



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: November 12, 2019

SUBJECT: Revised Design Overlay Review (DOR) No. 1743-18
 Revised Tentative Tract Map (TTM) No. 82395-18
 Revised Specific Plan 2017-18

APPLICANT: Brandywine Homes, Inc.
 16580 Aston
 Irvine, CA 9606

PROPERTY OWNER: City of Carson
 701 East Carson Street
 Carson, CA 90745

REQUEST: Consider approval of Design Overlay Review No. 1743-18, and Tentative Tract Map No. 82395-18, and recommend that the City Council adopt Revised Specific Plan 2017-18 and Amended Mitigated Negative Declaration to develop a 36-unit townhome project on a 1.57-acre project site at 1007 East Victoria Street.

PROPERTY INVOLVED: 1007 East Victoria Street

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairman Pimentel			Palmer
		Vice-Chair Cainglet			Rahman
		Fe'esago			Rashad
		Madrigal			Valdez
		Mitoma			Alt. Diaz Alt. Hellerud Alt. Zuniga

I. Introduction

Property Owner
City of Carson
701 East Carson Street
Carson, Ca 90745

Representative
Alex Hernandez
Brandywine Homes, Inc.
(949) 296-2400
alex@brandywine-homes.com

Applicant
Brandywine Homes, Inc.
16580 Aston
Irvine, Ca 92606

II. Project Description

On May 28, 2019, the Planning Commission approved Design Overlay Review No. 1743-18 and Tentative Tract Map No. 82395-18, and recommended that the City Council adopt Specific Plan 4-93 Revision No. 3 and Mitigated Negative Declaration to develop a 38-unit townhome project.

On June 18, 2019, the City Council remanded the item back to the Planning Commission and directed the applicant to work with the community to address opposition to ingress/egress from Cedarbluff Way, color scheme revision and building height reduction.

The applicant has redesigned the proposed project by changing ingress/egress from Cedarbluff Way to Victoria Street; modifying the color palette; and lowering the building height for all structures. The redesign and modification also reduced the number of units from 38 to 36 townhomes (Discussed in greater detail in Site Plan section).

The applicant requests the approval of Revised Design Overlay Review No. 1743-18 and Revised Tentative Tract Map No. 82395-18; and recommendation of approval to the City Council for Revised Specific Plan No. 4-93 Revision No. 3 and certification of Amended Mitigation Negative Declaration to develop a new 36-unit townhome residential development and related site improvements.

Project Site and Surrounding Land Uses

The project site is located along the northern edge of the City of Carson, on the north side of East Victoria Street, between South Avalon Boulevard and South Central Avenue, directly across from California State Dominguez Hills. The following provides a summary of the site information:

Site Information	
General Plan Land Use	Existing: High Density Residential (up to 25 DU/ac) Proposed: No Changes to General Plan Land Use
Zone District	SP-4 Dominguez Hills Specific Plan (up to 25 du/acre) Proposed: Brandywine Specific Plan zone (up to 25 du/ac);
Site Size	~69,696 SF (or 1.57 acres)
Present Use and Development	Vacant
Surrounding Uses/Zoning	North: Specific Plan – Single-Family Residential South: California State University Dominguez Hills. East: Specific Plan – Single-Family Residential West: Single-Family Residential

Previously Approved Discretionary Permits

The project site was previously mapped as Lot 11 of Tract No. 52103, as a part of SP 4-93.

Public Safety Issues

None.

III. Analysis

Background

The project site is a vacant lot designated as Lot 11 in the existing Dominguez Hills Village Specific Plan (SP-4). The original Specific Plan was designed for residential, child care, neighborhood retail, industrial and open space uses, and allowed for a maximum buildout of 893 residential units. Since its development in 1996, Dominguez Hills Village has evolved into what are now solely residential uses, built out to only 574 residences ranging from condominiums to single-family products. This transition from the original plan of varied uses to purely residential uses has created the appropriate environment for the proposed 36-unit townhome development. The development aligns with the existing uses within the Specific Plan and does not exceed the original proposed buildout of 893 residential units.

Under the original approved Specific Plan, Lot 11 was designated for a 1.6-acre child care center to be developed by K. Hovnanian at Dominguez Hills, Inc. (K. Hovnanian). On February 23, 2007, a Grant Deed (the Deed) was recorded granting The Community Development Center, Inc. (CDC) ownership to the subject property. The Deed was subject to an Executory Limitation which provided the City of Carson (the City) Power of Termination and Right of Re-entry should CDC violate the terms and conditions set forth in the Deed. A condition of the Deed held CDC responsible for the development and use of the subject property as a child care center and related educational facility. The child care facility was to be operative until the relinquishment date set for December 31, 2016. CDC violated the Executory Limitation by neglecting to develop Lot 11 with a childcare facility, and in 2017, a dispute involving the title to the subject property emerged between the City and CDC where the City exercised a power of termination.

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

Brandywine Homes submitted their entitlement applications in October of 2018 to begin the review of their proposed 38-unit townhome (revised to 36 units) residential development to be constructed on Lot 11 in the Dominguez Hills Village Specific Plan.

Use

Current Improvements

The 1.57-acre site is currently vacant with no existing structures.

Proposed Improvements

Construct a 36-unit residential townhome community with on-grade parking, landscaping, and other associated improvements.

Buildings and Architecture

The residential buildings and associated improvements were designed with a strong and appropriately scaled framework of architectural and landscape elements. The building mass and landscaping throughout the project site are designed to create a sense of unity within on-site elements and with off-site elements, particularly with the existing residential community within the same Specific Plan. High-quality features are proposed through site design (i.e. building orientation and screening), architecture (i.e. mass, scale, form, style, material, and color), and streetscape elements (i.e. lighting and paving materials).

The proposed three-story townhome project consists of six (6) three-story buildings, with each building containing four to seven units, for a total of 36 residential units. There are five different floor plan types, ranging from 2 bedrooms to 4 bedrooms. The units range in size from 1,228 to 1,876 square feet. See development plans (Exhibit 1).

The project architecture is reflective of a "Farmhouse" style that is unique to the surrounding area but utilizes architectural elements that will allow the development to be in harmony with the existing community. The proposed building has a maximum height of 35 feet. The building exterior includes vertical and horizontal

elements that break up the overall massing and provide visual interest. The exterior building colors will include a variety of neutral earth tones (beige, brown, taupe, and blue), while the exterior building materials will include composite shingle roofing, stucco, fiber cement trim and sliding, metal garage doors, wood railings, decorative shutters, light fixtures, and vinyl shutters.

Elevations



Site Plan

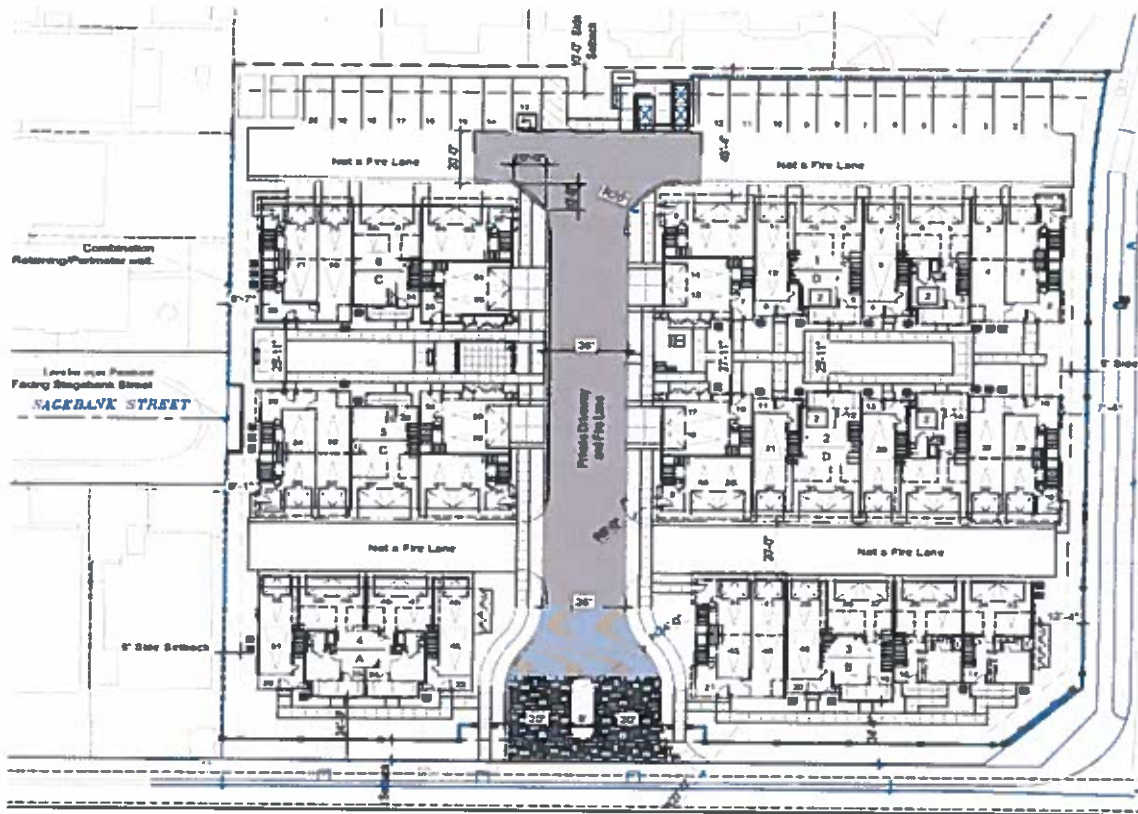
The 1.57-acre project site will consist of 36 residential townhome units organized among six (6) separate buildings, resulting in a project density of 22.9 units per acre. The project includes 25,879 square feet of open space, including 3,924 square feet of private open space (patios and balconies), and 16,578 sf of common open space, including a bbq, play area and pocket park.

The site plan was redesigned to address the concerns of the residents. One of the primary concerns was the ingress/egress point from Cedarbluff Way. The new site plan relocates the entry point to Victoria Street on the southern perimeter. Per the City Traffic Engineer, the applicant will restripe Victoria Street thereby adding a deceleration lane that will allow for safe ingress/egress movements and paint curbs red on both east and west sides of the entrance for a distance of 20'-30' feet. In response to concerns over building height the applicant has lowered all building pad grades (2' to 4') to reduce the overall building heights. Guest parking spaces were relocated to the northern perimeter of the subject property thereby creating a 48' setback from Dominguez Hills Village properties. The parking lot will be 8' below the existing block wall that separates the proposed development from the existing Dominguez Hills Village properties.

Additional concerns over safety prompted the request for a gated residential development. LA County Department of Public Works design guidelines (Attachment D), requires a 50' minimum setback from entry kiosk to public right of way making the option impractical. The redesigned site plan provides an enhanced entry with

pedestrian portals, wider divided drive aisle, landscaped median, overhead trellis structures and enhanced materials.

Site Plan



Open Space, Landscaping and Fencing

Private Open Space

Carson Municipal Code (CMC) Section 9128.15 mandates private open space requirements. Each unit includes a balcony and/or patio providing individual private outdoor open space ranging from approximately 77 to 176 square feet per unit thereby meeting the CMC requirement.

Common Open Space

The proposed common open space/amenities will be centrally located between buildings 1 and 2, and buildings 5 and 6. They will include approximately 16,578 square feet of publicly accessible landscaped area, with an outdoor picnic table and lawn seating, a free standing BBQ, turf lawn, a shade structure, waste receptacles, and a bike rack for temporary bicycle parking. Additional amenities will be provided to accommodate for children and pets.

Landscaping

The proposed landscaping plan features a water efficient design and several different plant species across the project site. The lush landscaping includes an abundance of evergreen trees and drought tolerant botanicals, as well as a mix of trees, shrubs, and ground cover, and fruitless olive trees, "little gem" magnolia, shoestring acacia, Brisbane box trees, strawberry trees, Australian willow,

paperback melaleuca, and Italian cypress. Agave, aloe, and coyote brush will be utilized to provide screening along all property lines and screening for the adjoining single-story residences to the north and west, and screening from the public right-of-way on Victoria Street and Cedarbluff Way. In addition, all planting and irrigation shall comply with the applicable State's Model Water Efficient Landscape Ordinance (Exhibit 2).

Block Walls and Gates

On the Dominguez Hills Village side, there is an existing six-foot (6') high wall along the northern boundary that will be protected in place. In addition, a new six-foot 6' high wall will be installed on the subject property as both a decorative and retaining wall on the northern perimeter. A new six-foot high slump block masonry wall with a two-inch (2") high slump cap will be installed along the majority of the western boundary and portions of the southern boundary. A six foot (6') high slump block masonry wall will be installed along the southern boundary with an enhanced entry featuring pedestrian portals, monument signage, and enhanced planting.

Access and Parking

All vehicular and pedestrian Ingress/egress will take place from Victoria Street. All residential units include attached garages accessed from the main driveway. Visitor parking is located to the rear of all residential units, along the northern property line and accessed from the main driveway. All residential and guest parking spaces will be screened from public view. There are no internal vehicular streets other than the minimal access into the residents parking garages. The proposed project includes a total of 92 parking spaces: 72 resident spaces and 20 guest parking spaces.

