



## Legislation Text

File #: 2022-983, Version: 1

### Report to Mayor and City Council

Tuesday, December 06, 2022

Special Orders of the Day

#### SUBJECT:

**A PUBLIC HEARING TO CONSIDER 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 ORDINANCE NO. 22-2221, APPROVING THE IMPERIAL AVALON SPECIFIC PLAN (SP NO. 21-19), AND ZONE CHANGE NO. 188-19 CHANGING THE PROJECT SITE'S ZONING FROM COMMERCIAL AUTOMOTIVE AND RM-8-D TO SPECIFIC PLAN; ORDINANCE NO. 22-2222, APPROVING DEVELOPMENT AGREEMENT NO. 23-19 BETWEEN THE CITY OF CARSON AND IMPERIAL AVALON LLC; AND RESOLUTION 22-243, ADOPTING GENERAL PLAN AMENDMENT NO. 105-19 FOR A 1,115 UNIT MIXED-USE DEVELOPMENT REFERRED TO AS THE IMPERIAL AVALON MIXED-USE PROJECT (CITY COUNCIL)**

#### Body

#### I. SUMMARY

The 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. On November 21, 2022, the Planning Commission approved items (1), (6), and (7) and recommended approval of items (2), (3), (4), and (5) which are subject of this staff report.

On November 22, 2022, Imperial Avalon, LLC (the Applicant) filed an appeal of the Planning Commission decision pursuant to Carson Municipal Code ("CMC") Section 9173.4 (Appeals) of the City's Zoning Ordinance. The appeal will be considered separately from this item.

## **II. RECOMMENDATION**

**TAKE** the following actions:

1. **OPEN** the Public Hearing, **TAKE** public testimony, and **CLOSE** the Public Hearing.
2. **WAIVE FURTHER READING AND ADOPT** RESOLUTION NO. 22-243, “A RESOLUTION 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 GENERAL PLAN AMENDMENT NO. 105-19; AND (2) APPROVADOPTING GENERAL PLAN AMENDMENT NO. 105-19 TO CHANGE TO PROJECT SITE’S GENERAL PLAN LAND USE DESIGNATION FROM REGIONAL COMMERCIAL AND LOW DENSITY RESIDENTIAL TO URBAN RESIDENTIAL, FOR A 1,115 UNIT MIXED-USE DEVELOPMENT REFERRED TO AS THE IMPERIAL AVALON MIXED-USE PROJECT.”; **AND**
3. **INTRODUCE** for first reading, by title only and with full reading waived, of 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 THE IMPERIAL AVALON SPECIFIC PLAN (SP NO. 21-19) SUBJECT TO CONDITIONS OF APPROVAL; AND (3) APPROVING ZONE CHANGE NO. 188-19, AND CHANGING THE PROJECT SITE’S ZONING FROM COMMERCIAL AUTOMOTIVE AND RM-8-D TO SPECIFIC PLAN (IMPERIAL AVALON SPECIFIC PLAN) ZONING, FOR A 1,115 UNIT MIXED USE DEVELOPMENT REFFERED TO AS THE IMPERIAL AVALON PROJECT.”; **AND**
4. **INTRODUCE** for first reading, by title only and with full reading waived, of “ORDINANCE 22-2222, “AN UNCODIFIED ORDINANCE 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 DEVELOPMENT AGREEMENT NO. 23-19; AND (2) APPROVING DEVELOPMENT AGREEMENT NO. 23-19 BETWEEN THE CITY OF CARSON AND IMPERIAL AVALON LLC FOR A PROPOSED MIXED-USE PROJECT AT 21207 S. AVALON BLVD.”
  1. **..Body**

## **III. ALTERNATIVES**

**TAKE** another action the City Council deems appropriate.

## **IV. BACKGROUND**

### **Proposed Project**

The project provides for the development 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).

The Applicant originally submitted an entitlement application for 2,159 apartment units and approximately 89,000 sf of commercial uses. Upon review of initial environmental findings, the original project was significantly reduced by the applicant, including replacing half of the site's high-density apartments with less-intense townhomes. The revised project was comprised of 1,213 residential units including 653 non-age restricted apartments, 180 age-restricted units, and 380 attached townhomes with an approximate overall density of 45 Dwelling Units/ Acre (DU/AC), 10,352 square feet of commercial area and over an acre of publicly accessible private open space.

During the planning process, a draft EIR was completed for the revised proposed project. The draft EIR assessed the 1,213-unit version of the project described above as the base project, but also fully assessed a Project alternative referred to as Alternative 3, the Reduced Density and Sensitive Transition Alternative. Upon review of the alternatives required to be examined under CEQA, City staff requested additional information from the Project Applicant regarding Alternative 3, and then recommended that the alternative be forwarded to the City's decision-makers for their consideration in lieu of the base project as assessed in the draft EIR.

