



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: March 23, 2021

SUBJECT: Site Plan and Design Review 1661-17; Conditional Use Permit 1023-17; Zone Change 178-17; General Plan Amendment 100-17; Specific Plan 15-17; Tentative Tract Map 76070-17

APPLICANT: Consuelo Chaneco
21809 S Figueroa Street
Carson, CA 90745

PROPERTY OWNER: Michael Mulligan
21809 S Figueroa Street
Carson, CA 90745

REQUEST: A one-year time extension of Project Approvals (Site Plan and Design Review 1661-17, Conditional Use Permit 1023-17, Zone Change 178-17, General Plan Amendment 100-17, Specific Plan 15-17, Tentative Tract Map 76070-17) for a previously-approved project for development of a four-story, 32-unit residential condominium complex.

PROPERTY INVOLVED: 21809-21811 Figueroa St.

COMMISSION ACTION

AYE	NO		AYE	NO	
		Chairperson Thomas			Monteclaro
		Vice Chair Palmer			Thomas
		Diaz			Rashad
		Guerra			
		Huff			Alt. Alt. Alt.

Item No. 5A

I. Introduction

Applicant

Consuelo Chaneco
21809 S. Figueroa Street
Carson, CA 90745

Property Owner

Michael Mulligan
21809 S. Figueroa Street
Carson, CA 90745

II. Project Description and Background

The 0.8-acre project site is located along the western edge of the City. The site is within a block from the intersection of Carson Street and Figueroa Street, adjacent to State Route 110 (SR-110), and within a half-mile of a Metro Express bus station.

On February 12, 2019, the Planning Commission adopted Resolution No. 19-2663, approving Site Plan and Design Review No. 1661-17, Conditional Use Permit No. 1023-17 and Tentative Tract Map 76070-17.

Subsequently, on March 5, 2019, the City Council adopted Resolution No. 19-054, approving General Plan Amendment 100-17, and on March 19, 2019, the City Council adopted Ordinance No. 19-1925, approving Specific Plan 15-17, Tentative Tract Map 76070-17, and a Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program.

Pursuant to Condition No. 3 of the project conditions of approval, the applicant is required to obtain building permits and commence construction within two years following the effective date of project approval (March 19, 2019), or the project approval shall become null and void, unless a time extension is approved by the Planning Commission. The procedure/criteria for approval of a time extension by the Commission are set forth in Carson Municipal Code (“CMC”) Sections 9172.21(H)(2) and 9172.23(I)(2), discussed in the “Analysis” section, below.

The applicant submitted for Building Plan Check about 6 months ago and is currently working toward obtaining the necessary demolition and grading permits. As stated in its letter of justification (Exhibit 4), the applicant has faced challenges in completing the process due to the restrictions brought about by the COVID-19 pandemic. The applicant anticipates another 6-8 months before building permits can be issued. Therefore, the applicant is requesting additional time to complete the process and start construction on this project. The applicant originally requested an 18-month extension as shown in Exhibit 4, but subsequently verbally agreed with City staff to reduce the requested extension to 12 months to facilitate approval as discussed below.

The request before the Planning Commission is not for reconsideration or modification of the project approvals or conditions, but rather is only for consideration of approval of the applicant’s request for a one-year time extension for effectiveness of the project approvals to facilitate compliance with the aforementioned Condition No. 3.

III. Analysis

On February 11, 2021, the applicant made a timely request for an extension of time to complete the subject project (Exhibit 3).

Section 9172.21 Subsection (H)(2) of CMC Section 9172.21 (“Conditional Use Permit”) provides, “Upon application by the permit holder filed with the Director on or before the date of expiration of the permit, a permit which would otherwise expire may be extended by the Commission . . . if

the Commission finds that the termination of the permit would constitute an undue hardship upon the permit holder and that the continuation of the permit would not be materially detrimental to the health, safety and general welfare of the public. Extensions shall not be granted for more than a total of one (1) year unless a public hearing is held and approval granted in the same manner and based upon the same criteria as for the issuance of a new permit.” Similarly, subsection (1)(2) of CMC Section 9172.23 (“Site Plan and Design Review”) provides, “Upon application by the permit holder filed with the Director on or before the date of expiration of the permit, a permit which would otherwise expire may be extended by the Commission . . . if the Commission . . . finds that the termination of the permit would constitute an undue hardship upon the permit holder and that the continuation of the permit would not be materially detrimental to the health, safety and general welfare of the public. Extensions shall not be granted for more than a total of one (1) year unless a public hearing is held and approval granted in the same manner and based upon the same criteria as for the issuance of a new permit.”

The requested extension is for one (1) year. Thus, the requested extension may be granted by the Planning Commission upon finding that:

- The termination of the permit would constitute an undue hardship upon the permit holder; and
- The continuation of the permit would not be materially detrimental to the health, safety and general welfare of the public.

On February 11, 2021, the applicant made a timely request for a one-year extension of time to complete the subject project (Exhibit 3). The applicant has been diligently working with the City to fully comply with the conditions of approval, but it has taken longer than anticipated to obtain final construction permits (the project is currently under plan check review by the Building & Safety Division). The applicant’s letter of justification states that additional time is needed due to delays caused by the pandemic.

The project was originally approved and conditioned so to ensure it is not materially detrimental to the health, safety and general welfare of the public, and staff is not aware of any circumstances, whether existing at the time of project approval or arising since that time, that would cause the extended effectiveness of the project approvals for an additional year to be materially detrimental to the health, safety and general welfare of the public. Subject to ongoing compliance by applicant with all of the conditions of approval, staff believes that granting the requested extension of the permit would not be materially detrimental to the health, safety and general welfare of the public.

If the request is approved, the one-year extension of time will expire on March 19, 2022.

IV. Public Notice

Public notice was posted to the project site on March 11, 2021. Notices were mailed to property owners and occupants within 750 feet on March 11, 2021. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

V. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 21-____, A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A ONE-YEAR TIME EXTENSION FOR EFFECTIENESS OF PREVIOUSLY-GRANTED PROJECT ENTITLEMENTS (DESIGN OVERLAY REVIEW NO. 1661-17, CONDITIONAL USE PERMIT NO. 1023-17, ZONE CHANGE NO. 178-17, GENERAL PLAN AMENDMENT NO. 100-17, SPECIFIC PLAN NO. 15-17 AND TENTATIVE TRACT MAP NO. 76070-17)TO DEVELOP A FOUR-STORY, 32 UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 21809-21811 SOUTH FIGUEROA STREET.”

VI. Exhibits

1. Draft Resolution.
2. Planning Commission Staff Report dated February 12, 2019, including Resolution No. 19-2663 and related Conditions of Approval.
3. City Council Staff Report dated March 5, 2019, including Resolution No. 19-054 and Ordinance No. 19-1925.
4. Letter of Justification.
5. Zoning Map.

Prepared by: Manraj Bhatia, Associate Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING A ONE-YEAR TIME EXTENSION FOR EFFECTIVENESS OF PREVIOUSLY-GRANTED PROJECT ENTITLEMENTS (DESIGN OVERLAY REVIEW NO. 1661-17, CONDITIONAL USE PERMIT NO. 1023-17, ZONE CHANGE NO. 178-17, GENERAL PLAN AMENDMENT NO. 100-17, SPECIFIC PLAN NO. 15-17, AND TENTATIVE TRACT MAP NO. 76070-17) TO DEVELOP A FOUR-STORY, 32-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 21809-21811 SOUTH FIGUEROA STREET

WHEREAS, on February 12, 2019, the Planning Commission adopted Resolution No. 19-2663, approving Site Plan and Design Review No. 1661-17 (the “DOR”), Conditional Use Permit No. 1023-17 (the “CUP”), and Tentative Tract Map No. 76070-17 (the “TTM”), contingent upon further applicable/required approvals being granted by the City Council, and recommending City Council approval of General Plan Amendment No. 100-17 (the “GPA”), Specific Plan No. 15-17 (the “SP”), Zone Change No. 178-17 (the “ZC”), and a Mitigated Negative Declaration and Mitigated Monitoring and Reporting Program (“MND”), for development of a four-story, 32-unit condominium complex on the real property located at 21809-21811 South Figueroa Street and legally described in Exhibit “A” attached hereto (the “Project”), subject to the Project conditions of approval attached to the resolution as Exhibit “B” (the DOR, CUP, TTM, GPA, SP, and ZC are hereinafter collectively referred to as the “Project Entitlements”); and

WHEREAS, on March 5, 2019, the City Council adopted Resolution No. 19-054, approving the GPA, and on March 19, 2019, the City Council adopted Ordinance No. 19-1925, approving the SP, the ZC, and the MND for the Project, subject to the Project conditions of approval (to the extent applicable); and

WHEREAS, Condition No. 3 of the Project conditions of approval provides in part as follows: “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 granted by the Planning Commission.”; and

WHEREAS, on February 11, 2021, the Department of Community Development received an application from Consuelo Chaneco on behalf of Mike Mulligan, Project Manager, for the Project, requesting a one-year time extension for the Project Entitlements. Although the application as originally submitted requested an 18-month extension, the applicant subsequently agreed verbally with City Planning staff to reduce the requested extension to 12 months (the “Request”); and

WHEREAS, a staff report with recommendations was submitted, and the Planning Commission did on the 23rd day of March, 2021, conduct a duly noticed public hearing to consider the Request. Notice of the hearing was posted and mailed to property owners and properties within a 750-foot radius of the Project site by March 12, 2021.

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

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and the same are incorporated herein by reference.

SECTION 2. The Planning Commission finds as follows:

- a) The applicant has been diligently working with the City's staff to proceed with the Project and fully comply with the Project conditions of approval, but it has taken the applicant longer than anticipated to obtain final construction permits. The applicant has experienced Project delays caused by the COVID-19 pandemic related to limitations in its own staff, limitations on its ability to communicate with City plan checkers, and the need to work remotely/virtually. As a result, additional time is needed beyond the two-year period provided by Condition No. 3 of the Project conditions of approval for the applicant to obtain building permits and commence construction.
- b) The Project was conditionally approved in 2019 in such a manner as to ensure that the Project is not materially detrimental to the health, safety and general welfare of the public, and no circumstances, either existing at the time of Project approval or arising since that time, have come to light that would make the requested one-year extension of effectiveness of the Project Entitlements materially detrimental to the health, safety and/or general welfare of the public. Granting the requested one-year extension would not be materially detrimental to the health, safety and general welfare of the public.
- c) The termination of the Project Entitlements, or any of them, would constitute an undue hardship on the permit holder. The permit holder has worked diligently to complete the Project and to satisfy the Project conditions of approval, investing significant time, effort, and/or resources in doing so, but has been unable to do so within the time limit specified in Condition No. 3, due to factors largely beyond its control related to the COVID-19 pandemic.

