

## 8.0 IMPLEMENTATION

### 8.1 Review and Approval Process

Approval of development within The Boulevards at South Bay Specific Plan shall be subject to the review process set forth in this section. Chapter 1 of Article IX of the Carson Municipal Code (CMC) shall apply to matters not covered in this Specific Plan. If there is any conflict between the provisions of this Specific Plan and Chapter 1 of Article IX of the CMC, the provisions of this Specific Plan shall control.

#### 8.1.1 Subdivisions

Unless specifically provided for in The Boulevards at South Bay Specific Plan, the regulations set forth in Chapter 2 of Article IX of the CMC, entitled “Subdivision Regulations,” shall apply to all divisions of land hereafter made of property within the Marketplace Specific Plan.

#### 8.1.2 Residential Condominiums

The regulations set forth in Chapter 3 of Article IX of the CMC, entitled “Standards and Criteria for Residential Condominiums,” shall not apply to residential condominiums within the Marketplace Specific Plan.

#### 8.1.3 Amendments to Specific Plan

Amendments to the Marketplace Specific Plan shall be processed in accordance with the applicable provisions of state law provided in California Government Code sections 65450, et seq. The procedure in Section 9172.11 of the CMC shall be followed for hearing, notice and decision of a Specific Plan Amendment by the Planning Commission and City Council.

#### 8.1.4 Minor Modifications

- A. The following minor modifications to the Marketplace Specific Plan do not require an amendment to the Specific Plan and are subject to review and approval by the Planning Manager. The Planning Manager shall have the discretion to refer a minor modification request to the Planning Commission. A request for a minor modification shall not require a public hearing and may be approved, conditionally approved or denied. The following are minor modifications:
1. To allow a decrease not exceeding 10 percent in required minimum setbacks.
  2. To allow walls or fences to exceed the height limit by a maximum of one foot.
  3. To allow expansion or reduction of the net acreage covered by a given Development District within the Specific Plan by no more than 10 percent.
  4. To allow a decrease not exceeding 10 percent of the required area for landscape coverage in parking lot areas.
  5. Modifications of a similar nature to those listed above, which are deemed minor by the Planning Manager, and which are in keeping with the intent of this Specific Plan.

### 8.1.5 Interpretation

In cases of uncertainty or ambiguity as to the meaning or intent of any provision of this Specific Plan, the Planning Manager shall prepare a written interpretation which shall be generally applicable to all future situations of the same type. The interpretation shall be based upon and consistent with the intent of this Specific Plan. The written interpretation shall be transmitted to the property owners and any pending applicant of property within The Boulevards at South Bay Specific Plan. Any property owner or applicant may appeal the interpretation to the Planning Commission and then to the City Council in accordance with CMC section 9173.4, except an appeal must be filed within 10 days of the date of the Planning Manager's notice or the Commission's action, and the appellate body shall have 45 days from the filing of the appeal to make a decision.

### 8.1.6 Conditional Use Permit

Applications for permitted uses set forth in Table 6.1 of section 6 of this Specific Plan that require approval of a conditional use permit shall be processed in accordance with the provisions of section 9172.21 of the CMC.

### 8.1.7 Major Modification

A "major modification" shall be defined as a modification to the development standards other than a minor modification as defined in section 8.1.4 herein. Applications for a major modification shall be subject to review and approval by the Planning Commission. Notice and hearing for a major modification shall be as set forth in section 9172.21 (B) and (C) of the CMC. After the hearing, the Planning Commission shall, by resolution, render its decision. The Planning Commission shall approve a major modification if it makes the following findings:

- A. The modification is consistent with the goals and policies of the Specific Plan.
- B. The modification is not detrimental to the public health, safety or welfare.
- C. The modification does not create a nuisance or hazard.
- D. The modification does not have a significant effect on adjoining properties or the immediate neighbors.

In approving a major modification, the Planning Commission may impose conditions as deemed necessary to protect the public's health, safety and welfare, and to assure compliance with the objectives of the Specific Plan.

### 8.1.8 Site Plan and Design Review

- A. Applications for proposed construction of structures and site improvements require site plan and design review approval as set forth in this subsection. A Development Plan, as defined in section 9191.184 of the CMC, shall be submitted to the Planning Division. The Planning Division shall determine if the submitted Development Plan is in substantial conformance with the Illustrative Plan set forth in Section 4.0 of this Specific Plan (the "Illustrative Plan").