The Project Applicant agreed to proceed with bringing Alternative 3, the Reduced Density and Sensitive Transition Alternative, for the Planning Commission's consideration. To that end, an errata to the Final EIR were prepared and made available which clarifies, amplifies, or makes insignificant modifications in the Final EIR in order to help further inform the decision-makers and the public of environmental effects of Alternative 3. Additionally, updated versions of the Specific Plan, Site Plan, and Vesting Tentative Tract Map were submitted and presented to the Planning Commission for their consideration. Generally, Alternative 3 involves a development similar to and within the same footprint as the Project but involving a lower residential density (45 DU/AC vs. 41 DU/AC) and superior mix of housing products to ensure compatibility with the existing single-family neighborhoods to the west of the Project site including those along Grace Avenue. The revised Alternative 3 residential unit mix includes 681 apartment units and 83 senior units (55+), 28 detached townhome units and 323 attached townhome units for a total of 1,115 dwelling units.

Because Alternative 3 and its environmental impacts were discussed in detail within the Draft EIR, the Planning Commission had the discretion to approve Alternative 3 and certify the EIR without further analysis. The Reduced Density Alternative meets all of the Project objectives yet introduces detached residential units along the west property boundary along Grace Avenue. These units have the look and feel of single-family homes and therefore more directly blend in with the adjacent neighborhood.

In addition to removing nearly 100 overall units and reducing the height of the multifamily buildings from up to 95 feet in height to up to 62', 6" in height, modifications such as a) removing the second Grace Avenue entrance at the northwest corner of the site, b) reducing the massing intensity along the western edge of the project, c) providing publicly accessible landscaped buffer and walkway along Grace Ave., and d) including both internal and external gates for the townhome project all serve to offer a wider range of sizes and prices in housing options, and make the project a more sensitive and accommodating neighbor to the single-family neighborhood to its west.

On March 18, 2021, City staff met with residents of the surrounding community to share information regarding the Project and gather feedback. Although most of the feedback was supportive of the Project, some residents voiced concern about the project's density and compatibility with the surrounding neighborhood. Staff believes the project modifications reflected in Alternative 3 will alleviate those concerns.

### **Project Site & Surrounding Land Uses**

The Project Site is surrounded by multiple uses.

North: Torrance Lateral flood channel; District at South Bay/Country Mart Specific Plan Area

South: Commercial, Automotive and RM-8-D

East: Commercial, Automotive

West: RM-8-D

### **History**

#### **Imperial Avalon Mobile Estates**

The IASP is the location of the Imperial Avalon Mobile Estates mobile home park (established in 1974); the park contains 228 mobile home spaces, a recreational vehicle storage yard with over 20 spaces, and a common area including clubhouse, grass field,

recreation building, swimming pool, and guest parking spaces.

In September 2019, the owner of the Mobile Home Park, Imperial Avalon, LLC (Mobile Home Park Owner; and also the Project Applicant), notified Mobile Home Park residents of its intention to close the Mobile Home Park. Closures of mobile home parks within the City are subject to Carson Municipal Code Section 9128.21, which requires the preparation of a Relocation Impact Report (RIR) requiring park owners to take reasonable measures to reduce the adverse impact of a closure on the ability of park residents to find alternative housing. After compliance with Carson Municipal Code Section 9128.21 and approval of a RIR by the Carson Planning Commission (or the City Council, if the Planning Commission's approval of a RIR is appealed), park owners have a property right under State law to close a park at their discretion, subject to issuance of a 6-month notice of termination of the residents' tenancies in their space leases. The Mobile Home Park Owner completed its application for approval of a RIR, RIR No. 05-20, in April of 2020 by filing its RIR. A Planning Commission hearing to consider the RIR was conducted on May 13, 2020. After the hearing, the Planning Commission approved RIR No. 05-20 and associated measures with special conditions pertaining to the relocation benefits required to be paid to the residents, as set forth in Planning Commission Resolution No. 20-2695. This decision was subsequently appealed to the City Council. On July 7, 2020, the City Council affirmed the Planning Commission's approval of RIR No. 05-20 and imposed additional conditions and relocation benefits requirements upon the Park Owner as set forth in City Council Resolution No. 20-113. A Notice of Exemption from CEQA for the RIR approval decision was filed with the Los Angeles County Clerk-Recorder on July 17, 2020 and was posted for a 30-day period from July 17, 2020 through August 17, 2020. No challenges to the City's approval of the RIR were filed. The closure of the mobilehome park is not a part of the project that is before the City Council, and will occur regardless of whether or not the project is approved. However, for safety reasons, project construction will not commence until all residents have vacated the park, and a condition of approval (as well as a provision of the Development Agreement) is included to that effect. Nothing in the project approvals would supersede or negate any right or entitlement to any relocation benefits granted to any of the park residents, which are fully enforceable through the park closure approval resolutions and associated covenants and agreements.

