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**Title:** PUBLIC HEARING TO CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE NOS. 24-2407 AND 24-2408 APPROVING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM, ZONE CHANGE NO. 189- 22, SPECIFIC PLAN NO. 25-21 (FIGUEROA STREET BUSINESS PARK SPECIFIC PLAN), AND DEVELOPMENT AGREEMENT NO. 26-21 BETWEEN THE CITY OF CARSON AND CARSON MAIN STREET LLC, FOR CONDITIONAL APPROVAL OF A PROPOSED BUSINESS PARK DEVELOPMENT PROJECT LOCATED AT 20601 S. MAIN STREET, APN 7336-003-043 (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit1, 2. Exhibit 2, 3. Exhibit 3 List of GP Goals and Policies Compliance, 4. Exhibit 4 MMRP Figueroa St. Business Park, 5. Exhibit 5 Final ISMND Figueroa St Business Park, 6. Exhibit 6 Figueroa St Business Park Errata Final ISMND\_05-07-24, 7. Exhibit 7 Ord. No. 24-2407 Development Agreement, 8. Exhibit 8 Ord. No. 24-2408 SP-ZC

Date	Ver.	Action By	Action	Result
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**Report to Mayor and City Council**

Wednesday, May 22, 2024

Special Orders of the Day

**SUBJECT:**

**PUBLIC HEARING TO CONSIDER INTRODUCTION AND FIRST READING OF ORDINANCE NOS. 24-2407 AND 24-2408 APPROVING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING REPORTING PROGRAM, ZONE CHANGE NO. 189- 22, SPECIFIC PLAN NO. 25-21 (FIGUEROA STREET BUSINESS PARK SPECIFIC PLAN), AND DEVELOPMENT AGREEMENT NO. 26-21 BETWEEN THE CITY OF CARSON AND CARSON MAIN STREET LLC, FOR CONDITIONAL APPROVAL OF A PROPOSED BUSINESS PARK DEVELOPMENT PROJECT LOCATED AT 20601 S. MAIN STREET, APN 7336-003-043 (CITY COUNCIL)**

**I. SUMMARY**

On March 26, 2024, the Planning Commission conducted a public hearing and unanimously adopted Resolution No. 24-2869 approving Site Plan and Design Review No. 1854-21 for the construction of a business park and Conditional Use Permit No. 1108-21 to

allow truck uses within 100 feet of the 14.42-acre vacant project site, a former landfill site located at 20601 Main Street (APN 7336-003-043). In addition, the Planning Commission unanimously recommended that the City Council adopt Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (MND/MMRP), and approve Zone Change No. 189-22, Specific Plan No. 25-21, and Development Agreement No. 26-21 for the proposed project. (Exhibit Nos. 1 and 2)

The Planning Commission's approval amended the truck right turn out for the southerly driveway on Man Street from 8:00 a.m. to 10:00 p.m. to 8:00 a.m. to 9:00 p.m. and prohibited truck right turn in to the southeastern driveway completely. Condition No. 35 was added in response to the Planning Commission's direction:

*Condition No. 35: "The driveway located on the southeastern corner of the project site shall serve as a shared driveway with full access for passenger cars, bobtails, and delivery trucks (Class 6 or under) and right-out only for Class 7+ Heavy Duty Trucks with the following restriction: Class 7+ Heavy Duty Truck exiting shall only be allowed between the hours 8:00 a.m. to 9:00 p.m., Monday through Sunday. No entrance shall be allowed for Class 7+ Heavy Duty Trucks."*

The Class 7+ in Condition No. 35 refers to any vehicle in Class 7 through Class 13 according to the 13 Federal Highway Administration vehicle category classifications.

The subject of the item for City Council's consideration is the proposed MND/MMRP, Zone Change, Specific Plan and Development Agreement.