- B. If the Planning Division determines that the submitted Development Plan is in substantial conformance with the Illustrative Plan and Land Use Summary, then the Planning Division shall review and take action on the submittal. Review by the Planning Division shall not require a public notice hearing. The Planning Division may approve, conditionally approve or deny the submitted Development Plan. The Planning Division shall approve the Development Plan upon finding the following, as applicable:
1. Substantial conformity with The Boulevards at South Bay Specific Plan, including the Illustrative Plan and Table 4 Land Use Summary and, if applicable, the Equivalency Program requirements.
  2. Substantial conformity with applicable landscape provisions of this Specific Plan, including, as applicable, specially themed landscape treatments at key locations, landscape coverage in parking lots, landscape coverage on parking structures visible to residences, landscaping of trash enclosures and mechanical equipment, and proper plant palette for the project. The landscape plan shall also comply with the City's Water Efficient Landscape Ordinance, section 9168.1 of the CMC.
  3. Substantial conformity with the design guidelines of this Specific Plan, including, as applicable, siting, building mass, fences and walls, color and materials, building detail, land use compatibility, noise attenuation, internal circulation, parking, trash enclosures, loading, delivery, service, storage areas, mechanical equipment, and accessory structures.
  4. Substantial conformity with the signage guidelines of this Specific Plan, including, as applicable, the size, height, number, lighting, and location of signs so as to be compatible with the buildings, surrounding uses, and location.
  5. That the lighting plan is adequate for on-site coverage, but shall not interfere with off-site activities or intrude on adjacent residential uses.
- C. If the Planning Division determines that the submitted Development Plan is not in substantial conformance with the Illustrative Plan, Land Use Summary, and Specific Plan, then the Development Plan shall be referred to the Planning Commission to review and take action on the submittal. Notice and hearing for a Development Plan review shall be as set forth in section 9172.21 (B) and (C) of the CMC. The Planning Commission may approve, conditionally approve or deny the submitted Development Plan. The Planning Commission shall approve the Development Plan upon finding the following, as applicable:
1. Substantial conformity with The Boulevards at South Bay Specific Plan, including the Illustrative Master Plan and Table 4 Land Use Summary and, if applicable, the Equivalency Program requirements.
  2. Substantial conformity with applicable landscape provisions of this Specific Plan, including, as applicable, specially themed landscape treatments at key locations, landscape coverage in parking lots, landscape coverage on parking structures visible to residences, landscaping

- of trash enclosures and mechanical equipment, and proper plant palette for the project. The landscape plan shall also comply with the City’s Water Efficient Landscape Ordinance, section 9168.1 of the CMC.
3. Substantial conformity with the design guidelines of this Specific Plan, including, as applicable, siting, building mass, fences and walls, color and materials, building detail, land use compatibility, noise attenuation, internal circulation, parking, trash enclosures, loading, delivery, service, storage areas, mechanical equipment, and accessory structures.
  4. Substantial conformity with the signage guidelines of this Specific Plan, including, as applicable, the size, height, number, lighting, and location of signs so as to be compatible with the buildings, surrounding uses, and location.
  5. That the lighting plan is adequate for on-site coverage, but shall not interfere with off-site activities or intrude on adjacent residential uses.
- D. In determining whether a Development Plan is in “Substantial conformance with the Illustrative Plan, Land Use Summary and Specific Plan,” the Planning Division (or higher body, if applicable) shall consider the following:
1. The Illustrative Plan in Section 4.0 provides a conceptual plan of development in three Development Districts (“DD”)—DD1, DD2, and DD3. In DD1 and DD3, the Illustrative Plan provides for a mixture of residential uses and commercial uses. In DD2, the Illustrative Plan provides for a wide mix of different commercial uses, including Regional Commercial, Commercial Recreation & Entertainment, Neighborhood-Serving Commercial and Restaurants, along with a proposed Hotel.

As shown in the Illustrative Plan, a large portion of the Regional Commercial is located in DD2 on the southern and western border along the Torrance Lateral, the Hotel is located on the southeast corner along the 405 freeway, additional Regional Commercial is facing the 405 freeway on the east, and a major Commercial Recreation & Entertainment element, with Restaurants, is located in the northeastern and central portion of DD2. In addition, Neighborhood-Serving Commercial is located along the northern portion of DD2, and various pads are also located in DD2. The Land Use Summary in Table 4.1 provides a textual description of the proposed mix of residential and commercial uses in the three Development Districts.