### **Environmental Review**

The FEIR was approved by the Planning Commission and is only discussed in this staff report to provide additional information to the City Council.

### ***Public Review Process***

A Notice of Preparation (NOP) for the EIR and an Initial Study were released on January 13, 2021, beginning the 30-day public scoping period for the EIR. A 2,000-foot radius was used to invite the surrounding community members to provide comments on the project, which was attended by members of the public. Comments on the NOP were received from five agencies, eight letters/emails from individuals or groups.

The City hosted one online Scoping Meeting on Thursday, January 28, 2021, at 6:00 p.m. The City received three comments during the Scoping Meeting.

The primary areas of controversy identified by the public and agencies included the following potential issues:

- Recommendation for contacting the appropriate regional California Historical Research Information System Center; contacting the Native American Heritage Commission for Sacred Lands File search and Native American Tribal Consultation List; and for compliance with Assembly Bill 52 and other applicable laws.
- Recommendation to include a Transportation Impact Study, using Vehicle Miles Traveled to evaluate transportation impacts, and identification of potential traffic impacts.
- Recommendation to use South Coast Air Quality Management District's CEQA Air Quality Handbook and CalEEMod land use emissions software when preparing air quality and greenhouse gas analyses.
- Concern regarding the displacement of existing residents of the Mobile Home Park resultant from the Mobile Home Park closure.
- Recommendation to minimize traffic and potential parking issues on Grace Avenue.

A Notice of Availability (NOA) of the Draft EIR for the project was published in the newspaper and circulated CEQA State Clearinghouse, Los Angeles County Clerk Recorder, property owners and occupants within a 2,000-foot radius of the project site. Additionally, hard copies of the Draft EIR were made available for review at the City's Community Development Department. The NOA indicated that the Draft EIR was available for public review and comment for a 45-day public review period. During the 45-day comment period, it was brought to the City's attention that some parties were inadvertently not included on the public distribution list, namely surrounding jurisdictions, applicable agencies, and some parties who previously requested to be added to the project's distribution list. On September 14, 2022, during the 45-day public review period, the City circulated notices to these remaining parties and indicated that the City would accept comments on the Draft EIR period for an additional 45-day period.

The City received 4 comment letters during the 2022 Draft EIR public review period. A list of the comments received, copies of the comment letters received, and responses to comments are included in the Final EIR.

The Draft EIR analyzed fourteen (14) issue areas including

- Aesthetics
- Air Quality
- Cultural Resources and Tribal 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 and Recreation
- Transportation
- Utilities and Service Systems

Mitigation would be required for Cultural Resources and Tribal Cultural Resources, Geology and Soils, and Noise. Project Design Features, including a Transportation Demand Management (TDM) Plan and a new traffic signal at Grace Avenue and 213<sup>th</sup> Street are included in the project MMRP.

The EIR finds that the project would have one significant and unavoidable short-term environmental impact - construction noise. Mitigation measures are included as conditions of approval (per the Mitigation Monitoring and Reporting Program included in the Final EIR) to reduce construction noise to the maximum extent feasible, but there is no feasible means of reducing it below a level of significance. The Draft EIR finds that although Alternative 3 would not avoid the significant construction noise impact, it would lessen it, and Alternative 3 would otherwise not result in impacts that are greater than those of the aforementioned project and would further reduce the magnitude of many of the already less-than-significant impacts. Included with the Final EIR is a Statement of Overriding Considerations describing how the specific economic, legal, social, technological, or other benefits of the project outweigh the unavoidable adverse short-term environmental effects, allowing the short-term adverse environmental effects to be considered “acceptable” for CEQA purposes.

### **Site Plan and Design Review**

The Applicant submitted an application for Site Plan and Design Review (DOR No. 1803-19) as part of the entitlements. The DOR package includes the Site Plan, floor plans and elevations for all buildings, and perspective renderings of key views of the proposed Project. The DOR was approved by the Planning Commission and is only discussed in this staff report to provide additional information to the City Council.

