



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: October 9, 2012

SUBJECT: Variance No. 530-12

APPLICANT: Javier Weckmann
Tetra Tech Inc.
20400 Main Street
Carson, CA 90745

REQUEST: Variance from Noise Ordinance for construction
noise at the Boulevards at South Bay

PROPERTY INVOLVED: 20400 Main Street

COMMISSION ACTION

___ Concurred with staff

___ Did not concur with staff

___ Other

COMMISSIONERS' VOTE

AYE	NO		AYE	NO	
		Chairman Faletogo			Gordon
		Vice-Chair Verrett			Saenz
		Brimmer			Schaefer
		Diaz			Williams
		Goolsby			

ITEM NO. 11A

I. Introduction

The applicant, Tetra Tech, Inc., is requesting a variance from Section 5500 et al. (LA County Section 12.08.440B1 b) of the Noise Ordinance to allow construction noise to exceed the limits for a period up to 2 years. The City of Carson adopted the Los Angeles County Noise Control Ordinance by reference with some minor amendments. The Planning Commission approved a two year noise variance on September 23, 2008 and again on June 22, 2010. The last variance expired on September 23, 2012 therefore another variance is required. As part of the remediation and construction of the site, piles must be driven through the waste to solid ground for the construction of the buildings. The driving of piles will exceed the noise limits established in the Noise Ordinance. An Environmental Impact Report was prepared and certified for the Carson Marketplace, now known as The Boulevards at South Bay, (SCH #2005051059) which analyzed the impact of the construction noise and identified mitigation measures.

II. Background

The City of Carson approved the Carson Marketplace Specific Plan, a General Plan Amendment, and a zoning change to Carson Marketplace Specific Plan on February 8, 2006. The Carson Redevelopment Agency certified an Environmental Impact Report SCH No. 2005051059 for the project on the same date. The City Council approved a Development Agreement for the project on July 25, 2006. Amendments to the Specific Plan and the Development Agreement we approved on April 5, 2011. On May 25, 2010, the Planning Commission approved TPM No. 70372 for a two-lot subdivision splitting the landfill from the surface lot. The remediation of the site is under the direction of state Department of Toxic Substances Control. The gas collection system, the methane liner, the water treatment wells are currently being installed.

III. Analysis

The General Plan designation is Mixed-use Residential and the zoning is Carson Marketplace Specific Plan. The Boulevards at South Bay is a mixed-use project on 168 acres, with 11 acres located north of Del Amo Boulevard and the remainder located on the south side of the street. The allowed uses include up to 1,550 residential units including both for-sale units and apartments, and 1,995,125 square feet of commercial uses.

The site is located west of the I-405 San Diego Freeway, west of the I-405/Avalon Interchange, north of the Torrance Lateral, east of Main Street and the SCE lines north of Del Amo Boulevard. The area south of the Torrance Lateral is developed with single-family residences and three mobile home parks. In a separate City/Caltrans project, the I-405/Avalon Boulevard interchange was reconfigured to allow direct access into the Boulevards at South Bay Project, a southbound on-ramp was built, improvements were made to the other two ramps,



Avalon Boulevard was widened to add a lane under the overpass, and the overpass on I-405 was widened at 213th Street.

The Operation Center which is currently under construction, will house the methane gas collection and treatment equipment, the gas flares and the water treatment systems. There will be a building which will be used for offices for on-site employees and a conference room which will be used for public presentations on the treatment systems and how they protect the residences, shoppers and employees. The remediation systems are expected to be completed in the Operation Center in October, 2012. The gas collection system and the water treatment systems are expected to be operational by year end. Except for the piles driven for the Operations Center, the current construction does not exceed the allowable limits in the City's Noise Ordinance. The piles for the Operations Center took approximately 2 weeks to install in July/August, 2010. There were no noise complaints from the installation of the piles even though the piles were driven adjacent to the southern property line near residences.

Since the site is a former landfill, all of the foundations, light poles and other large structures must be on piles which will be driven through the waste to the solid ground below. This will stabilize the buildings and structures. The driving of piles will exceed the allowed decibel levels which are established by the Noise Ordinance. The driving of piles for the structures is expected to begin in 2013.