Subdivision

One existing lot will be subdivided into 36 townhome units, ranging in size from approximately 1,228 to 1,876 square feet. The subdivision also sets aside common lots for open space, a private driveway and fire lane.

Tentative Tract Map No. 82395-18 was reviewed by LA County Department of Public Works and resulted in the issuance of a letter dated March 18, 2019 with recommended preliminary conditions for final map approval; however, the letter further states that details and notes shown on the tentative map are not necessarily approved, and due to concerns about sewer capacity and incomplete sewer and hydrology studies, the County has deferred recommendation of tentative map approval until a sewer capacity and hydrology study have been thoroughly conducted and demonstrates that the project site will have adequate sewer capacity and meets water quality requirements. In lieu of cancellation or postponement of the Public Hearing to allow time for the applicant to obtain the required approvals, the applicant has drafted a Revised Indemnification Agreement (Attachment A) requesting that the City allow the Public Hearing to proceed as scheduled, and that final action on the outstanding items subject to the holds be deferred until the time of consideration of Final Map, except that any approval of the Tentative Map by the Commission may be conditioned in any manner deemed necessary. The Indemnification Agreement was reviewed by the City of Carson Planning and Public Works Staff, Los Angeles County Public Works Staff, and the City Attorney's Office,

and has been deemed adequate in indemnifying all parties involved in reviewing the project entitlements.

Specific Plan

Specific plans are planning tools included in state law that allow cities to adopt different development standards than those in a specific zone. The implementation of the project requires different development standards than those included in the SP-4 zone; therefore, the applicant proposes the Revised Brandywine Specific Plan (Exhibit 2). The following provides development standards outlined in the Revised Brandywine Specific Plan:

Brandywine Specific Plan Zoning Regulations

LOT 11: HOUSING TYPE D DEVELOPMENT STANDARDS		
Topic	Standard	Source^{1,2}
Minimum Lot Area	5,000 sf	Zoning Ordinance §9125.2
Street Access	Primary access via Victoria Street.	SP 4-93, SPA No. 3
Driveway Widths, Approaches, and Sight Distance	Main drive aisle – 26 ft. Alley drive aisle- 26 ft. with 20 ft. choker at intersection with Main drive aisle; 20’ ft. if non-fire lane location; min backup distance 26’	SP 4-93, SPA No. 3
Roadway Landscape	15 ft landscape easement along west side of Cedarbluff Way	SP 4-93, Page V-92 Planning Standards – b)
Minimum Lot Width (Corner Lot)	55 ft	Zoning Ordinance §9125.4
Street Frontage	50 ft	Zoning Ordinance §9125.3
Maximum Lot Coverage	60%	SP 4-93, Page V-92 Descriptive Summary – d)
Minimum Building Setback Requirements Front Yard Side Yard Rear Yard	8 ft for 3-story 5 ft for 3-story 10 ft for 3-story	SP 4-93, SPA No. 3 SP 4-93, SPA No. 3 SP 4-93, SPA No. 3
Maximum Allowable Density	22.9 du/ac	SP 4-93, SPA No. 3
Maximum Structure Height	3 stories/35 ft	SP 4-93, SPA No. 3
Minimum Space Between Buildings	10 ft between buildings 20 ft front-to-front buildings	Zoning Ordinance §9126.27

LOT 11: HOUSING TYPE D DEVELOPMENT STANDARDS

Topic	Standard	Source ^{1,2}
Minimum Private Storage	200 cubic feet of lockable storage space per unit	Zoning Ordinance §9128.15 & §9128.54
Minimum Private Open Space Per Unit	77 sf Such space shall have a configuration that would allow a horizontal rectangle or square of a minimum seventy-seven (77) square feet in area and a minimum dimension of five (5) feet eight (8) inches [5'-8] to be placed in said space.	SP 4-93, SPA No. 3
Minimum Common Space Per Unit & Recreational Facilities	140 sf + amenities	SP 4-93, Page V-53 Open Space and Recreation Plan Standards – i)
Parking Spaces	2 covered spaces per unit and ½ guest space per unit	SP 4-93, SPA No. 3
Garage Parking Spaces	Unobstructed minimum interior dimension of 20 ft in width by 20 ft in length.	Zoning Ordinance §9162.41
Garage Parking – Tandem Spaces	Unobstructed minimum interior dimension of 10 ft in width by 37 ft in length.	SP 4-93, SPA No. 3
Trash Storage, Enclosures	For residential facilities of more than 12 units, trash areas shall be provided as follows: a. If individual trash areas are provided, the individual trash areas shall be at least 3 ft by 4 ft for each unit, and there shall be 1 additional area of at least 4½ ft by 6 ft. b. If a common trash area is provided, the common trash area shall be at least 4½ ft by 15 ft with an additional 5 sf of trash area for each unit over 13.	Zoning Ordinance §9164.2.C.3
<p>Legend: ft = feet; sf = square feet; du = dwelling unit; ac = acre</p>		

LOT 11: HOUSING TYPE D DEVELOPMENT STANDARDS		
Topic	Standard	Source ^{1,2}
Sources:		
1. Specific Plan 4-93 as amended through Specific Plan Amendment No. 2 (Ordinance No. 99-1170, September 7, 1999)		
2. Carson Municipal Code, Article IX, Planning and Zoning (Zoning Ordinance)		

The project applicant has taken into consideration the development's proximity to the adjacent properties to the north and to the west. Building heights are set to a maximum of 35 feet due to the grade difference between the lots. As a measure of privacy, the applicants have designed the buildings closest to the existing residences to include high windows on the elevations that are most affected by the privacy concerns. In addition to high windows, the site is also designed to incorporate an abundance of landscaping along the perimeters of the project site to help screen the development from neighboring properties and to provide a measure of noise mitigation.

The proposed project will have its own Specific Plan with separate development standards and amenities, and the community will have its own Homeowner's Association. The project applicant will make clear in the proposed CC&R's that residents and future residents of the development will not have the rights to utilize the existing amenities and recreation areas in Dominguez Hills Village community.

IV. Discussion

CFD/DIF Agreement

Brandywine Homes (the applicant) will enter into an Agreement for Development Impact Fees and Community Facilities District participation with the City and will comply with all its requirements. In accordance with this agreement, the applicant will be responsible for payment of one-time impact fees of \$14,000/dwelling unit. The Project contemplates a 36-unit residential townhome project. Based on the number of proposed dwelling units of the Project, Developer will be responsible for development impact fees in the amount of \$504,000 (DIF Amount), provided that the Project increases or decreases in size, the DIF Amount will be adjusted accordingly at the same rate. No building permits will be issued prior to the full payment of the DIF Amount.

City adopted CFD 2018-01 to finance the ongoing costs of the following: law enforcement, street and sidewalk maintenance, landscape maintenance, street sweeping and sidewalk cleaning, and other eligible impacts of the Project within the CFD (the CFD Services). The applicant has agreed to and shall participate in the CFD No 2018-01 for these purposes so as to offset the ongoing impacts of the Project (the CFD Benefits), in accordance with the CFD Cost Allocation attached as Exhibit "A" to the Agreement for Development Impact Fees and Community Facilities District Participation.

V. Environmental Review

The City reviewed the environmental impacts of the proposed project pursuant to the California Environmental Quality Act (CEQA). A Draft Mitigated Negative Declaration (MND) was prepared and made available for a public review period from April 26, 2019 through May 26, 2019. The Draft Mitigated Negative Declaration found potentially less than significant impacts of aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, and utilities and service systems. With the inclusion of the proposed mitigation measures, adverse impacts are mitigated to the maximum extent feasible and below a level of significance.

A Memorandum to the IS/MND has been prepared explaining the nature of the project changes since its circulation for public review of the Draft IS/MND. The Memorandum focuses on the revised site plan's potential impacts on air quality, noise, and traffic analyses. (Attachment C.)

VI. Public Notice and Community Outreach

On October 31, 2019, the public notice was posted to the project site. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

From August 1, 2019, to October 9, 2019, the applicant had a total of seven (7) meetings, workshops and/or has gone door to door (Attachment E) to meet with the residents of Dominguez Hills Village and Stevenson Village to discuss their concerns per the direction of the City of Carson City Council.

On March 27, 2019, the applicant hosted a community meeting with the adjacent property owners and occupants. The community meeting was held at the Stevenson Park Community Center in Carson.

VII. Recommendation

That the Planning Commission:

- **APPROVE** Revised Design Overlay Review No. 1743-18, and Revised Tentative Tract Map No. 82395-18 subject to the conditions of approval attached as Attachment "B" to the Resolution and contingent upon City Council approval of, Revised Specific Plan 2017-18 and Amended Mitigated Negative Declaration; and
- **RECOMMEND APPROVAL** Revised Specific Plan 2017-18 and Amended Mitigated Negative Declaration and adoption of the Amended Mitigated Negative Declaration for the Project to the City Council; and
- **WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 19-___**, ENTITLED "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING REVISED DESIGN OVERLAY REVIEW NO. 1743-18, REVISED TENTATIVE TRACT MAP NO. 82395-18, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT REVISED SPECIFIC PLAN 2017-18 AND AMENDED MITIGATED NEGATIVE DECLARATION TO DEVELOP A 36-UNIT RESIDENTIAL

TOWNHOME PROJECT ON A 1.57-ACRE PROJECT SITE AT 1007 EAST VICTORIA STREET.”

VIII. Exhibits

1. Revised Development Plans
2. Revised Specific Plan

IX. Attachments

- A. Amendment No. 1 to Indemnification Agreement
- B. Revised Draft Resolution and Revised Conditions of Approval
- C. Amended Mitigated Negative Declaration
- D. LA County DPW Design Guidelines
- E. Community Meetings
- F. Planning Commission Staff Report Dated May 28, 2019
- G. City Council Staff Report Dated June 18, 2019

Prepared by: Ignacio Rincon, Senior Planner

**AMENDMENT NO. 1 TO INDEMNIFICATION AGREEMENT BETWEEN
THE CITY OF CARSON AND BRANDYWINE HOMES, INC.**

THIS AMENDMENT NO. 1 TO INDEMNIFICATION AGREEMENT (herein "Amendment") is made and entered into this ____ day of November, 2019, by and between the CITY OF CARSON, a California municipal corporation ("City") and BRANDYWINE HOMES, INC., a California Corporation ("Applicant"). City and Applicant are sometimes hereinafter individually referred to as a "Party" and collectively as the "Parties."

RECITALS

WHEREAS, on September 27, 2018, Applicant submitted an application to the City for development of a 38-unit condominium complex located at 1007 E. Victoria Street in the City, which project is known as the Brandywine Residential Project ("Project"); and

WHEREAS, the Project, among other entitlements, required approval by the City's Planning Commission ("Commission") of a Tentative Tract Map, identified as TTM No. 82395, for subdivision of an existing parcel into a 38-unit condominium subdivision (the "Tentative Map"), and ultimately approval of a Final Map by the City Council; and

WHEREAS, in accordance with the City's normal practices and procedures and applicable laws, rules and regulations, the Applicant was and is required to submit completed sewer and hydrology studies for the Project ("Studies") to the City, to be reviewed and approved by the City Engineer and the County of Los Angeles, Department of Public Works ("County"), but the City Engineer's determination on compliance with water quality standards shall occur no later than the building permit stage; and

WHEREAS, on March 18, 2019, the County provided a report to the City based on its second review of the Tentative Map (the "Report"). The Report recommended that the Tentative Map not be approved until certain additional information/documentation is submitted and modifications made, including but not limited to submission or completion of the Studies and compliance with any water quality requirements as determined by the City. The Report also recommended certain conditions of approval to be imposed in connection with any approval of the Tentative Map. Applicant was immediately informed of the Report and its contents; and

WHEREAS, as of the Commission's scheduled hearing date of May 14, 2019, which was continued to May 28, 2019 (the "Project Hearing"), there were unfulfilled requirements related to the Studies and other items set forth in the Report, and Applicant had not met all applicable water quality requirements as determined by the City Engineer, and as such, Applicant had not obtained the necessary approvals from the City Engineer or the County (collectively the "Holds"); and

WHEREAS, the Commission generally will not consider or act upon a tentative map for a residential project unless and until, among other things, completed sewer and hydrology studies have been submitted by the applicant and approved by the City Engineer and County, although the City Engineer's determination on compliance with water quality standards shall occur no later than the building permit stage; and

WHEREAS, in lieu of the cancellation or postponement of the Project Hearing to allow time for Applicant to obtain the required approvals of the City Engineer and the County and to thereby remove the Holds, Applicant and City entered into an Indemnification Agreement, effective May 23, 2019, whereby City agreed to allow the Project Hearing to proceed as scheduled, and agreed that final action on the items subject to the Holds would be deferred until the time of consideration of the Final Map, except that any approval of the Tentative Map by the Commission may be conditioned in any manner deemed necessary by the Commission, including but not limited to with respect to the Holds, and Applicant agreed to indemnify the City for all claims and liabilities that may arise from such consideration or approval notwithstanding the Holds, subject to and in accordance with the terms of the agreement (the “Indemnification Agreement”); and

WHEREAS, the Commission conducted the Project Hearing on May 28, 2019 (after it was continued from May 14, 2019), and upon its conclusion adopted Planning Commission Resolution No. 19-2668, approving the Tentative Map (as well as a site plan/design overlay review and recommendation of approval of a specific plan amendment) subject to the terms and conditions set forth in said resolution. However, the Planning Commission’s approvals never took effect, because they were subject to City Council approval of said specific plan amendment. The City Council considered said specific plan amendment on June 18, 2019, but did not approve it. Instead, the City Council requested modifications to the Project, including but not limited to providing for access via Victoria Street and providing for the existing parcel to be subdivided into 36 condominium units instead of 38; and

WHEREAS, on September 25, 2019, the Applicant submitted a revised application providing for certain modifications based on the City Council’s requests, including without limitation providing for access to the Project via Victoria Street and providing for subdivision into 36 units instead of 38 (the “Revised Project”); and

WHEREAS, the Revised Project, among other things, requires Commission approval of a revised Tentative Map (“Revised Tentative Map”), and ultimately approval of a Final Map by the City Council; and

WHEREAS, a public hearing for the Commission to consider the Revised Project, including the Revised Tentative Map, has been scheduled for November 12, 2019 (the “Revised Project Hearing”), and the Holds remain in effect; and

WHEREAS, based on the foregoing, the Parties desire to amend the Indemnification Agreement to expand its scope to include the Revised Project and the Revised Project Hearing.