The Project is made up of an East Neighborhood and West Neighborhood. The East neighborhood includes two multifamily apartment buildings with heights up to four stories. The two East Neighborhood buildings collectively contain 681 non-age-restricted units and

83 age-restricted (55+) units. These buildings generally front onto Avalon Boulevard and the tree-lined main entry spine road. A 10,000 square foot restaurant and outdoor eating area is incorporated into the southern East Neighborhood building and enjoys adjacency to a 22,859 square foot publicly accessible, but privately maintained open space area. The Project's intensity gradually decreases as you get to the West neighborhood, which is separated from the East Neighborhood by a 46-foot-wide road and controlled access gates. The West Neighborhood includes 323 3-story attached townhomes on the portions not fronting Grace Avenue, and 28 3-story detached townhomes with their rear yards fronting onto Grace Avenue. This transition to lower density housing product types enhances the Project's compatibility with the surrounding residential neighborhood.

The total number of units, square footage range for each housing product type, and bedroom/bath count are as follows:

- Apartment Buildings: 69 Studios (9%) | 469 - 1BR (61%) | 226 - 2BR (30%)
- Age-Restricted (55+) Units (included in Apartment Buildings totals above): 83 total units: 7 - Studios | 51 - 1BR | 25 - 2 BR
- Townhomes: 351 total units: 20 - 1BR (6%) | 132 - 2BR (38%) | 178 - 3BR (51%) | 21 - 4BR (6%)

#### Parking

Parking requirements for the apartments in the East Neighborhood are based on a persons per household study ("Household Size Analysis for Residential Development") which evaluated the appropriate occupancy metrics for the rental apartment units in the project and analyzed actual household sizes for comparable residential products in Carson and the broader Los Angeles County region. Residential Townhome and commercial parking is provided per the provisions of the Carson Municipal Code (CMC) 9162.21.

Parking will be required as follows:

- West Neighborhood: two parking spaces per unit. Guest parking shall be 0.15 space per unit.
- Live-work: two parking spaces per unit and no guest parking requirements. (note that live-work uses are allowed under the Imperial Avalon Specific Plan and subject to the provisions outlined in the SP, but are not proposed as part of the DOR and/or VTTM).
- For non-age-restricted, market-rate, multiple-family units: 1.25 spaces per studio unit, 1.5 spaces per one-bedroom unit, and 1.7 spaces per two-bedroom unit. Guest parking shall be 1 space for every 4 units.
- For multifamily, market-rate, age-restricted (55+) units: 1 parking space per studio unit and 1.2 spaces per one-bedroom unit. Market-rate, age-restricted units shall have no additional guest parking requirement.
- Deed-restricted affordable units (multifamily): 0.5 parking space per studio unit, 1 space for one- or two-bedroom units.
- Commercial uses: 2 spaces per 1,000 square feet gross floor area.

### Height

The maximum building height in the DOR application is as follows: apartment buildings may be up to four (4) stories and sixty-eight feet, six inches (68', 6") in height; and townhomes buildings may be up to three (3) stories and forty-three feet (43'-0") in height.

### Vehicular Circulation

Vehicular circulation and parking were analyzed in the project DEIR using both a Vehicle Miles Traveled (VMT) and Level of Service (LOS) metric. Both analyses concluded that any potential traffic impacts may be mitigated through Project Design Features or Mitigation measures. See Environmental Review, section VII of this report for further information.

### Open Space

A combination of usable open space will be provided throughout the project site, including private open space, common areas, and publicly accessible open space.

The useable open space requirement will be as follows:

- Studio and One-Bedroom Units: Min. 125 square feet per unit
- Two-Bedroom and Three-Bedroom Units : Min. 150 square feet per unit

Publicly Accessible Open Space: The 111,581 square feet of publicly accessible, but privately maintained open space includes a 22,859 square foot "park" area featuring shade structures, seating areas and a children's play area. The other publicly accessible spaces will include shaded seating areas and walking paths.

Private Open Space: The private opens space areas will include such amenities as swimming pools, shaded lounge areas, fire features, bocce courts, and enhanced paving.

Grace Avenue Enhanced Walkway: The project also includes a 15-foot-wide enhanced landscaped walking area along Grace Avenue, which will provide further buffering from the single-family neighborhood located west of Grace Avenue.

Restaurant and Patio: The restaurant and patio area will feature accent planting, moveable seating and fencing.

Streetscape and edges: Internal streetscape design will encourage pedestrian connectivity to the publicly accessible plaza, paseos, and open spaces. The perimeter landscape is intended to encourage walkability and pedestrian uses and will be designed to blend into the surrounding community and streetscape character. The landscape will be designed with predominantly drought tolerant species, the use of natives and seasonal ornamental plantings providing interest in color and texture in locations with varieties of solar access. Public streetscapes along Avalon Blvd. and Grace Avenue will include enhanced walkways, seating, trash receptacles, and landscaping.

