIBIT "B"
SPECIFIC PLAN

The Imperial Avalon Specific Plan can be found at the following link:
https://ci.carson.ca.us/content/files/pdfs/planning/docs/projects/ImperialAvalon/PC_11-21-22/Specific%20Plan%20SP%20No.%2021-19.pdf

EXHIBIT “C”

Conditions of Approval of SP No. 21-19
[see next page]

CITY OF CARSON
COMMUNITY DEVELOPMENT
CONDITIONS OF APPROVAL

IMPERIAL AVALON SPECIFIC PLAN No. 21-19

These “Conditions of Approval” shall govern the Imperial Avalon Specific Plan (“Specific Plan”), located at 21207 Avalon Boulevard in the City of Carson (“Project Site”). The “Project” consists of a mixed use project including 1,115 residential dwelling units, 10,000 square feet of restaurant area, and a 22,859 square foot of publicly accessible but privately maintained open space area within the Imperial Avalon Specific Plan. The Project is proposed by the “Applicant” which currently consists of Imperial Avalon, LLC which term shall include the successors and assigns of the Applicant (aka, the “Developer”).

GENERAL CONDITIONS

1. The Applicant shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the City Council Resolution approving the Imperial Avalon Specific Plan.
2. The adopted Ordinance approving the Imperial Avalon Specific Plan, including the Conditions of Approval contained herein, and the signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
3. These Conditions of Approval shall be subject to the terms and conditions of the Specific Plan, Final Environmental Impact Report (FEIR), Mitigation Monitoring and Reporting Program (MMRP), and Development Agreement (DA). In the event of a conflict between these Conditions of Approval and the Development Agreement the Development Agreement shall control.
4. The Applicant shall comply with all City, county, state, and federal regulations applicable to the Project.
5. The Applicant shall comply with all Mitigation Measures, Project Design Features, and Project Characteristics as described in the Final Environmental Impact Report and MMRP.
6. The Applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission or City Council in order to comply with all the Conditions of Approval and applicable Specific Plan provisions.

