



Legislation Text

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Report to Mayor and City Council

Tuesday, August 06, 2019

Discussion

SUBJECT:

PUBLIC HEARING TO CONSIDER ADOPTION OF RESOLUTION NO. 19-145 OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA APPROVING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, AND ADOPTING SPECIFIC PLAN NO. 4-93 AMENDMENT 4, FOR DEVELOPMENT OF A 175-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT THE NORTHEAST CORNER OF CENTRAL AVENUE AND VICTORIA STREET (CITY COUNCIL)

I. SUMMARY

On June 25, 2019, the Planning Commission held a public hearing and adopted Resolution No. 19-2669 (Exhibit 3) with a 7-0 vote to:

1. Recommend approval to City Council to amend the Dominguez Hills Village Specific Plan (Specific Plan No. 4-93), Specific Plan No. 4-93 Amendment 4 (Exhibit "D" to Proposed Resolution, Exhibit 1); and
2. Recommend approval to City Council to approve the Mitigated Negative Declaration (MND), and adopt the proposed mitigation monitoring and reporting program (Exhibit "C" to Proposed Resolution, Exhibit 1).

In addition, the Planning Commission approved the Site Plan and Design Review (DOR) 1695-18, Conditional Use Permit (CUP) No. 1040-18, and Tentative Tract Map (TTM) No. 78226 for development of a new 175-unit residential condominium project (Development Plans, Exhibit 9), which approval is contingent upon the following City Council actions: approval of the MND/MMRP and adoption of the Specific Plan Amendment. Unless timely appealed following such action by the City Council, the DOR, CUP, and TTM will be final.

The proposed Victoria Greens project is a gated community with 175 units consisting of 95 three-story townhome units (Row) and 80 three-story stacked flat units (Level) on a 8.07-acre parcel with amenities that include a recreation space that includes a pool area and clubhouse, a dog park, and a linear park. The proposed buildings on the site have a maximum height of 36 feet. Square footages for the two products range between 1,423 and 2,072 square feet and each condominium unit will have an attached two-car garage. At full buildout, the project would include 51 two-bedroom units and 124 three-bedroom units.

The density for the proposed project is 21.69 units per acre, which makes it consistent with the City's General Plan Land Use Designation of Mixed Use Residential which allows up to 35 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; AND
2. ADOPT Resolution No. 19-145, entitled "A Resolution of the City Council of the City of Carson, California approving Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and adopting Specific Plan No. 4-93 Amendment 4, for development of a 175-unit residential condominium project located at the Northeast corner of Central Avenue and Victoria Street; AND
3. APPROVE Fee Credit/Reimbursement Agreement with the Carson Project Owner, LLC, a Delaware limited liability company corporation for installation of a traffic signal at Central Avenue and Aspen Hill Road in exchange for a dollar-for-dollar credit against the City's established Development Impact Fees with the installation of the traffic signal being a categorically exempt project from CEQA pursuant to CEQA Guidelines Section 15303, Class 3 for New Construction of Small Structures; AND
4. AUTHORIZE the Mayor to execute the Agreement, following approval as to form by the City Attorney.

III. ALTERNATIVES

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

IV. BACKGROUND

Existing Specific Plan

The project site encompasses Lot 2, 3 and 4 of Parcel Map No. 24971, which was referred to as Parcel 2 in the Specific Plan. A majority of Parcel 2 (approximately two thirds of the eastern portion) was developed with a trucking/logistics warehouse - an industrial land use, and today is owned by Prologis. A neighborhood retail center and a tank farm were proposed for the Commercial and Industrial zones on the proposed project site. The neighborhood retail center was intended to provide a convenient and accessible service/retail center to the surrounding community. The center was anticipated to contain a small market, neighborhood retail, and restaurant pads (potentially offering drive-through fast food). Due to proximity of this site to existing residential communities including DHV Community Association, industrial uses are not preferred or recommended by staff for this site. Staff has encouraged retail/commercial on this project site; however, all interested developers have stated this is not an ideal site for a shopping center. The DHV Specific

Plan was planned for residential, child care, neighborhood retail, industrial and open space uses, and allowed for a maximum buildout of 893 residential units. Since its adoption and approval in 1996, DHV Specific Plan has built out only 574 residential units ranging from condominiums to single-family contained within the DHV Community Association. 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.

