



CITY OF CARSON

Legislation Text

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Report to Mayor and City Council

Tuesday, June 18, 2019

Discussion

SUBJECT:

PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION NO. 19-117 OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA: (1) APPROVING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND (2) ADOPTING SPECIFIC PLAN NO. 17-18, THE THIRD AMENDMENT TO DOMINGUEZ HILLS VILLAGE SPECIFIC PLAN (SPECIFIC PLAN NO. 4-93), WITH RESPECT TO DEVELOPMENT OF 38 RESIDENTIAL CONDOMINIUM UNITS

I. SUMMARY

On May 28, 2019, the Planning Commission conducted a public hearing and approved Design Overlay Review (DOR) 1743-18 and Tentative Tract Map (TTM) No. 82395-18 for the construction of a 38-unit residential condominium development for the property located at 1007 East Victoria Street. In addition to the foregoing actions, at the same hearing, the Planning Commission recommended approval to the City Council of Specific Plan No. 17-18, which constitutes the Third Amendment to the Dominguez Hills Specific Plan (Specific Plan No. 4-93, as originally adopted in 1996 and as amended in March and September of 1999; collectively the "DHV Specific Plan"), and the final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (collectively, "MND") for the project. Planning Commission voted 5-2 to approve the project. Planning Commission minutes are included as Exhibit No. 4.

The Planning Commission's approval of DOR 1743-18 and TTM No. 82395-18 is contingent upon City Council approval of the Third Amendment to the DHV Specific Plan and the MND.

By adopting the Proposed Resolution (Exhibit A), the Council would adopt the proposed Third Amendment to the DHV Specific Plan, and would approve the MND, subject to the terms of the resolution and the conditions of approval attached thereto as Exhibit D. The proposed project is consistent with City's General Plan Land Use Designation of High Density Residential which allows up to 25 units per acre. The density for the proposed project is 24 units per acre.

If the City Council makes substantial changes to the project or actions that are the subject

of this staff report, the Planning Commission may become legally obligated to reconsider its approval.

II. RECOMMENDATION

TAKE the following actions:

1. OPEN the public hearing, TAKE public testimony, CLOSE the public hearing.
2. ADOPT Resolution No. 19-117, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA: (1) APPROVING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND (2) ADOPTING SPECIFIC PLAN NO. 17-18, THE THIRD AMENDMENT TO DOMINGUEZ HILLS VILLAGE SPECIFIC PLAN (SPECIFIC PLAN NO. 4-93), WITH RESPECT TO DEVELOPMENT OF 38 RESIDENTIAL CONDOMINIUM UNITS

III. ALTERNATIVES

TAKE such other action as the City Council deems appropriate, consistent with the requirements of the law.

IV. BACKGROUND

The project site is a vacant lot designated as Lot 11 in the DHV Specific Plan. The DHV Specific Plan, as originally approved, was designed for residential, child care, neighborhood retail, industrial and open space uses, and allowed for a maximum buildout of 893 residential units. However, since its development in 1996, Dominguez Hills Village has evolved into what are now solely residential uses, built out to only 574 residences ranging from condominiums to single-family.

The DHV Specific Plan was amended by Ordinance 99-1158 in March of 1999 to reduce the maximum number of dwelling units from 893 to 650, and was amended again by Ordinance 99-1170 in September of 1999 to restrict truck access east of Central Avenue within the commercial/industrial area at the southern entrance and to allow truck traffic at the northern entrance. This transition from the original plan of varied uses west of Central Avenue to purely residential uses has created the appropriate environment for the proposed 38-unit townhome development. The development aligns with the existing uses within the DHV Specific Plan, as amended, and does not exceed the revised buildout of 650 residential units.

Under the DHV Specific Plan as originally approved, Lot 11 was designated for a 1.6-acre child care center to be developed by K. Hovnanian at Dominguez Hills, Inc. (K.

Hovnanian). On February 23, 2007, a Grant Deed (the Deed) was recorded, granting The Community Development Center, Inc. (CDC) ownership of the subject property. The Deed was subject to an Executory Limitation which provided the City a Power of Termination and Right of Re-entry should CDC violate the terms and conditions set forth in the Deed. A condition of the Deed held CDC responsible for the development and use of the subject property as a child care center and related educational facility. The child care facility was to be operative by the relinquishment date set for December 31, 2016. CDC violated the Executory Limitation by neglecting to develop Lot 11 with a childcare facility, and in 2017, a dispute involving the title to the subject property emerged between the City and CDC when the City exercised its power of termination.