### **Vesting Tentative Tract Map**

The Applicant submitted an application for a Vesting Tentative Tract Map (VTTM). The VTTM was approved by the Planning Commission and is only discussed in this staff report to provide additional information to the City Council.

The VTTM provides for subdivision of the Project site into a lot for the West Neighborhood

and two lots for the East Neighborhood. City approval of a final map, which must conform to the tentative map and the conditions of approval thereof, would be required to complete the process, but approval of a final map is generally not considered a discretionary approval of the City. The VTTM was reviewed by the Carson Community Development Department and City Engineer for compliance with the Subdivision Map Act. In addition, the VTTM will be reviewed by the Los Angeles County Department of Public Works (LADPW) for compliance with the Carson Municipal Code and the State Subdivision Map Act. The map will comply with all Conditions of Approval and comments from the City and the Los Angeles County Department of Public Works (LADPW). The VTTM will ultimately be used to create a 351-unit condominium map.

### **Specific Plan**

The Imperial Avalon Specific Plan (IASP) includes information for City staff, the community, the Planning Commission, and City Council with the information on the how the project site will be developed and how the IASP is consistent with the City of Carson General Plan. The IASP is a regulatory document prepared pursuant to the provisions of California Government Code sections 65450 through 65457 and provides a framework for development of the plan area (i.e., the subject property), including permitted uses and development standards. Upon approval of the IASP and associated zone change, the IASP will establish the zoning for the subject property, to prevail over the City's Zoning Ordinance to the extent of a conflict. Allowable land uses within the Specific Plan area (i.e., the subject property) are detailed in Chapter 3 of the Specific Plan, and the review authority and processes for applications for use permits and associated approvals within the Specific Plan area are provided in Chapter 5 of the Specific Plan. The City's Zoning Ordinance shall apply to matters not covered in the Specific Plan. The other project entitlements, including the DA, will include additional restrictions applicable to the project beyond what is permissible on the property under the IASP during the term of the DA, collectively allowing for a maximum of 1,115 residential units; 10,000 square feet of restaurant uses; and 111,581 square feet of publicly accessible but privately maintained open space. It is intended that local public works projects, design review plans, site plans, permits, or any other action requiring ministerial or discretionary approval applicable to this area be consistent with the Specific Plan (as well as the DA during its term).

The project site can accommodate a variety of unit types that are permissible under the IASP, including, but not limited to, detached and attached townhomes, live-work units, courtyard housing, stacked flats either in a townhome building, podium or wrapped configuration, and vertical mixed-use building types with residential above commercial. The allowed density maximum under the IASP is 45 dwelling units per gross acre across the Imperial Avalon site (inclusive of West and East Neighborhood) irrespective of the proposed subdivision and future lot lines, but the IASP specifies a maximum of 1,115 dwelling units, equivalent to a maximum density of 41 dwelling units per gross acre.

### **Setbacks**

Buffers between adjacent residential uses to the south will be a minimum of 10 feet. Residential uses to the west are buffered by a setback as well as Grace Avenue. Building setback is measured from the property line to the closest building facade. Minimum

building setbacks above the ground floor are required. Projections, such as balconies, may encroach into the setback.

### Height

Per the Specific Plan, no building in the Specific Plan Area shall exceed a height of six (6) stories or eighty-five (85) feet at any point (excluding mezzanines as defined under applicable building codes). Architectural features and rooftop projections (including but not limited to mechanical equipment, stairwells, boiler rooms) may not exceed a maximum height of fifteen (15) feet. Architectural features and rooftop projections are included in the maximum building height limit. However, the maximum building height in the DOR application is as follows: apartment buildings may be up to four (4) stories and sixty-eight feet, six inches (68', 6") in height; and townhomes buildings may be up to three (3) stories and forty-three feet (43'-0") in height.

Parking will be subject to a Parking Management Plan funded and implemented by the Developer to prevent overflow parking on Grace Avenue and other surrounding residential neighborhoods streets.

### Lighting

A detailed safety, lighting, and signage lighting plan shall be submitted and approved by the Director of Community Development, prior to issuance of a building permit, where the plan will discuss strategies for avoiding spillover lighting and to ensure pedestrian safety. Lighting for uncovered parking areas, vehicular access ways, and walkways shall not exceed a height of 25 feet. Additional lighting standards apply.