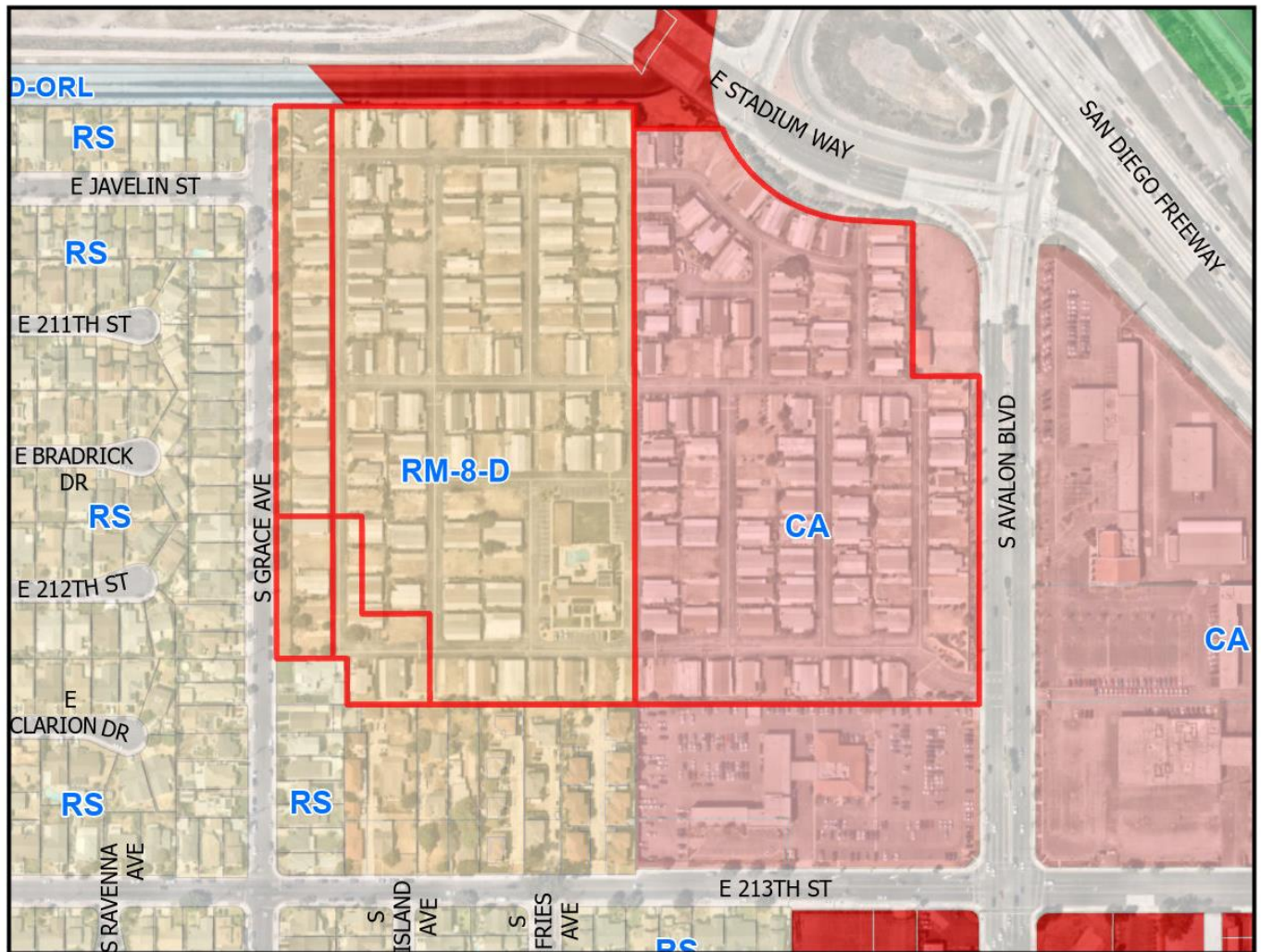
7. The applicant shall update the Specific Plan document, if deemed necessary by the Community Development Director, consistent with all approvals and revisions approved by the City Council.
8. City Approvals. All approvals by City, with respect to the Project and/or the Conditions of Approval set forth herein, unless otherwise specified, shall be by the department head of the department or agency requiring the applicable condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to the January 19, 2021 Reimbursement Agreement.
9. Reimbursement Agreement. A trust deposit account shall be established and maintained pursuant to the Reimbursement Agreement, dated January 19, 2021.
10. Indemnification. The Applicant, and its tenant(s), for themselves and their 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") as set forth in the DA from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, "Claims") against Indemnitees with respect to the Project entitlements or approvals that are the subject of these Conditions of Approval, and any Claims against Indemnitees which are in any way related to Indemnitees' review of or decision upon the Project that is the subject of these Conditions of 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 or other local or State Agencies, 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 Indemnitors' construction or operations of the Project, including site improvements and other associated improvements. or any of the Project entitlements or other approvals that are the subject of Conditions of the Approvals for the Specific Plan, Site Plan and Design Review and Tentative Tract Map. 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 / Claims asserted, 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.

SPECIAL CONDITIONS

11. Vehicular Gates. The location and design of all proposed vehicular gates shall be reviewed and approved by the City's traffic engineer and the Los Angeles County Fire Department.
12. Pedestrian Gates. The location, design and access control methods for all proposed pedestrian gates, including access gates for the pedestrian bridge, shall be reviewed and approved by the Director of Community Development prior to the issuance of any building permit.

EXHIBIT "D"
Zone Change Map

AMENDMENT TO THE MAP DESIGNATION
Zone Change Case No. 188-19



The site, as shown above, is currently designated as follows:

ZONING MAP: Commercial, Automotive and RM-8-D

It is proposed that the site be amended to the following:

ZONING MAP: Specific Plan (IASP - #21)

PARCELS

7337-001-025, 7337-001-026, 7337-001-027, 7337-001-028 & 7337-001-029