## II. RECOMMENDATION

**TAKE** the following action:

1. **OPEN** the public hearing, **TAKE** public testimony, and **CLOSE** the public hearing;
2. **INTRODUCE** for first reading, by title only and with full reading waived, Ordinance No. 24-2408, entitled "AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA: (1) ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM WITH RESPECT TO APPROVAL OF SPECIFIC PLAN NO. 25-21 (FIGUEROA STREET BUSINESS PARK SPECIFIC PLAN) AND ZONE CHANGE NO. 189-22; (2) APPROVING SPECIFIC PLAN NO. 25-21 (FIGUEROA STREET BUSINESS PARK SPECIFIC PLAN) SUBJECT TO CONDITIONS OF APPROVAL; AND (3) APPROVING ZONE CHANGE NO. 189-22 CHANGING THE PROJECT SITE'S ZONING FROM MANUFACTURING LIGHT WITH ORGANIC REFUSE LANDFILL OVERLAY AND DESIGN OVERLAY REVIEW (ML-ORL-D) TO FIGUEROA STREET BUSINESS PARK SPECIFIC PLAN ZONING SUBJECT TO CONDITIONS OF APPROVAL, FOR A PROPOSED BUSINESS PARK PROJECT AT 20601 S. MAIN STREET"; **AND**
3. **INTRODUCE** for first reading, by title only and with full reading waived, Ordinance No.

24-2407, entitled “AN UNCODIFIED ORDINANCE OF THE CITY OF CARSON, CALIFORNIA: (1) ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM WITH RESPECT TO APPROVAL OF DEVELOPMENT AGREEMENT NO. 26-21; AND (2) APPROVING DEVELOPMENT AGREEMENT NO. 26-21 BETWEEN THE CITY OF CARSON AND CARSON MAIN STREET LLC FOR A PROPOSED BUSINESS PARK PROJECT AT 20601 S. MAIN STREET.”

1.

### **III. ALTERNATIVES**

**TAKE** any other action the City Council deems appropriate.

### **IV. BACKGROUND**

#### **Project Description**

The proposed project includes remediation of the former landfill and development of a business park campus consisting of three concrete tilt-up warehouse buildings with a collective 303,490 square feet of building floor area (including 12,000 square feet of mezzanine office space) within Planning Area 1 and one commercial building of 2,700 square feet within Planning Area 2, for a total of 306,190 square feet of building floor area.

Eight tenant suites are proposed that will be allocated across the three concrete tilt-up buildings. Each tenant suite shall range in square footage from approximately 30,000-50,000 gross square feet, including any mezzanine space. Square footage in each tenant suite may be freely allocated between light industrial, office, and mezzanine space as long as each tenant suite contains at least 3,000 square footage of office space. Mezzanine space shall be developed predominantly as office. Each tenant suite shall feature concrete permanent demising walls that cannot be modified to combine units or change the size of the units and no single tenant shall occupy more than one tenant suite at the property for the same operation at any one time. Each tenant suite may have a maximum of five truck doors.

The proposed project includes approximately 29,849 square feet of landscaping consisting of a variety of ornamental trees, drought tolerant ground cover and shrub masses that will be planted within the street frontage along Figueroa Street and South Main Street, and the northern perimeter of the site of the project site. Planter pots ranging in plant variety, such as dragons blood trees and trailing rosemary, are proposed on-site.

#### **Site History**

The project site was formerly part of the Gardena Valley 1 & 2 Landfill (landfill). The landfill operated from November 1956 until October 1959 and accepted approximately 75%

residential municipal waste and 25% construction or industrial wastes resulting in documented soil and groundwater contamination from metals and volatile and semi-volatile organics. The former landfill was capped with approximately five feet of soil and ceased operation shortly thereafter. Since then, the site has remained unused.

### **Site Remediation**

Based on the minimal impacts to soil underlying the landfill waste, hydrogeologic investigation delays, and the need to address gas migration and the infiltration of water into the landfill, the Department of Toxic Substances Control (DTSC) historically divided the former landfill into two separate operable units (OU); the Wastefill and Groundwater OUs. In support of an expedited redevelopment plan, the Supplemental Site Investigation (SSI) that was conducted in 2021 and subsequent Draft Response Plan, prepared by Haley & Aldrich, Inc. (Haley & Aldrich), focus on the Wastefill OU. Future action in assessing the Groundwater OU will be coordinated with the DTSC and if groundwater characterization identifies risk from site impacts, the developer shall prepare and implement a Groundwater Operable Unit (OU) Response Plan to address such risk. Future action on the Groundwater OU will be conducted independent of site redevelopment activities.