SECTION 3. Based on the foregoing findings, the Commission hereby approves a one (1)-year extension, effective and commencing as of March 19, 2021, of effectiveness of the Project Entitlements, thus allowing the applicant/holder of the Project Entitlements until March 19, 2022 to obtain building permits and commence construction in compliance with Condition No. 3 of the Project conditions of approval. With approval of the one (1) year extension pursuant to this Section 3, the new date for expiration of the Project Entitlements is March 19, 2022.

SECTION 4. This decision of the Planning Commission shall become effective and final 15 days from the date of the action, in accordance with Section 9173.33 of the Zoning Ordinance, unless an appeal is filed within that time in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 23rd day of March, 2021.

CHAIRPERSON

ATTEST:

SECRETARY

SCHEDULE A

PART VI

6. The Tentative Map No. is a Subdivision of the land described as follows:

TRACT NO. 76070, BEING A SUBDIVISION OF LOT 41 OF TRACT NO. 3612, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 40, PAGE(S) 5 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE NORTH 165 FEET AND THAT PORTION OF SAID LAND LYING WEST OF THE WEST LINE OF THE EAST 235 FEET THEREOF AS GRANTED TO THE STATE OF CALIFORNIA IN BOOK 47490, PAGE 312 OF OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND AS GRANTED TO THE STATE OF CALIFORNIA IN THAT CERTAIN DEED RECORDED ON MARCH 30, 1960 AS INSTRUMENT NO. 2388 OF OFFICIAL RECORDS, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH 165.00 FEET OF SAID LOT, DISTANT EASTERLY ALONG SAID SOUTH LINE 407.03 FEET FROM THE WEST LINE OF SAID LOT; THENCE SOUTHERLY IN A DIRECT LINE, TO A POINT ON THE SOUTH LINE OF SAID LOT, DISTANT EASTERLY ALONG SAID SOUTH LINE OF SAID LOT 405.73 FEET FROM THE SAID WEST LINE; THENCE WESTERLY ALONG SAID LAST MENTIONED SOUTH LINE 4.53 FEET TO THE WEST LINE OF THE EAST 235.00 FEET OF SAID LOT; THENCE NORTHERLY ALONG SAID LAST MENTIONED WEST LINE 165.00 FEET TO THE SAID SOUTH LINE OF THE NORTH 165.00 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED LINE, 5.78 FEET TO THE POINT OF BEGINNING.

APN: 7343-020-009; 7343-020-010

APN: 7343-020-009, 010

This legal description is for the sole purpose of this report and may not be considered for use in any policy of title insurance to be issued by this company; and is subject to change at any time. It is preparatory to the issuance of a Subdivision Guarantee and is intended solely for the use of those parties directly involved in the preparation and checking of said map.



CITY OF CARSON
PLANNING COMMISSION STAFF REPORT

CONTINUED
PUBLIC HEARING:

February 12, 2019

SUBJECT:

Design Overlay Review (DOR) No. 1661-17
Conditional Use Permit (CUP) No. 1023-17
Tentative Tract Map (TTM) No. 76070-17
General Plan Amendment (GPA) No. 100-17
Zone Change (ZCC) No. 178-17
Specific Plan (SP) No. 15-17

APPLICANT:

Anthony Laney of LANEY LA, Inc.
13110 Hawthorne Blvd. Unit A
Hawthorne, CA 90250

PROPERTY OWNER:

Real Quest Holding, LLC
3129 S. Hacienda Blvd. #649
Hacienda Heights, CA 91745

REQUEST:

Consider approval of a four-story, 32-unit residential condominium project

PROPERTY INVOLVED:

21809 and 21811 S. Figueroa Street

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

Item No. 6A

I. Introduction

Property Owner

Real Quest Holding, LLC – Michael Wang
3129 S. Hacienda Blvd. #649
Hacienda Heights, CA 91745
(626) 271-5322
chihbbs@gmail.com

Applicant

Anthony Laney, AIA
LANEY LA, Inc.
13110 Hawthorne Blvd. Unit A
Hawthorne, CA 90250
(310) 870-7175
anthony@laney.la

Representative

Paul Choi, AIA
LANEY LA, Inc.
13110 Hawthorne Blvd. Unit A
Hawthorne, CA 90250
(310) 870-7175
paul@laney.la

II. Project Description

The applicant requests the approval of Design Overlay Review No. 1661-17, Conditional Use Permit No.1023-17 and Tentative Tract Map No. 76070-17; and recommendation of approval to the City Council for General Plan Amendment No. 100-17, Zone Change No. 178-15, and Specific Plan No. 15-17 (Birch Specific Plan “BSP”) to develop a new four-story, 32-unit residential condominium and related site improvements, and has entered into an agreement for participation in the City-wide Community Facilities District (CFD) and Development Impact Fees (DIF).

III. Project Site and Surrounding Land Uses

The 0.8 acre project site is located along the western edge of the City. The site is within a block from the intersection of Carson Street and Figueroa Street, adjacent to State Route 110 (SR-110), and within a half mile of a Metro Express bus station.

IV. Background and Analysis

The staff report from the November 13, 2018 public hearing provided a thorough analysis and discussion on the project site plan and design, building architecture, landscaping, and parking (Exhibit 3).

Planning Commission

On December 11, 2018, this item was continued at the Planning Commission's request with a 7-0 vote. During the public hearing, the Commission discussed concerns regarding ongoing maintenance and professional management. Condition of Approval No. 32 has been added which includes language in the CC&Rs prohibiting the homeowners association (HOA) from discontinuing professional management of the housing development to ensure on-going property maintenance and security.

The CC&Rs shall include language that prohibits the Homeowners Association (HOA) from ceasing professional property management without obtaining City of Carson City Council approval.

The Commission also discussed a community benefit fee program, a resident's concern letter, and project pro forma. The Commission continued this item to January 22, 2019 to allow time for the applicant to provide a response (Exhibits 2 and 3). The item was continued to February 12, 2019 at the request of the applicant.

Specific Plan

The project is proposing 32 units with a density of 41 dwelling units per acre. The current General Plan land use designation allows up to 25 dwelling units per acre which would allow 20 units for this site. The proposed density increase aligns with the one of the 2040 General Plan Update Land Use alternatives which envisions this area as Downtown High Density Mixed-Use land use designation. Therefore, staff recommends a condition of approval that requires the applicant to make any necessary revisions to the Specific Plan within 48 hours from the City Council action and submit to Planning Division for review and approval (Condition No. 20). The following changes shall be made to the Specific Plan for these purposes:

- The residential density allowed shall be limited to 45 units per acre.

Community Benefit Program Options

In exchange for increased density, the Commission requested the applicant to provide a community benefit fee program that secures fees for affordable housing at another location which offsets the impacts to the community. The applicant has stated to staff the economics of the project cannot justify accommodating this request. It should be noted that the City does not have an adopted policy requiring such an amenity. As such, the applicant has volunteered to continue working with staff to provide the following community benefits: bus shelter improvement in close proximity to the project, new public bike rack and bench in front of the project site, and an on-site public art installation. Furthermore, the applicant will be paying Development Impact Fees (DIF) and participating in the Citywide Community Facilities District (CFD). Both the DIF and CFD payments increase with the increase in the number of units for the project. Therefore, the infrastructure and service

impacts of the additional units are mitigated by payment of additional DIF and CFD associated with the additional units.

As an alternative option, the Commission can require that the applicant incorporate a community benefit in-lieu fee program into the Specific Plan prior to final adoption. The Avalon Specific Plan was conditioned to provide the following community benefits: \$250,000 contribution to the City, public art (valued at \$200,000), public plaza, right-of-way dedication to future street improvements, and commitment to meet a performance schedule to ensure the project is built in a timely manner. Therefore, the community benefit contribution from The Avalon Specific Plan was approximately \$3,000 per unit for the increased density over the base Mixed-Use Carson Street (MU-CS) zone. Since this Birch Residential project is proposing some amenities such as bike rack, bench, public open space, and art, the Planning Commission could assess a fee of \$3,000 per unit for the increased density requested over base High Density Residential General Plan Land Use designation for a total of \$36,000. (Condition No. 19).

Comparison Table showing difference between density allowed and proposed for The Avalon Specific Plan and Birch Specific Plan

	The Avalon Specific Plan (approved in 2015)	Birch Specific Plan (0.8 acre site)
Density Allowed prior to approval (dwelling units/acre)	35	25
Density Proposed (DU/AC)	65	45
Additional number of units allowed above the existing density	165	12
Proposed Units	357	32

The Commission may consider making additional recommendations to the City Council to consider adopting a community benefit fee program or other amenities such as “work force” housing quantifying the amenities in direct proportion to the requested density increase as a policy and program within the General Plan Update. If the Commission decides to move this forward, staff can incorporate this recommendation into the ongoing General Plan Update process which the Commission will be involved in.

Resident Concern Letter

During the public hearing, Mr. Charles Thomas presented a concern letter to the Commission regarding the proposed project (Exhibit 4). The following areas of concern were noted and have been primarily discussed in previous meetings:

- Increased density;
- Elimination of private space for nine units;
- Environmental impact of the units adjacent to the 110 Freeway;
- Inadequate open space located on the roof; and
- Parking requirements.

Also mentioned in the letter are lack of workforce housing and a proposal to require deed restrictions. The market conditions will prescribe the unit costs for the project's location within the City so the applicant estimates the units will likely sell for about \$300,000 to \$400,000 which is within the 2018 LA County area median income (AMI) target sales price range. The sales targets for a deed restriction based on the 2018 AMI for Los Angeles County range from \$319,660 at 70% of AMI, to \$730,619 at 160% of AMI. The City does not have an adopted policy requiring deed restrictions for market rate housing.

Pro forma

After further consideration, the applicant has indicated they will provide financial information during the public hearing. It should be noted that staff does not require applicants to provide financial feasibility including a detailed pro forma because this information is not germane to the review and recommendation of a project. The purview of the Commission and staff is to review for compliance with the Carson Municipal Code and determine if the required project findings for approval can be made.

