

**CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 18-2620**

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THE CITY COUNCIL (1) ADOPT THE FINDINGS REQUIRED BY CEQA GUIDELINES, SECTION 15091; (2) CERTIFY THE SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT TO THE FINAL ENVIRONMENTAL IMPACT REPORT (SCH NO. 20050551059) FOR THE PROPOSED AMENDMENT TO THE BOULEVARDS AT SOUTH BAY SPECIFIC PLAN (TO BE RENAMED THE DISTRICT AT SOUTH BAY SPECIFIC PLAN) AND RELATED DEVELOPMENT THEREUNDER INCLUDING 1550 RESIDENTIAL UNITS AND 1,834,833 SQ. FT. OF COMMERCIAL USES LOCATED SOUTHWEST OF INTERSTATE 405 FREEWAY AND NORTH OF THE AVALON BOULEVARD INTERCHANGE; (3) ADOPT THE PROPOSED MITIGATION MONITORING AND REPORTING PROGRAM, AND (4) ADOPT A STATEMENT OF OVERRIDING CONSIDERATIONS, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

WHEREAS, there is a 168-acre Project site generally located southwest of the Interstate 405 (I-405) Freeway (the San Diego Freeway) and north of the Avalon Boulevard interchange in the City of Carson ("Project site"), which includes 157 acres of land located south of Del Amo Boulevard (the 157-acre portion of the Project site is referred to herein as the "Property") that operated as a Class II landfill from 1959 until 1965, and 11 acres of land north of Del Amo Boulevard (Development District 3 ["DD3"]) that did not have landfill uses; and

WHEREAS, in 2006 the Project site was owned by Carson Marketplace LLC, a private developer, which proposed a development plan for the Project site that included a 1,995,125-square-foot (sq. ft.) mixed-use commercial project (including retail, 300 hotel rooms, and entertainment uses) and 1,550 residential units.

WHEREAS, in 2006 the City of Carson ("City") adopted the Carson Marketplace Specific Plan to implement that project (referred to herein as the "approved Project"); and

WHEREAS, in 2006, in accordance with the California Environmental Quality Act ("CEQA"), the City of Carson Redevelopment Agency ("RDA"), as lead agency, certified a project-level Final Environmental Impact Report ("2006 Final EIR") for the Carson Marketplace Project (SCH No. 2005051059) (2006 Final EIR) in connection with development of the Project site located southwest of the Interstate 405 ("I-405") Freeway (the San Diego Freeway) and north

of the Avalon Boulevard interchange in the City of Carson ; and

WHEREAS, in 2009 an Addendum to the 2006 FEIR was prepared and subsequently adopted to discuss changes in the remediation activities at the Property (hereinafter the term “FEIR” represents the 2006 FEIR and the Addendum, and the term “approved” in connection with the FEIR refers to certification of the 2006 Final EIR and the adoption of the 2009 Addendum); and

WHEREAS, in 2011 there was a state-wide dissolution of all RDAs.

WHEREAS, in 2011, the City, relying upon the FEIR, amended the Carson Marketplace Specific Plan and, as part of that amendment, renamed the Specific Plan as “The Boulevards at South Bay Specific Plan”; and

WHEREAS, the Carson Reclamation Authority (“CRA”) currently owns and intends to master develop the Property, including by seeking appropriate entitlements for the Property, completing the remedial actions in order to achieve the California Department of Toxic Substances Control (DTSC) certification of the former landfill, constructing on-site and off-site infrastructure, preparing the Property for conveyance, and then selling the Property for development purposes, as appropriate; and

WHEREAS, CRA has submitted an application to the City for a Specific Plan Amendment to The Boulevards at South Bay Specific Plan (proposed to be renamed “The District at South Bay Specific Plan,” hereinafter called the “Specific Plan Amendment”) to modify certain retail and commercial uses on the Property; and

WHEREAS, CAM-CARSON LLC, a private developer, is seeking to develop a regional commercial use, including outlets and restaurant uses, on a portion of the Property referred to as Planning Area 2 (“PA 2”) and has submitted an application to the City for site plan and design review, including a comprehensive sign program, and for a development agreement in connection with that request. Other developers may submit applications at later dates in connection with development of the Property; and

WHEREAS, the conveyance and use of the Property for development consistent with the Specific Plan Amendment and is also consistent with the City of Carson’s adopted General Plan; and

WHEREAS, as a result of the entitlement submittals described above, the City will be considering the Specific Plan Amendment and related entitlements to permit development of a modified development plan, reflecting development proposals received by the CRA from Cam-Carson LLC and other private development firms, each proposing commercial development projects on the Property.