Limited Soil Excavation: When the former landfill was closed in 1969 it was capped with approximately five feet of soil. Within the cover soil, elevated arsenic concentrations were identified during the SSI investigation and delineated during subsequent step-out sampling. The soils with elevated arsenic would be removed using limited excavation totaling approximately 12 cubic yards. The planned maximum excavation depth is approximately six feet below ground surface (bgs); however, the actual excavation depths would be determined in the field based on the depth to waste material, observations of potential chemical impacts (i.e., stained, discolored, wet, or saturated soil, odors in ambient air, elevated air quality readings), and potentially confirmatory soil sampling. Excavations are planned to be completed within the soil cover material without extending into the waste material. A soil cover would be maintained during the excavation to prevent the creation of nuisances such as dust, litter, vectors, and odors. Once the excavation activities have been completed, a Removal Action Completion Report (RACR) would be prepared and submitted to the DTSC for review and approval, including the field observations, documentation, and the results of the confirmatory soil sampling.

Engineered Landfill Cap: An engineered landfill cap would be installed consisting of different integrated elements: hardscape, landscape and building foundations with building protective systems. The engineered landfill cap would include a compacted foundation layer constructed from the existing landfill cover material that is a minimum of 22-inches thick. In addition, the exterior hardscape and landscape elements of the engineered landfill cap would include an erosion-resistant protective layer, low-permeable barrier layer, and a sub-grade passive landfill gas venting system. The buildings would be supported on precast concrete driven piles with foundations that allow for a minimum 22-inch foundation cover soil. Buildings would also include building protective systems.

Soil Management Plan: The Draft Soil Management Plan (SMP) prepared for the project by Haley & Aldrich, is under DTSC review. The Draft SMP establishes procedures and guidelines that protect human health and the environment during the disturbance and management of potentially impacted soil and waste material at the site. The Draft SMP

includes the identification, sampling, characterization, segregation and stockpiling of contaminated media; decontamination procedures, procedures for the handling, storing, and disposal of contaminated media; and air quality monitoring requirements during grading activities.

Building Protective Systems: Construction of the four proposed buildings under the project (intended for occupancy) would install building protective systems, including vapor intrusion mitigation systems (VIMS) and methane detection and alarm systems (MDAS). The VIMS system would consist of a sub-slab vapor control barrier, active venting system, conduit seals, trench vapor cut-off barriers and an integrated MDAS that activates the active venting system. The building protective systems would be incorporated into the design of on-site structures to reduce or eliminate the exposure pathway of chemicals of potential concern and alert occupants in the event of a detection.

The design of the engineered landfill cap and landfill gas mitigation systems would be developed as part of the development plans and would be submitted to applicable agencies (i.e., DTSC, California Department of Resources Recycling and Recovery (CalRecycle), and Los Angeles County Department of Public Works Building and Safety Division) for approval prior to initiation of any ground-disturbing activities.

Hardscape Venting System: The passive hardscape venting system allows for the natural release of landfill gas via an engineered system of below-grade collection pipe and risers located below the engineered landfill cap and surface-mounted risers that rise above the hardscape and vent to the atmosphere. This venting system would reduce the potential for accumulation and migration of landfill gas.

Landfill Gas Monitoring: A landfill gas monitoring program at the surface and perimeter of the project site would be developed to monitor the performance of the engineering controls. Additionally, the landfill gas monitoring program will include post-development subsurface monitoring outside the waste prism. Such monitoring would occur in coordination with the Los Angeles County Department of Public Health and DTSC, and would follow County of Los Angeles requirements.

Monitoring of the indoor air of any buildings on the project site would occur to ensure compliance with County of Los Angeles requirements.

Land Use Covenant: Implementation of institutional controls, including land use covenants and/or deed restrictions to manage future use of the project site would be employed. A limitation on future use would not be intended to prevent redevelopment but rather to control and restrict what activities could be applied and any limitations to be imposed. Requirements may include precluding any future use of the project site for residential use or other sensitive uses, prohibiting subsurface disturbance and groundwater use, requiring adherence to operation, maintenance, and monitoring (OM&M) Plan and SMP, and/or requiring mitigation measures in site buildings.

Engineering Controls: Engineering controls may be implemented such as construction of an access barrier (e.g., chain-link fence or other barrier) along the perimeter of the property to deter trespassing.

Prior to initiating the long term OM&M activities at the site, a site wide OM&M Plan

covering the engineered soil cover inspections and as needed maintenance, the vapor intrusion mitigation systems (VIMS), methane detection and alarm systems (MDAS), and passive landfill gas venting system OM&M requirements, and the long term perimeter, landfill surface, and off-site (outside waste prism) monitoring guidelines would be prepared in coordination with the Los Angeles County Department of Public Health and DTSC, and submitted to the DTSC for review and approval. The OM&M Plan would include the post closure care activities and monitoring requirements.