Specific Plan Amendment

The DHV Specific Plan indicates that the site should conform to uses allowed in the General Plan or uses demonstrated to be compatible with the neighborhood and identified as alternates in the Specific Plan. Such alternate uses are subject to the City's General Plan Amendments and Site Plan and Design Review processes. The project site is designated Mixed Use - Residential in the General Plan. Notwithstanding the proposed Brandywine project which is still under review, DHV Specific Plan was last amended in September of 1999.

While the proposed Specific Plan Amendment (SPA) contains many similarities to the existing DHV Specific Plan, modifications between the existing Specific Plan and the proposed SPA include:

- A. Modification of the public street sections for Central Avenue, north of Victoria Street, and Victoria Street, east of Central Avenue along the property frontages, for public parkways including sidewalk and off-site improvements (Figures V-4, V-5A and V-5B of the SPA, Exhibit "D" to Proposed Resolution, Exhibit 1);

- B. Modification of Land Use Map for project site only to allow proposed "Housing Type D: Townhomes and Flats and Open Space Recreation)" on the project site (Exhibit "E" of Proposed Resolution, Exhibit 1); and increase the maximum number of dwelling units from 650 to 749.



Figure 1: Specific Plan Amendment Land Use Plan modification

- C. Modification to Development Plans and Standards for this project site (Section V. of the SPA, Exhibit “D” of Proposed Resolution);
- D. Modification to Design Guidelines for this project site (Section VI. of the SPA, Exhibit “D” of Proposed Resolution).

Historical Context, Site Constraints, and Site Remediation/Construction Measures

Site Contamination and Remediation

The property formerly was part of a larger parcel of land that was historically used for oil exploration activities from the 1920s through the late 1990s as part of the “Hellman Lease”. There are eight abandoned oil exploration wells within the project area. As part of the decommissioning of the oil exploration, several site investigations identified areas of shallow soils that were impacted by total petroleum hydrocarbons, metals, and volatile organic compounds. The project area underwent remediation activities in the late 1990s. On August 13, 2008, the Los Angeles Regional Water Quality Control Board (Regional Board) granted the project area a conditional site closure. However, the Regional Board required a Covenant and Environmental Restriction on Property to be filed and recorded in Official Records, Recorder’s Office, Los Angeles County to restrict the land use of the Site

to commercial/industrial due to the residual contamination left at the Site. Additional site investigation activities were conducted in 2017 and 2018 to assess the risk for residential use of the Site. The risk assessment indicates that the residual contamination in soil poses a risk for residential land use.

In order to develop the site, the Regional Board opened a new case to provide regulatory oversight for the investigation and remediation warranted to modify the project site's land use restriction and allow for residential. Thus, a new case was opened by the Regional Board on March 30, 2018. The Regional Board contracted with the State Office of Environmental Health Hazard Assessment to have their toxicologists review and comment on risk assessment reports associated with the project.

Subsequently, a Remedial Action Plan (RAP) was prepared with the soil cleanup goals of arsenic, lead, and total petroleum hydrocarbons for residential land use of the Site. The Department of Toxic Substances Control (DTSC) reviewed the Revised Human Health Risk Assessment and Remedial Action Plan. The Human Health Risk Assessment concluded that the cumulative cancer risks and non-cancer health risk quotient (HI) associated with any remaining soil and soil gas chemical concentrations after completion of the proposed soil excavation will not exceed the incremental cancer range of 10⁻⁶ (ten in one-billion for cancer risk) and the target non-cancer HI of one. The DTSC concurred with the conclusions and approved the Health Risk Assessment on December 5, 2018. The RAP and its addendum were submitted to the Regional Board for review to propose to excavate and remove approximately 6,100 square feet of impacted soils with arsenic, lead, and total petroleum hydrocarbons which pose a threat to human health. The project will incorporate measures to mitigate impacts to the surrounding areas as result of the soils remediation process.