### Signage

All signs proposed for the project will be governed by a comprehensive sign program that will provide internal consistency in design style and direction for placement and size of signs, including a standardized wayfinding program. The comprehensive sign program will also include provisions that ensure that lighting from signs shall not significantly intrude upon or impact adjacent residential uses. The comprehensive sign program will be submitted after approval of the Specific Plan for review and approval by Director of Community Development. Additional lighting standards are set forth in the Specific Plan.

## **Development Agreement**

The Applicant submitted an application for a Development Agreement, detailing the obligations of both the Applicant and City of Carson and specifying standards and conditions that will govern the project for the 15-year term of the DA.

## **Public Benefits**

The DA outlines the Public Benefits that the Project will contribute to the City. The development of the Project is expected to realize significant regional and community public benefits, including the following:

### Development Agreement Fee

In lieu of the Developer and the Project opting into Citywide Community Facilities District No. 2018-01 (“CFD”) (estimated to have a net present value over the life of this Agreement of approximately fourteen million six hundred fifty-eight thousand three hundred sixty-two dollars (\$14,658,362.00) and paying Development Impact Fees pursuant to Ordinance No. 19-1931 (estimated to be approximately thirteen million one hundred twenty-seven thousand fourteen dollars (\$13,127,014.00) based on current Project features), Developer shall pay a Development Agreement Fee totaling thirty million fifteen thousand three hundred seventy-six dollars (\$30,015,376.00) (the “Development Agreement Fee”) (this includes an additional fee of \$2,000 per residential unit multiplied by 1,115 units even if fewer units are constructed (equal to two million two hundred thirty thousand dollars (\$2,230,000.00))).

Developer shall have the right to pay the Development Agreement Fee as prescribed below or cause the Development Agreement Fee contributions and payments to be made by a nonprofit entity in accordance with the terms prescribed by this Agreement. Except as otherwise provided for the Carson Park and Recreation Subsidy and the Initial DA Fee Payment, the amounts prescribed below shall be paid either by the Developer or the nonprofit entity at the City’s direction toward specific programs, projects or uses within the following categories: (i) park, recreational and open space site acquisition, facility development and maintenance, (ii) City infrastructure improvements, maintenance and upgrades, and (iii) community recreational benefits and subsidies. The Development Agreement Fee payments are limited to the amounts and subject to the schedule set forth below:

- a. Three hundred thousand dollars (\$300,000.00) shall be due upon the Effective Date of the DA and shall be used by City to subsidize Carson residents’ fees and costs associated with park and recreational registration, trophies and jerseys (“Carson Park and Recreation Subsidy”).
- b. Five million dollars (\$5,000,000.00) shall be due prior to issuance of a grading permit for the Project (“Initial DA Fee Payment”). The City shall have the option to use the Initial DA Fee Payment in whole or in part for low income housing including but not limited to maintenance and upgrades to, and assistance with the preservation of, existing mobilehome parks located throughout the City.
- c. Five million dollars (\$5,000,000.00) shall be due prior to issuance of a building permit for the first Townhome to be constructed within the Project.
- d. Six million dollars (\$6,000,000.00) shall be due prior to issuance of a certificate of occupancy for the first Apartment building to be constructed within the Project, and another six million dollars (\$6,000,000.00) shall be due upon issuance of a certificate of occupancy for the second Apartment building to be constructed within the Project.
- e. Five million dollars (\$5,000,000.00) shall be due within six months following issuance of

a certificate of occupancy for the first Apartment building to be constructed within the Project.

- f. Two million seven hundred fifteen thousand three hundred and seventy-six dollars (\$2,715,376.00) shall be due prior to issuance of a building permit for the 150th Townhome to be constructed within the Project.

*Affordable Housing*

The Developer, or a related/affiliated entity approved by the Director, shall provide affordable housing or pay an in-lieu fee by choosing one of the following options:

- a. Commit to reserve at least 125 units of Lower Income housing (LIH, which refers to housing that is affordable to households which are at or below 80 percent of the Area Median Income), including 41 units of housing affordable to Extremely Low Income households (defined as household with less than 30% of the Area Median Income (AMI), 41 units affordable to households of Very Low Income (30-50% AMI), and 43 units affordable to households of Low Income (51-80% AMI), onsite within the Project; or
- b. Commit to construct or convert (from existing non-LIH units) 125 units of new LIH at an off-site location elsewhere in the City; or
- c. Pay an in lieu affordable housing fee equal to \$11.61 per square foot of the Project's gross residential area for floor area