WHEREAS, these requested entitlements, if approved, would not change the overall intent or land uses described in the approved Specific Plan, but do reflect changes to the retail

marketplace since the adoption of the approved Project and, consistent with the change from a single developer to a multiple-developer development process, would allow development and occupancy of various on-site uses in phases.

WHEREAS, both the Community Development Department and the Planning Commission have initiated the proposed Specific Plan Amendment; and

WHEREAS, because the consideration of the Specific Plan Amendment will be the first action considered with respect to the disposition of the Property by the CRA, the City shall serve as the lead agency in connection with its consideration of the entitlement applications described above; and

WHEREAS, pursuant to the authority and criteria contained in the California Environmental Quality Act (“CEQA”) of 1970, the City, as the Lead Agency, has analyzed the proposed modified Project and has prepared a supplemental environmental impact report (as further defined below, the “SEIR”) to the FEIR in order to evaluate the changes to the approved Project proposed by the modified development plan, Specific Plan Amendment, and related entitlements (the foregoing collectively referred to herein as the “proposed modified Project”) and to determine whether substantial changes in circumstances surrounding the Property and the approved Project (if any), and new information of substantial importance (if any), require further analysis under CEQA.

WHEREAS, in compliance with CEQA Section 21080.4, a Notice of Preparation (“NOP”) was prepared by the City and distributed for public comment to the State Clearinghouse, Office of Planning and Research, responsible agencies, and other interested parties on August 1, 2017, after which a public scoping meeting was held during the NOP review period at the Carson Community Center on August 23, 2017; and

WHEREAS, the Draft SEIR was subsequently circulated for public review from the required 45 days from October 3rd through November 17th, 2017, a copy of the Draft SEIR was circulated through the State Clearinghouse (SCH # 20050551059) and posted on the City’s website, and was available at the Carson Library and City Hall; and

WHEREAS, during the public review period, the City also held a public workshop to receive input and comments on the Specific Plan Amendment Project, Draft SEIR, and proposed Fashion Outlets of Los Angeles on October 25, 2017; and

WHEREAS, the Planning Commission held a public workshop to receive input and comments on the Specific Plan Amendment Project, Draft SEIR, and proposed Fashion Outlets of Los Angeles on November 8, 2017; and

WHEREAS, the public review period for the Draft SEIR ended on November 17, 2017; and

WHEREAS, a Final SEIR was prepared on the proposed modified Project, comments

were received on the Draft SEIR, and responses to those comments, and well as any appropriate revisions and clarifications to the Draft SEIR, were made in response to the comments received in the Final SEIR; and

WHEREAS, the City of Carson Community Development Department on January 11, 2018, published a legal notice in compliance with State law concerning the Planning Commission consideration of the Draft SEIR in the Our Weekly, a local newspaper of general circulation, which included the date and time of the Planning Commission consideration of a recommendation for the Draft SEIR. In addition, on January 4, 2018, a public hearing notice was mailed to each property owner within an expanded radius (greater than 500-foot radius) of the Project site, indicating the date and time of the public hearing regarding the proposed modified Project (including the SEIR) in accordance with state law; and

WHEREAS, on January 23, 2018, the Planning Commission conducted a duly noticed public hearing on the SEIR as defined below, at which time it received input from City Staff, the City Attorney's office, and the developer; public comment portion was opened, and public testimony and evidence, both written and oral, was considered by the Planning Commission of the City of Carson, after which public testimony was closed; and

WHEREAS, Planning Commission has reviewed the SEIR and all associated documents; and

WHEREAS, after deliberation the Planning Commission desires to recommend the City Council (1) adopt the findings required by CEQA Guidelines, section 15091; (2) certify the SEIR; (3) adopt the proposed mitigation monitoring and reporting program ("MMRP"), and (4) adopt a statement of overriding considerations, pursuant to CEQA; and

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

NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:

Section 1. **Recitals.** The Planning Commission hereby specifically finds that all of the facts set forth in the recitals above of this Resolution are true and correct and incorporated herein.

Section 2. **Planning Commission Record.** The proceedings and all evidence introduced before the Planning Commission at the public hearing on the SEIR held on January 23, 2018, are hereby incorporated into the record of this proceeding. These documents, along with any documents submitted to the decision-makers, including all documents specified under applicable State law, shall comprise the entire record of proceedings for any claims under CEQA.