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 May 2, 2018 through May 21, 2018. The Draft Mitigated Negative Declaration found potentially significant impacts of cultural resources, noise, and tribal cultural resources. 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

Public notice was posted to the project site on January 2, 2019. Notices were mailed to property owners and occupants on January 12, 2019. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

VII. Conclusion

The Planning Commission has expressed concerns regarding a community benefit fee program in exchange for a request for increased density. Although the City does not have an adopted policy requiring such an amenity and the applicant states the economics of the project cannot justify providing this request, staff recommends a condition of approval that requires the applicant to incorporate a community benefit

in-lieu program into the Specific Plan prior to final adoption of the Specific Plan. The Birch Residential project can be conditioned to provide the following community benefits: \$36,000 contribution to the City, and proposed amenities such as bike rack, bench, public open space, and art (Condition of Approval No. 19).

The applicant is requesting approval of this project and requests that action be taken without further continuances. The applicant has requested that if the Planning Commission does not reach a consensus to recommend approval of the project to the City Council, an alternative motion should be introduced to recommend denial of the applications to the City Council. In this case, staff recommends the Planning Commission to make clear findings for denial.

VIII. Recommendation

That the Planning Commission:

- **APPROVE** Design Overlay Review No. 1661-17, Conditional Use Permit No.1023-17, Tentative Tract Map No. 76070-17 subject to the conditions of approval attached as Exhibit “B” to the Resolution and contingent upon City Council approval of General Plan Amendment No. 100-17, Zone Change No. No. 178-17, Specific Plan No. 15-17, and Mitigated Negative Declaration; and
- **RECOMMEND APPROVAL** General Plan Amendment No. 100-17, Zone Change No. 178-17, and Specific Plan No. 15-17, 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. 19-___**, ENTITLED “A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1661-17, CONDITIONAL USE PERMIT NO. 1023-17, TENTATIVE TRACT MAP NO. 76070-17, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT NO. 100-17, ZONE CHANGE NO. 178-17, SPECIFIC PLAN NO. 15-17, AND MITIGATED NEGATIVE DECLARATION TO DEVELOP A 32-UNIT RESIDENTIAL CONDOMINIUM PROJECT ON A 0.8-ACRE PROJECT SITE AT 21809 AND 21811 S. FIGUEROA STREET.”

IX. Exhibits

1. Draft Resolution
2. Planning Commission Disposition Excerpt dated December 11, 2018
3. Planning Commission Staff Reports: December 11, 2018 and November 13, 2018
4. Resident Concern Letter dated December 11, 2018
5. Development Plans

Prepared by: Leila Carver, Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 19-2663

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1661-17, CONDITIONAL USE PERMIT NO. 1023-17, TENTATIVE TRACT MAP NO. 76070-17, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT NO. 100-17, ZONE CHANGE NO. 178-17, SPECIFIC PLAN NO. 15-17, AND MITIGATED NEGATIVE DECLARATION TO DEVELOP A 32-UNIT RESIDENTIAL CONDOMINIUM PROJECT ON A 0.8-ACRE PROJECT SITE AT 21809 AND 21811 S. FIGUEROA 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, Anthony Laney of LA LANEY, Inc. on behalf of the property owner, Real Quest Holding, LLC, with respect to real property located at 21809 and 21811 S. Figueroa Street and described in Exhibit "A" attached hereto, requesting to construct a new four story, 32-unit residential condominium project. The ground level will be a concrete podium structure with at-grade parking on a 0.8-acre project site:

- Design Overlay Review (DOR) No. 1661-17 to permit the design of the proposed project to construct a 32-unit residential condominium project;
- Conditional Use Permit (CUP) No.1023-17 to permit a new multiple-family residential and to increase the residential density beyond what is currently allowed by the Zoning Ordinance;
- General Plan Amendment (GPA) No. 100-17 to change the existing land use designation from High Density Residential (up to 25 dwelling units per acre) to Urban Residential (up to 65 dwelling units per acre);
- Zone Change (ZCC) No. 178-17 to change the existing zoning district from RM-18-D (Residential, Multifamily – 18 dwelling units per acre – Design Overlay) to Birch Specific Plan;
- Tentative Tract Map (TTM) No. 76070-17 to subdivide the two existing parcels into one parcel to allow for development of 32-unit residential condominium units;
- Specific Plan (SP) No. 15-17 to create a new 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 13, 2018, 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. The Planning Commission continued the matter to December 11, 2018.

Section 3. A public hearing was duly held on December 11, 2018, 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. The Planning Commission continued the matter to January 8, 2019.

Section 4. A public hearing was duly held January 22, 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. The applicant requested the matter be continued to February 12, 2019.

Section 5. A public hearing was duly held February 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 the aforesaid meeting.

Section 6. Pursuant to the Birch Specific Plan, any proposed development is subject to site plan and design review per Section 9172.23. With respect to the Design Overlay Review No. 1661-17, the Planning Commission finds that:

- a) The proposed map and design will be compatible with proposed General Plan Land Use Designation of Urban Residential, Birch Specific Plan, and surrounding multifamily residential land uses and the Carson Street Mixed Use District. The proposed Urban Residential land use designation will accommodate up to 65 dwelling units per acre. The project is consistent with General Plan policies. The project includes a zone change application changing the existing zoning district from RM-18-D (Residential, Multifamily (Residential, Multifamily – 18 dwelling units per acre – Design Overlay) to Birch Specific Plan zoning district. Where the Carson Zoning Ordinance regulations and/or development standards are inconsistent with Birch Specific Plan, the Birch Specific Plan standards and regulations shall prevail. The implementation of the project requires different development standards than those included in the RM-18-D zone; therefore, the applicant proposes the new Birch Specific Plan.
- b) The proposed project is within the existing RM-18-D zoning district and anticipated Birch Specific Plan zoning district, and proposed project is compatible with the architecture and design with existing and anticipated development in the area, including site planning, land coverage, 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 building and associated improvements were designed with a strong and appropriately scaled framework of architectural and landscape. 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. 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 project is bordered by one- and two-story multifamily residential properties that include a variety of architectural influences including “Spanish”, “Contemporary”, “Craftsman”, and “Industrial”. The applicant has proposed a “Modern” style architecture that exhibits some characteristics of industrial influences. The building is comprised of a series of angled planes providing articulation to the overall building composition. The roof line includes a series of saw-tooth cornices that are the inspiration for project signage and landscape forms found elsewhere in the project. Elevation materials are comprised of brick, wood, glass, and stucco that support the chosen “Modern” style architecture. The proposed landscape plan features water efficient design and includes several different plant species across the project site. Hedges and trees will provide screening along all property lines and screening for the adjoining single-story residence to the north, west and south. In addition, all planting and irrigation shall comply with applicable water conservation limits.

- c) The project site is within the RM-18-D and anticipated Birch Specific Plan zoning district. Two driveways adjacent to Figueroa Street provide vehicle access to the project site and parking areas. There are no internal vehicular streets other than the minimal access into the parking garage. The site design creates a quality pedestrian atmosphere with a large parkway area in front of the building, access from the street, and internal pedestrian access throughout the proposed building. Due to the proximity of the project site to the Carson Street corridor, residents of the proposed project would be able to access the corridor via local sidewalks, promoting pedestrian-oriented and transit-oriented environment
- d) All signage associated with this project will comply with the Birch Specific Plan Specific Plan, and Municipal Code provisions and will be reviewed and approved by the Planning Division prior to building occupancy.
- e) The proposed multifamily residential condominium use and development will be compatible with the intended character of the area. The high quality design of the project in proximity to the Carson Street Mixed-Use District and the Metro transit station will further development of the transit-oriented development, and the continued revitalization of Carson Street.

Section 7. With respect to the Conditional Use Permit No. 1023-17, the Planning Commission finds that:

- a) The proposed multifamily residential condominium use and development will be compatible with proposed General Plan Land Use Designation of Urban Residential. The proposed Urban Residential land use designation is required to accommodate up to 65 dwelling units per acre. The project is consistent with General Plan policies.

- b) The project site is adequate in size, shape, topography, location, utilities, and other factors to accommodate the proposed use and development to accommodate for a 32-unit residential condominium project.
- c) The proposed development will have adequate street access from Figueroa Street, and also adequate capacity for parking and traffic. Two driveways adjacent to Figueroa Street provide vehicle access to the project site and parking areas. Parking will be completely screened from the public view. There are no internal vehicular streets other than the minimal access into the parking garage. The proposed project includes 73 parking spaces: 64 resident spaces and 9 guest parking spaces. In addition, the project site is accessible via local sidewalks to two transit lines. The site design creates a quality pedestrian atmosphere with a large parkway area in front of the building, access from the street, and internal pedestrian access throughout the proposed building. Due to the proximity of the project site to the Carson Street corridor, residents of the proposed project would be able to access the corridor via local sidewalks, promoting pedestrian-oriented and transit-oriented environment
- d) The County Fire Department has reviewed the proposed project and concludes that adequate water supply exists to meet current and anticipated fire suppression needs. The County Fire Department has imposed several conditions, which are incorporated in the Conditions of Approval for this project.
- e) The proposed multifamily residential condominium use and development will be compatible with the intended character of the area. The high quality design of the project in proximity to the Carson Street Mixed-Use District and the Metro transit station will further development of the transit-oriented development, and the continued revitalization of Carson Street.

Section 8. With respect to the General Plan Amendment 100-17, the Planning Commission finds that:

- a) State law requires compatibility/consistency between land use zoning classifications and the General Plan. Amending the General Plan land use designation from High Density to Urban Residential will be consistent and compatible with the existing multifamily and commercial uses in the surrounding areas of the subject site.
- b) The proposed General Plan Amendment is consistent with the General Plan goals and policies. The proposed project advances the General Plan's goals and policies related to land use, transportation, housing and economic development.
- c) The General Plan Amendment will ensure consistency between the Birch Specific Plan and the General Plan. The General Plan amendment will establish an Urban Residential" Land Use Designation for the Birch Specific Plan area to replace the Site's existing High Density Residential General Plan designations.

The Specific Plan is consistent with the General Plan Land Use Element goals, policies and objectives.

Section 9. With respect to the Zone Change 178-17, the Planning Commission finds that:

- a) The project includes a zone change application changing the existing zoning district from RM-18-D to Birch Specific Plan zoning district.
- b) A zone change, to be effectuated by ordinance changing the zoning of the Birch Specific Plan Area from RM-18-D to Birch Specific Plan zoning district (which zoning district shall have standards substantially in compliance with the Birch Specific Plan, attached hereto and incorporated herein by reference), is consistent with the General Plan, as amended pursuant to GPA 100-17. Where the Carson Zoning Ordinance regulations and/or development standards are inconsistent with Birch Specific Plan, the Birch Specific Plan standards and regulations shall prevail. The proposed "Birch Specific Plan" zone and Urban Residential General Plan Land Use designation will increase the residential density to allow up to 65 dwelling units per acre.
- c) The zone change from RM-18-D to Birch Specific Plan is compatible with the surrounding uses and compatible/consistent with a General Plan land use designation of Urban Residential upon approval of GPA 100-17.