*Senior and Veteran Housing*

Prior to issuance of a Certificate of Occupancy, the Developer shall prepare, submit to the City for review, and implement a veterans and senior citizen marketing and outreach program for the Project's Apartment units, subject to the prior written approval of the Director, which approval shall not be unreasonably withheld, conditioned or delayed. Developer shall exclusively market the Project's Apartment units to veterans and their families as well as senior citizens (over the age of 55) who currently reside within the City or the general South Bay area for a period of sixty (60) days prior to the units being offered for rent to the general public ("Exclusive Pre-Lease Period"). During this Exclusive Pre-Lease Period, Developer shall make best efforts to lease units to local veterans and their family members and senior citizens provided that all such applicants meet generally applicable leasing qualifications and criteria imposed by Developer. Nothing in this Agreement shall require that any of the Project Apartment units be actually occupied by local veterans or their family members. Further, nothing in this Agreement requires more than 83 of the total 1,115 units to be leased to senior citizens at a given time

*Apartment Enhanced Sustainability and Environmental Benefits*

The project will provide enhanced sustainability and environmental benefits as follows:

- a. *Photovoltaic Panels.* Developer shall incorporate approximately 35,000 square feet (total) photovoltaic panels located on the rooftop of the Project parking structure for the Apartments and shall provide conduit for an additional twenty thousand (20,000) square

feet of the Project located on the residential building rooftop to accommodate potential future solar panel installation.

- b. *Enhanced Electric Vehicle Charging Stations (“EVCS”).* Developer shall equip a total of fifty percent (50%) of the Project parking spaces with an EVCS benefit, as follows: (a) fifteen percent (15%) of the total Project parking spaces shall be full EVCS, with EV chargers installed; and (b) thirty-five percent (35%) of the total Project parking spaces shall have conduit and wiring to allow for future EVCS installation. The electrical panel for all buildings shall be designed such that it can accommodate full EVCS for 50% of parking spaces for the Project. EVCS spaces shall be assigned and managed in accordance with the parking management plan required per the Conditions of Approval, which may require the Developer to convert the EVCS parking spaces that are initially only provided with conduit and wiring into full EVCS parking spaces (with chargers installed) incrementally over time based on tenant need. All Townhomes shall have 240 volt NEMA 14-50 installed in the garage. All Townhomes shall have conduit and wiring for future solar installations.
- c. *Mechanical Dwelling Unit System Efficiency Benefit.* The Project provides a mechanical dwelling unit system with a Seasonal Energy Efficiency Ratio (“SEER”) of 15.
- d. *Lighting Occupancy Sensors and Fenestration Energy Efficiency.* Notwithstanding any other provision of this Section 3.5, the Project shall: (i) provide state of the art occupancy sensors consistent with the California Energy Code in place at the time the time of Project permitting; and (ii) purchase and install windows and exterior façade materials consistent with the California Energy Code requirements in place at the time of Project permitting.

#### *Publicly Accessible, Privately Maintained Open Space*

Developer will make the Project open space areas, which total approximately 111,581 square feet, accessible to the public during the hours of 7:00 a.m. to 7:00 p.m. Developer shall be fully responsible for all maintenance, care and upkeep of the Public Open Space Areas through the life of the Project; this obligation shall survive any termination or expiration of this Agreement.

#### *Publicly Accessible Pedestrian Bridge*

Developer will construct and maintain a pedestrian bridge to allow for pedestrian and bicycle access over the Torrance Lateral Flood Control Channel from the Project to the District at South Bay Specific Plan area. The pedestrian bridge will be accessible to the public at all times. The requirement to construct the pedestrian bridge is contingent upon Developer’s ability to obtain all necessary approvals and permits from any Federal, State or local governmental agency with permitting or approval authority over the pedestrian bridge, including but not limited to the Los Angeles County Flood Control District and the

United States Army Corps of Engineers.

If the Developer is unable to obtain all necessary approvals and permits in order to construct the pedestrian bridge or fails to complete construction of the bridge timely in accordance with this provision, then the Developer, prior to issuance of a building permit for the 1<sup>st</sup> Townhome, shall make a cash contribution of four million dollars (\$4,000,000) to City, to be used for the purpose of providing an enhanced art walk leading from the Project site to the District at South Bay Specific Plan and/or other making other pedestrian improvements in the vicinity of the Project site as determined by the City.

#### Restaurant and Kitchen Timing

The Developer agrees that the restaurant space to be included in the Project's approximately 10,000 square feet (including outdoor/patio space) of ground floor commercial area must include a fully built out kitchen prior to issuance of a certificate of occupancy for the last residential building constructed within the Project.