OPERATIVE PROVISIONS

NOW, THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the Parties agree as follows:

1. Recitals. The foregoing recitals are true and correct, and are incorporated herein by reference.
2. Amendment to Section 2. Section 2 (“Hearing”) of the Indemnification Agreement is hereby amended to add the following as a new second paragraph:

“City agrees that it will not cancel or postpone commencement of the Revised Project Hearing on the basis of the Holds. However, the City reserves the right to cancel or postpone the Revised Project Hearing for any other reason.”

3. Amendment to Section 3. Section 3 (“Indemnification”) of the Indemnification Agreement is hereby amended to read in its entirety as follows (additions in *bold italics*, deletions in ~~strikethrough~~):

a. To the full extent permitted by law, Applicant agrees to defend, indemnify and hold harmless City and each of its elected and appointed officers, agents, employees, and representatives (“Indemnitees”):

i. From and against any and all actions, proceedings, claims, damages, losses, costs, penalties, obligations, errors, omissions, forfeitures, and liabilities, whether actual or threatened (“Claims and Liabilities”), against Indemnitees arising from or related in any way to the Commission’s *or the City Council’s* consideration of or action upon *the Tentative Map* (Tentative Tract Map No. 82395) *or the Revised Tentative Map, or upon the other Project or Revised Project entitlement(s) or approval(s)*, notwithstanding the Holds, or any of them, or such consideration or action in the absence of any information or documentation that is subject to or related to the Holds, or any of them; and

ii. From and against any Claims and Liabilities related to attacking, setting aside, voiding, annulling, or in any way challenging the consideration of or action upon the Project *or the Revised Project* by the City or any of its agencies or bodies on the basis of such consideration or action by the Commission *or the City Council* upon ~~the Tentative Tract Map No. 82395~~, *the Revised Tentative Map, or the other Project or Revised Project entitlement(s) or approval(s)*, ~~with~~ *notwithstanding* the Holds; and

iii. From and against any Claims and Liabilities arising from or related to this Agreement.

b. The City shall promptly notify the Applicant of any such claim, action, or proceeding against Indemnitees, and, at the option of the City, the Applicant shall either undertake defense of the matter and pay the City’s associated legal costs or advance funds to pay for defense of the matter by the City. In the event the City opts for Applicant to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without the Applicant’s consent. The Applicant shall provide a deposit to the City in the amount of one hundred percent (100%) of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys’ fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If the Applicant fails to provide or maintain the deposit, the City may abandon the action and the Applicant shall pay all costs resulting therefrom and the City shall have no liability to the Applicant.



4. Amendment to Section 4. Section 4 (“No Approval or Waiver of Decision-making Authority”) of the Indemnification Agreement is hereby amended to read in its entirety as follows (additions in *bold italics*, deletions in strikethrough):

“Nothing in this Agreement obligates City or any other governmental entity, body, or advisory agency, including but not limited to the Commission *and/or the City Council*, to grant any approval of any matter described herein or related to the Project *or the Revised Project*, nor does it restrict any such entity, body or agency from conditioning any approval of any matter described herein or related to the Project *or the Revised Project* in any manner whatsoever, including but not limited to with respect to the Holds or any of them. Nothing in this Agreement obligates City to pursue or defend any claim, demand or action in law or equity, nor does it otherwise limit City’s authority to resolve any such claim, demand or action.”

5. Continuing Effect. Except as amended by this Amendment, all provisions of the Indemnification Agreement shall remain unchanged and in full force and effect. From and after the date of this Amendment, whenever the term “Agreement” appears in the Indemnification Agreement, it shall mean the Indemnification Agreement, as amended by this Amendment.

6. Affirmation of Indemnification Agreement; Warranty re Absence of Defaults. The Parties each ratify and reaffirm each and every one of the respective rights and obligations arising under the Indemnification Agreement. Each Party represents and warrants to the other that there have been no written or oral modifications to the Indemnification Agreement other than as provided herein. Each Party represents and warrants to the other that the Indemnification Agreement is currently an effective, valid, and binding obligation, and that such Party is not in default of any material term of the Indemnification Agreement, and that there have been no events that, with the passing of time or the giving of notice, or both, would constitute a material default under the Indemnification Agreement.

7. Adequate Consideration. The Parties irrevocably stipulate and agree that they have each received adequate and independent consideration for the performance of the obligations they have undertaken pursuant to this Amendment.

8. Counterparts. This Amendment may be executed in counterparts, each of which shall be deemed to be an original, and such counterparts shall constitute one and the same instrument.

9. Corporate Authority. The persons executing this Amendment on behalf of the Parties warrant that (i) such party is duly organized and existing, (ii) they are duly authorized to execute and deliver this Amendment on behalf of said Party, (iii) by so executing this Agreement, such Party is formally bound to the provisions of this Amendment, and (iv) the entering into this Amendment does not violate any provision of any other agreement to which said Party is bound. This Amendment shall be binding upon the heirs, executors, administrators, successors and assigns of the Parties.

[Intentionally left blank. Signature page follows.]



IN WITNESS WHEREOF, the Parties have executed this Agreement on the date and year first-above written.

CITY:

CITY OF CARSON, a municipal corporation

Sharon Landers, City Manager

ATTEST:

Donesia Gause-Aldana, City Clerk

APPROVED AS TO FORM:
ALESHIRE & WYNDER, LLP

Sunny K. Soltani, City Attorney
[brj]

APPLICANT:

BRANDYWINE HOMES, INC., a California Corporation

By: _____
Name:
Title:

By: _____
Name:
Title:
Address: _____

Two corporate officer signatures required, with one signature required from each of the following groups: 1) Chairman of the Board, President or any Vice President; and 2) Secretary, any Assistant Secretary, Chief Financial Officer or any Assistant Treasurer. APPLICANT'S SIGNATURES SHALL BE DULY NOTARIZED, AND APPROPRIATE ATTESTATIONS SHALL BE INCLUDED AS MAY BE REQUIRED BY THE BYLAWS, ARTICLES OF INCORPORATION, OR OTHER RULES OR REGULATIONS APPLICABLE TO APPLICANT'S BUSINESS ENTITY.



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy or validity of that document.

STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2019 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form.

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL <input type="checkbox"/> CORPORATE OFFICER _____ <div style="text-align: center;">TITLE(S)</div>	_____ <div style="text-align: center;">TITLE OR TYPE OF DOCUMENT</div>
<input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED <input type="checkbox"/> GENERAL <input type="checkbox"/> ATTORNEY-IN-FACT <input type="checkbox"/> TRUSTEE(S) <input type="checkbox"/> GUARDIAN/CONSERVATOR <input type="checkbox"/> OTHER _____ _____ _____	_____ <div style="text-align: center;">NUMBER OF PAGES</div> _____ <div style="text-align: center;">DATE OF DOCUMENT</div>
SIGNER IS REPRESENTING: (NAME OF PERSON(S) OR ENTITY(IES)) _____ _____	_____ <div style="text-align: center;">SIGNER(S) OTHER THAN NAMED ABOVE</div>



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

On _____, 2019 before me, _____, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person(s) whose names(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: _____

OPTIONAL

Though the data below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent reattachment of this form

CAPACITY CLAIMED BY SIGNER	DESCRIPTION OF ATTACHED DOCUMENT
<input type="checkbox"/> INDIVIDUAL	_____
<input type="checkbox"/> CORPORATE OFFICER	TITLE OR TYPE OF DOCUMENT
_____	_____
TITLE(S)	_____
<input type="checkbox"/> PARTNER(S) <input type="checkbox"/> LIMITED	_____
<input type="checkbox"/> GENERAL	NUMBER OF PAGES
<input type="checkbox"/> ATTORNEY-IN-FACT	_____
<input type="checkbox"/> TRUSTEE(S)	_____
<input type="checkbox"/> GUARDIAN/CONSERVATOR	DATE OF DOCUMENT
<input type="checkbox"/> OTHER _____	_____
_____	_____
SIGNER IS REPRESENTING:	_____
(NAME OF PERSON(S) OR ENTITY(IES))	SIGNER(S) OTHER THAN NAMED ABOVE
_____	_____
_____	_____



CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 19-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING REVISED DESIGN OVERLAY REVIEW NO. 1743-18, REVISED TENTATIVE TRACT MAP NO. 82395-18, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT REVISED SPECIFIC PLAN NO. 17-18 AND AMENDED MITIGATED NEGATIVE DECLARATION TO DEVELOP A 36-UNIT RESIDENTIAL TOWNHOME PROJECT ON A 1.57-ACRE PROJECT SITE AT 1007 EAST VICTORIA STREET

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

Section 1. An application was duly filed by the applicant, Brandywine Homes, Inc., a California Corporation, with respect to real property located at 1007 East Victoria Street and described in Exhibit "A" attached hereto, which the applicant is in the process of purchasing from the City, requesting to construct a new three story, 36-unit residential townhome project with attached covered 2-car garages for residents and at-grade parking for guests, seeking the following approvals/entitlements:

- Revised Design Overlay Review (DOR) No. 1743-18, to permit the design of the proposed project to construct a 36-unit residential townhome project;
- Revised Tentative Tract Map (TTM) No. 82395-18, to subdivide the existing parcel to allow for the development of 36-unit residential townhome units;
- Revised Specific Plan (SP) No. 17-2018, to create a new Specific Plan, known as the Brandywine Specific Plan, to ensure consistency with the City of Carson General Plan, Municipal Code, and Zoning Ordinance.

Section 2. A public hearing was duly held on November 12, 2019, at Carson City Hall, 701 East Carson Street, Carson, California. A notice of the time, place, and purpose of the aforesaid meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at said hearing.

Section 3. Pursuant to SP-4 (Dominguez Hills Village Specific Plan) and the proposed Brandywine Specific Plan, any proposed development is subject to site design review and approval for individual Planning Area lots such as open space, residential, child care, commercial, industrial, and oil production. With respect to the Revised Design Overlay Review No. 1743-18, the Planning Commission finds that:

- a) The proposed map and design will be compatible with the General Plan Land Use

Designation of High Density Residential, Dominguez Hills Specific Plan, the proposed Brandywine Specific Plan, and surrounding uses. The High-Density land use designation will accommodate up to 22.9 dwelling units per acre, and with the proposed 36-units to be developed on a 1.57-acre site, the project will be compatible with the General Plan policies. The project includes a Revised Specific Plan Amendment application changing the existing Specific Plan Designation from SP-4 to Brandywine Specific Plan. Where the Carson Zoning Ordinance regulations and/or development standards are inconsistent with Brandywine Specific Plan, the Brandywine Specific Plan standards and regulations shall prevail. The implementation of the project requires different development standards than those included in the Dominguez Hills Specific Plan; therefore, the applicant proposes the new Brandywine Specific Plan.

- b) The proposed project is within the existing SP-4 zoning district and anticipated Brandywine Specific Plan zoning district, and the proposed project is compatible with the architecture and design with the existing and anticipated development in the area, including site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area. The residential buildings and associated improvements were designed with a strong and appropriately-scaled framework of architecture and landscape. The building mass and landscaping throughout the project site are designed to create a sense of unity with enough unique features to stay within the architectural design boundaries with on-site off-site elements. High-quality features and materials are proposed through site design (i.e. building orientation and screening), architecture (i.e. mass, scale, form, style, material, and color), and streetscape elements (i.e. lighting and paving materials). The project is bordered by one-and two-story single-family residential properties that include a variety of architectural styles. The applicant has proposed a "Farmhouse" style architecture with features including neutral toned exterior finishes with rustic touches of natural wood. Vertical and horizontal siding are key elements of "Farmhouse" architecture and this feature can be found throughout the building design. Further, the residential development offers an abundance of windows and gable roofs, which are also hallmark features of "Farmhouse" architecture. The buildings vary in massing through use of building and architectural projections. Elevation materials are comprised of wood, glass, and stucco that support the chosen "Farmhouse" style architecture. The proposed landscape plan features a water efficient design and includes several different plant species across the project site. Lush landscaping including an abundance of evergreen trees and drought tolerant botanicals such as agave, aloe, and coyote brush will be utilized to provide screening along all property lines and screening for the adjoining single-story residences to the north and west, and screening from the public right-of-way on East Victoria Street. In addition, all planting and irrigation shall comply with the applicable State's Model Water Efficient Landscape Ordinance.
- c) One driveway on Victoria Street provides the only ingress/egress vehicle access to the project site. Resident parking is provided in attached garages and can be accessed via supplemental driveways branching off of the main driveway, and visitor parking is located to the north of the project site and can also be accessed using the main driveway. All parking spaces will be completely screened from public view by use of block walls and

landscaping. There are no internal vehicular streets other than the minimal access into the parking garages. The proposed project includes a total of 92 parking spaces: 72 resident spaces and 20 guest parking spaces. An existing driveway located on Cedarbluff Way will be abandoned and will not be utilized for vehicular access. The project design will thus allow for and promote safe and convenient pedestrian and vehicle circulation.