Section 10. With respect to the Specific Plan (SP) No. 15-17, Birch Specific Plan, dated November 2018, which is available for public review at city website page: <http://ci.carson.ca.us/CommunityDevelopment/Birch.aspx>, and 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:
 - i. 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;
 - ii. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;
 - iii. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the project;
 - iv. 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 Urban Residential Land Use designation and adheres to the policies, goals

and objectives of the Birch Specific Plan. The proposed multifamily residential condominium development is consistent with development standards of the Birch Specific Plan. The proposed project will be a focal point along Figueroa Street and an example of high quality pedestrian and transit oriented development.

Section 11. With respect to the Tentative Tract Map (TTM) No. 76070-17, attached hereto as Exhibit 5 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 proposed tentative TTM 76070 can be substantiated, based on the following affirmations:

- a) TTM No. 76070 was reviewed by LA County Department of Public Works and resulted in the issuance of a letter dated October 24, 2018 determining that the proposed Tentative Tract Map meets the requirements of local ordinances and the State Subdivision Map Act and recommending conditions for the final map approval.
- 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 Birch 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 32-unit residential condominium project. The proposed zone change, general plan amendment, and proposed Birch Specific Plan will accommodate for the proposed density of up to 65 units per acre. The design of the subdivision and project has incorporated project design features to reduce public health problems associated with close proximity to freeway. The project is an infill project, and will not create environmental damage. All environmental impacts to cultural resources, noise, and tribal cultural resources will be mitigated to existing conditions through the Mitigated Negative Declaration Mitigation Monitoring and Reporting Program. The project design of the subdivision will not conflict with existing easements on the project site.
- e) In accordance with Carson Municipal Code Section 9203.14 and Government Code 66474.6, as indicated in the Mitigated Negative Declaration for this project and the conditions of approval attached hereto as Exhibit "B" and incorporated herein by reference, the Planning Commission has determined that the discharge of waste from the proposed subdivision into an existing community sewer system will not result in violation of existing requirements prescribed by Los Angeles Regional Water Quality Control Board per Division 7 of the Water Code.

Section 12. The Planning Commission further finds that the proposed project, as mitigated pursuant to Initial Study/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/Birch.aspx> and are incorporated into this Resolution by reference, will not have a significant effect on the environment.

Section 13. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review (DOR) No. 1661-17, Conditional Use Permit (CUP) No. 1023-17, and Tentative Tract Map (TTM) 76070-17, with respect to the property described in Section 1 hereof, and recommends approval to City Council of General Plan Amendment (GPA) 100-17, Zone Change (ZCC) 178-17, Specific Plan (SP) 15-17, and Mitigated Negative Declaration, subject to the conditions set forth in Exhibit "B" attached hereto.

Section 14. The applicant has entered into a DIF/CFD agreement to annex into the CFD No. 2018-01 as well the payment of the Development Impact Fee (DIF), which can be found in Exhibit "C".

Section 15. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

Section 16. This action shall become final and effective fifteen days after the adoption of this Resolution and subject to approval of General Plan Amendment No. 100-17, Zone Change No. 178-17, Specific Plan No. 15-17 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 FEBRUARY, 2019

CHAIRPERSON

ATTEST:

SECRETARY

CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"

DESIGN OVERLAY REVIEW NO. 1661-17
CONDITIONAL USE PERMIT NO. 1023-17
TENTATIVE TRACT MAP NO. 76070-17
GENERAL PLAN AMENDMENT NO. 100-17
ZONE CHANGE NO. 178-17
SPECIFIC PLAN NO. 15-17

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 \$10,000/dwelling unit. The Project contemplates a 32-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 \$320,000 (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.
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, subject to each of the following:
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 Commission. This Permit does not supersede an individual time limits specified herein for performance of specific conditions or improvements.
4. The approved Resolution, including the 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.
6. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
7. 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 Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
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 the Planning Commission Resolution.
9. 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.
10. 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.
11. **Covenant, Conditions, and Restrictions (CC&Rs). Covenants, Conditions and Restrictions (CC&Rs) shall be established for the project. The applicant or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of the property and include other necessary conditions to carry out the terms herein, and shall be enforceable by the City, and recorded prior to development of any parcels.**
12. 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.
13. Indemnification. The applicant, the owner, tenant(s), and their subsequent successors (Parties) agree to defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, or in any way related to any damage or harm to people or property,

real and personal, that may result from Property Owner(s), operations or any claims against the City for or as a result of the granting of the continuance. The City will promptly notify the Parties of any such claim, action, or proceeding against the City and Parties 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 the Parties' 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. Parties 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 Parties fails to provide or maintain the deposit, the City may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.

14. 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.
15. The applicant shall pay the Park and Recreation Fee pursuant to CMC Section 9207.19 Quimby fee prior to recordation of final map, or prior to issuance of building permit, whichever comes first.
16. This action shall become final and effective fifteen days after the adoption of this Resolution and subject to approval of General Plan Amendment No. 100-17, Zone Change No. 178-17, Specific Plan No. 15-17 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.

SPECIAL CONDITIONS

17. **Applicant shall make commercially best efforts to provide operable windows on west façade/elevation to be used for egress only. Windows to be hardwired to trigger fire alarm when opened.**
18. **Prior to issuance of final certificate of occupancy, install building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better in all dwelling units.**
 - a) **The project's CC&Rs shall include a clause that requires residents to operate and maintain their HVAC systems, including MERV filters, to manufacturer's specifications. Future residents will be made aware of this requirement prior to purchasing their condominium during the escrow/disclosures process. Thus, the requirements to maintain the MERV filter system, as well as costs associated with such maintenance requirements, will be disclosed early on and should not be surprising to residents.**

b) The disclosure shall include the following:

- 1) Disclose the potential health impacts to prospective residents from living in a close proximity of I-110 and the reduced effectiveness of air filtration system when windows are open and/or when residents are outdoor (e.g., in the common usable open space areas);**
- 2) Identify the responsible implementing and enforcement agency such as the Home Owners Association (HOA) to ensure that enhanced filtration units are inspected regularly;**
- 3) Provide information to residents on where the MERV filters can be purchased;**
- 4) Disclose the potential increase in energy costs for running the HVAC system to prospective residents;**
- 5) Provide recommended schedules (e.g., once a year or every 6 months) for replacing the enhanced filtration units to prospective residents;**
- 6) Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);**
- 7) Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;**

19. Prior to issuance of the building permit, the applicant shall provide community benefits as determined and approved by the Planning Division including a \$63,000 contribution to the City, and proposed amenities such as bike rack, bench, public open space, and art.

20. Within 48 hours from the City Council action, the applicant shall make any necessary revisions to the Specific Plan as required by the Conditions of approval and Government Code Section 65451 and submit to Planning Division for review and approval. No permits shall be issued until the Specific Plan is finalized as required by this Condition of Approval. The following changes shall be made to the Specific Plan for these purposes:

a) The residential density allowed shall be limited to 45 units per acre.

AESTHETICS

21. Texture treatment shall be incorporated into building facades, subject to the Planning Division approval.

22. 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.

23. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of 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.

CONDOMINIUMS

26. The condominium 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.
27. The multi-family project shall conform to all the development standards as outlined in Section 9305 of the Zoning Ordinance, unless otherwise provided for in this approval.
28. The Declaration of Covenants, Conditions and Restrictions 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 (condominiums).
29. All ground-mounted equipment including air conditioners and transformers shall be screened from public view.
30. All Conditions of Approval shall be contained within the CC&Rs.
31. The CC&Rs shall include language that prohibits the Homeowners Association (HOA) from ceasing professional property management without obtaining City of Carson City Council approval.

Prior to occupancy of any unit

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

ENVIRONMENTAL

33. **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 Birch Specific Plan Mitigated Negative Declaration dated June 2018.**
34. **Prior to Certificate of Occupancy, the project shall demonstrate compliance with all applicable mitigation measures in the Mitigation Monitoring and Reporting Program for Birch Specific Plan dated June 2018. A final mitigation monitoring matrix/spreadsheet shall be submitted to the City.**

LANDSCAPE/IRRIGATION

35. Comply with the provisions of the Los Angeles County Green Building Code Section "Water Efficient Landscaping."
36. 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.
37. 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.
38. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
39. The proposed irrigation system shall include best water conservation practices.
40. Incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti as determined by the Planning Division.
41. Provide greenscreens on the west and north elevations, subject to the Planning Division approval.

LIGHTING

42. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9127.1 of the Zoning Ordinance.
43. 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

44. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.

SIGNS

45. Prior to Certificate of Occupancy for the first retail tenant, a Sign Program amendment for the Specific Plan shall be submitted and approved by the Planning Division. Sign Program shall provide the minimum and maximum letter sizes, sign area allowances, and locations for each sign type.

TRASH

46. Trash collection shall comply with the requirements of the City's trash collection company.
47. 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 subject to the Planning Division.

UTILITIES

48. 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.
49. Public utility easements shall be provided in the locations as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.
50. 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.
51. 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.

CITY OF CARSON, PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES DIVISION

General Conditions

52. 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.
53. The Developer shall submit an electronic copy of approved plans (such as, Sewer, Street, and/or Storm Drain Improvements, whichever applies), to the City of Carson – Engineering Division, prior to issuance of permit by Engineering Division.
54. 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.
55. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of permit by Engineering Division.
56. 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.
57. 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.

58. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction by the County of Los Angeles, Department of Public Works.
59. 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.

Prior to Issuance of Building Permit

60. Final Map shall be recorded.
61. 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 (if any) along Figueroa Street
62. Off-site improvements (eg. 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 may 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.
63. All existing overhead utility lines 12 kilovolts and less along Figueroa 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 shall be submitted to the City Engineer for his determination.

Prior to Issuance of Certificate of Occupancy

64. 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.
65. 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.
66. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Figueroa Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
67. Fill in any missing sidewalk within the public right of way along Figueroa Street abutting this proposed development

68. Remove and replace any broken/damaged driveway approach within the public right of way along Figueroa Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
69. The Developer shall modify existing driveways within the public right of way along Figueroa Street 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.
70. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Figueroa Street abutting this proposed development.
71. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
72. Install striping and pavement legend per City of Carson PW Standard Drawings.
73. Paint Curbs Red along Figueroa Street within or abutting this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
74. 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.
75. Streets abutting the development, shall be slurry sealed from curb-to-curb or from median-to-curb 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).
76. 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, ENGINEERING SERVICES
DIVISION – STORMWATER/NPDES UNIT**

Prior to Issuance of Building Permit

77. 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.
78. If applicable, developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.