### **Surrounding Uses and Compatibility**

The subject project site is located at 20601 South Main Street, (APN 7336-003-043) approximately 600 feet southeast of the Del Amo Boulevard and Figueroa Street intersection. Regional access to the site is provided via the Harbor Freeway (Interstate 110 [I-110]) and San Diego Freeway (Interstate 405 [I-405]). Local access to the site is provided via South Main Street and Figueroa Street.

The land uses surrounding the proposed project site are a mixture of commercial, light industrial and residential uses. residential uses to the south, west and east, and commercial to the north.

- The Los Angeles County Flood Control Torrance Lateral adjoins the project site to the north. North of the flood control lateral are a mixture of uses including public storage and landscape nurseries.
- South Main Street adjoins the project site to the east. Uses east of South Main Street include the Vista del Loma mobile home park, residential, and commercial uses, and the yet to be developed District at South Bay.
- Institutional (i.e., Mission Ebenezer Family Church, Faith in Christ Church, Glory Christian Fellowship, and International Institute), office, light industrial and retail uses adjoin the project site to the south.
- South Main Street adjoins the project site to the east. Uses east of South Main Street include the Vista del Loma mobile home park, residential, and commercial uses, and the yet to be developed District at South Bay.
- Figueroa Street adjoins the project site to the west. West of Figueroa Street is Interstate 110.

The proposed business park campus development, with the conditions of approval, complements the land uses adjacent to the area and is in keeping with the character, design, and use and adds both locally serving retail commercial and regionally serving industrial, commercial, and E-commerce uses which generate revenue for the City on a site that currently has no existing revenue-generating use.

### **Zone Change (ZCC No. 189-22)**

The subject property is currently zoned Manufacturing Light, Organic Refuse Landfill, Design Overlay (ML-ORL-D). The project proposal includes a zone change request

changing the Property's zoning ML-ORL-D to Figueroa Street Business Park Specific Plan (SP No. 25-21) zone.

The new zoning district together with the approval of DA No. 26-21 will be consistent and have standards substantially in compliance with SP No. 25-21, will be consistent with the General Plan, including the Flex District General Plan Land Use classification, and furthers the General Plan Land Use Element goals and policies.

ZCC No. 189-22 is consistent with the Figueroa Street Business Park Specific Plan because the new zoning district shall have standards as provided the Specific Plan, including with respect to development standards and permitted uses. The zone change will facilitate the development of the property in a manner that is compatible with the surrounding uses.

Where conflicts exist between the standards contained in the Specific Plan and those found in the Carson Zoning Ordinance or other provisions of the Carson Municipal Code, the regulations and standards in the Specific Plan shall prevail. Any area of site development, administration, review procedures, environmental review, landscaping requirements, and regulations not expressly addressed by the Specific Plan document shall be subject to the provisions of the Carson Zoning Code, Municipal Code or General Plan, using the context and objectives of the Specific Plan as a guide. The proposed Zone Change, together with the other project entitlements, will allow the development of the proposed business park campus in furtherance of General Plan goals, policies, and objectives.

### **Figueroa Street Business Park Specific Plan (SP No. 21-25)**

The new zoning that will be established by SP No. 21-25 and with the Conditions complies with the requirements of California Government Code Section 65451 and is consistent with the General Plan.

SP No. 21-25 includes development regulations and plans which provide for a building layout that faces truck loading areas away from Main Street and Figueroa Street to focus any potential impacts from noise, glare, odors, and other nuisances internally and away from surrounding uses.

For the avoidance of doubt, although "agriculture" is listed as a permitted use in the Specific Plan, this term shall not be deemed, interpreted, or construed to include or refer to cannabis cultivation or other commercial cannabis activities. Such activities are subject to Section 209 of the City's Charter and Chapter 15 of Article VI of the Carson Municipal Code, and nothing in the Specific Plan or the other project entitlements as approved by the City shall be deemed, interpreted, or construed to supersede or preclude applicability of any such requirements to the project or the property.