- d) All signage associated with this project will comply with the Brandywine Specific Plan and applicable Carson Municipal Code provisions, will be reviewed and approved by the Planning Division prior to building occupancy, and will exhibit attractiveness, effectiveness and restraint in signing graphics and color.
- e) The 36-unit townhome development will be scheduled to be constructed in three (3) phases, starting with the model home construction, and each phase will satisfy the above criteria.
- f) The proposed multi-family residential townhome development will be compatible with the intended character of the area. Due to the proximity of the project site to California State Dominguez Hills and Dignity Health Sports Park, residents of the proposed project would be able to access these centers via local sidewalks, promoting pedestrian-oriented and transit-oriented environment.

Section 4. With respect to the Revised Specific Plan (SP) No. 17-18, the Brandywine Specific Plan, which is available at <http://ci.carson.ca.us/CommunityDevelopment/Brandywine.aspx> and which is incorporated herein by reference (the "Plan"), the Planning Commission finds that:

- a) The Plan complies with the requirements of California Government Code Section 65451 in that the Plan does specify in detail:
 - o The distribution, location and extent of the uses of land, including open space, within the area covered by the Plan.
 - o The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses as described in the Plan;
 - o Standards and criteria by which development will proceed, and standards for the conservation, development and mitigation of natural resources, where applicable;
 - o A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the project;
 - o A statement of the relationship of the Specific Plan to the General Plan.

- b) The Plan is consistent with the General Plan, as amended pursuant to GPA 100-17.
- c) The proposed project is consistent with and adheres to the Carson General Plan High Density Land Use designation and adheres to the policies, goals and objectives of the Brandywine Specific Plan. The proposed multifamily residential townhome development is consistent with development standards of the Brandywine Specific Plan. The proposed project will be integrated seamlessly with the existing Dominguez Hills Village Specific Plan through use of architectural elements, while still providing a degree of uniqueness to establish its own identity as its own association. Landscaping and site design will provide the proper screening from neighboring residences to offer a high quality pedestrian oriented development.

Section 5. With respect to the Revised Tentative Tract Map (TTM) No. 82395-18, (attached) and incorporated into this Resolution by reference, the Planning Commission finds that all of the findings required pursuant to Carson Municipal Code Section 9203.14, to the extent applicable, can be made in the affirmative, and that the TTM No. 82395 can be substantiated, based on the following affirmations:

- a) Tentative Tract Map No. 82395 was reviewed by LA County Department of Public Works (the County) and resulted in the issuance of a letter dated March 18, 2019, providing recommended preliminary conditions for final map approval; however, the letter further states that details and notes shown on the tentative map are not necessarily approved, and due to concerns about sewer capacity and incomplete sewer and hydrology studies, the County has deferred recommendation of tentative map approval until a sewer capacity and hydrology study have been thoroughly conducted and demonstrate that the project site will have adequate sewer capacity and meets water quality requirements. To address these issues, the Commission finds it appropriate to approve the Revised Tentative Tract Map conditioned upon resolution of the outstanding items subject to the holds, as stated in the conditions of approval attached hereto as Exhibit "B," and to otherwise allow final action thereon to be deferred until the time of consideration of Final Map.
- b) The proposed subdivision, together with the provisions for its design and improvement, is consistent and compatible with the General Plan objectives, policies, general land uses, and programs, and proposed Brandywine Specific Plan. The proposed project advances the goals and policies related to land use, transportation, housing and economic development.
- c) None of the findings requiring denial pursuant to California Government Code Section 66474, can be made.
- d) The project site is suitable for proposed 36-unit residential townhome project. The proposed Revised Specific Plan and proposed Brandywine Specific Plan will accommodate the proposed density of up to 22.9 units per acre, which does not constitute a change from existing standards. The design of the subdivision and project has incorporated project design features to reduce public health and safety problems

associated with close proximity to existing residences. The project is an infill project, and all environmental impacts to cultural resources, noise, and tribal cultural resources will be mitigated to existing conditions through the Amended Mitigated Negative Declaration Mitigation Monitoring and Reporting Program (see Section 6, below). The project design of the subdivision will not conflict with existing easements on the project site.

- e) There is no basis for the Planning Commission to find that the discharge of waste from the proposed subdivision would result in or add to violation of existing requirements prescribed by a California regional water quality control board, as would provide a basis for disapproval of the Revised Tentative Tract Map pursuant to Government Code Section 66474.6. The Planning Commission's approval of the project, as conditioned by the conditions of approval attached hereto as Exhibit "B," requires the applicant to demonstrate that the waste discharge from the proposed subdivision will not result in or add to such a violation in order to obtain a determination of compliance with Section 66474.6 by the City Council at the time of consideration of Final Map approval.

Section 6. The Planning Commission further finds that the proposed project, as mitigated pursuant to Amended Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, which are available for public review at <http://ci.carson.ca.us/CommunityDevelopment/Brandywine.aspx> and are incorporated into this Resolution by reference, will not have a significant effect on the environment.

Section 7. Based on the aforementioned findings, the Commission hereby approves Revised Design Overlay Review (DOR) No. 1743-18 and Revised Tentative Tract Map (TTM) 82395-18, with respect to the property described in Section 1 hereof and recommends approval to City Council of Revised Specific Plan (SP) 17-18, and Amended Mitigated Negative Declaration, subject to the conditions of approval set forth in Exhibit "B" attached hereto and incorporated herein by reference.

Section 8. The applicant shall enter into an Agreement for Development Impact Fees and Community Facilities District participation with the City and shall comply with all its requirements. In accordance with this agreement, the applicant shall be responsible for payment of one-time impact fees of \$14,000/dwelling unit. The Project contemplates a 36-unit residential townhome project. Based on the number of proposed dwelling units of the Project, Developer will be responsible for development impact fees in the amount of \$504,000 (DIF Amount), provided that if the Project increases or decreases in size, the DIF Amount will be adjusted accordingly at the same rate. No building permits shall be issued prior to the full payment of the DIF Amount.

Section 9. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 10. This action shall become final and effective fifteen days after the adoption of this Resolution and subject to approval of Revised Specific Plan No. 17-18 by the City Council unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Municipal Code.



PASSED, APPROVED AND ADOPTED THIS 12th DAY OF NOVEMBER, 2019

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

LOT 11 TRACT NO. 52103, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 1224, PAGES 17 THROUGH 21, INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM ALL OIL, GAS, MINERALS, AND OTHER HYDROCARBON SUBSTANCES LYING BELOW THE SURFACE OF SAID LAND, BUT WITH NO RIGHT OF SURFACE ENTRY, AS PROVIDED IN DEEDS RECORDED MARCH 10, 1965 AS INSTRUMENT NO. 1386, MARCH 10, 1965 AS INSTRUMENT NO. 1388, MARCH 22, 1965 AS INSTRUMENT NO. 910, AND MARCH 25, 1965 AS INSTRUMENT NO. 1408, ALL OF OFFICIAL RECORDS.

PARCEL B:

NON-EXCLUSIVE EASEMENTS FOR ACCESS, INGRESS, EGRESS AND UTILITY SERVICE, SUBJECT TO THE TERMS AND CONDITIONS AS CONTAINED IN THAT CERTAIN INSTRUMENT ENTITLED "DECLARATION OF PAYMENT COVENANT AND ASSIGNMENT OF RESERVED EASEMENT FOR LOT 11, TRACT 52103 OF DOMINGUEZ HILLS VILLAGE", RECORDED JUNE 4, 2004 AS INSTRUMENT NO. 04-1436005 OF OFFICIAL RECORDS.

APN: 7319-038-900

CITY OF CARSON ECONOMIC DEVELOPMENT

PLANNING DIVISION

CONDITIONS OF APPROVAL

EXHIBIT "B"

**REVISED SITE PLAN AND
REVISED DESIGN REVIEW NO. 1743-18
REVISED SPECIFIC PLAN NO. 17-2018
AMENDED TENTATIVE TRACT MAP NO. 82395-18**

GENERAL CONDITIONS

1. The Developer shall enter into an Agreement for Development Impact Fees and Community Facilities District participation with the City and shall comply with all its requirements. In accordance with this agreement, Developer shall be responsible for payment of one-time impact fees of \$14,000/dwelling unit. The Project contemplates a 36-unit residential townhome project. Based on the number of proposed dwelling units of the Project, Developer will be responsible for development impact fees in the amount of \$504,000 (DIF Amount), provided that the Project increases or decreases in size, the DIF Amount will be adjusted accordingly at the same rate. No building permits shall be issued prior to the full payment of the DIF Amount.
2. City adopted CFD 2018-01 to finance the ongoing costs of the following: law enforcement, street and sidewalk maintenance, landscape maintenance, street sweeping and sidewalk cleaning, and other eligible impacts of the Project within the CFD (the CFD Services). Developer has agreed to and shall participate in the CFD No 2018-01 for these purpose so as to offset the ongoing impacts of the Project (the CFD Benefits), in accordance with the CFD Cost Allocation attached as Exhibit "A" to the Agreement For Development Impact Fees And Community Facilities District Participation.
3. Development project approval shall become null and void two years following the effective date of application approval unless a building permit is issued and construction is commenced and diligently pursued toward completion or a time extension has been approved by the Planning Manager. This Permit does not supersede an individual time limit for performance of specific conditions or improvements.
4. The approved Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.

5. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
 - a. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
6. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Division. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
7. All construction documentation shall be coordinated for consistency including but not limited to architectural, structural, mechanical, electrical, plumbing, landscape, and irrigation, grading, utility, street lighting, traffic signing, traffic striping and street improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department Division.
8. 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 approval by the Planning Manager.
9. Decision of the Planning Division 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.
10. 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.
11. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Division (or Commission), as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
12. Precedence of Conditions. If any of the Conditions of Approval alter a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
13. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

14. **Deposit Account.** A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days, and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
15. **Indemnification.** The applicant, for itself and its successors in interest (“Indemnitors”), agrees to defend, indemnify and hold harmless the City of Carson, its agents, officers, ~~or~~ and employees (“Indemnitees”) from and against any and all claims, liabilities, damages, losses, costs, fees, penalties, actions, or proceedings (collectively, “Claims”) against Indemnitees to attack, set aside, void or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to any damage or harm to person or property, real or personal, arising from Indemnitors’ operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action, or proceeding against the City, and Indemnitors will pay the City’s associated legal costs and will advance funds assessed by the City 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 Indemnitors’ 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. Indemnitors shall provide a deposit in the amount of 100% of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorney’s fees, and shall make additional deposits as requested by the City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If Indemnitors fail to provide or maintain the deposit, the City may abandon the action and Indemnitors shall pay all costs resulting therefrom and the City shall have no liability to Indemnitors.
16. After project’s entitlement approval, the applicant shall pay all applicable departmental fees. Fees shall be paid at the rate established by resolution of the City Council.

PLANNING DIVISION

17. Comply with the construction and maintenance with respect to construction and modification of private improvements on Victoria Street required to serve the proposed development
18. Final Map shall be recorded. Model home building permits may be issued prior to recordation of final map subject to City review and plan check for the model homes. A Certificate of Occupancy will not be released for the model homes until the Revised Tentative Tract Map is recorded and temporary exterior improvements are removed.
19. Model homes cannot be sold, rented, or occupied.

20. No other building permits will be issued until the Tentative Tract Map is recorded.
21. A bond shall be required to obligate applicant to remove temporary model home exterior improvements such as parking lots, fencing, landscaping, signage, and restrooms.
22. Applicant shall submit an administrative plot plan for the approval of model home exterior improvements.

AESTHETICS

23. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
24. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
25. Prior to Issuance of Building Permit, the specification of all colors and materials must be submitted and approved by the Planning Division.

TOWNHOMES

26. The townhome project shall conform to all the development standards as outlined in Section 9128.15 of the Zoning Ordinance, unless otherwise provided for in this approval. For purposes of clarity, this approval allows for deviations in required private open space; building linear horizontal distances exceeding six (6) units in length; the requirement of one 30" box specimen tree for each townhome unit; required recreational facilities, including requirement for a clubhouse and children's playground; the amount and configuration of private storage space; interior sound attenuation requirements.
27. The Declaration of Covenants, Conditions, and Restrictions (CC&Rs) shall be provided for as outlined in Section 9128.17 of the Zoning Ordinance and submitted to the Planning Division for review and approval. The CC&Rs shall contain statements that the project will be in compliance with city, county, and state regulations. The CC&Rs shall ensure proper maintenance of the common areas by a professional management agency. All Conditions of Approval shall be included within the CC&Rs. No changes to the approved CC&Rs shall be made without the City's consent. The CC&Rs shall be recorded concurrently with the map (townhomes).
28. All ground-mounted equipment including air conditioners and transformers shall be screened from public view.
29. All Conditions of Approval shall be contained within the CC&Rs.
30. The CC&Rs shall include language that prohibits the Homeowner's Association (HOA) from ceasing professional property management without obtaining City of Carson City Council approval.