Before the driving of piles begins, the adjacent residents will be notified and a special meeting will be held with the residents to inform them of the upcoming work. Notices of the work will also be mailed or delivered to everyone within ¼ mile of the site. A Mitigation Monitor oversees the construction to assure that all mitigation measures are being met and that any complaints from nearby residents are being addressed.

The noise from the pile driving was analyzed as a construction impact in the EIR. The ambient noise levels were measured at four different locations. The noise measurement levels located near two of the mobile home parks was 72.2 dBA and 73.8dBA. These noise levels exceed the City of Carson's exterior noise standard limits for sensitive receptors (i.e. homes and mobile homes) and are considered "normally unacceptable" based on the City's community noise/land use compatibility criteria. These noise levels are consistent with noise levels identified in the General Plan EIR for similar noise measurement locations along the major arterials or freeways.

According to the EIR, construction equipment, including pile drivers, would produce maximum noise levels of 74 dBA to 101 dBA at a reference distance of 50 feet from the source. Using the industry standard sound attenuation rate of 6 dB per doubling of distance from point source, a noise level of 101 dBA at a distance of 50 feet would be about 95dBA at 100 feet and 89 dBA at 200 feet. Actual measurements taken while equipment was performing work, indicate that active noise levels are typically 2 to 15dBA less than maximum noise levels. In addition, the impact noise associated with pile driving would be substantially reduced due to the lower density of material on site (i.e. trash with soil cover

versus compact soils with rock). When pile driving occurs in the southern and western sections of the project site, nearby residences could experience short duration, high impulse noise levels of 97.5 dBA and 96.5 dBA respectively.

The EIR required mitigation measures for the noise impacts. A Noise Management Plan was required to be submitted. The plan was submitted and is located on the city's website under the Boulevards at South Bay Project. The EIR also required the following noise control measures be implemented at the site:

- All construction activities must be limited to the hours of 7:00am through 6:00pm, Monday through Saturday. No construction activities will occur at anytime on Sundays or city, state or federal holidays;
- Noise generating equipment operated at the project site shall be equipped with effective noise control devices (i.e. mufflers, intake silencer, lagging, and/or engine enclosures;
- All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated;
- Pile drivers used within 1,500 feet of sensitive receptors shall be equipped with noise control techniques (e.g. use of noise attenuation shields or shrouds) having a minimum quieting factor of 10 dBA;
- Effective temporary sound barriers shall be used and relocated, as needed, whenever construction activities occur within 150 feet of residential property, to block line-of-site between the construction equipment and the noise-sensitive receptors (i.e. residential uses located on the west and south of the project site);
- Loading and staging areas must be located on-site and away from the most noise sensitive uses surrounding the site;
- An approved haul route authorization that avoids noise-sensitive land uses to the maximum extent feasible; and
- A Construction Relations Officer shall be designated to serve as a liaison with residents, and a contact telephone number shall be provided to residents.

A project hotline [(866) 928-4566 or (310) 956-5942] has been established and advertised in the surrounding neighborhoods so that neighbors have a point-of contact. A noise monitoring program is in place. The primary purpose of the noise monitoring program is to help ensure that safe conditions are being maintained for onsite workers, to guide the selection of hearing protection devices and noise mitigation measures, and to prevent nuisance noise levels above City Noise Ordinance levels in the surrounding community during construction work.

The objectives of the program are to:

- Monitor the on-site noise levels for all different site operations to know if hearing protection or other noise mitigation measures are necessary;
- Monitor the noise levels at the site perimeter during construction activities to determine if noise mitigation measures are necessary; and
- Document ambient noise levels at the site perimeter before construction activities commence so that the impact of construction activities can be determined to address noise concerns about the project.

The mitigation measures listed above would reduce the noise levels associated with construction activities to some extent, however, these activities would continue to increase the daytime noise levels at nearby noise-sensitive uses (the single-family residences and mobile homes) by more than the 5 dBA significance threshold. As such, noise impacts during construction would be considered significant and unavoidable. Furthermore, noise impacts during pile driving were concluded to be significant due to the frequency with which this impact is going to occur and the circumstance in which this impact cannot be mitigated given the construction techniques that are required for the project site.