Section 3. **SEIR Contents.** The SEIR consists of the following:

- a. The Final SEIR including all Technical Appendices attached;

- b. The Draft SEIR including all Technical Appendices attached;
- c. The Notice of Preparation and comments received in response to the Notice of Preparation;
- d. The MMRP;
- e. Additions and corrections to the remaining portions of the Draft SEIR that have been made pursuant to public comments and Draft SEIR review including all Technical Appendices attached thereto;
- f. Comments received on the Draft SEIR with Responses to each of the Comments made;
- g. The Notice of Completion and Availability of the Draft SEIR for public review; and
- g. Any other information added by the Lead Agency.

(All hereafter collectively referred to as the “SEIR”) The SEIR supplements the FEIR, which is included in the administrative record.

Section 4. Accompanying Documents To SEIR. Documents that shall accompany and be part of the SEIR are:

- a. Mitigation Monitoring and Reporting Program;
- b. Findings of Fact; and
- c. Statement of Overriding Considerations.

Section 5. Certification Of Compliance With California Environmental Quality Act. The Planning Commission does hereby find that the SEIR (Exhibit “1” to this Resolution, a copy a copy which is on file with the Community Development Department), the Findings of Fact and the Statement of Overriding Considerations (Exhibit “2” to this Resolution), and the Mitigation Monitoring and Reporting Program (Exhibit “3” to this Resolution) have been prepared in accordance with requirements of the California Environmental Quality Act, and the CEQA Guidelines.

Section 6. CEQA Findings of Fact, Mitigation Monitoring And Reporting Program and Statement of Overriding Considerations.

a. *Recommendation to Adopt Findings of Fact.* The Planning Commission does hereby recommend to the City Council that it approve, accepts as its own, incorporate as if set forth in full herein, and make each and every one of the findings contained in the Findings of Fact, Exhibit “2” of this Resolution, a copy of which is on file in the Community Development Department.

b. *Recommendation to Certify Supplemental Environmental Impact Report.* The Planning Commission hereby recommends to the City Council that it certify that (1) the SEIR has been completed in compliance with CEQA; (2) that it has reviewed and considered the information contained in the SEIR prior to approving the project; and (3) that the SEIR reflects the City Council’s independent judgment and analysis.


c. *Recommendation Mitigation Monitoring and Reporting Program.* As more fully identified and set forth in SEIR and in the Findings of Fact for this Project, which is Exhibit “2” to this Resolution, the Planning Commission hereby recommends to the City Council that it find that the mitigation measures described and specifically identified in the above referenced documents are feasible and shall become binding upon the entity (such as the project proponent or the City) assigned thereby to implement the particular mitigation measures as identified in the Mitigation Monitoring and Reporting Program.

d. *Recommendation to Adopt Statement of Overriding Considerations.* Even after the adoption of all feasible mitigation measures and, certain significant or potentially significant environmental effects caused by the proposed modified Project directly, or cumulatively, will remain. Therefore, the Planning Commission hereby recommends that the City Council issue and approve a Statement of Overriding Considerations in the form set forth in Exhibit “2,” which identifies the changes or alterations that are within the responsibility and jurisdiction of another public agency and not the agency making the finding, and that such changes have been adopted by such other agency or can and should be adopted by such other agency, and that they render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City Council. Additionally, the Planning Commission also recommends that the City Council issue and approve a Statement of Overriding Considerations in the form set forth in Exhibit “2” identifying the specific economic, legal, social, technological and other considerations that render the unavoidable significant adverse environmental effects acceptable, either in its current form or as may be modified or amended by the City Council.

e. *Recommendation to Adopt Mitigation Monitoring and Reporting Program.* As required by applicable State law, the Planning Commission hereby recommends to the City Council that it adopt the Mitigation Monitoring and Reporting Program set forth in Exhibit “3” of this Resolution. The Planning Commission finds that the Program is designed to ensure that, during project implementation, the City and any other responsible parties implement the project components and comply with the mitigation measures identified in the Findings of Fact and the Mitigation Monitoring and Reporting Program.

Section 7. Effective Date of Resolution. This Resolution shall become effective immediately. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the City Council of the City of Carson.

PASSED, APPROVED AND ADOPTED THIS 23RD DAY OF JANUARY, 2018


CHAIRMAN

ATTEST:


SECRETARY

Exhibits:

1. Supplemental Environmental Impact Report (provided as a separate document).
2. CEQA Findings of Fact which include: Impacts Determined to be Less Than Significant; Impacts Mitigated to Less Than Significant; Significant Unavoidable Adverse Impacts; Alternatives Considered and Rejected; and Statement of Overriding Considerations.
3. Mitigation Monitoring and Reporting Program.

**EXHIBIT “1”
SUPPLEMENTAL ENVIRONMENTAL IMPACT
REPORT**

(PROVIDED AS A SEPARATE DOCUMENT)