SP No. 21-25 and the Zone Change (ZCC No. 189-22), with the inclusion of the Conditions and the approval of DA No. 26-21 providing community benefits as required pursuant the Land Use Element of the General Plan for the project's increased 0.5 FAR and warehouse facility size of over 30,000 square feet, are consistent with the General Plan, including (without limitation) with respect to the applicable Flex District land use designation for the Property, and will achieve a number of City objectives including ensuring compatibility of

the development and use of the Property with surrounding uses, remediating a long-vacant former landfill site into a use and development that will generate hundreds of jobs and a significant amount of revenue for the City, 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. SP No. 21-25 and ZCC No. 189-22 further the following General Plan goals and policies, without limitation.

The project site's adjacency to existing residential areas and to the I-110 and SR-405 freeways with the project circulation plan and Conditions, Large trucks (Class 7 or higher according to Federal Highway Administration Vehicle Classifications) will not directly pass any existing residential areas along Main Street between Del Amo and Torrance to access the project site. Class 7+ trucks will use only the approved truck routes and will be required to adhere to the Conditions that restrict such trucks' use of the two project driveways located on Main Street, including by (i) prohibiting all Class 7+ truck use of the northeastern project driveway, (ii) prohibiting Class 7+ trucks from entering the project site via the southeastern project driveway, and (iii) allowing Class 7+ trucks to exit the Project site via the southeastern driveway only between the hours of 8:00 a.m. to 9:00 p.m. and only on a right-out basis. These restrictions, together with the median modification work that is required pursuant to the Conditions would restrict truck traffic (Class 7+) adjacent to the existing residential neighborhood (Vista Del Loma mobile home park) located on the east side of Main Street. Per the Conditions, the project will incorporate on-site directional signage to further ensure and facilitate the movement of vehicles and trucks in accordance with these restrictions.

To avoid the potential for additional traffic trips being generated by the project that were not analyzed in the project's traffic trip assessment, the permitted uses listed in SP No. 25-21 have been restricted by a Condition providing that the project's warehouse buildings shall operate as typical manufacturing and/or warehousing land uses unless the City of Carson approves in writing, and uses such as a fulfillment center warehouse, parcel hub warehouse, and/or cold storage warehouse (ITE Trip Generation Manual, 10<sup>th</sup> Edition, Land Uses 155, 156 and 157) are prohibited.

SP No. 25-21 and ZCC No. 189-22, with the Conditions, also incorporate the requirements of the City's hazardous materials land use regulation ordinance (Ordinance No. 21-2120), providing, among other things, that a conditional use permit is required for any use in the Specific Plan area that would involve or generate hazardous materials below CalARP thresholds (as uses above such thresholds are prohibited) as set forth in Ordinance No. 21-2120. A Condition has been included on the approval of the Specific Plan and Zone Change to implement the requirements of CMC 9141.12 ("Uses Permitted on Organic Refuse Landfill Sites") related to preparation of a report by the applicant for approval by the Building Official which include plans for a protective system(s) designated to eliminate or mitigate the potential hazards and environmental risks associated with the proposed use on the former landfill site, including monitoring, evaluation and control of methane gas produced by the site as the City shall determine to be necessary to protect the public health, safety or welfare with respect to the production or migration of methane gas.

The proposed Specific Plan, together with the other project entitlements, will allow the development of the proposed business park campus in furtherance of General Plan goals,



policies, and objectives. (Exhibit No. 8)

### **Development Agreement (DA No. 26-21)**

The recommended DA No. 26-21 is a 15-year term agreement between the City and the Developer. DA No. 26-21 complies with Government Code Sections 65864 through 65869.5, (as applicable), is consistent with the City's General Plan and will further the overall public health, safety, and welfare in the City.

The project will contribute towards community public benefits to the City. Pursuant to the General Plan, provision of community benefits is required for facilities larger than 30,000 square feet and to allow a floor area ratio (FAR) of up to 0.5. Some of the community benefits include:

- Annexation of the Property into the Master CFD No. 2018-01 and payment of the associated special taxes;
- The developer paying the cost of remediation, in coordination with DTSC, to develop the Property, which is a former landfill and has been vacant for many years, into a job- and tax-generating use to the benefit of the City.
- Payment of a \$1,350,000 Community Benefits Fees to be used by the City, in its discretion, for either infrastructure and beautification improvements, capital improvement projects, and/or public art features in the vicinity of the project, as determined by City.