Prior to occupancy of any unit (except models):

31. The applicant shall provide a final City Attorney approved copy of the CC&Rs to the Planning Division.

ENVIRONMENTAL

32. Prior to issuance of grading permit and building permit, a revised mitigation monitoring program matrix/spreadsheet shall be submitted to the City, as applicable, for review and compliance with the mitigation measures for Brandywine Specific Plan Amended Mitigated Negative Declaration dated November 7, 2019
33. Prior to Certificate of Occupancy, the project shall demonstrate compliance with all applicable mitigation measures in the Mitigation Monitoring and Reporting Program for Brandywine Revised Specific Plan dated November 7, 2019. A final mitigation monitoring matrix/spreadsheet shall be submitted to the City.

LANDSCAPE/IRRIGATION

34. Comply with the provisions of the Los Angeles County Green Building Code Section "Water Efficient Landscaping."
35. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.
36. Installation of 6" x 6" concrete curbs are required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
37. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
38. The proposed irrigation system shall include best water conservation practices.
39. Incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti as determined by the Planning Division.

LIGHTING

40. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9127.1 of the Zoning Ordinance.
41. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

PARKING

42. Parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.

TRASH

43. Trash collection shall comply with the requirements of the City's trash collection company.
44. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are specified on the site plan.

UTILITIES

45. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
46. Public utility easements shall be provided in the location as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.
47. The applicant shall remove at his/her own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended.
48. Any aboveground utility cabinet or equipment cabinet shall be screened from the public right-of way by a decorative block wall or landscaping, to the satisfaction of the Planning Division, and in compliance with public utility access requirements.

CITY OF CARSON PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES DIVISION

49. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
50. A construction permit is required for any work to be done in the public right-of-way.
51. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to issuance of permit by Engineering Division.
52. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of permit by Engineering Division.

53. The Developer shall submit a copy of **approved** Grading plans on bond paper to the City of Carson – Engineering Division, prior to issuance of grading permits.
54. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to approval of the Final Map.
55. A Final Map prepared by, or under the direction of, a pre-1982 Registered Civil Engineer or Licensed Land Surveyor must be processed through the City Engineer prior to being filed with the County Recorder.
56. Private easement will not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication until after the Final Map is filed with the County Recorder. If easements are granted after the date of tentative map approval, a subordination must be executed by the easement holder prior to the filing of the Final Map.
57. Prior to final map approval, quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
58. Provide suitable turnaround and label the driveways “Private Driveway and Fire Lane” on the Final Map to the satisfaction of the Fire Department.
59. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
60. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction City of Carson Department of Public Works.
61. The Developer shall comply with applicable LID requirements (*Carson Municipal Code 5809*) and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of Building and Safety, LA County DPW and the City.
62. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the development must be provided. The system shall include fire hydrants of the type and location as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
63. The Developer shall send a print of the development map to the County Sanitation District, to request for annexation. The request for annexation must be approved prior to Final Map approval.
64. A final guarantee will be required at the time of the filing of the Final Map with the County Recorder/County Clerk’s Office.

Prior to issuance of **Building Permit**, the proposed development is subject to the following:

65. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The Developer shall submit a **copy of approved** Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.
66. CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities are required and shall be submitted to the City for review.
67. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
68. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) for review and approval to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
69. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
 - a. Street Improvements along Victoria Street.
 - b. Sewer Main Improvements along Victoria Street, and/or public sewer system on public or private property as determined by the aforementioned sewer area study.
 - c. Storm Drain Improvements along Sagebank Street as determined by the aforementioned requirement.
70. Off-site improvements (*e.g., driveways, sidewalk, parkway drains, trees, curb/gutter etc.*) shown on the grading plans must provide a concurrent submittal to City of Carson Engineering Division. Off-site improvements shall be shown on a separate set of street improvement plans. Prior to issuance of Grading permit, developer shall obtain clearance from City of Carson Engineering Division.
71. All existing overhead utility lines 12 kilovolts and less, including telecommunication lines, along Victoria Street shall be underground to the satisfaction of the City Engineer. Alternatively, in the City Engineer's discretion, the City may accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such undergrounding provided the applicant deposits the full amount of the deposit of the in-lieu fee before issuance of Building Permits. Undergrounding estimate shall be prepared by Southern California Edison and/or the appropriate telecommunications company, and shall be submitted to the City Engineer for his or her determination.

Prior to issuance of **Certificate of Occupancy (except models)**, the proposed development is subject to the following:

72. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
73. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
 - a. Comply with mitigation measures recommended by the water purveyor.
74. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
75. Prior to release of bonds, repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Victoria Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
76. Install sidewalk along Victoria Street abutting this proposed development per City of Carson PW Standard Drawings No. 117 around obstructions (poles, trees signs, etc.) to provide a continuous pedestrian access route conforming with ADA guidelines and to the satisfaction of the City of Carson.
77. Prior to release of bonds, remove and replace any broken/damaged driveway approach within the public right of way along Victoria Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
78. Remove unused driveway approach if any, within the public right of way along Victoria Street abutting this proposed development and replace it with full height curb and gutter and sidewalk per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
79. The Developer shall modify existing driveways within the public right of way along Victoria Street and shall remove unused driveways along Cedarbluff Way abutting this proposed development per City of Carson PW Standard Drawings to comply with the ADA requirements and to the satisfaction of the City Engineer.
80. The Developer shall construct new driveway approaches per City of Carson PW Standard Drawings and in compliance with the ADA requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 26 feet.

81. Install/If necessary, modify existing wheelchair ramp at the corner of Victoria Street and Cedarbluff Way per City of Carson PW Standard Drawings, in compliance with ADA requirements.
82. Plant approved parkway trees on locations where trees in the public right of way along Victoria Street abutting this proposed development are missing per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.
83. Install private irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Victoria Street abutting this proposed development.
84. Modify existing raised landscaped median along Victoria Street to the satisfaction of the City Engineer, if necessary, per recommendations in the Mitigated Negative Declaration approved by the Planning Commission.
85. All new utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.
86. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the Amended Mitigated Negative Declaration, including construction of a deceleration lane on westbound East Victoria Street, between Cedarbluff Way and the project entry.
87. Install striping and pavement legend per City of Carson PW Standard Drawings.
88. Paint Curbs Red along Victoria Street within or abutting this proposed development, as required by the City Traffic Engineer. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
89. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
90. Streets abutting the development, shall be slurry sealed from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS). Developer may pay a fee in-lieu of application of Slurry Seal. (\$0.45 per square foot \$1,350.00 minimum fee for first location up to 3,000 square feet)
91. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy

CITY OF CARSON PUBLIC WORKS DEPARTMENT, WATER QUALITY

Prior to issuance of **Building Permit**, the proposed development is subject to the following:

92. Per City of Carson ordinance 5809 developer shall comply with all applicable Low Impact Development (LID) requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of the City Engineer.
93. Developer shall apply for a *Construction Activities Stormwater General Permit* from the State Water Resources Control Board.
94. Developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.
95. Developer shall provide contact information of the Qualified Storm Water Developer (QSD) and/or Qualified SWPPP (Storm Water Pollution Prevention Plan) Developer (QSP) of the site.
96. Developer shall submit digital copies of LID/NPDES/Grading Plans concurrently to City of Carson, Engineering Services Department and Los Angeles County Building & Safety Division.
97. Developer shall complete, sign and return the *Stormwater Planning Program LID Plan Checklist* form and return to City of Carson Engineering Services Division.

Prior to issuance of **Certificate of Occupancy**, the proposed development is subject to the following:

98. For any structural and/or treatment control device installed. Developer shall record a maintenance covenant pursuant to Section 106.4.3 of the County of Los Angeles Building Code and title 12, Chapter 12.80 of the Los Angeles County Code relating to the control of pollutants carried by storm water runoff.

In addition, an exhibit shall be attached to identify the location and maintenance information for any structural and/or treatment control device installed.
99. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Sustainability Administrator, Julio Gonzalez at jgonzale@carson.ca.us.
100. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.
101. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
102. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
103. Developer shall provide an approved Notice of Termination (NOT) by the State Water Resources Control Board, prior to release of bonds.

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

Sewer and Storm Drain

Road

104. Modify or reconstruct the curb ramp at the corner of Victoria Street and Cedarbluff Way to conform with current American with Disabilities Act (ADA) guidelines and to the satisfaction of City of Carson.
105. Close unused driveway on Cedarbluff Way to the satisfaction of the City.
106. Construct additional sidewalk around obstructions (poles, trees, signs, etc.) on Victoria Street to provide a continuous pedestrian access route that conforms with ADA guidelines and to the satisfaction of the City.
107. Repair any improvements damaged during construction to the satisfaction of the City.
108. Plant street trees along the property frontage on Victoria Street and provide an irrigation system for the trees to the satisfaction of the City.
109. Underground all new utilities to the satisfaction of the City.
110. Comply with the street lighting requirements from Los Angeles County Public Works, Traffic and Lighting Division, Street Lighting Section.
111. Prior to final map approval, enter into an agreement with the City-franchised cable TV operator (if an area is served) to permit the installation of cable in a common utility trench or provide documentation that steps to provide cable TV to the proposed subdivision have been initiated to the satisfaction of the City.
112. Comply with any and all City road conditions.

Subdivision

113. A note on the final map shall be placed, to the Satisfaction of the City, indicating that this map is approved for 36-residential condominium units on a single lot.
114. Remove existing building/improvements prior to final map approval. Demolition permits and final sign-off from the building inspector shall be required from Los Angeles County Public Works, Building and Safety Division.
115. Easements shall not be granted or recorded within areas proposed to be granted, dedicated, or offered for dedication until after the final map is filed with the Registrar-Recorder/County Clerk's office. If easements are granted after the date of tentative approval, a subordination must be executed by the easement holder prior to the filing of the final map.

116. A final guarantee will be required at the time of the filing of the final map with the Registrar-Recorder/County Clerk's office.
117. Within 30 days of the approval date of this land use entitlement or at the time of the first plan check submittal, the applicant shall deposit the sum of \$5,000 with Los Angeles County Public Works to defray the cost of verifying conditions of approval for the purpose of issuing final map clearances.
118. A water system maintained by the water purveyor, with appurtenant facilities to serve all buildings in the land division, must be provided. The system shall include fire hydrants of the type and location (both on-site and off-site) as determined by the Fire Department. The water mains shall be sized to accommodate the total domestic and fire flows.
119. Prior to obtaining the building permit from the Building and Safety Office: Submit landscape and water efficient plans for each open space lot in the land use division, with landscape area greater than 500 square feet, in accordance with the Water Efficient Landscape Ordinance.

Street Lighting Requirements:

120. Streetlights shall be provided on concrete poles with underground wiring along the property frontage on Victoria Street to the satisfaction of Department of Public Works or as modified by Department of Public Works. Street lighting plans shall be submitted along with existing and/or proposed underground utilities plans to the Traffic and Lighting Division, Street Lighting Section, for processing and approval.
121. Upon tentative map/parcel map approval (subdivision only), the applicant shall comply with conditions of acceptance listed below in order for lighting districts to pay for the future operation and maintenance of the streetlights. It is the sole responsibility of the owner/developer of the project to have all street lighting plans approved prior to the map recordation. The required street lighting improvements shall be the sole responsibility of the owner/developer of the project and the installation must be accepted per approved plans. If phasing of the project is approved, the required street lighting improvements shall be the sole responsibility of the owner/developer of the project and will be made a condition of approval to be in place for each phase.
122. **Conditions of Acceptance for Street Light Transfer of Billing:** All required streetlights in the project must be constructed according to Public Works approved plans. The contractor shall submit one complete set of "as-built" plans. The lighting district can assume the responsibility for the operation and maintenance of the streetlights by July 1st of any given year, provided all required streetlights in the project have been constructed per Public Works approved street lighting plan and energized and the owner/developer has requested a transfer of billing at least by January 1st of the previous year. The transfer of billing could be delayed one or more years if the above conditions are not met. The lighting district cannot pay for the operation and maintenance of streetlights located within gated communities