Based on the review of RAP and process conducted the Regional Board, the proposed RAP and its addendum for the project site's redevelopment was conditionally approved by the Regional Board on April 23, 2019. The Regional Board has finalized review and the project site's current case status is "Closed." The site will receive a No Further Action letter once all the conditions are met.

Oil Wells

The eight abandoned oil wells within the project area have been contemplated in the project design as required by current environmental law. The applicant was required to test the existing abandoned oil wells which did not yield leaks. These tests were monitored by DOGGR. In addition, DOGGR required re-capping of the well heads in accordance with today's standards.

Telecommunications Tower and Antennas

Several potential constraints were identified in the Constraints Analysis Report (Exhibit 6). Due to potential risks associated with close proximity of proposed residential uses to existing 230-foot telecommunication facility immediately to the west of the site, the following constraints were analyzed and found the facility to be compliant with FCC standards:

- a) The presence of the telecommunications tower on the west side of the site could potentially create an “uncontrolled environment” of exposure to radio frequencies (i.e. future residents who are not fully aware of their exposure to radio frequencies or cannot exercise control over their exposure to Radio Frequencies (RF) emitted from the transmitters on the tower). However, the Maximum Effective Radiated Power, or ERP, (an exposure limit set by the Federal Communications Commission, or FCC, and other institutes) permitted by the FCC is up to 500 watts per channel. The majority of cellular base stations in urban areas operate at an ERP of 100 watts or less - well below the maximum permitted ERP. Currently, Sprint, Verizon Wireless, and Metro PCS carrier antennas exist on the tower. The current tower operator (American Tower) obtained CUP No.992-15 to continue operating its tower subject to various conditions. An RF Compliance Report was submitted as part of the renewal CUP 992-15. The site was deemed compliant. American Tower (in accordance with the conditions of CUP 992-15) proposes to replace the existing tower with a shorter 105 foot tall stealth monopine design (pine tree façade). Panel antennas will be installed at elevations ranging from 50 feet above ground to 95 feet above ground. A new RF Compliance report was modeled and the total number of watts for all installations on the proposed structure was 47,756 watts.
- b) The FCC has adopted human exposure limits (Docket 93-62), and the most restrictive thresholds for uncontrolled environment exposures. Measurements made near typical cellular installations, especially those with tower-mounted antennas, have shown that ground-level exposures to RF are well below limits recommended by RF/microwave safety standards. Measurement data obtained from various sources have consistently indicated that “worst-case” ground-level exposures are a fraction of the FCC’s RF exposure guidelines for the cumulative radiation frequency of a typical cellular installation. In order to be exposed to levels near the FCC’s limits for cellular frequencies, an individual would essentially have to remain in the main transmitting beam (at the height of the antenna) and within a few feet of the antenna. The existing tower is 230 feet tall, and the lowest installed antenna transmitter is 50 feet above ground level. The design of the proposed Victoria Greens project would not put new population at risk because the closest inhabitants in the third floor of Building 19 would not be exposed to RF levels above the FCC limits. The modeling for the proposed new tower estimated the Maximum RF is well below the FCC lower limit.

American Tower Company is currently in the building permit process to allow the removal of the existing 230’- high lattice macro cell tower and replacement with a 105’ high monopine. City staff anticipates that the new cell tower will be constructed prior to implementation of Victoria Greens project.

Homeowner’s Association

The proposed Victoria Greens community will have a separate Homeowner's Association (HOA) than the DHV Community Association. 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.