The approval of the DA will allow for the orderly development of the project which is suitable for the proposed use, is in conformity with public convenience and good land use practices, will not adversely affect the orderly development of property and will not adversely affect property values. DA provides for a public convenience through significant monetary benefits which will contribute to programs and services designed to provide for the health, safety, and welfare of the public, thereby exhibiting good land use practices. (Exhibit No. 7)

### **General Plan Consistency**

The General Plan land use designation for the project site is Flex District (FLX) which provides in part, "new industrial uses would need to be "non-nuisance" (that is, compatible from noise, odor, air quality perspectives) in a mixed residential/industrial environment and will have to comply with performance standards to contain noise or air impacts within the site so that it does not adversely affect surrounding development. Any new construction . . . of . . . light . . . industrial uses adjacent to sensitive uses must include buffered setback areas and/or appropriate mitigation to ensure compatibility. . . .

The FLX designation permits a wide range of uses including but not limited to offices, research, and development, limited light industrial uses, and regional retail commercial uses. Under the FLX designation, facilities larger than 30,000 square feet and non-residential uses requesting floor area ratio (FAR) exceeding 0.4 are only permitted with approval of a development agreement.

A development agreement is under consideration before the Council to allow facilities exceeding 30,000 square feet and allowing up to 0.5 FAR.

The proposed business park with the Conditions subject to approval of the proposed entitlements and development agreement is consistent with the General Plan goals and policies as further detailed in Exhibit No. 3.

### **California Environmental Quality Act (CEQA)**

Pursuant to CEQA Guidelines Section 15074(b), after consideration of the whole of the administrative record, including the Mitigated Negative Declaration, dated May 10, 2023 as circulated on May 11, 2023 ("Mitigated Negative Declaration"), and all comments received, with the imposition of mitigation measures, there is no substantial evidence that the project will have a significant effect on the environment; (2) finds the Mitigated Negative Declaration has been prepared and considered in compliance with CEQA and contains all required contents pursuant to CEQA Guidelines Section 15071; (3) finds the Mitigated Negative Declaration reflects the independent judgment and analysis of the City; (3) finds the mitigation measures identified in the Mitigated Negative Declaration have been made enforceable conditions on the project; and (4) adopts the Mitigated Negative Declaration and the Mitigation Monitoring Program prepared for the Mitigated Negative Declaration. A Notice of Intent was prepared and issued in compliance with CEQA Guidelines Section 15072 on May 11, 2023.

The draft Initial Study/Mitigated Negative Declaration (State Clearinghouse #2023050278) was published, circulated, and made available for a public review period from May 11, 2023, through June 9, 2023.

During the 30-day public review period that concluded on June 9, 2023, six public comment letters were received on the Draft Initial Study/Mitigated Negative Declaration (IS/MND) from certain interested public agencies and private parties. Although the CEQA Guidelines do not require a Lead Agency to prepare written responses to public comments received, the City, via its Planning staff and environmental consultant, prepared written responses in the interest of conducting a comprehensive and meaningful environmental review of the project. An Errata to the Draft IS/MND was also included in the Final IS/MND, incorporating text changes resulting from the public comments on the Draft IS/MND and/or additional information received during the public review period. The public comments did not warrant, and the text changes do not constitute, substantial revisions to the Draft IS/MND, and therefore did not require Draft IS/MND recirculation pursuant to CEQA Guidelines Section 15073.5.

On March 24, 2024, the City received a follow up letter from an original public commenters, Golden State Environmental Justice Alliance ("GSEJA"), reiterating its original public comments set forth in the letter it had submitted during the 2023 public comment period. Responses to the GSEJA comment letter were included in the Final IS/MND as presented to the Planning Commission, and the Planning Commission determined pursuant to CEQA Guidelines Section 15074 that there was no substantial evidence in the record that the project will have a significant effect on the environment, notwithstanding the GSEJA comment letter and follow up letter (collectively, the "GSEJA Comments"). The GSEJA Comments do not provide or identify substantial evidence in the record supporting a fair

argument that the project may result in a significant environmental effect. To the extent the GSEJA Comments offer evidence, the evidence is not credible and does not constitute substantial evidence supporting a fair argument that the project may result in a significant environmental impact, and therefore do not require preparation of an EIR.