79. If applicable, 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.
80. 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.
81. Developer shall complete, sign and return the *Stormwater Planning Program LID Plan Checklist* form and return to City of Carson Engineering Services Division.
82. Developer shall complete and return the ***BMP Reporting Template*** spreadsheet.

Prior to Issuance of Certificate of Occupancy

83. 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.
84. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registrar-Recorder/County Clerk.
85. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
86. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

87. The owner/applicant shall comply with LA County Department of Public Works letter dated October 24, 2018, regarding recommended conditions for final map approval for proposed Tentative Tract Map No. 76070.

LOS ANGELES COUNTY PUBLIC WORKS – STREET LIGHTING SECTION

Conditions of Annexation

88. Provide business/property owners name, mailing address, site address, Assessor Parcel Number, and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to Street Lighting Section.
89. Submit map of the proposed project including any roadways conditioned for streetlights to Street Lighting Section. Contact Street Lighting Section for map requirements and/or questions at (626) 300-4726.

The annexation and assessment balloting process takes approximately 12 months or more to complete once the above information is received and approved.

Therefore, untimely compliance with the above may result in delaying the approval of the street lighting plans.

Conditions of Acceptance for Street Light Transfer of Billing

90. The area must be annexed into the lighting district and all streetlights in the project, or the approved phase of 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 the above conditions are met, all streetlights in the project, or approved project phase, have been constructed per Public Works approved 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.

FIRE DEPARTMENT

Prior to Issuance of Building Permit

91. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
92. Provide a minimum unobstructed width of 28 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 by an approved route around the exterior of the building when the height of the building above the lowest level of the Fire Department vehicular access road is more than 30 feet high, or the building is more than three stories. The access roadway shall be located a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. 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.
93. All proposed driveways within the development shall provide approved street names and signs. All future buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the City of Carson Department of Public Works and the County of Los Angeles Fire Code.
94. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan 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.
95. Fire Department vehicular access roads shall be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4

96. 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.
97. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
98. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
99. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5.
100. 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 503.3
101. A minimum 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
102. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1
103. Multiple residential buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.
104. The Final Map shall be submitted to the County of Los Angeles Fire Department Fire Prevention Land Development Unit for review and approval prior recordation.

Water System Requirements

105. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
106. The required fire flow for fire hydrants at this location is 3000 gpm, at 20 psi residual pressure, for a duration of 3 hours over and above maximum daily domestic demand. Fire Code 507.3 and Appendix B105.1
107. All fire hydrants shall measure 6" x 4" x 2-1/2", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.

108. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
109. Parking shall be restricted 30 feet adjacent to any required public fire hydrant, 15 feet on each side measured from the center of the fire hydrant. Adequate signage and/or stripping shall be required prior to occupancy.
110. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

111. All parties involved in the subject project including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.

Report to Mayor and City Council

Tuesday, March 05, 2019
Special Orders of the Day

SUBJECT:

..Title

A PUBLIC HEARING TO CONSIDER: (1) INTRODUCTION OF ORDINANCE NO. 19-1925 OF THE CITY COUNCIL OF THE CITY OF CARSON TO APPROVE ZONE CHANGE NO. 178-17, BIRCH SPECIFIC PLAN NO. 15-17, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM; AND (2) ADOPT RESOLUTION NO. 19-054 OF THE CITY COUNCIL OF THE CITY OF CARSON TO ADOPT GENERAL PLAN AMENDMENT NO. 100-17, FOR THE CONSTRUCTION A FOUR STORY, 32-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON A 0.78 ACRE SITE LOCATED AT 21809-21811 S. FIGUEROA STREET

..Body

I. SUMMARY

This project proposes to construct 32 residential condominium units on S. Figueroa Street. The attached proposed ordinance would approve a new Specific Plan, the "Birch Specific Plan," and an associated zone change to change the zoning of the Specific Plan area from RM-18-D (Residential, Multifamily – 18 dwelling units per acre – Design Overlay) to Birch Specific Plan, to change the zoning to 41 dwelling units per acre for the 0.78 acre parcel, as well as a mitigated negative declaration and mitigation monitoring and reporting program.

The implementation of the proposed project also requires approval of a General Plan Amendment to change the existing land use designation from High Density Residential to Urban Residential. The current General Plan land use designation allows up to 20 units for this site. State law requires general plan amendments to be made by resolution. The attached proposed resolution would adopt the general plan amendment.

In approving the project, the Planning Commission (Commission) felt that in exchange for increasing the number of units by 12, the project should participate in a community benefit program fee that includes a \$63,000 contribution to the City (see condition of approval number 19 to attached proposed ordinance). The Commission did not define what this amount should be used for. The amount is in addition to the amenities that the project is proposing such as public open space including a bench and bike racks and an art feature. This community benefit program fee is in addition to the customary payment of Development Impact Fees and participation in the Community Facilities District which are based on the total number of units for the project. This program is based on the principle that in exchange for allowing an increase in development intensity, the City and the community at large should receive community benefits. The

Commission's discussion of the community benefit program started with a requirement of providing "Workforce Housing" and evolved into the \$63,000 fee. The applicant agreed at the Commission hearing to pay the community benefit program fee, even though the fee is not required by the Municipal Code and/or the General Plan. During the second of the three Commission hearings, the Commission considered a motion for the City Council to consider adopting a density bonus program that includes community benefits amenities in direct proportion to the requested density increase as a policy and program. Examples of other cities with codified density bonus programs include cities of Culver City, South Gate, West Hollywood, and Emeryville.

II. RECOMMENDATION

..Recommendation

TAKE the following actions:

1. OPEN the public hearing, TAKE public testimony, CLOSE the public hearing.
2. WAIVE further reading and INTRODUCE Ordinance No. 19-1925, entitled "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON ADOPTING THE BIRCH SPECIFIC PLAN NO. 15-17, ZONE CHANGE NO. 178-17, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CONSTRUCTION OF A 32-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON A 0.78 ACRE SITE LOCATED AT 21809-21811 S. FIGUEROA STREET."
3. WAIVE further reading and ADOPT Resolution No. 19-054, entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 100-17."

..Body

III. ALTERNATIVES

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

IV. BACKGROUND

Planning Commission Action

The Commission held hearings on November 13, 2018, December 11, 2018, and February 12, 2019. On February 12, 2019, the Commission approved Design Overlay Review (DOR) 1661-17, Conditional Use Permit (CUP) No. 1023-17, and Tentative Tract Map (TTM) No. 76070-17 for the construction of a 32-unit residential condominium development located at 21809-21811 S. Figueroa Street (Exhibit Nos. 2, 4, and 5). In addition, the Commission recommended approval of General Plan Amendment No. 100-17, Zone Change No. 178-17, Specific Plan No. 15-17 (Exhibit No. 1), and the Mitigated Negative Declaration to the City Council (Exhibit No. 3). The Commission's decision approving Design Overlay

Review 1661-17, Conditional Use Permit (CUP) No. 1023-17, and Tentative Tract Map (TTM) No. 76070-17 is contingent upon City Council approval of General Plan Amendment No. 100-17, Zone Change No. 178-17, Specific Plan No. 15-17, and the Mitigated Negative Declaration. If the City Council makes substantial changes to the requests subject to this staff report, the Commission may have to reconsider their approval.

Existing Setting

The project area largely contains single and two-story, multi-family residential uses and neighborhood serving commercial uses. The project site is located approximately 400 feet south of the Carson Street corridor. In the past several years, the Carson Street corridor (between I-405 and I-110) has been transitioning into a more “urban” development with higher density residential units and mixed use development. This transition has created the first steps for a more pedestrian friendly and transit-oriented environment. Staff has received positive feedback from the community on the developments along the Carson Street Corridor.

The Silver Line transit stop at Carson Street and I-110 provides convenient express bus service to downtown LA. Furthermore, Los Angeles Board of Supervisors is considering West Carson Specific Plan (located west of I-110 along Carson Street) which also encourages high density mixed use developments to create an “urban” environment including a proposal to allow a mixed-use transit oriented development that would allow up to 70 residential dwelling units per acre in proximity to the transit station. Due to the proximity of the project site to the Carson Street corridor and future West Carson Specific Plan (County), residents of the proposed project would be able to access the mixed-use district via local sidewalks, promoting pedestrian-oriented and transit-oriented development.

Density

The project is proposing 32 units with a density of 41 dwelling units per acre. The current General Plan land use designation allows up to 25 dwelling units per acre which would allow 20 units for this site. The proposed density increase aligns with the one of the 2040 General Plan Update Land Use alternatives which envisions this area as Downtown High Density Mixed-Use land use designation. Downtown High Density Mixed-Use is consistent with the adjacent Carson Street Mixed Use Corridor because it proposes to include a variety of similar uses as such as residential, small-scale businesses, offices, retail, services, and other commercial uses generally with a total site Floor Area Ratio (FAR) of between 1.0 and 3.0. This FAR will result in similar or higher densities than the proposed project. The designation also proposes development will be designed to be pedestrian-oriented creating ground floor activation.

Furthermore, the applicant is proposing to construct this project as a market rate project without the financial assistance from the Carson Housing Authority. Most previously approved projects along Carson Street have received financial assistance from the former redevelopment agency. Staff has advised the applicant that density limits may be exceeded through the use of a Specific Plan for projects that advance the goals of the City. Although not required by municipal code or adopted policy, the Planning Commission felt that in exchange for increasing the number of units by 12 units, the project should participate in a community benefit program fee.

Community Benefit Program Fee

The Union South Bay project approved by Council in 2015 requested a residential density bonus and was conditioned to provide a community benefit program fee in the amount of \$250,000. In addition, the applicant will be providing an art feature valued at \$200,000 within their public plaza. The community benefit program fee contribution from the Union South Bay project was approximately \$3,000 per unit for the increased density over the base Mixed-Use Carson Street (MU-CS) zone. The Commission made an assumption that the residential units in Union South Bay are smaller than the proposed units for the Birch project; therefore, the Commission requested that the applicant pay a fee similar to the Union South Bay project with a multiplying factor of 1.75 which equals \$5,250 per additional unit for a total of \$63,000. The applicant agreed at the Commission hearing to pay this fee for the additional 12 units over the standard density allowed.