2. In DD3, if the submitted Development Plan provides for a mixture of residential uses and commercial uses in a substantially similar ratio as shown in the Illustrative Plan and Land Use Summary, and the location of the residential buildings and commercial buildings are substantially similar as shown on the Illustrative Plan, then the submitted Development Plan shall be in substantial conformance with the Illustrative Plan and the Land Use Summary.

3. In DD1, if the submitted Development Plan provides for a mixture of residential uses and commercial uses in a substantially similar ratio as shown in the Illustrative Plan and Land Use Summary, and the location of the residential buildings and commercial buildings are substantially similar as shown on the Illustrative Plan, then the submitted Development Plan shall be in substantial conformance with the Illustrative Plan and the Land Use Summary.
  4. In DD2, if the submitted Development Plan provides for a mixture of commercial uses in a substantially similar location as shown in the Illustrative Plan and Land Use Summary, then only the portion of the Development Plan not in conformance shall be referred to the Planning Commission for review and approval.
- E. Notice of the decision by the Division shall be mailed to the applicant. The Planning Commission and City Council may appeal the decision to the Planning Commission and then to the City Council in accordance with section 9173.4 of the CMC.

#### **8.1.9 Other Considerations**

- A. An Internal Circulation Report shall be submitted to the Traffic Engineer. This report shall be approved before any building permits can be issued. The internal roadways, sidewalks and bike paths shall be constructed pursuant to the approved Internal Circulation Report.
- B. Due to variations in parking demand and needs of each project, vehicle parking requirements and the design of the parking areas, including ingress and egress, shall be determined based upon information contained in a parking demand study prepared by an independent traffic engineer hired by the City. The parking demand study shall be prepared at the property owner's/developer's expense and provided at the time of the application for the use.
- C. All on-site intersection spacing and access openings shall be subject to approval by the City of Carson Traffic Engineer.
- D. Prior to approval of any building permit, a construction truck traffic routing plan shall be submitted to the City of Carson Traffic Engineer for approval. The truck traffic routing plan shall emphasize that truck traffic avoid residential areas.
- E. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Manager prior to the issuance of any building permit.
- F. A Public Safety Plan which addresses on-site security and the level of Sheriff's staffing both for the on-site security office and patrol cars will be submitted for approval by the City and the Los Angeles County Sheriff's Department.
- G. Issuance of grading or building permits for Development Districts 1 and 2 is contingent upon a finding that the issuance of said permits is not in conflict with the requirements established by the State Department of Toxic Substances (DTSC) Control.

- H. Prior to issuance of building permits for residential units, unless determined by the Planning Manager, the applicant shall submit a detailed acoustical study demonstrating that all project structures will meet applicable City interior noise levels and exterior living area noise levels, in accordance with applicable noise standards and zoning regulations.
- I. Prior to approval of any building permit, a trash enclosure design shall be submitted to the Planning Manager for approval.
- J. A comprehensive recycling plan consisting of a construction debris recycling program and a general recycling program for residential and commercial uses shall be included with plan submittals prior to building permit approval.
- K. Focused burrowing owl surveys shall be conducted prior to the beginning of any Project-related ground disturbance if such work occurs during the owl's nesting season (March through April).

## 8.2 Maintenance

Maintenance of private/quasi-public open space and recreation facilities, private roadways, commercial circulation and common landscape areas, and residential common areas will be the responsibility of the residential and commercial associations that are formed within the Specific Plan area. Maintenance and upkeep of common areas and amenities must also comply with the Master Association Codes, Covenants, and Restrictions (CC&Rs) that govern the Project Site.

The associations shall be responsible for private roads parking, open space areas, signing, landscaping, irrigation, common areas, on-site sewers, storm drains, retention basins and other responsibilities as necessary.

To the maximum extent feasible, services for property maintenance and property management shall include the utilization of alternative fuel vehicles and electric equipment in order to minimize air quality impacts.

## 8.3 Equivalency Program

The Boulevards at South Bay Specific Plan incorporates an Equivalency Program that would allow the composition of on-site development to respond to the future needs and demands of the southern California economy and changes in Project requirements. The Equivalency Program will provide flexibility for modifications to land uses and square footages within the site, so long as the limitations identified in Section 8.3.1 are not exceeded. The Land Use Equivalency Program provides a framework within which permitted land uses, pursuant to Section 6.1, can be exchanged for certain other permitted land uses, so long as the limitations of the Equivalency Program are satisfied.