On March 26, 2024, and April 26, 2024, the City received additional letters from the California Department of Toxic Substances Control (“DTSC”). DTSC is a responsible agency with approval authority regarding remediation of contamination associated with the former landfill at the Project site, and had submitted a public comment letter regarding the Draft IS/MND during the public review period in 2023. The April 26, 2024, letter included the comments from the March 26, 2024, letter plus additional comments (hereinafter, the “DTSC Letter”). The DTSC Letter asserted, among other things, that the changes that the City staff and environmental consultant had made in the version of the Final IS/MND that had been agendaized for the Planning Commission hearing in response to DTSC’s 2023 public comment letter “may not adequately convey the requirements and status of the Site remediation, which is being conducted under a California Land Reuse and Revitalization Act of 2004 (CLRRA) voluntary agreement between Carson Main Street, LLC (proponent) and DTSC.” The DTSC Letter did not assert that an Environmental Impact Report should be prepared, nor did it identify or provide substantial evidence in the record supporting a fair argument that the project may result in a significant environmental effect. Although the CEQA Guidelines do not require the City as Lead Agency to prepare written responses to the comments in the DTSC Letter, the City, via its Planning staff and environmental consultant, prepared written responses thereto in the interest of conducting a comprehensive and meaningful environmental review of the project. The City also prepared a further Errata making text changes to the Draft IS/MND in response to the DTSC Letter. The DTSC Letter did not warrant, and the text changes do not constitute, substantial revisions to the Draft IS/MND, and therefore did not require Draft IS/MND recirculation pursuant to CEQA Guidelines Section 15073.5.

The Mitigated Negative Declaration found potentially significant impacts to air quality, cultural resources, geology and soils, noise, transportation, and tribal cultural resources. With the inclusion of the proposed mitigation measures, adverse impacts are mitigated to the maximum extent feasible and below a level of significance. (Exhibit Nos. 4, 5, and 6)

## **V. FISCAL IMPACT**

- **CFD.** The subject property will annex into the City’s Master CFD No. 2018-01, and falls under the “Industrial - All Other” special tax rate at \$588.94 per acre per year through June 30, 2024. The business park campus currently estimated annual amount for ongoing services will commence at is \$8,492.52, subject to incremental annual increases.
- **DIF.** DIF payments to the City, if paid during FY 23-24, will be calculated at \$3.36 per square foot of Total Square Footage excluding Building 4 and \$6.03 per square foot for the Total Square Footage of Building 4. The building square footages are shown as referred to in the Development Agreement Exhibit B. Payments shall be made consistent

with and in satisfaction of the City DIF program, prior to the issuance of the building permit for such Building. which The DIF amount shall be adjusted depending on the timing of payment and any changes made to the project gross building floor area.

- **Community Benefit Fee.** The Agreement provides for the Developer to pay the City a Community Benefit Fee totaling \$1,350,000.00, to be paid in pro-rata portions based on building square footage prior to issuance of a building permit for each project building. The fee may be used for any of the following purposes, in the City's discretion: (i) funding for infrastructure and beautification improvements in the vicinity of the project; (ii) any CIP project(s) in the vicinity of the project; and/or (iii) funding for the City's Public Art fund for City to implement public art features in the vicinity of the project.

## VI. EXHIBITS

1. Planning Commission Staff Report and Draft Minutes dated March 26, 2024, and Figueroa St. Business Park Plans (pgs.13-64)
2. Planning Commission Resolution No. 24-2869 dated March 26, 2024 (pgs. 65-88)
3. Project List of General Plan Goals and Policies Compliance (pgs. 89-95)
4. Mitigation Monitoring Reporting Program (MMRP) (pgs.96-109)
5. Figueroa Street Business Park Initial Study/Mitigated Negative Declaration (MND) and Errata dated February 2024 (pgs.110-443)
6. Figueroa Street Business Park Initial Study/Mitigated Negative Declaration (MND) Errata dated May 2024 (pgs.444-483)
7. Ordinance No. 24-2407 - Development Agreement (pgs. 484-528)
  - a. Legal Description
  - b. Development Agreement
8. Ordinance No. 24-2408 - MND/MMRP, SP, ZC (pgs.529-638)
  - a. Legal Description
  - b. Specific Plan (SP No.
  - c. Zone Change Map
  - d. Conditions of Approval

Prepared by: McKina Alexander, Senior Planner, Saied Naaseh, Community Development

Director