V. FISCAL IMPACT

The applicant has entered into a Development Impact Fee (DIF)/Community Facilities District (CFD) agreement to annex into the CFD No. 2018-01 as well the payment of the Development Impact Fee (DIF). The annual CFD obligation of the project is \$20,045.84 (\$626.43 per unit per year). The DIF obligation of the project is a one-time payment of \$320,000.00 (\$10,000 per unit).

VI. EXHIBITS

1. City Council Ordinance No. 19-1925 – Specific Plan, Zone Change, and Mitigated Negative Declaration and Mitigation Monitoring Reporting Program (pgs. 6-70)
2. City Council Resolution No. 19-054 – Resolution Adopting General Plan Amendment No. 100-17 (pgs. 71-88)
3. Planning Commission Resolution No. 19-2663 – DOR, CUP, TTM (contingently approved by Planning Commission) (pgs. 89-143)
4. Final Mitigated Negative Declaration (the complete Draft Mitigated Negative Declaration can be found:
<http://ci.carson.ca.us/content/files/pdfs/planning/docs/projects/Birch/MND.pdf>
(pgs. 144-191)
5. Planning Commission Staff Reports and Disposition Excerpts dated February 12, 2019, December 11, 2018, and November 13, 2018; (pgs. 192-227)

6. Site Plan and Elevations approved by the Planning Commission
http://ci.carson.ca.us/content/files/pdfs/planning/docs/projects/Birch/BIRCH-ProjPlan2018-1206_CommHearingSet.pdf (pgs. 228-251)

Prepared by: Leila Carver, Contract Planner

RESOLUTION NO. 19-054

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING GENERAL PLAN AMENDMENT NO. 100-17

WHEREAS, An application was duly filed by the applicant, Anthony Laney of LA LANEY, Inc. on behalf of the property owner, Real Quest Holding, LLC, with respect to real property located at 21809 and 21811 S. Figueroa Street and described in Exhibit "A" attached hereto, requesting to construct a new four story, 32-unit residential condominium project on a 0.78-acre project site (the "Project"). The application included the following:

- General Plan Amendment (GPA) No. 100-17 to change the existing land use designation from High Density Residential (up to 25 dwelling units per acre) to Urban Residential (up to 65 dwelling units per acre);
- Zone Change (ZCC) No. 178-17 to change the existing zoning district from RM-18-D (Residential, Multifamily – 18 dwelling units per acre – Design Overlay) to Birch Specific Plan;
- Specific Plan (SP) No. 15-17 to create a new Specific Plan to ensure consistency with the City of Carson General Plan, Municipal Code, and Zoning Ordinance.
- Design Overlay Review (DOR) No. 1661-17 to permit the design of the proposed project to construct a 32-unit residential condominium project;
- Conditional Use Permit (CUP) No. 1023-17 to permit a new multiple-family residential and to increase the residential density beyond what is currently allowed by the Zoning Ordinance;
- Tentative Tract Map (TTM) No. 76070-17 to subdivide the two existing parcels into one parcel to allow for development of 32-unit residential condominium units;
- A Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP).

WHEREAS, the City's Planning Commission held duly noticed public hearings to consider and obtain public comments on the Project on November 13, 2018, December 11, 2018, and February 12, 2019, at 6:30 P.M. at the City Hall, Helen Kawagoe Council Chambers, 701 East Carson Street, Carson, California. Following the aforesaid public hearings at which evidence was presented to and considered by the Planning Commission, the Planning Commission, at the meeting on February 12, 2019, voted to recommend approval of General Plan Amendment No. 100-17, Zone Change No. 178-17, Specific Plan No. 15-17, and the Mitigated Negative Declaration by the City Council, and to approve Design Overlay Review No. 1661-17, Conditional Use Permit No. 1023-

17, and Tentative Tract Map No. 76070-17, subject to specified conditions of approval; and

WHEREAS, the City Council, by adoption of Ordinance No. 19-1925 on March 5, 2019, approved Zone Change No. 178-17, Specific Plan No. 15-17, and the Mitigated Negative Declaration as recommended by the Planning Commission, subject to specified conditions of approval; and

WHEREAS, California Government Code Section 65356 requires that a legislative body shall adopt or amend a general plan by resolution;

WHEREAS, the City Council desires, by this resolution, to adopt General Plan Amendment No. 100-17 as recommended by the Planning Commission, in connection with its approval of the other entitlements associated with the Project pursuant to Ordinance No. 19-1925.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON DOES HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

SECTION 1. The foregoing recitals are true and correct, and are incorporated herein by reference as though set forth in full.

SECTION 2. The City Council finds as follows:

- a) State law requires compatibility/consistency between land use zoning classifications and the General Plan. Amending the General Plan land use designation from High Density to Urban Residential will be consistent and compatible with the existing multifamily and commercial uses in the surrounding areas of the subject site.
- b) The proposed General Plan Amendment is consistent with the General Plan goals and policies. The proposed project advances the General Plan's goals and policies related to land use, transportation, housing and economic development.
 1. The proposed project fulfills General Plan Policy LU-8.3 by "locating higher density residential uses in proximity to commercial centers" to "encourage pedestrian traffic and provide a consumer base for commercial uses."
 2. The proposed project is consistent with General Plan implementation measure LU-IM- 11.1 to develop "one or more "Signature Project" to create a focal point or points for the City." The project site is located in a highly visible zone that acts as a gateway to Carson Street via the freeway and transit stops. The Specific Plan's flexible development standards call for increased residential density near commercial centers and projects located in

this zone can promote Carson Street's overall transformation into an active, walkable mixed-use corridor.

3. The proposed project is consistent with General Plan Goal LU-12 to create a visually attractive appearance throughout Carson. The project is part of the City's ongoing effort to develop attractive "gateways" to the city along "highly visible freeway corridors which impact the public's perception of the community" by providing "appropriate screening, landscaping and buffering".
 4. The proposed project is consistent with General Plan Goal LU-14 to enhance "freeway corridors and major arterials which act as gateways" into the City. The Specific Plan will require the design of new buildings visible from the freeway to include adequate landscaping on all parts of the site visible from the freeway and the concealment of mechanical equipment on the roof per implementation measure LU-IM-14.4.
- c) The proposed General Plan Amendment will ensure consistency between the Birch Specific Plan (Specific Plan No. 15-17) and the General Plan. The General Plan amendment will establish an "Urban Residential" Land Use Designation for the Birch Specific Plan area to replace the Site's existing High Density Residential General Plan designations. The Specific Plan is consistent with the General Plan Land Use Element goals, policies and objectives.

SECTION 3. General Plan Amendment No. 100-17 is hereby adopted, subject to the conditions of approval attached hereto as Exhibit "B", to the extent applicable.

SECTION 4. This resolution shall be effective immediately upon its adoption.

SECTION 5. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

[signatures on the following page]

PASSED, APPROVED and ADOPTED this 5th day of March, 2019.

MAYOR ALBERT ROBLES

ATTEST:

CITY CLERK DONESIA GAUSE-ALDANA

APPROVED AS TO FORM:

SUNNY K. SOLTANI, CITY ATTORNEY

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, do hereby certify that the whole number of members is five; that the foregoing resolution, being Resolution No. 19-____ was duly and regularly adopted by said City at a regular meeting duly and regularly held on the ____ day of _____ 2019, and that the same was passed and adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

By: _____
 City Clerk

SCHEDULE A

PART VI

6. The Tentative Map No. is a Subdivision of the land described as follows:

TRACT NO. 76070, BEING A SUBDIVISION OF LOT 41 OF TRACT NO. 3612, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 40, PAGE(S) 5 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPT THEREFROM THE NORTH 165 FEET AND THAT PORTION OF SAID LAND LYING WEST OF THE WEST LINE OF THE EAST 235 FEET THEREOF AS GRANTED TO THE STATE OF CALIFORNIA IN BOOK 47490, PAGE 312 OF OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM THAT PORTION OF SAID LAND AS GRANTED TO THE STATE OF CALIFORNIA IN THAT CERTAIN DEED RECORDED ON MARCH 30, 1960 AS INSTRUMENT NO. 2388 OF OFFICIAL RECORDS, AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF THE NORTH 165.00 FEET OF SAID LOT, DISTANT EASTERLY ALONG SAID SOUTH LINE 407.03 FEET FROM THE WEST LINE OF SAID LOT; THENCE SOUTHERLY IN A DIRECT LINE, TO A POINT ON THE SOUTH LINE OF SAID LOT, DISTANT EASTERLY ALONG SAID SOUTH LINE OF SAID LOT 405.73 FEET FROM THE SAID WEST LINE; THENCE WESTERLY ALONG SAID LAST MENTIONED SOUTH LINE 4.53 FEET TO THE WEST LINE OF THE EAST 235.00 FEET OF SAID LOT; THENCE NORTHERLY ALONG SAID LAST MENTIONED WEST LINE 165.00 FEET TO THE SAID SOUTH LINE OF THE NORTH 165.00 FEET; THENCE WESTERLY ALONG SAID LAST MENTIONED LINE, 5.78 FEET TO THE POINT OF BEGINNING.

APN: 7343-020-009; 7343-020-010

APN: 7343-020-009, 010

This legal description is for the sole purpose of this report and may not be considered for use in any policy of title insurance to be issued by this company; and is subject to change at any time. It is preparatory to the issuance of a Subdivision Guarantee and is intended solely for the use of those parties directly involved in the preparation and checking of said map.

EXHIBIT "B"
CONDITIONS OF APPROVAL FOR CITY COUNCIL
GENERAL PLAN AMENDMENT NO. 100-17
ZONE CHANGE NO. 178-17

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 \$10,000/dwelling unit. The Project contemplates a 32-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 \$320,000 (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.
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, subject to each of the following:
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 Commission. This Permit does not supersede an individual time limits specified herein for performance of specific conditions or improvements.
4. The approved Resolution, including the 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.
6. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
7. 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 Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.

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 the Planning Commission Resolution.
9. 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.
10. 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.
11. **Covenant, Conditions, and Restrictions (CC&Rs). Covenants, Conditions and Restrictions (CC&Rs) shall be established for the project. The applicant or successor in interest shall pay for the cost of review and approval of the CC&Rs by the City Attorney. The CC&Rs shall provide for proper maintenance of the property and include other necessary conditions to carry out the terms herein, and shall be enforceable by the City, and recorded prior to development of any parcels.**
12. 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.
13. Indemnification. The applicant, the owner, tenant(s), and their subsequent successors (Parties) agree to defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, or in any way related to any damage or harm to people or property, real and personal, that may result from Property Owner(s), operations or any claims against the City for or as a result of the granting of the continuance. The City will promptly notify the Parties of any such claim, action, or proceeding against the City and Parties 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 the Parties' 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. Parties 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 Parties fails to provide or maintain the deposit, the City

may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.