The City and CDC settled the dispute pursuant to the terms set forth in a Settlement Agreement executed by CDC on July 31, 2017. The Settlement Agreement provided that the City would have the exclusive right to negotiate the sale of the subject property in the name of both the City and CDC. Further, the Settlement Agreement mandated that CDC to cooperate with executing any documents necessary to transfer title. On June 13, 2018, the City and CDC entered into a Purchase and Sale Agreement to transfer title and ownership to Brandywine Acquisitions Group and set the escrow closing date to June 28, 2019. An amendment was made to the Purchase and Sale Agreement to extend the escrow closing date to August 31, 2019 to allow for adequate time to accommodate the County's Tentative Tract Map review.

Project Description

The project proposes to construct six buildings that collectively include 38 residential condominium units (28 two-bedroom, 6 three-bedroom, and 4 four-bedroom units). The project requires an amendment to the DHV Specific Plan to set density and development standards for the subject 1.6-acre parcel (See Legal Description attached as Exhibit A to Proposed Resolution [Exhibit A to this Report]), in addition to approval of the MND (attached as Exhibit C to Proposed Resolution, and discussed further below). The proposed specific plan amendment is known and can be referred to as the "Brandywine Specific Plan," or the Third Amendment to the DHV Specific Plan.

Pursuant to Civil Code 65453, Brandywine has chosen to amend the original DHV Specific Plan to facilitate specific design and land use standards for the proposed project. The proposed Specific Plan amendment addresses specific updates that are required for Lot 11 to allow the residential use and adopt the standards necessary for the proposed project.

The proposed buildings on the site have a maximum height of 35 feet. The Specific Plan allowed a maximum height of 24' for the child care center which is typical for a single story structure. The project provides for a landscaped common area that is centrally located within the project. This community common area is a distinguishing element of the Brandywine project with features that include but are not limited a BBQ, benches, a shaded structure, and bike racks.

Project Ownership

The City of Carson currently owns the subject property and intends to transfer title to

Brandywine Acquisitions Group by August 31, 2019. Upon closing of escrow, Brandywine Homes will develop the 1.6 acre site.

Common Open Space

The proposed common open space will include approximately 10,380 square foot landscaped area accessible to the future residents with outdoor and table seating, a BBQ, turf lawn, a shade structure, waste receptacles, and a bike rack for bicycle parking. Additional amenities will be provided to accommodate children and pets. Residents of the proposed development will not have access to the existing Dominguez Hills Village amenities.

Homeowner's Association

The proposed Brandywine community will have a separate Homeowner's Association (HOA) than the DHV HOA. Therefore, the future residents of the proposed community will not have access to the DHV community or their amenities. As a result, the proposed project will not have an impact on the DHV HOA rates. In fact, Brandywine has volunteered to contribute \$7000 annually to the HDV HOA for maintenance of Cedarbluff. Brandywine was under no legal obligation to do so. Some community members have express concerns that the proposed project will make modifications to the "guard house." Brandywine is not proposing to modify the "guard house."

Access and Parking

One driveway on Cedarbluff Way provides the primary vehicle access to the project site. The child care center's access was from Cedarbluff as well. There are no internal vehicular streets other than the minimal access into the parking garage. Pursuant to the Planning Standards in Section n(3)(a) of the DHV Specific Plan, "there shall be no access from Lot 11 off or onto Victoria Street." Section 11.3(b) of the Covenants Conditions & Restrictions for the Dominquez Hills project and the Dominquez Hills Village Community Association ("Association") recorded in 1999 by Hovnanian ("Original Developer") specifically states that Original Developer retained an easement for access and utilities for the benefit Lot 11 through Cedarbluff ("Easement"). On June 4, 2004, Original Developer executed and recorded a covenant and assignment of the Easement. The Easement is appurtenant to Lot 11 providing legal access from Lot 11 to Victoria, a public street. Fidelity National Title Insurance Company is prepared to insure the Easement as appurtenant to

Lot 11 and providing legal access to Lot 11. A Memorandum of Understanding (MOU) has been executed by the Association and Brandywine Homes to establish a working relationship between Brandywine and the Association with respect to the use and exercise of the easement rights for entry to and exit from Lot 11 via Cedarbluff Way.

Access is not provided via Sagebank Street. The DHV Specific Plan, as originally adopted and as amended, did not contemplate or approve a through connection from the project site to Sagebank. Instead, Cedarbluff Way was designated as the primary driveway to be used for access to the project site. Therefore, the proposed project is consistent with the DHV Specific Plan, as originally approved and as amended, and also maintains access to the site in a manner that better avoids impacts on abutting dwelling units than would be the case if access were provided via Sagebank Street.

All site setbacks of the proposed project meet the requirements of Section 9126.23-25 of the Carson Municipal Code, and such compliance will avoid or mitigate any issues with respect to existing right and left turns from Cedarbluff Way.

Resident parking is provided in attached garages and can be accessed via supplemental driveways branching off of the main driveway, and visitor parking is located to the west of the project site and can be accessed using the main driveway. All parking spaces will be completely screened from public view by use of block walls and landscaping. The proposed project includes a total of 96 parking spaces: 76 resident spaces and 20 guest parking spaces.