LA COUNTY FIRE DEPARTMENT

Final Map Requirements

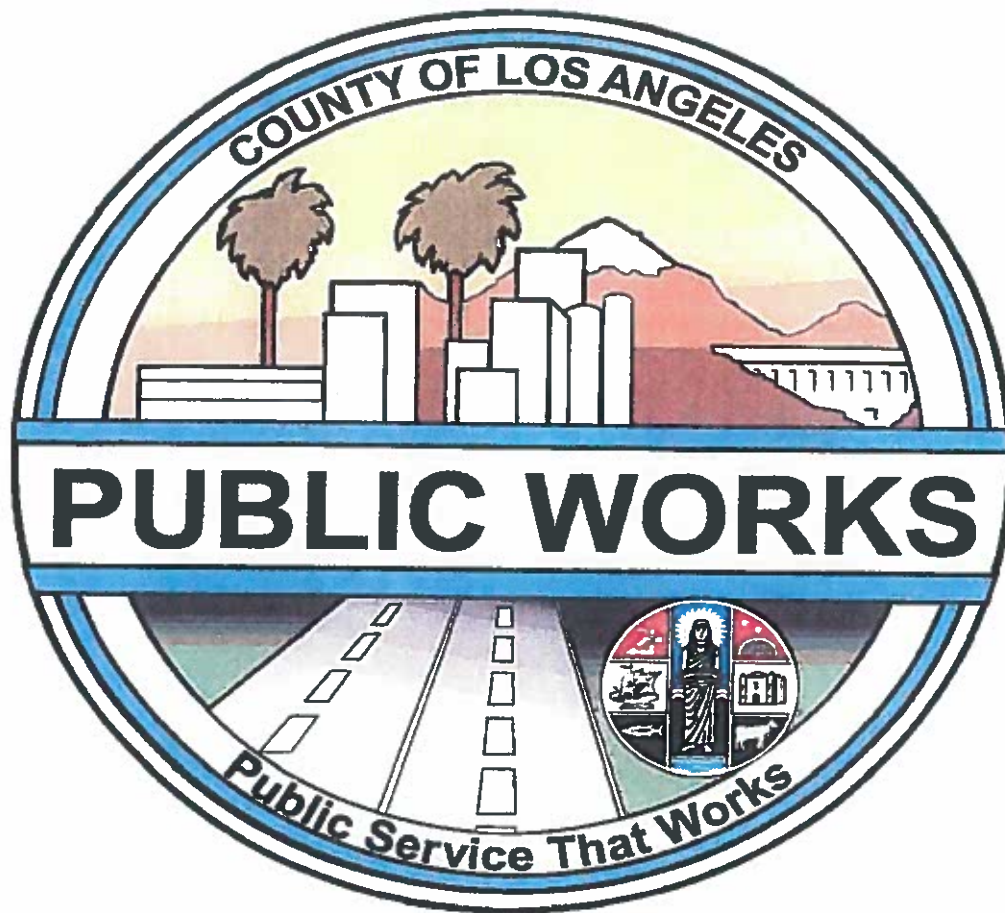
123. Submit 3 copies of the Final Map to the County of Los Angeles Fire Department Fire Prevention Land Development Unit for review and approval prior to recordation.
124. One (1) new public fire hydrant shall be installed on Cedarbluff Way, and install one (1) new on-site fire hydrant as noted on the tentative map notation.
125. Provide proof of financial obligation for the installation of the required fire hydrants **prior to final map clearance.**
126. All fire hydrants shall measure 6" x 4" x 2 ½" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Code.
127. All required public fire hydrants shall be installed, tested, and accepted prior to beginning construction per Fire code 501.4.
128. A copy of the paid fee receipt for the Fire Department Final Map review shall be provided to the Los Angeles Fire Department Fire Prevention Land Development Unit.

Access Requirements:

129. Buildings and facilities: Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured an approved route around the exterior of the building or facility (2016 County of Los Angeles Fire Code Section 503 Section 503.1.1.).
130. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan/exhibit, tentative map, and Final Map along with the widths clearly depicted on the plan. Labeling is necessary to assure the access availability for Fire Department use. The designation allows for appropriate signage prohibiting parking.
131. Fire Department vehicular access roads must be installed and maintained in a serviceable manner prior to and during time of construction (Fire Code 501.4).
132. All fire lanes shall be clear of all encroachments, and shall be maintained in accordance with the Title 32, County of Los Angeles Fire Code.
133. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.

134. Maintain a minimum unobstructed width of 26 feet, exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance "clear to sky" Fire Department vehicular access to within 150 feet of all portions of the exterior walls of the first story of the building, as measured an approved route around the exterior of the building (Fire Code 503.1.1 and 503.2.2). Cross hatch the Fire Department vehicular access on the site plan and clearly depict the required width.
135. Fire Apparatus Access Roads shall be designed and maintained to support the imposed load of fire apparatus weighing 37 ½ tons and shall be surfaced so as to provide all-weather driving capabilities. Fire apparatus access roads having a grade of ten (10) percent or greater shall have a paved or concrete surface (Fire Code 503.3).
136. Provide approved signs or other approved notices or markings that include the words "NO PARKING – FIRE LANE." Signs shall have a minimum dimension of 12 inches wide by 18 inches high and have red letters on a white reflective background. Signs shall be provided for fire apparatus access roads, to clearly indicate the entrance to such road, or prohibit the obstruction thereof and at intervals, as required by the Fire Inspector (Fire Code 503.4).
137. A minimum five (5) foot wide approved firefighter access walkway leading from the fire department access road to all required openings in the building's exterior walls shall be provided for firefighting and rescue purposes (Fire Code 504.1)
138. Fire Apparatus Access Roads shall not be obstructed in any manner, including the parking of vehicles, or the use of traffic calming devices, including but not limited to, speed bumps or speed humps. The minimum widths and clearances established in Section 503.2.1 shall be maintained t all times (Fire Code 503.4).
139. The required fire flow for the proposed development is set at 1,625 gpm for the duration of 2 hours over and above the daily domestic demand.
140. For all occupancies other than one and two-family dwellings, and Group R-3 buildings, including commercial, industrial, multi-family dwellings, private schools, and institutions, fire hydrant spacing shall be 300 feet (91.44m). No portion of lot frontage shall be more than 200 feet (60.96m) from, via vehicular access, a public hydrant. No portion of a building shall be more than 400 feet (121.92m) from, via vehicular access, a properly spaced public hydrant.
141. All fire hydrants shall measure 6" x 4" 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Code.
142. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction (Fire Code 501.4)
143. An approved automatic fire sprinkler system is required for the proposed buildings within this development. Submit design plans to the Fire Department Sprinkler Plan Check Unit for review and approval prior to installation.

144. Verification for compliance will be performed during the architectural plan review prior to building permit issuance.



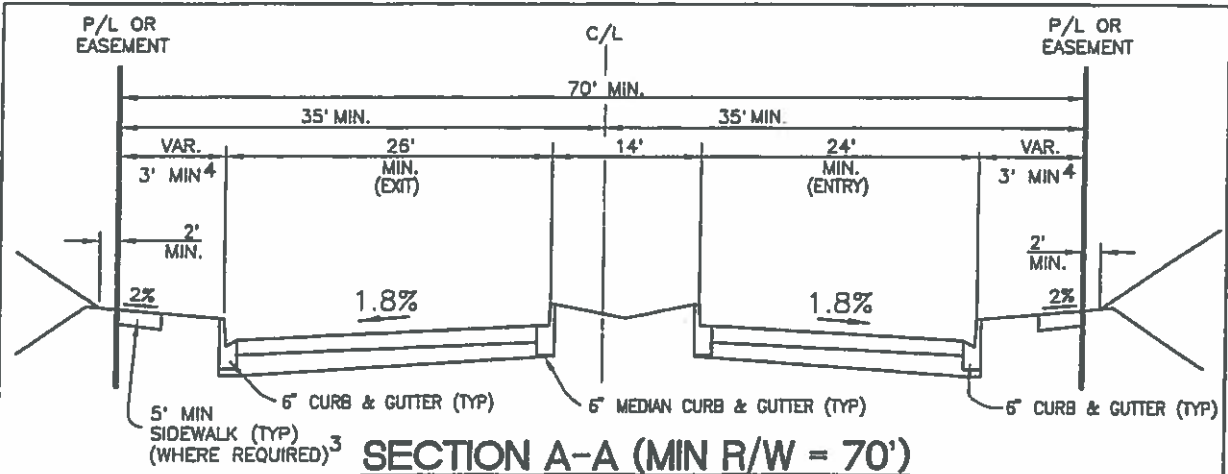
County of Los Angeles Department of Public Works

**Private Drives and Traffic Calming
Design Guidelines Manual**

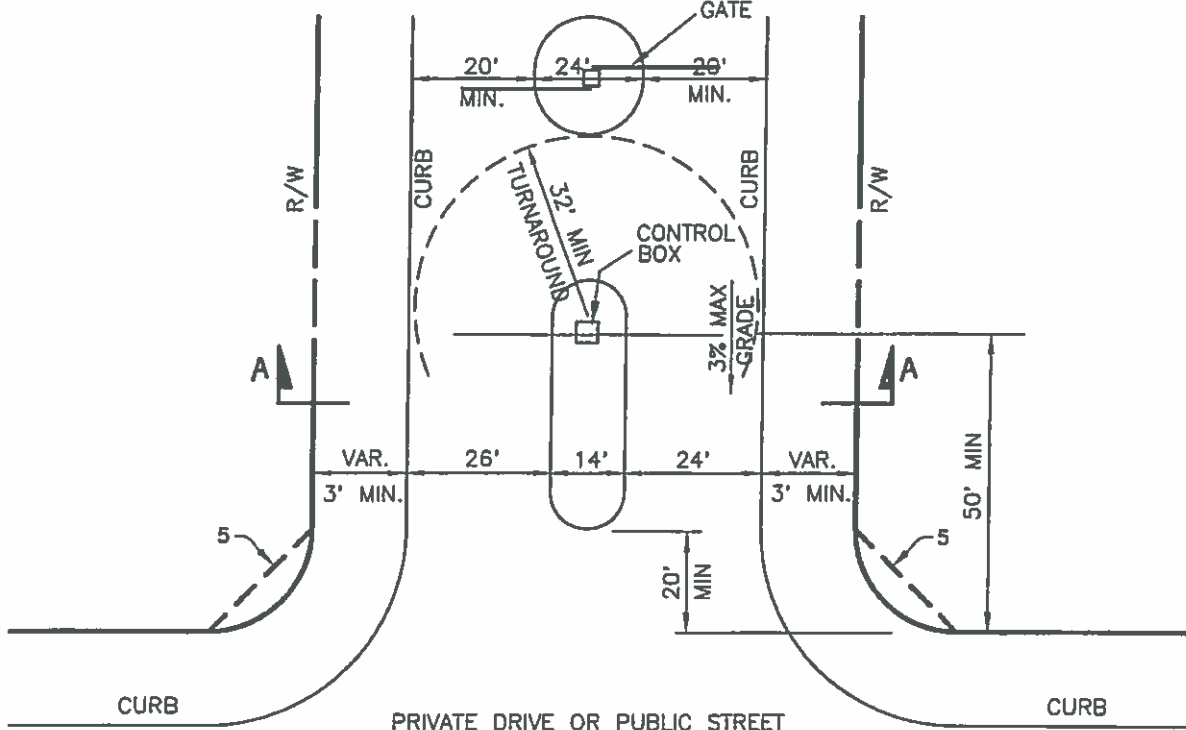
June 2009

EX. D





NO PARKING
N.T.S.



11

TYPICAL GATE DETAIL WITHOUT GUARD SHACK

- NOTES:
- 1 DIMENSIONS SHOWN HEREON ARE MINIMUM REQUIREMENTS AND SUBJECT TO CHANGE. FINAL DIMENSIONS WILL BE BASED UPON TRAFFIC ENGINEER'S AND FIRE DEPARTMENT RECOMMENDATIONS.
 - 2 PUBLIC WORKS TO DETERMINE MINIMUM KEYPAD SET-BACK BASED ON THE TRAFFIC STUDY
 - 3 BASE MAY BE REQUIRED PER SOILS ENGINEER'S RECOMMENDATIONS. BASED ON THE TRAFFIC STUDY
 - 4 PARKWAY CAN BE REDUCED TO 3' MIN WHEN SIDEWALK IS NOT REQUIRED
 - 5 CORNER CUT-OFF IN P/L REQUIRED WHEN ADJACENT TO PUBLIC STREET

DATE: JUNE 2009



SUMMARY

<u>Type of Outreach</u>	<u>Number of Meetings</u>
Door to Door / Individual Outreach	3
HOA Meetings and Workshops	4

TIMELINE

August 1, 2019 – Individual Resident Meeting

Brandywine meeting with Dasol Mashaka, longtime resident of Dominguez Hills Village; Key issue for the community is to eliminate Cedar Bluff entry; Other issues (height, gating, etc. are secondary)

August 5, 2019 – HOA Meeting

Brandywine meeting with Del Huff, President of Stevenson Village Homeowners Association; Ms. Huff's main concern was that the project not take access from Sagebank Street, through the Stevenson Village community. Ms. Huff was also concerned that Brandywine meet with and mitigate any impacts to immediately adjacent neighbors on Sagebank Street. Ms. Huff did not express any particular opinion with regard to gating the community, or the vehicular entry point (other than excluding Sagebank)

August 30, 2019 – HOA Meeting

Brandywine held informal workshop with Dominguez Hills Village residents at Social Vibes Brewery; Group included board members Charles Berry and Scott Suhr, and residents Kenesha Henry, Fernando Rodriguez, Frank Chavez, and community manager Leonardo Beard. Board members indicated their support of the revised plan as presented.