As part of the EIR certification, a Statement of Overriding Considerations was recommended by the Planning Commission and adopted by the Carson Redevelopment Agency. The Statement acknowledges that there will be noise impacts during construction that will be adverse. The Carson Redevelopment Agency found that the benefits of the Project outweigh the unavoidable adverse environmental effects and found that the unavoidable adverse impacts were acceptable.

Section 5500 et al. (LA County Section 12.08.580) of the Noise Ordinance establishes a procedure whereby an applicant can apply for a variance from the Noise Ordinance for a period of up to 2 years. A variance may be granted only if the Commission makes the following findings:

- “1. Additional time is necessary for the applicant to alter or modify its activity, operation or noise source to comply with this Chapter; or
2. The activity, operation or noise source cannot feasibly be done in a manner that would comply with the provisions of this Chapter, and no reasonable alternative is available to the applicant.”

The construction on this site is unique in that the site must be remediated and all the buildings and structures must be on piles in order to safely build on a former landfill. Even though all feasible mitigation measures will be implemented and the city and construction team are sensitive to the impacts to the adjacent residents,



a variance from the Noise Ordinance is necessary in this case. The Statement of Overriding Considerations included in the adoption of the EIR recognizes the unique circumstances associated with the construction of this site and the unavoidable adverse impact. As such, a determination was made that the high noise levels were necessary to allow the project to advance.

There will be approximately 6500 piles used for the project. The amount of time that the pile driving operation will be adjacent to the residential neighborhoods will be approximately 2½ to 3 months. As the pile driving moves further north the impact on the adjacent community will lessen. The Noise Ordinance allows hours of operation to be 7 AM to 8 PM Monday through Saturday with no work on Sunday or holidays. The certified EIR for the project, however, limits the hours to 7 AM to 6 PM Monday through Saturday with no work on Sunday or city, state and federal holidays.

IV. Environmental Review

Draft Environmental Impact Report (EIR) SCH No. 2005051059 was prepared to analyze the impacts of the Carson Marketplace Project (The Boulevards at South Bay). The Carson Redevelopment Agency certified the EIR in February, 2006. This variance was anticipated in the Statement of Overriding Considerations.

V. Conclusion

Staff recommends approval of Variance No. 530-12 to allow construction to proceed as anticipated in the Carson Marketplace Specific Plan and EIR.

VI. Recommendation

The Planning Commission:

- WAIVE further reading and ADOPT Resolution No.____, entitled "A Resolution of the Planning Commission of the City of Carson approving Variance No. 530-12 allowing the construction noise from the Boulevards at South Bay to exceed Section 5500 et al. (LA County Code Section 12.08.40B1 b) of the Noise Ordinance located at 20400 Main Street (The Boulevards at South Bay)."

VII. Exhibits

1. Draft Resolution of the Planning Commission

Prepared by: _____
Chris Ketz, Consultant

Approved by: _____
Sheri Repp Loadman, Planning Officer



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING VARIANCE NO. 530-
12 ALLOWING THE CONSTRUCTION NOISE FROM THE
BOULEVARDS AT SOUTH BAY TO EXCEED SECTION
5500 ET AL. (LA COUNTY CODE SECTION 12.08.40B1 b)
OF THE NOISE ORDINANCE LOCATED AT 20400 MAIN
STREET**

**THE PLANNING COMMISSION OF THE CITY OF CARSON HEREBY FINDS,
RESOLVES AND ORDERS AS FOLLOWS:**

Section 1. An application was duly filed by the applicant, Tetra Tech, Inc. with respect to the real property located at 20400 Main Street, Carson, California. The area is shown in Exhibit "A" attached hereto. The application requests approval of Variance No. 510-12. The property is currently undergoing remediation of the 157 acres landfill under the direction of the Department of Toxic Substances Control (DTSC). The 11 acres north of Del Amo Boulevard is not on landfill.