Access and Parking, and Transportation Analysis

Parking and Access

The site design creates a quality pedestrian atmosphere with sidewalk and parkway area along Central Avenue and Victoria Street, access from the street, and internal pedestrian access throughout the proposed building. Due to the proximity of the project site to California State University, Dominguez Hills and Dignity Health Sports Park, residents of the proposed project would be able to access these centers via local sidewalks. The applicant has incorporated new sidewalks on Central from Victoria all the way to the City limits eliminating on-street parking. The project will provide egress and ingress access via a signalized intersection on Central Avenue at Aspen Hill Road which will be constructed and completed prior to issuance of the first final (occupancy) for any units (excluding the models) pursuant to the Fee Credit/Reimbursement Agreement (Exhibit 2). The project will provide an additional egress-only driveway on Victoria Street, which will serve as a secondary access point for emergency vehicles if ever necessary.

Resident parking is provided in attached garages, and visitor parking is located throughout the community and can be accessed using the internal private driveways and sidewalks. All parking spaces will be completely screened from public view by use of block walls and landscaping. The proposed project includes a total of 417 parking spaces: 350 resident spaces and 67 guest parking spaces. This exceeds the parking requirements for condominiums pursuant to the Carson Municipal Code, and also exceeds the requirements of the Specific Plan Amendment at 2.35 parking spaces per unit. In addition, the project site is accessible via local sidewalks to the bus stops on Central Avenue.

Trip Generation

Based on the transportation impact analysis conducted as part of the project MND, the

project is projected to generate 1,281 average daily vehicle trips, including 81 trips during the AM peak hour (7 to 9 am), and 98 trips during the PM peak hour (5 to 7 pm).

Density

The project proposes 175 residential units on an 8.07 acre site. Therefore, the overall density for the project area is 21.69 dwelling units per acre. The current Mixed-Use Residential General Plan land use designation allows up to 35 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 pursuant to the California Environmental Quality Act (CEQA). An Initial Study (IS)/Mitigated Negative Declaration (MND) was prepared in order to evaluate the proposed Victoria Greens project and was made available for public comment for a 30-day public review period from January 17, 2019 through February 15, 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 (EIR) should be prepared under CEQA. The final Mitigated Negative Declaration finds that the project, as mitigated, will have no significant effects on the environment. Although potential impacts on air quality, cultural resources, hazards and hazardous material, and noise were identified, the final Mitigated Negative Declaration contains mitigation measures that provide for mitigation of such potential impacts below a level of significance. The proposed mitigation measures are included in the proposed conditions of approval (Exhibit "B" to Proposed Resolution, Exhibit 1). The Planning Commission recommended approval of the MND as revised pursuant to the public comments received (Exhibit "C" to Proposed Resolution, Exhibit 1).

Previous Environmental Review (1996 EIR)

The project site was originally reviewed as part of the DHV Specific Plan Environmental Impact Report (EIR). City Council certified the EIR and adopted the Mitigation Monitoring Plan on January 23, 1996. The Specific Plan EIR evaluates potential environmental impacts resulting from the implementation of the Specific Plan. However, the proposed project would place housing in areas designated for Industrial and Commercial in the Specific Plan. The Specific Plan EIR examined the impacts of the Specific Plan implementation upon air quality and cumulative noise. The short and long-term impacts on air quality were found to be significant and the EIR sets forth all feasible air quality mitigation measures. The cumulative noise impacts were found to be significant, but the project was not found to have an individually significant impact on the future noise level increases. Therefore, no project mitigation was proposed for noise impacts.

Public Outreach

On January 31st, the applicant hosted a community meeting with the adjacent property owners and occupants at Henderson Park Recreation Building in Carson, CA. Notices of the community meeting were sent to all property owners and tenants within 1,200 feet from the project site and the entire DHV. The summary of community meeting was provided by the applicant (Exhibit 8). The following provides a summary of the community input at the community meeting and the Planning Commission public hearing (Exhibit 4):

- Access to the site and potential turning movement conflicts;
- Increased traffic on Central Avenue and Victoria Street;
- Request for various product types including single-family detached;
- Increased demand for on-street guest parking;
- With the proposed project, the Specific Plan maximum permitted numbers will be exceeded;
- Concern of exposure to radio frequencies (RF) from cell tower;
- Concern of human health risks during Site remediation and clean-up;