Table 8.3 provides a sample listing of the equivalency ratios that have been established for the potential on-site land uses. The equivalency ratios are expressed in terms of thousands of square feet of floor area for commercial uses, rooms for hotels, and dwelling units for residential uses. An example of an

equivalency transfer would be a transfer of 100,000 square feet of shopping center to 38,000 square feet of supermarket development (e.g.,  $100,000 \times 0.38 = 38,000$ ). A comprehensive matrix of conversion factors can be found in Appendix F.

Land use	Equivalency to 1 KSF of Shopping Center	Equivalency to 1 KSF of Regional Supermarket	Equivalency to 1 KSF of Quality Restaurant	Equivalency to 1 Room of Hotel	Equivalency to 1 DU of Apartments	Equivalency to 1 DU of Condominiums
Shopping Center	–	1.96 KSF	1.73 KSF	0.22 KSF	0.2 KSF	0.13 KSF
Supermarkets	0.38 KSF	–	0.73 KSF	0.09 KSF	0.09 KSF	0.05 KSF
Quality Restaurant	0.27 KSF	0.64 KSF	–	0.07 KSF	0.1 KSF	0.07 KSF
Hotel	2.61 Rooms	5.11 Rooms	7.94 Rooms	–	0.78 Rooms	0.55 Rooms
Apartments	n/a	n/a	n/a	n/a	–	0.62 DU
Condominiums	n/a	n/a	n/a	n/a	1.44 DU	–

Source: PCR, 2005.

### 8.3.1 Limitations

The land use on any portion of the site may be exchanged for another land use, so long as the new use is otherwise permitted by this Specific Plan, and the new use does not cause impacts that are greater than those identified in the certified EIR for the Specific Plan. Such determination shall be based on consideration of the following factors:

- A. The development shall be in compliance with all provisions of the Specific Plan and implement all applicable mitigation measures as set forth in the Project's Mitigation Monitoring and Reporting Program.
- B. Conversion of the uses shall not cause any of the threshold levels shown in the certified EIR to be exceeded. If the uses proposed as part of this plan, or any newly proposed uses are found to be equivalent using the matrix provided in Table B of Appendix F, the impacts are considered to be below the threshold levels identified in the certified EIR and Table A of Appendix F.
- C. Prior to implementing the Equivalency Program, an implementation manual describing the program and the process—including directions on how to classify a proposed use, directions on how to apply traffic generations rates, and a tracking tool to ensure the maximum thresholds for trips, water consumption, wastewater generation and solid waste generation in the certified EIR are not exceeded—shall be submitted to the Planning Division and approved by the Planning Manager. The Implementation Manual will serve as a companion and supplement to the provisions identified in this section.

### 8.3.2 Use Classification and Impact Assessment Procedures

- A. Accurate classification of the proposed use is necessary to apply the equivalency program effectively. Appendix F includes Tables, A through C, that list all of the possible use classifications along with impacts and conversion factors. If the proposed land use clearly matches one of the designations in Table B, then the conversion factor in the table can be applied and the new impact calculated. If the proposed use does not match exactly with one of the designations, a use that is equivalent to the use in question can be used. The discussion in Section 8.3.2(C) can help to classify the use for impact assessment purposes in the event that a proposed use does not match exactly with a use designation and does not have an equivalent use that can be applied.
- B. After the original and proposed uses have been classified, the impacts for the proposed use can be calculated. Tables A, B and C in Appendix F will be used for substitution and impact calculation.
  1. Table A includes the various project impacts and their corresponding thresholds that have been identified in the EIR. Grading, Air Quality, Residential Development, and Utility Use are shown with the corresponding maximum threshold levels identified for this Project. These thresholds were set as maximums, not to be exceeded.
  2. Table B facilitates the conversion of traffic impacts from one use to another. It includes traffic impact conversion factors for various uses and square footages. By using this table, one can assess whether use or square footage substitutions will result in a yield that exceeds the current traffic impact used in the EIR.
  3. Table C comprehensively breaks down specific use classifications and shows the current plan's traffic impacts. This table is helpful when classifying various commercial uses or comparing proposed use impacts (generated from factors in Table B) to the planned use impacts of the existing plan.
- C. Classifying Commercial Uses

Potentially, the many variations of commercial uses can be more difficult to define and classify than residential uses. For Impact assessment purposes, it will be necessary to classify the commercial use as either part of a retail center or as a stand-alone use. If more like a stand-alone use, the ITE code should be used to categorize and evaluate impacts. If the use does not match with a land use designation category, does not have an applicable equivalent use, and is not a stand-alone use, then the use in question should be categorized as “regional center.”