14. 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.
15. The applicant shall pay the Park and Recreation Fee pursuant to CMC Section 9207.19 Quimby fee prior to recordation of final map, or prior to issuance of building permit, whichever comes first.
16. This action shall become final and effective fifteen days after the adoption of this Resolution and subject to approval of General Plan Amendment No. 100-17, Zone Change No. 178-17, Specific Plan No. 15-17 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.

SPECIAL CONDITIONS

17. **Applicant shall make commercially best efforts to provide operable windows on west façade/elevation to be used for egress only. Windows to be hardwired to trigger fire alarm when opened.**
18. **Prior to issuance of final certificate of occupancy, install building filtration systems with Minimum Efficiency Reporting Value (MERV) 13 or better in all dwelling units.**
 - a) **The project's CC&Rs shall include a clause that requires residents to operate and maintain their HVAC systems, including MERV filters, to manufacturer's specifications. Future residents will be made aware of this requirement prior to purchasing their condominium during the escrow/disclosures process. Thus, the requirements to maintain the MERV filter system, as well as costs associated with such maintenance requirements, will be disclosed early on and should not be surprising to residents.**
 - b) **The disclosure shall include the following:**
 - 1) **Disclose the potential health impacts to prospective residents from living in a close proximity of I-110 and the reduced effectiveness of air filtration system when windows are open and/or when residents are outdoor (e.g., in the common usable open space areas);**
 - 2) **Identify the responsible implementing and enforcement agency such as the Home Owners Association (HOA) to ensure that enhanced filtration units are inspected regularly;**
 - 3) **Provide information to residents on where the MERV filters can be purchased;**
 - 4) **Disclose the potential increase in energy costs for running the HVAC system to prospective residents;**
 - 5) **Provide recommended schedules (e.g., once a year or every 6 months) for replacing the enhanced filtration units to prospective residents;**

- 6) Identify the responsible entity such as residents themselves, Homeowner's Association, or property management for ensuring enhanced filtration units are replaced on time, if appropriate and feasible (if residents should be responsible for the periodic and regular purchase and replacement of the enhanced filtration units, the Lead Agency should include this information in the disclosure form);
 - 7) Identify, provide, and disclose any ongoing cost sharing strategies, if any, for the purchase and replacement of the enhanced filtration units;
19. Prior to issuance of the building permit, the applicant shall provide community benefits as determined and approved by the Planning Division including a \$63,000 contribution to the City, and proposed amenities such as bike rack, bench, public open space, and art.
20. Within 48 hours from the City Council action, the applicant shall make any necessary revisions to the Specific Plan as required by the Conditions of approval and Government Code Section 65451 and submit to Planning Division for review and approval. No permits shall be issued until the Specific Plan is finalized as required by this Condition of Approval. The following changes shall be made to the Specific Plan for these purposes:
 - a) The residential density allowed shall be limited to 45 units per acre.

AESTHETICS

21. Texture treatment shall be incorporated into building facades, subject to the Planning Division approval.
22. 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.
23. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of 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.

CONDOMINIUMS

26. The condominium 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.
27. The multi-family project shall conform to all the development standards as outlined in Section 9305 of the Zoning Ordinance, unless otherwise provided for in this approval.

28. The Declaration of Covenants, Conditions and Restrictions 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 (condominiums).
29. All ground-mounted equipment including air conditioners and transformers shall be screened from public view.
30. All Conditions of Approval shall be contained within the CC&Rs.
31. The CC&Rs shall include language that prohibits the Homeowners Association (HOA) from ceasing professional property management without obtaining City of Carson City Council approval.

Prior to occupancy of any unit

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

ENVIRONMENTAL

33. **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 Birch Specific Plan Mitigated Negative Declaration dated June 2018.**
34. **Prior to Certificate of Occupancy, the project shall demonstrate compliance with all applicable mitigation measures in the Mitigation Monitoring and Reporting Program for Birch Specific Plan dated June 2018. A final mitigation monitoring matrix/spreadsheet shall be submitted to the City.**

LANDSCAPE/IRRIGATION

35. Comply with the provisions of the Los Angeles County Green Building Code Section "Water Efficient Landscaping."
36. 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.
37. 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.

- 38. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
- 39. The proposed irrigation system shall include best water conservation practices.
- 40. Incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti as determined by the Planning Division.
- 41. Provide greenscreens on the west and north elevations, subject to the Planning Division approval.

LIGHTING

- 42. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9127.1 of the Zoning Ordinance.
- 43. 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

- 44. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.

SIGNS

- 45. Prior to Certificate of Occupancy for the first retail tenant, a Sign Program amendment for the Specific Plan shall be submitted and approved by the Planning Division. Sign Program shall provide the minimum and maximum letter sizes, sign area allowances, and locations for each sign type.

TRASH

- 46. Trash collection shall comply with the requirements of the City's trash collection company.
- 47. 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 subject to the Planning Division.

UTILITIES

- 48. 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.

49. Public utility easements shall be provided in the locations as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.
50. 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.
51. 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.

CITY OF CARSON, PUBLIC WORKS DEPARTMENT, ENGINEERING SERVICES DIVISION

General Conditions

52. 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.
53. The Developer shall submit an electronic copy of approved plans (such as, Sewer, Street, and/or Storm Drain Improvements, whichever applies), to the City of Carson – Engineering Division, prior to issuance of permit by Engineering Division.
54. 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.
55. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of permit by Engineering Division.
56. 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.
57. 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.
58. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction by the County of Los Angeles, Department of Public Works.
59. 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.

Prior to Issuance of Building Permit

60. Final Map shall be recorded.
61. 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 (if any) along Figueroa Street

62. 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 may 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.
63. All existing overhead utility lines 12 kilovolts and less along Figueroa 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 shall be submitted to the City Engineer for his determination.

Prior to Issuance of Certificate of Occupancy

64. 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.
65. 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.
66. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Figueroa Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
67. Fill in any missing sidewalk within the public right of way along Figueroa Street abutting this proposed development
68. Remove and replace any broken/damaged driveway approach within the public right of way along Figueroa Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
69. The Developer shall modify existing driveways within the public right of way along Figueroa Street 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.
70. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Figueroa Street abutting this proposed development.
71. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
72. Install striping and pavement legend per City of Carson PW Standard Drawings.

73. Paint Curbs Red along Figueroa Street within or abutting this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
74. 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.
75. Streets abutting the development, shall be slurry sealed from curb-to-curb or from median-to-curb 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).
76. 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, ENGINEERING SERVICES DIVISION – STORMWATER/NPDES UNIT

Prior to Issuance of Building Permit

77. 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.
78. If applicable, developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.
79. If applicable, 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.
80. 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.
81. Developer shall complete, sign and return the *Stormwater Planning Program LID Plan Checklist* form and return to City of Carson Engineering Services Division.
82. Developer shall complete and return the ***BMP Reporting Template*** spreadsheet.

Prior to Issuance of Certificate of Occupancy

83. 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.

84. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registrar-Recorder/County Clerk.
85. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
86. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.

LOS ANGELES COUNTY DEPARTMENT OF PUBLIC WORKS

87. The owner/applicant shall comply with LA County Department of Public Works letter dated October 24, 2018, regarding recommended conditions for final map approval for proposed Tentative Tract Map No. 76070.

LOS ANGELES COUNTY PUBLIC WORKS – STREET LIGHTING SECTION

Conditions of Annexation

88. Provide business/property owners name, mailing address, site address, Assessor Parcel Number, and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to Street Lighting Section.
89. Submit map of the proposed project including any roadways conditioned for streetlights to Street Lighting Section. Contact Street Lighting Section for map requirements and/or questions at (626) 300-4726.

The annexation and assessment balloting process takes approximately 12 months or more to complete once the above information is received and approved. Therefore, untimely compliance with the above may result in delaying the approval of the street lighting plans.

Conditions of Acceptance for Street Light Transfer of Billing

90. The area must be annexed into the lighting district and all streetlights in the project, or the approved phase of 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 the above conditions are met, all streetlights in the project, or approved project phase, have been constructed per Public Works approved 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.

FIRE DEPARTMENT

Prior to Issuance of Building Permit

91. Fire Department apparatus access shall be extended to within 150 feet of all portions of the exterior walls of any future buildings or structures.
92. Provide a minimum unobstructed width of 28 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 by an approved route around the exterior of the building when the height of the building above the lowest level of the Fire Department vehicular access road is more than 30 feet high, or the building is more than three stories. The access roadway shall be located a minimum of 15 feet and a maximum of 30 feet from the building, and shall be positioned parallel to one entire side of the building. The side of the building on which the aerial fire apparatus access road is positioned shall be approved by the fire code official. 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.
93. All proposed driveways within the development shall provide approved street names and signs. All future buildings shall provide approved address numbers. Compliance required prior to occupancy to the satisfaction of the City of Carson Department of Public Works and the County of Los Angeles Fire Code.
94. All on-site Fire Department vehicular access roads shall be labeled as "Private Driveway and Fire Lane" on the site plan 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.
95. Fire Department vehicular access roads shall be installed and maintained in a serviceable manner prior to and during the time of construction. Fire Code 501.4
96. 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.
97. The Fire Apparatus Access Roads and designated fire lanes shall be measured from flow line to flow line.
98. The dimensions of the approved Fire Apparatus Access Roads shall be maintained as originally approved by the fire code official. Fire Code 503.2.2.1
99. Dead-end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved Fire Department turnaround. Fire Code 503.2.5.
100. 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 503.3
101. A minimum 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

102. Approved building address numbers, building numbers or approved building identification shall be provided and maintained so as to be plainly visible and legible from the street fronting the property. The numbers shall contrast with their background, be Arabic numerals or alphabet letters, and be a minimum of 4 inches high with a minimum stroke width of 0.5 inch. Fire Code 505.1
103. Multiple residential buildings having entrances to individual units not visible from the street or road shall have unit numbers displayed in groups for all units within each structure. Such numbers may be grouped on the wall of the structure or mounted on a post independent of the structure and shall be positioned to be plainly visible from the street or road as required by Fire Code 505.3 and in accordance with Fire Code 505.1.
104. The Final Map shall be submitted to the County of Los Angeles Fire Department Fire Prevention Land Development Unit for review and approval prior recordation.