September 17, 2019 – HOA Meeting

Brandywine workshop with Dominguez Hills Village; Approximately 20 residents attended the meeting held at the community clubhouse; Brandywine staff presented the revised site plan (Victoria access) in an un-gated configuration; Community members were pleased that Cedar Bluff access had been eliminated; Community members asked that the project be gated to prevent unwanted pedestrian and vehicular traffic through the proposed community that could impact DHV; A resident requested that the project include a full amenity package that would help prevent residents of the new community from sneaking into DHV to use the community facilities; A resident suggested that the density be reduced to a lower level; Multiple residents requested that the project be reduced to two-story buildings; Two DHV board members were present and privately indicated they were in support of the revised project as presented with no additional modifications.

October 7, 2019 – Follow up phone call with Mr. Dasol Mashaka

Discussed the revised site plan with Mr. Mashaka and he indicated that the removal of the Cedar Bluff access point was a significant improvement and that he would support the project as revised.

October 10, 2019 – HOA Meeting

Follow up lunch meeting with Ms. Del Huff and Stevenson Village Community residents

EX. E



TTM 82395 Public Outreach

November 5, 2019 – Door to Door Outreach

Notifications handed out and meetings with Stevenson Village residents Brian and Tanya Cooke, Del Huff, Elmer ____.





CITY OF CARSON
PLANNING COMMISSION STAFF REPORT

CONTINUED PUBLIC HEARING: May 28, 2019

SUBJECT: Design Overlay Review (DOR) No. 1743-18
 Tentative Tract Map (TTM) No. 82395-18
 Specific Plan (SP) No. 17-18

APPLICANT: Brandywine Homes, Inc.
 16580 Aston
 Irvine, CA 9606

PROPERTY OWNER: City of Carson
 701 East Carson Street
 Carson, CA 90745

REQUEST: Consider approval of Design Overlay Review No. 1743-18, Tentative Tract Map No. 82395-18, and recommending that the City Council adopt Specific Plan No. 17-18 and Mitigated Negative Declaration to develop a 38-unit condominium project on a 1.6 acre- project site at 1007 East Victoria Street.

PROPERTY INVOLVED: 1007 East Victoria Street *approved 5-2*

AYE	NO		AYE	NO	
✓		Chairman Pimentel	✓		Palmer
✓		Vice-Chair Cainglet	<i>Recused</i>		Rahman
	✓	Fe'esago	<i>Recused</i>		Rashad
✓		Madrigal		✓	Rahman VALDEZ
✓		Mitoma			Alt. Diaz Alt. Hellerud Alt. Zuniga

I. Introduction

Property Owner
City of Carson
701 East Carson Street
Carson, Ca 90745
(949) 296-2400

Applicant
Brandywine Homes, Inc.
16580 Aston
Irvine, Ca 92606

Representative
Alex Hernandez
Brandywine Homes, Inc
(949) 296-2400
alex@brandywine-homes.com

II. Project Description

The applicant requests the approval of Design Overlay Review No. 1743-18 and Tentative Tract Map No. 82395-18; and recommendation of approval to the City Council for Specific Plan No. 17-18 (Brandywine Specific Plan) to develop a new 38-unit condominium residential development and related site improvements. The project site is located on the north side of East Victoria Street, directly across from California State Dominguez Hills. In addition, the project site is conveniently located approximately 0.4 miles south of California State Route 91 and approximately 1.63 miles east of the I-110

Project Site and Surrounding Land Uses

The project site is located along the northern edge of the City of Carson. The site is located north of East Victoria Street, and between South Avalon Boulevard and South Central Avenue. The following provides a summary of the site information:

Site Information	
General Plan Land Use	Existing: High Density Residential (up to 25 DU/ac) Proposed: No Changes to General Plan Land Use
Zone District	SP-4 Dominguez Hills Specific Plan (up to 25 du/acre) Proposed: "Brandywine" Specific Plan zone (up to 25 du/ac);
Site Size	~69,696 SF (or 1.6 acres)
Present Use and Development	Vacant
Surrounding Uses/Zoning	North: Specific Plan – Single-Family Residential South: California State University Dominguez Hills. East: Specific Plan – Single-Family Residential West: Single-Family Residential

48

7

Previously Approved Discretionary Permits

The project site was previously mapped as Lot 11 of Tract No. 52103, as a part of SP 4-93.

Public Safety Issues

None.

III. Analysis

Background

The project site is a vacant lot designated as Lot 11 in the existing Dominguez Hills Village Specific Plan (SP-4). The original Specific Plan was designed for residential, child care, neighborhood retail, industrial and open space uses, and allowed for a maximum buildout of 893 residential units. Since its development in 1996, Dominguez Hills Village has evolved into what is now solely residential uses, built out to only 574 residences ranging from condominiums to single-family. This transition from the original plan of varied uses to purely residential uses has created the appropriate environment for the proposed 38-unit townhome development. The development aligns with the existing uses within the Specific Plan and does not exceed the original proposed buildout of 893 residential units.

Under the original approved Specific Plan, Lot 11 was designated for a 1.6-acre child care center to be developed by K. Hovnanian at Dominguez Hills, Inc. (K. Hovnanian). On February 23, 2007, a Grant Deed (the Deed) was recorded granting The Community Development Center, Inc. (CDC) ownership to the subject property. The Deed was subject to an Executory Limitation which provided the City of Carson (the City) Power of Termination and Right of Re-entry should CDC violate the terms and conditions set forth in the Deed. A condition of the Deed held CDC responsible for the development and use of the subject property as a child care center and related educational facility. The child care facility was to be operative until the relinquishment date set for December 31, 2016. CDC violated the Executory Limitation by neglecting to develop Lot 11 with a childcare facility, and in 2017, a dispute involving the title to the subject property emerged between the City and CDC where the City exercised a power of termination.

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



Brandywine Homes submitted their entitlement applications in October of 2018 to begin the review of their proposed 38-unit condominium residential development to be constructed on Lot 11 in the Dominguez Hills Village Specific Plan.

Use

Current Improvements

The 1.6-acre site is currently vacant with no existing structures.

Proposed Improvements

Construct a 38-unit residential townhome community with on-grade parking, landscaping, and other associated improvements.

Buildings and Architecture

The residential buildings and associated improvements were designed with a strong and appropriately scaled framework of architectural and landscape elements. The building mass and landscaping throughout the project site are designed to create a sense of unity within on-site elements and with off-site elements, particularly with the existing residential community within the same Specific Plan. High-quality features are proposed through site design (i.e. building orientation and screening), architecture (i.e. mass, scale, form, style, material, and color), and streetscape elements (i.e. lighting and paving materials).

The proposed three story townhome project consists of 38 residential units with approximately 53,000 square feet of total floor area. There will be six (6) buildings with three stories of residential units, with balconies and private open spaces provided on the ground and second floor areas.

The project architecture is reflective of a "Farmhouse" style that is unique to the surrounding area but utilizes architectural elements that will allow the development to be in harmony with the existing community. The proposed building has a maximum height of 35 feet. The building exterior includes vertical and horizontal elements that break up the overall massing and provide visual interest. The current project design reflects revisions made by the Applicant in response to City design review.



Elevations



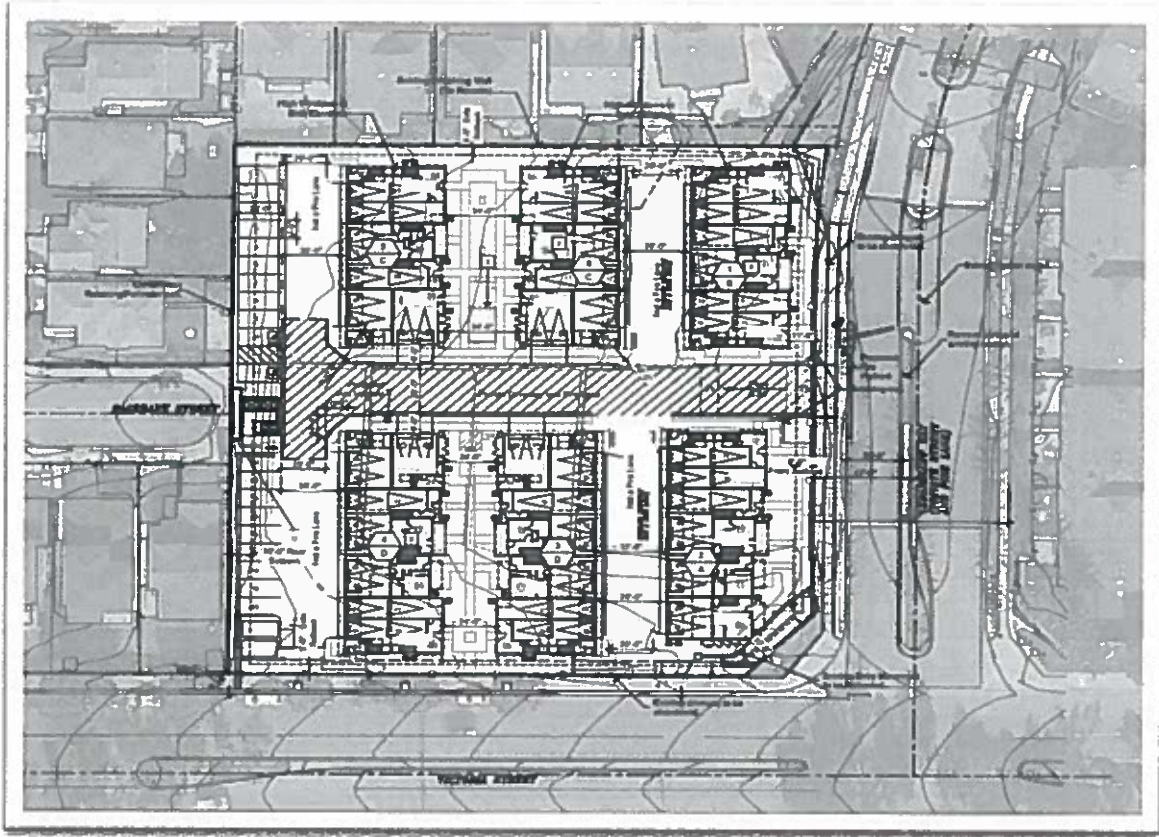
Site Plan

The 1.6-acre project site will consist of 38 residential townhome units organized among six (6) separate buildings, resulting in a project density of 24 units per acre. The project provides approximately 10,480 square feet of useable open space and parking spaces servicing the project are proposed to be attached to the individual units with visitor parking appropriately located on-grade to the west of the property out of the public view.

The site design creates a quality pedestrian atmosphere and the proposed landscaped setback areas along East Victoria Street soften views of the project site and enhance the overall visual quality of the project.



Site Plan



Open Space, Landscaping, and Fencing

Private Open Space

Projects in the Brandywine Specific Plan must provide private open space in accordance with Carson Municipal Code (CMC) Section 9128.15. Each unit's floorplan includes a balcony and/or patio providing individual outdoor open space areas ranging from approximately 61 to 90 square feet.

Common Open Space

The proposed common open space will include approximately 10,380 square feet of publicly accessible landscaped area with outdoor and table seating, a BBQ, turf lawn, a shade structure, waste receptacles, and a bike rack for temporary bicycle parking. Additional amenities will be provided to accommodate for children and pets.

Landscape

The proposed landscape plan features a water efficient design and includes several different plant species across the project site. Lush landscaping including an abundance of evergreen trees and drought tolerant botanicals such as agave, aloe, and coyote brush will be utilized to provide screening along all property lines and screening for the adjoining single-story residences to the north and west, and screening from the public right-of-way on East Victoria Street. In addition, all planting



and irrigation shall comply with the applicable State's Model Water Efficient Landscape Ordinance.

Block Walls and Gates

The project also includes an existing six-foot high block wall to the north of the property, a new six-foot high block wall to the west and south of the property, a two to three-foot block wall with a 42-inch guardrail on top located to the east of the property where buildings 1 and 2 have frontages facing Cedarbluff Way, and a six-foot high metal patio pedestrian access gate located along East Victoria Street.

Access and Parking

One driveway adjacent to Cedarbluff Way provides the primary vehicle access to the project site. Resident parking is provided in attached garages and can be accessed via supplemental driveways branching off of the main driveway, and visitor parking is located to the west of the project site and can be accessed using the main driveway. All parking spaces will be completely screened from public view by use of block walls and landscaping. There are no internal vehicular streets other than the minimal access into the parking garage. The proposed project includes a total of 96 parking spaces: 76 resident spaces and 20 guest parking spaces. Pursuant to the Planning Standards in Section n(3)(a) of the Dominguez Hills Village Specific Plan, "there shall be no access from Lot 11 off or onto Victoria Street." Additionally, provisions set forth in Section 11.3(b) of the covenant (attached) recorded on June 4, 2004 establishes that an easement on Cedarbluff Way is reserved in favor of the subject lot with the purpose of providing access, ingress, egress, and utility service to the lot. To further substantiate easement rights given to Lot 11, a Memorandum of Understanding (MOU) was drafted (attached) and executed between the Dominguez Hills Village Community Association (Association) and Brandywine Homes to establish a working relationship between the Association and Brandywine Homes to make irrefutable the easements for entry/exit from Cedarbluff Way given to Lot 11.

The site design provides a quality pedestrian atmosphere, with landscaped private walkways located away from main driveways, pedestrian access gates along East Victoria Street and Cedarbluff Way, and a communal open space area with seating and amenities provided to residents and visitors to utilize for leisurely activities.