Legal Vehicular Access

Some members of the community have raised concerns that Lot 11 does not have legal access to a public road. Section 9125.3 of the Carson Municipal Code requires all new developments to provide vehicular access from a public street or alley. The required vehicular access can be either directly from a public street, an alley, or by means of a right-of-way on access. In this case, the access is provided via Cedarbluff to Victoria, which is a public road. As indicated above, Lot 11 has a legal right to use Cedarbluff as the recorded easement provides this right.

Density

The project proposes 38 residential units on a 1.6 acre site, for a density of 24 dwelling units per acre. The current General Plan land use designation allows up to 25 dwelling units per acre, meaning such designation presently allows the proposed number of units for this site.

California Environmental Quality Act (CEQA)

The City reviewed the environmental impacts of the proposed project as lead agency pursuant to the California Environmental Quality Act (CEQA). A Draft MND was prepared and made available for a public review period from April 26, 2019 through May 26, 2019. The public comment period resulted in some modifications to the MND to address mitigation measures suggested by other agencies, but there were no comments asserting or suggesting that an environmental impact report should be prepared under CEQA. The Planning Commission recommended approval of the MND as revised pursuant to the public comments received (Exhibit C to Proposed Resolution; Exhibits 3 & 4).

The MND finds no potentially significant impacts on the environment, including with respect to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, and utilities and service systems, associated with the project. With the inclusion of the proposed mitigation measures, as set forth in the MND, all adverse environmental impacts associated with the project are mitigated to the maximum extent feasible and below a level of significance.

Issues with respect to a perceived potential for a traffic increase associated with the Project were of notable concern during the May 28, 2019 Planning Commission hearing. Per the traffic study that was conducted as part of the environmental analysis, the proposed 38-townhome residential development generates only 38 peak hour trips, as opposed to 278 peak hour trips that was anticipated for the childcare facility contemplated by the original DHC Specific Plan. This represents an approximately eighty-percent (80%) reduction in peak hour trips from the 278 peak hour trips that were anticipated for the childcare facility. Furthermore, the traffic study showed that 38 townhomes will generate 278 daily trips whereas a childcare facility would have generated 750 daily trips, reflecting an approximately sixty-percent (68%) reduction in daily trips associated with the project as compared to the childcare facility use. The traffic study did not identify a need for a signal at this intersection.

Additional concerns were raised about the environmental condition of the site. The applicant tested the soils and provided a report (dated July 24, 2018) prepared by a licensed geologist, certifying that there are no toxic substances present on the site. The project site was also tested for hydrocarbons and none were found (report dated July 19,

2019).

Public Notice

Public notice of the City Council hearing was posted in the newspaper on June 6, 2019. Notices were mailed to property owners and occupants on June 4, 2019. The agenda was posted at City Hall 72 hours prior to the City Council meeting.

Community Input

Staff has talked to several DHV homeowners their concerns are summarized below:

- Access to the site and potential turning movement conflicts;
- Increased traffic on Cedarbluff;
- Alternative access points for the proposed project to Victoria and Sagebank;
- Height of the three story homes;
- DHV HOA dues being effected by the proposed development (going up);
- Use of DHV amenities by the future residents of Brandywine;
- Project does not have a direct access to a public Street;
- A traffic light should be required for the intersection of Cedarbluff and Victoria;
- The “guard house” should not be modified;
- Why is the developer not required to pay for the maintenance of Cedarbluff;
- With the proposed project, the Specific Plan maximum permitted numbers will be exceeded.

V. FISCAL IMPACT

No immediate fiscal impact. However, the project is expected to generate increased property tax revenues from the site on which it will be located, which is currently vacant land. The applicant has also entered into a Development Impact Fee (DIF)/Community Facilities District (CFD) agreement, which provides for the payment of Development Impact Fees and annexation of the subject property into the City’s Citywide Community Facilities District, CFD No. 2018-01. Through this agreement, the applicant will be obligated to pay a

one-time fee of \$532,000.00 as Development Impact Fee (DIF). The annual CFD obligation for the project is \$33,405.80. Both DIF and CFD are adjusted annually and applicable fees and rates will be paid and assessed at the time of issuance of building permits and annexation to the CFD.

VI. EXHIBITS

1. Proposed City Council Resolution No. 19-117 (pgs. 9-31)
 - a. Legal Description
 - b. Proposed Third Amendment to Dominguez Hills Village Specific Plan No. 4-93 (under separate cover)
 - c. Draft Mitigated Negative Declaration and Final Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan (under separate cover)
 - d. Conditions of Approval
2. Planning Commission Resolution No. 19-2668 (pgs. 32-54)
3. Planning Commission Staff Report dated May 28, 2019 (pgs.55-66)
4. Planning Commission Draft Minutes dated May 28, 2019 (pgs. 67-69)

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