#### Art Benefit

The Developer will pay a public art fee equal to one percent (1%) of the total building valuation for all Townhomes and each of the two Apartment buildings. In lieu of paying the Project Art Fee, Developer may incorporate on-site art, including but not limited to art within the exterior north side of the Project facing the 405 freeway, should the value of Developer's onsite art be less than one percent (1%) of the total building valuation for the entire Project as described above, then Developer shall pay the City the difference in its entirety prior to issuance of the certificate of occupancy for the 150th Townhome constructed as part of the Project.

#### Traffic Signal

Developer will fund and install a new traffic signal at the Project entry location on Avalon Boulevard between the I-405 interchange and 213th Street, in accordance with plans approved by the City's Director of Public Works or his or her designee, which shall include approval of the projected costs. Developer will be eligible for reimbursement of up to 50% of the approved costs of the new traffic signal by City upon completion of the comprehensive redevelopment of the Kott site (located to the east of the Property, north of E. 213th St. and east of Avalon Blvd. to the I-405 freeway).

#### Avalon 405 Interchange Landscaping Improvement

Prior to issuance of the certificate of occupancy for the second Apartment building or any Townhome, Developer or Developer's Nonprofit shall provide up to one million dollars (\$1,000,000.00) in matching funds ("Matching Funds") for landscaping upgrades and improvements for the I-405 interchange at Carson Street and Avalon Boulevard ("I-405 Interchange Upgrades"). Prior to receiving the Matching Funds the City must provide Developer a plan detailing how the I-405 Interchange Upgrades will be implemented, a budget and evidence that the City has received dedicated funds equal or greater than the Matching Funds.

In exchange for all the above benefits to City, the Applicant would receive a “vested right” to proceed with development of the Project in accordance with the “Applicable Laws” as defined in Section 1.4 the DA, generally limiting the City’s discretion, following final approval of the DA and the other project entitlements, to change or impose new zoning or development standards for the project or the property for the 15-year term for the Development Agreement. (See DA Articles IV and V).

The following sections of the Development Agreement were updated for additional clarity and precision since it was recommended for City Council approval by the Planning Commission. For a complete redline and strikeout, please refer to the respective Development Agreement Sections:

- 3.3. Affordable Housing Benefit;
- 3.7. Publicly Accessible Pedestrian Bridge;
- 3.12 Purple Pipe; and
- 4.7 Role of Project Development Approvals.

### **General Plan Amendment and Zone Change**

The Applicant filed a General Plan Amendment application to change the Project site’s General Plan land use designation from Regional Commercial and Low Density Residential to Urban Residential, and a Zone Change (ZC) to change the Project site’s zoning from Commercial, Automotive and RM-8-D zone to Imperial Avalon Specific Plan.

## **V. FISCAL IMPACT**

See Development Agreement Section of this staff report.

## **VI. EXHIBITS**

1. Ordinance 22-2221, “AN UNCODIFIED ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, APPROVING THE IMPERIAL AVALON SPECIFIC PLAN (SP NO. 21-19), AND CHANGING THE PROJECT SITE’S ZONING FROM COMMERCIAL AUTOMOTIVE AND RM-8-D TO SPECIFIC PLAN (IMPERIAL AVALON SPECIFIC PLAN) FOR A 1,115 UNIT MIXED USE DEVELOPMENT REFERRED TO AS THE IMPERIAL AVALON PROJECT” (pgs. 18-30)
  - a. Legal Description
  - b. Imperial Avalon Specific Plan No. 21-19 (  
<https://ci.carson.ca>  
)
  - c. Specific Plan Conditions of Approval
  - d. Zone Change No. 188-19 Map
2. Ordinance 22-2222, “AN UNCODIFIED ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, APPROVING DEVELOPMENT AGREEMENT NO. 23-19 BETWEEN THE CITY OF CARSON AND IMPERIAL AVALON LLC FOR A PROPOSED MIXED-USE PROJECT AT 21207 S. AVALON BLVD.” (pgs. 31-87)
  - a. Legal Description
  - b. Development Agreement No. 23-19
3. Resolution No. 22-243, “A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF

CARSON, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 105-19 TO CHANGE TO PROJECT SITE'S GENERAL PLAN LAND USE DESIGNATION FROM REGIONAL COMMERCIAL AND LOW DENSITY RESIDENTIAL TO URBAN RESIDENTIAL FOR A 1,115 UNIT MIXED-USE DEVELOPMENT REFERRED TO AS THE IMPERIAL AVALON MIXED-USE PROJECT" (pgs. 88-95)

- a. Legal Description
- b. General Plan Amendment No. 105-19 Map

**Prepared by:** Gena Guisar, Contract Planner/Saied Naaseh, Community Development Director