To help with this classification, Table C in Appendix F certain land use divisions. Additionally, the definition of a “shopping center” use is included below to further aide commercial use classification. The “shopping center use,” ITE code 820, is defined as follows:



“A shopping center is an integrated group of commercial establishments that is planned, developed, owned and managed as a unit. . . . A shopping center also provides on-site parking facilities sufficient to serve its own parking demands. . . . Over 650 shopping centers including neighborhood centers, community centers, regional centers, and super regional centers were surveyed for this land use. Some of these centers contained non-merchandising facilities, such as office buildings, movie theaters, restaurants, post office, banks, health clubs, and recreational facilities (e.g. ice skating rinks or indoor miniature golf courses). . . . Many shopping centers, in addition to the integrated unit of shops in one building or enclosed around a mall, include outparcels (peripheral buildings or pads located on the perimeter of the center adjacent to the streets and major access points). These buildings are typically drive-in banks, retail stores, restaurants, or small offices.”

The definition does not include large, stand-alone, warehouse type retail facilities (superstores). These uses are more intense than traditional shopping centers and generate more trips. Therefore, the EIR traffic analysis includes such uses separately for a more conservative analysis. (Seven of the twenty land use categories in the trip generation table are types of superstore.)

Other retail, entertainment and recreation uses in the trip generation table are uses that might also occur under a shopping center context. However, when these uses occur in a stand alone context their trip generation rates are higher. Subsequently, if the use in question acts like a stand-alone use, it can be classified as such. If not, it must be classified as a “shopping center.”

### 8.3.3 Submittal and Approval Procedures

Conversion of uses under the Equivalency Program shall occur through the following procedures:

- A. Conversion of uses shall occur by the Applicant filing a request for such action with the Planning Division of the Department of Development Services. This request shall specifically identify the exchange in land uses proposed at that time, accompanied by information which provides sufficient data to review the request, pursuant to the limitations of Section 8.3.1.
- B. The approval of the conversion of uses under the Equivalency Program shall occur under the ministerial review of the Planning Manager.
- C. Upon ministerial review, the Planning Manager must determine that the proposed conversion of land uses would not result in any environmental impacts that would be greater than those identified in the certified EIR. Should the Planning Manager determine that the environmental impacts of the proposed conversion of land uses does not exceed the environmental impacts addressed in the certified EIR, the requested exchange in land uses shall be granted. However, should the Planning Manager conclude that the proposed exchange in land uses would result in environmental impacts which are greater than those identified in the certified EIR, then the request shall be denied subject to further analyses and findings, pursuant to CEQA.

## 8.4 Financing

The Boulevards at South Bay is two discrete projects: a remediation and infrastructure project financed through a combination of public and private funds, and a private development project financed exclusively with private funds. Public financing mechanisms could include, but are not limited to, community facilities districts, tax increment funds, developer-constructed facilities in lieu of fee payment, and state and federal funding that may become available.

## 8.5 Phasing

Construction of The Boulevards at South Bay is anticipated to begin in April 2008 and be completed by the end of 2015. The Boulevards at South Bay project will be developed in coordination with implementation of the approved 1995 Remedial Action Plan (RAP) for the site approved by and subject to the oversight of the Department of Toxic Substances Control. The principal phases of construction include site preparation, implementation of the RAP, and site construction. While three construction phases are identified, it is anticipated that there would be some overlapping of activities since, the current design is for the piles that support the buildings to be integrated with the remediation cap. As construction of the building support piles is tied to user demand, this phase of construction could proceed in multiple phases. Consequently, the buildings above the support piles may also be developed in multiple phases. Subject to the approval of the Planning Officer, access and mitigation measures must be implemented so the development in each phase does not produce unforeseen impacts.

Site preparation, including mass grading, dynamic compaction, fill-and-cap foundation, rough grading and the establishment of building pads, is anticipated to begin April 2008 and last until spring of 2011. Implementation of the RAP, including the installation of the cap as well as the installation of the requisite containment, collection and treatment facilities, and also the placement of piles, is anticipated to begin in summer 2010 and last until fall of 2014. Construction of off-site improvements would begin in the winter of 2012 and end in the fall of 2013. Site construction, including the establishment of structural slabs, utility installation, building construction, roads, parking lots and landscaping, is anticipated to begin in the winter of 2011 and be completed by the end of 2015.