Section 2. A duly noticed public hearing was held on October 9, 2012 at 6:30 P.M. at the City Hall Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place and purpose of the aforesaid meetings was duly given.

Section 3. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 4. The Planning Commission finds that:

- a) The General Plan Land Use Map designates the area for mixed-use residential use. The zoning is Carson Marketplace Specific Plan. The proposed use will be a mixed use commercial/residential project. There will be 1.25 million square feet of commercial use, 1550 residential units and 300 hotel rooms. The proposed use is in conformance with the General Plan and Zoning.
- b) Carson Marketplace Specific Plan No. 10-05 was approved on February 8, 2006, Ordinance No. 06-1341 and amended on April 5, 2011 Ordinance No. 11-1469.
- c) Section 5500 et al. (LA County Code Section 12.08.580) of the Carson Noise Ordinance gives the authority to the Planning Commission to grant a variance from the requirements of this Chapter for a period not to exceed two years, subject to terms, conditions and requirements as may be reasonable under the circumstances.
- d) The Carson Redevelopment Agency certified the Carson Marketplace Final Environmental Impact Report (State Clearinghouse No.



2005051059), adopted the Statement of Overriding Considerations and the Mitigation Monitoring and Reporting Program on February 8, 2006.

- e) The Statement of Overriding Considerations acknowledges that there will be noise impacts during construction that will be adverse. The Carson Redevelopment Agency found that the benefits of the Project outweigh the unavoidable adverse environmental effects and found that the unavoidable adverse impacts were acceptable.
- f) The construction on this site is unique in that the site must be remediated and all the buildings and structures must be on piles in order to safely build on a former landfill. Even though all feasible mitigation measures will be implemented a variance from the Noise Ordinance is necessary in this case.
- g) Additional time is necessary for the applicant to complete this phase of the construction and remediation.
- h) The activity, operation or noise source cannot feasibly be done in a manner that would comply with the provisions of Noise Ordinance, and no reasonable alternative is available to the applicant.

Section 5. Based on all evidence presented at the meeting and the aforementioned findings, the Planning Commission hereby adopts Variance No. 530-12, subject to the conditions set forth in attached Exhibit B.

Section 6. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

Section 7. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

PASSED, APPROVED AND ADOPTED THIS 9th DAY OF OCTOBER, 2012.

PLANNING COMMISSION CHAIR

ATTEST:

SECRETARY



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
VARIANCE NO. 530-12

GENERAL CONDITIONS

1. If the variance is not used within two years of its effective date, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
3. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
4. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
5. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
6. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceedings against the City or its agents, officers, or employees to attack, set aside, void or annul, an approval of the City, its advisory agencies, appeal boards, or legislative body concerning Variance 530-12. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

7. The variance shall become effective the first day October 9, 2012 and shall be in effect two years from that date.

NOISE MITIGATION

8. All construction activities must be limited to the hours of 7:00am through 6:00pm, Monday through Saturday. No construction activities will occur at anytime on Sundays or city, state or federal holidays.
9. Noise generating equipment operated at the project site shall be equipped with effective noise control devices (i.e. mufflers, intake silencer, lagging, and/or engine enclosures.
10. All equipment shall be properly maintained to assure that no additional noise, due to worn or improperly maintained parts, would be generated.
11. Pile drivers used within 1,500 feet of sensitive receptors shall be equipped with noise control techniques (e.g. use of noise attenuation shields or shrouds) having a minimum quieting factor of 10 dBA.
12. Effective temporary sound barriers shall be used and relocated, as needed, whenever construction activities occur within 150 feet of residential property, to lock line-of-site between the construction equipment and the noise-sensitive receptors (i.e. residential uses located on the west and south of the project site).
13. Loading and staging areas must be located on-site and away from the most noise sensitive uses surrounding the site as determined by the Building and Safety Division of the Department of Development Services.
14. An approved haul route authorization that avoids noise-sensitive land uses to the maximum extent feasible.
15. A Construction Relations Officer shall be designated to serve as a liaison with residents, and a contact telephone number shall be provided to residents.

BUSINESS LICENSE DIVISION

16. Per Section 6310 of the Carson Municipal Code all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.