Due to the proximity of the project site to California State Dominguez Hills and Dignity Health Sports Park, residents of the proposed project would be able to access these centers via local sidewalks, promoting pedestrian-oriented and transit-oriented environment.

Subdivision

One existing lot will be subdivided into 38 condominium units ranging from approximately 1,200 to 1,800 square feet in size. The subdivision also sets aside common lots for open space, a private driveway and fire lane.

Tentative Tract Map No. 82395 was reviewed by LA County Department of Public Works (the County) and resulted in the issuance of a letter dated March 18, 2019

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with recommended preliminary conditions for final map approval; however, the letter further states that details and notes shown on the tentative map are not necessarily approved, and due to concerns about sewer capacity and incomplete sewer and hydrology studies, the County has deferred recommendation of tentative map approval until a sewer capacity and hydrology study have been thoroughly conducted and demonstrates that the project site will have adequate sewer capacity and meets water quality requirements. In lieu of cancellation or postponement of the Public Hearing to allow time for Brandywine Homes to obtain the required approvals, Brandywine Homes has drafted an Indemnification Agreement (attached) requesting that the City allow the Public Hearing to proceed as scheduled, and that final action on the outstanding items subject to the holds be deferred until the time of consideration of Final Map, except that any approval of the Tentative Map by the Commission may be conditioned in any manner deemed necessary. The Indemnification Agreement was reviewed by the City of Carson Planning and Public Works Staff, Los Angeles County Public Works Staff, and the City Attorney's Office, and has been deemed adequate in indemnifying all parties involved in reviewing the project entitlements.

Specific Plan

Specific plans are planning tools included in state law that allow cities to adopt different development standards than those in a specific zone. The implementation of the project requires different development standards than those included in the SP-4 zone; therefore, the applicant proposes the new Brandywine Specific Plan. The following provides development standards outlined in the Brandywine Specific Plan:

Brandywine Specific Plan Zoning Regulations

LOT 11: HOUSING TYPE D DEVELOPMENT STANDARDS		
Topic	Standard	Source^{1,2}
Minimum Lot Area	5,000 sf	Zoning Ordinance §9125.2
Street Access	Primary access via Cedarbluff Way. No access from Victoria Street.	SP 4-93, Page V-92 Planning Standards – a)
Driveway Widths, Approaches, and Sight Distance	Main drive aisle – 26 ft Alley drive aisle- 26 ft with 20 ft choker at intersection with Main drive aisle	SP 4-93, SPA No. 3
Roadway Landscape	15 ft landscape easement along west side of Cedarbluff Way	SP 4-93, Page V-92 Planning Standards – b)



LOT 11: HOUSING TYPE D DEVELOPMENT STANDARDS

Topic	Standard	Source^{1,2}
Minimum Lot Width (Corner Lot)	55 ft	Zoning Ordinance §9125.4
Street Frontage	50 ft	Zoning Ordinance §9125.3
Maximum Lot Coverage	60%	SP 4-93, Page V-92 Descriptive Summary – d)
Minimum Building Setback Requirements Front Yard Side Yard Rear Yard	8 ft for 3-story 5 ft for 3-story 10 ft for 3-story	SP 4-93, SPA No. 3 SP 4-93, SPA No. 3 SP 4-93, SPA No. 3
Maximum Allowable Density	25 du/ac	SP 4-93, SPA No. 3
Maximum Structure Height	3 stories/35 ft	SP 4-93, SPA No. 3
Minimum Space Between Buildings	10 ft between buildings 20 ft front-to-front buildings	Zoning Ordinance §9126.27
Minimum Private Storage	200 cubic feet of lockable storage space per unit	Zoning Ordinance §9128.15 & §9128.54
Minimum Private Open Space Per Unit	77 sf Such space shall have a configuration that would allow a horizontal rectangle or square of a minimum seventy-seven (77) square feet in area and a minimum dimension of five (5) feet eight (8) inches [5'-8"] to be placed in said space.	SP 4-93, SPA No. 3
Minimum Common Space Per Unit & Recreational Facilities	140 sf + amenities	SP 4-93, Page V-53 Open Space and Recreation Plan Standards – i)
Parking Spaces	2 covered spaces per unit and ½ guest space per unit	SP 4-93, SPA No. 3
Garage Parking Spaces	Unobstructed minimum interior dimension of 20 ft in width by 20 ft in length.	Zoning Ordinance §9162.41
Garage Parking – Tandem Spaces	Unobstructed minimum interior dimension of 10 ft in width by 37 ft in length.	SP 4-93, SPA No. 3



LOT 11: HOUSING TYPE D DEVELOPMENT STANDARDS

Topic	Standard	Source ^{1,2}
Trash Storage, Enclosures	<p>For residential facilities of more than 12 units, trash areas shall be provided as follows:</p> <p>a. If individual trash areas are provided, the individual trash areas shall be at least 3 ft by 4 ft for each unit, and there shall be 1 additional area of at least 4½ ft by 6 ft.</p> <p>b. If a common trash area is provided, the common trash area shall be at least 4½ ft by 15 ft with an additional 5 sf of trash area for each unit over 13.</p>	Zoning Ordinance §9164.2.C.3
<p>Legend: ft = feet; sf = square feet; du = dwelling unit; ac = acre</p>		
<p>Sources:</p> <ol style="list-style-type: none"> Specific Plan 4-93 as amended through Specific Plan Amendment No. 2 (Ordinance No. 99-1170, September 7, 1999) Carson Municipal Code, Article IX, Planning and Zoning (Zoning Ordinance) 		

The project applicant has taken into consideration the development's proximity to the adjacent properties to the north and to the west. Building heights are set to a maximum of 35 feet due to the grade difference between the lots. As a measure of privacy, the applicants have designed the buildings closest to the existing residences to include high windows on the elevations that are most affected by the privacy concerns. In addition to high windows, the site is also designed to incorporate an abundance of landscaping along the perimeters of the project site to help screen the development from neighboring properties and to provide a measure of noise mitigation.

Since the project entails a Specific Plan Amendment, the proposed project will have its own Specific Plan with separate development standards and amenities, and the community will have its own Homeowner's Association. The project applicant will make clear in the proposed CC&R's that residents and future residents of the development will not have the rights to utilize the existing amenities and recreation areas in Dominguez Hills Village.



IV. Discussion

CFD/DIF Agreement

Brandywine Homes will enter into an Agreement for Development Impact Fees and Community Facilities District participation with the City and will comply with all its requirements. In accordance with this agreement, Brandywine Homes will be responsible for payment of one-time impact fees of \$14,000/dwelling unit. The Project contemplates a 38-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 \$532,000 (DIF Amount), provided that the Project increases or decreases in size, the DIF Amount will be adjusted accordingly at the same rate. No building permits will be issued prior to the full payment of the DIF Amount.

City adopted CFD 2018-01 to finance the ongoing costs of the following: law enforcement, street and sidewalk maintenance, landscape maintenance, street sweeping and sidewalk cleaning, and other eligible impacts of the Project within the CFD (the CFD Services). Brandywine Homes has agreed to and shall participate in the CFD No 2018-01 for these purposes so as to offset the ongoing impacts of the Project (the CFD Benefits), in accordance with the CFD Cost Allocation attached as Exhibit "A" to the Agreement for Development Impact Fees and Community Facilities District Participation.

V. Environmental Review

The City reviewed the environmental impacts of the proposed project pursuant to the California Environmental Quality Act (CEQA). A Draft Mitigated Negative Declaration was prepared and made available for a public review period from April 26, 2019 through May 26, 2019. The Draft Mitigated Negative Declaration found potentially less than significant impacts of aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, and utilities and service systems. With the inclusion of the proposed mitigation measures, adverse impacts are mitigated to the maximum extent feasible and below a level of significance.

VI. Public Notice and Community Outreach

Public notice was posted to the project site on May 2, 2019. Notices regarding a community meeting were mailed to property owners and occupants on March 18, 2019. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

On March 27, 2019, the applicant hosted a community meeting with the adjacent property owners and occupants. The community meeting was held at the Stevenson Park Community Center in Carson, which is in close proximity to the project site. Notices of the community meeting were sent to all property owners and tenants within 1000 feet from the project site. Approximately 20-30 property owners and/or occupants attended the meeting. A number of concerns were voiced regarding traffic impacts on Cedarbluff Way, screening methods from existing homes adjacent to the

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project site, mitigation of noise from construction, and positioning and design of the monument sign located on the southwest corner of Cedarbluff Way and Victoria Street.

The applicant has addressed the issue on traffic impacts on Cedarbluff Way by proposing a modified entry located further from Dominguez Hills Villages exit gate, and provides for a modified median allowing left turn lane into the project which reduces potential vehicle queueing. Construction would take place during the appropriate hours allowed by City code to mitigate any potential noise impact during hours inappropriate for construction.

City staff considers the proposed project and to be consistent with the existing Dominguez Hills Village Specific Plan and surrounding community. The applicant believes that the proposed project represents an attractive high density development, with favorable design components that align with the existing surrounding communities. The applicant also recognizes that the site plan is setback from the from the street, to create a more neighborhood-friendly facade.

VII. Recommendation

That the Planning Commission:

- **APPROVE** Design Overlay Review No. 1743-18, Tentative Tract Map No. 82395-18 subject to the conditions of approval attached as Exhibit "B" to the Resolution and contingent upon City Council approval of, Specific Plan No. 17-18, and Mitigated Negative Declaration; and
- **RECOMMEND APPROVAL** Specific Plan No. 17-18, and Mitigated Negative Declaration and adoption of the Mitigated Negative Declaration for the Project to the City Council; and
- **WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 18-___, ENTITLED "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1743-18, TENTATIVE TRACT MAP NO. 82395-18, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT SPECIFIC PLAN NO. 17-18 AND MITIGATED NEGATIVE DECLARATION TO DEVELOP A 38-UNIT RESIDENTIAL CONDOMINIUM PROJECT ON A 1.6-ACRE PROJECT SITE AT 1007 EAST VICTORIA STREET."**

VIII. Exhibits

- | | |
|-----------------------------------|--------------------------------|
| 1. Development Plans | 4. Indemnification Agreement |
| 2. Specific Plan | 5. Memorandum of Understanding |
| 3. Mitigated Negative Declaration | 6. Draft Resolution |

Prepared by: Nancy Mith, Planner

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Report to Mayor and City Council

Tuesday, June 18, 2019

Discussion

SUBJECT:

..Title

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

..Body

I. SUMMARY

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

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

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

If the City Council makes substantial changes to the project or actions that are the subject of this staff report, the Planning Commission may become legally obligated to reconsider its approval.

EX.B



II. RECOMMENDATION

..Recommendation

TAKE the following actions:

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

..Body

III. ALTERNATIVES

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

IV. BACKGROUND

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

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

Under the DHV Specific Plan as originally approved, Lot 11 was designated for a 1.6-acre child care center to be developed by K. Hovnanian at Dominguez Hills, Inc. (K. Hovnanian). On February 23, 2007, a Grant Deed (the Deed) was recorded, granting The Community Development Center, Inc. (CDC) ownership of the subject property. The Deed was subject to an Executory Limitation which provided the City a Power of Termination and Right of Re-entry should CDC violate the terms and conditions set forth in the Deed. A condition of the Deed



held CDC responsible for the development and use of the subject property as a child care center and related educational facility. The child care facility was to be operative by the relinquishment date set for December 31, 2016. CDC violated the Executory Limitation by neglecting to develop Lot 11 with a childcare facility, and in 2017, a dispute involving the title to the subject property emerged between the City and CDC when the City exercised its power of termination.

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

Project Description

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

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

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

Project Ownership

The City of Carson currently owns the subject property and intends to transfer title to Brandywine Acquisitions Group by August 31, 2019. Upon closing of escrow, Brandywine Homes will develop the 1.6 acre site.

Common Open Space



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

Homeowner's Association

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

Access and Parking

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

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



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

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

Legal Vehicular Access

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

Density

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

California Environmental Quality Act (CEQA)

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

The MND finds no potentially significant impacts on the environment, including with respect to aesthetics, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, tribal cultural resources, and utilities and service systems, associated with the project. With the inclusion of the



proposed mitigation measures, as set forth in the MND, all adverse environmental impacts associated with the project are mitigated to the maximum extent feasible and below a level of significance.

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

Additional concerns were raised about the environmental condition of the site. The applicant tested the soils and provided a report (dated July 24, 2018) prepared by a licensed geologist, certifying that there are no toxic substances present on the site. The project site was also tested for hydrocarbons and none were found (report dated July 19, 2019).

Public Notice

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

Community Input

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

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



V. FISCAL IMPACT

No immediate fiscal impact. However, the project is expected to generate increased property tax revenues from the site on which it will be located, which is currently vacant land. The applicant has also entered into a Development Impact Fee (DIF)/Community Facilities District (CFD) agreement, which provides for the payment of Development Impact Fees and annexation of the subject property into the City's Citywide Community Facilities District, CFD No. 2018-01. Through this agreement, the applicant will be obligated to pay a one-time fee of \$532,000.00 as Development Impact Fee (DIF). The annual CFD obligation for the project is \$33,405.80. Both DIF and CFD are adjusted annually and applicable fees and rates will be paid and assessed at the time of issuance of building permits and annexation to the CFD.

VI. EXHIBITS

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

Prepared by: Saied Naaseh, Community Development Director/Nancy Mith, Contract Planner