The Planning Commission approved applicant's request, and requested revising Condition No. 14 for Indemnification for specific cancer risks that is "...not limited to Claims for cancers, diseases, ailments, illnesses, sicknesses, maladies or other adverse health conditions or effects (including those resulting in death) to future occupants of the project site allegedly arising from or relating to soil contamination or other conditions existing on the project site which make its development or occupancy pursuant to the project or entitlements hazardous to human health..." (Exhibit 1).

In response to concerns raised by the community, the developer has volunteered to install a traffic signal at the primary project driveway/entrance of the community on Central Avenue at Aspen Hill Road. In exchange for a dollar-for-dollar credit towards established City Development Impact Fees, Developer is willing to assist the City in addressing traffic in the vicinity of the Project. (Exhibit 2).

Public Notice

Notice of public hearing was posted in the newspaper and to the project site on July 25, 2019. Notices were mailed to property owners and occupants on July 25, 2019. The agenda was posted at City Hall 72 hours prior to the City Council meeting.

Late Communication

A late comment was received on the MND from Better Neighborhoods. This comment letter, and the City's response, is attached to this Staff report (Exhibit No. 7).

V. FISCAL IMPACT

No immediate fiscal impact. However, the project is expected to generate increased property tax revenues as a result of the development. City adopted Ordinance No. 19-1931 to implement the City's Interim Development Impact Fee ("IDIF") Program. In accordance with this IDIF program, the applicant shall be responsible for payment of one-time impact development impact fee of \$14,000/dwelling unit. The developer shall be eligible to receive a credit toward the payment of DIF up to \$651,772 for the installation of the traffic signal at Central and Aspen Hill. The amount of the credit shall be determined at a later time based the construction cost of the signal. If the signal costs over \$651,772, the developer will be responsible for the cost overruns. The Project contemplates a 175-unit residential condominium project. Based on the number of proposed dwelling units of the Project, Developer will be responsible for development impact fees in the amount of \$2,450,000 (DIF Amount). City adopted Community Facilities District (CFD) 2018-01 to finance the ongoing costs of City services for the project. Developer has elected to participate in the CFD No 2018-01 for this purpose so as to offset the ongoing impacts of the Project (the CFD Benefits). Based on the adopted CFD rates, the subject property falls under Residential - All Others Land Use Category and will be charged accordingly. The base year CFD fee has been established at \$879.10 per unit. Calculated CFD for this site up to June 2020 is \$153,842.50 annually. 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. 19-145 (pgs. 12-22)
 - A. Legal Description (pg. 23)
 - B. Conditions of Approval (pgs. 24-48)
 - C. Mitigated Negative Declaration including Initial Study, Draft, and Final MND and MMRP (under separate cover)
<http://ci.carson.ca.us/communitydevelopment/VictoriaGreens.aspx>
 - D. Proposed Dominguez Hills Village Specific Plan No. 4-93 Amendment 4 (under separate cover)
<http://ci.carson.ca.us/communitydevelopment/VictoriaGreens.aspx>
 - E. Specific Plan Amendment exhibit (pg. 49)

2. Fee Credit/ Reimbursement Agreement (pgs. 50-71)
3. Planning Commission Resolution No. 19-2669 (pgs. 72-78)
4. Planning Commission Disposition dated June 25, 2019 (pgs. 79-82)
5. Planning Commission Staff Report dated June 25, 2019 (pgs. 83-149)
6. Constraints Analysis Report dated August 2018 (pgs. 150-239)
7. Memo: Response to Comments Provided in Letter from Better Neighborhoods (pgs. 240-263)
8. Summary of Community Meeting provided by applicant (pgs. 264-265)
9. Development Plans (under separate cover)
<http://ci.carson.ca.us/communitydevelopment/VictoriaGreens.aspx>

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