Water System Requirements

105. All hydrants shall measure 6"x 4"x 2-1/2" brass or bronze, conforming to current AWWA standard C503 or approved equal.
106. The required fire flow for fire hydrants at this location is 3000 gpm, at 20 psi residual pressure, for a duration of 3 hours over and above maximum daily domestic demand. Fire Code 507.3 and Appendix B105.1
107. All fire hydrants shall measure 6" x 4" x 2-1/2", brass or bronze, conforming to American Water Works Association Standard C503, or approved equal, and shall be installed in accordance with the County of Los Angeles Fire Department Regulation 8.
108. Vehicular access must be provided and maintained serviceable throughout construction to all required fire hydrants. All required fire hydrants shall be installed, tested, and accepted prior to construction.
109. Parking shall be restricted 30 feet adjacent to any required public fire hydrant, 15 feet on each side measured from the center of the fire hydrant. Adequate signage and/or stripping shall be required prior to occupancy.
110. All required public fire hydrants shall be installed, tested and accepted prior to beginning construction. Fire Code 501.4

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

111. All parties involved in the subject project including to but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.

CITY OF CARSON

CITY COUNCIL

ORDINANCE NO. 19-1925

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON TO APPROVE GENERAL PLAN AMENDMENT NO. 100-17, ZONE CHANGE NO. 178-17, BIRCH SPECIFIC PLAN NO. 15-17, MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE CONSTRUCTION A FOUR STORY, 32-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 21809-21811 S. FIGUEROA STREET (CITY COUNCIL)

THE CITY COUNCIL OF THE CITY OF CARSON HEREBY ORDAINS AS FOLLOWS:

Section 1. An application was duly filed by the applicant, Anthony Laney of LA LANEY, Inc. on behalf of the property owner, Real Quest Holding, LLC, with respect to real property located at 21809 and 21811 S. Figueroa Street and described in Exhibit "A" attached hereto, requesting to construct a new four story, 32-unit residential condominium project. The ground level will be a concrete podium structure with at-grade parking on a 0.78-acre project site:

- General Plan Amendment (GPA) No. 100-17 to change the existing land use designation from High Density Residential (up to 25 dwelling units per acre) to Urban Residential (up to 65 dwelling units per acre);
- Zone Change (ZCC) No. 178-17 to change the existing zoning district from RM-18-D (Residential, Multifamily – 18 dwelling units per acre – Design Overlay) to Birch Specific Plan;
- Specific Plan (SP) No. 15-17 to create a new Specific Plan to ensure consistency with the City of Carson General Plan, Municipal Code, and Zoning Ordinance.
- Design Overlay Review (DOR) No. 1661-17 to permit the design of the proposed project to construct a 32-unit residential condominium project;
- Conditional Use Permit (CUP) No.1023-17 to permit a new multiple-family residential and to increase the residential density beyond what is currently allowed by the Zoning Ordinance;
- Tentative Tract Map (TTM) No. 76070-17 to subdivide the two existing parcels into one parcel to allow for development of 32-unit residential condominium units;
- Mitigated Negative Declaration (MND) and Mitigation Monitoring and Reporting Program (MMRP)

Section 2. The Planning Commission held a duly noticed public hearing to obtain public comments on the Birch Specific Plan, General Plan Amendment, Zone Change and Mitigated Negative Declaration on February 12, 2019, at 6:30 P.M. at the City Hall, Helen Kawagoe Council Chambers, 701 East Carson Street, Carson, California. Following the aforesaid public hearings at which evidence was presented to and considered by said Commission, the Planning Commission, at the meeting on February 12, 2019, voted to recommend approval of General Plan Amendment No. 100-17, Zone Change No. 178-17, Specific Plan No. 15-17, and Mitigated Negative Declaration by the City Council.

Section 3. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting, including but not limited to staff reports, along with testimony received by the applicant and other members of the public.

Section 4. The City Council finds that changing the zone on the property to Birch Specific Plan will allow for up to 35 unit multifamily residential use on the property comprising a 0.78 acre area.

Section 5. With respect to the Birch Specific Plan, Specific Plan No. 15-17, which is available for public review at city website page: <http://ci.carson.ca.us/CommunityDevelopment/Birch.aspx>, and incorporated herein by reference (the “Plan”), the City Council finds that:

- a) The Plan complies with the requirements of California Government Code Section 65451 in that the Plan does specify in detail:
 - i. 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;
 - ii. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable;
 - iii. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the project;
 - iv. 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 Urban Residential Land Use designation and adheres to the policies, goals and objectives of the Birch Specific Plan. The proposed multifamily residential condominium development is consistent with development standards of the Birch Specific Plan.

Section 6. With respect to the General Plan Amendment 100-17, the City Council finds that:

- a) State law requires compatibility/consistency between land use zoning classifications and the General Plan. Amending the General Plan land use designation from High Density to Urban Residential will be consistent and compatible with the existing multifamily and commercial uses in the surrounding areas of the subject site.
- b) The proposed General Plan Amendment is consistent with the General Plan goals and policies. The proposed project advances the General Plan’s goals and policies related to land use, transportation, housing and economic development.

- a. The proposed project fulfills General Plan Policy LU-8.3 by “locating higher density residential uses in proximity to commercial centers” to “encourage pedestrian traffic and provide a consumer base for commercial uses.”
 - b. The proposed project is consistent with General Plan implementation measure LU-IM-11.1 to develop “one or more “Signature Project” to create a focal point or points for the City.” The project site is located in a highly visible zone that acts a gateway to Carson Street via the freeway and transit stops. The Specific Plan’s flexible development standards call for increased residential density near commercial centers and projects located in this zone can promote Carson Street’s overall transformation into an active, walkable mixed-use corridor.
 - c. The proposed project is consistent with General Plan Goal LU-12 to create a visually attractive appearance throughout Carson. The project is part of the City’s ongoing effort to develop attractive “gateways” to the city along “highly visible freeway corridors which impact the public’s perception of the community” by providing “appropriate screening, landscaping and buffering”.
 - d. The proposed project is consistent with General Plan Goal LU-14 to enhance “freeway corridors and major arterials which act as gateways” into the City. The Specific Plan will require the design of new buildings visible from the freeway to include adequate landscaping on all parts of the site visible from the freeway and the concealment of mechanical equipment on the roof per implementation measure LU-IM-14.4.
- c) The General Plan Amendment will ensure consistency between the Birch Specific Plan and the General Plan. The General Plan amendment will establish an Urban Residential” Land Use Designation for the Birch Specific Plan area to replace the Site’s existing High Density Residential General Plan designations. The Specific Plan is consistent with the General Plan Land Use Element goals, policies and objectives.

Section 7. With respect to the Zone Change 178-17, the City Council finds that:

- a) The project includes a zone change application changing the existing zoning district from RM-18-D to Birch Specific Plan zoning district.
- b) A zone change, to be effectuated by ordinance changing the zoning of the Birch Specific Plan Area from RM-18-D to Birch Specific Plan zoning district (which zoning district shall have standards substantially in compliance with the Birch Specific Plan, attached hereto and incorporated herein by reference), is consistent with the General Plan, as amended pursuant to GPA 100-17. Where the Carson Zoning Ordinance regulations and/or development standards are inconsistent with Birch Specific Plan, the Birch Specific Plan standards and regulations shall prevail. The proposed “Birch Specific Plan” zone and Urban Residential General Plan Land Use designation will increase the residential density to allow up to 45 dwelling units per acre.

- c) The zone change from RM-18-D to Birch Specific Plan is compatible with the surrounding uses and compatible/consistent with a General Plan land use designation of Urban Residential upon approval of GPA 100-17.

Section 8. The City Council further finds that the proposed project, as mitigated pursuant to Initial Study/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/Birch.aspx> and are incorporated into this Ordinance by reference, will not have a significant effect on the environment. The Planning Department publicly circulated the Draft IS/MND for a period of 20 days from May 2, 2018 through May 21, 2018. The City, its staff and officials, have independently reviewed the IS/MND and have independently reviewed and evaluated the efficacy of documents prepared by others and submitted to the City. Therefore, the City finds that:

- a) The IS/MND has been prepared in compliance with CEQA.
- b) Publication and public circulation of the Draft IS/MND complied with the requirements of CEQA
- c) Pursuant to Public Resource Code § 21082.1(c)(3), the City hereby finds that the IS/MND reflects the independent judgment of the lead agency.

Section 9. The City Council finds that the Birch Specific Plan Project will be responsible for satisfying an annexation in to the CFD No. 2018-01 as well the payment of the Development Impact Fee (DIF).

Section 10. Based on the aforementioned findings, the City Council adopts a General Plan Amendment of certain properties to Urban Residential land use designation.

Section 11. Based on the aforementioned findings, the City Council adopts a Zone Change of the Birch Specific Plan.

Section 12. Based on the aforementioned findings, the City Council adopts The Birch Specific Plan.

Section 13. Based on the aforementioned findings, the City Council adopts the IS/MND and Mitigation Monitoring Plan. In the event of any inconsistencies between the mitigation measures as set forth in the IS/MND, these findings and/or the Mitigation Monitoring and Reporting Program shall control.

Section 14. The City Clerk shall certify to the adoption of this Ordinance and shall transmit copies of the same to the applicant.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2019.

MAYOR ALBERT ROBLES

ATTEST:

CITY CLERK

**APPROVED AS TO FORM:
CITY ATTORNEY**



Mulligan Development

February 8, 2021

Alvie Betancourt | Planning Manager
City of Carson | Community Development
| Planning Division
701 East Carson Street, Carson, CA 90745

Mr. Betancourt,

Re - BL1904230026. Birch - Address- 21809-21811S. Figueroa Street.

This is to request for your extension approval of 18 months to complete our permit application.

Due to the current Pandemic, the process of complying all requirements, communication with the city plan checkers, utility companies and our own staff are limited and being done virtually.

We have complied with the payment extension of \$2,500.00 on February 4, 2021.

Thank you.

Mike Mulligan

by-

Consuelo Chaneco
Project Manager.

City of Carson, CA
CITY TREASURER'S OFFICE
701 E Carson St
Carson, CA 90745
(310) 830-7600
<http://ci.carson.ca.us>

001253-0018 Ramon D. 02/04/2021 02:18PM

MISCELLANEOUS

Description:

DEPOSITS-CITY WIDE

(DP2401)

DEPOSITS-CITY WIDE

(DP2401)

2021 Item: DP2401

1 @ 2,500.00

DEPOSITS-CITY WIDE

(DP2401)

2,500.00

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PL35156-DEPOSIT--

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2,500.00

Subtotal

2,500.00

Total

2,500.00

CHECK

2,500.00

Check Number 11621

Change due

0.00

Paid by: MICHAEL & GINA MULLIGAN

FOR EXTENSION - 18

Comments: PL35156 BIRCH

DEPOSIT

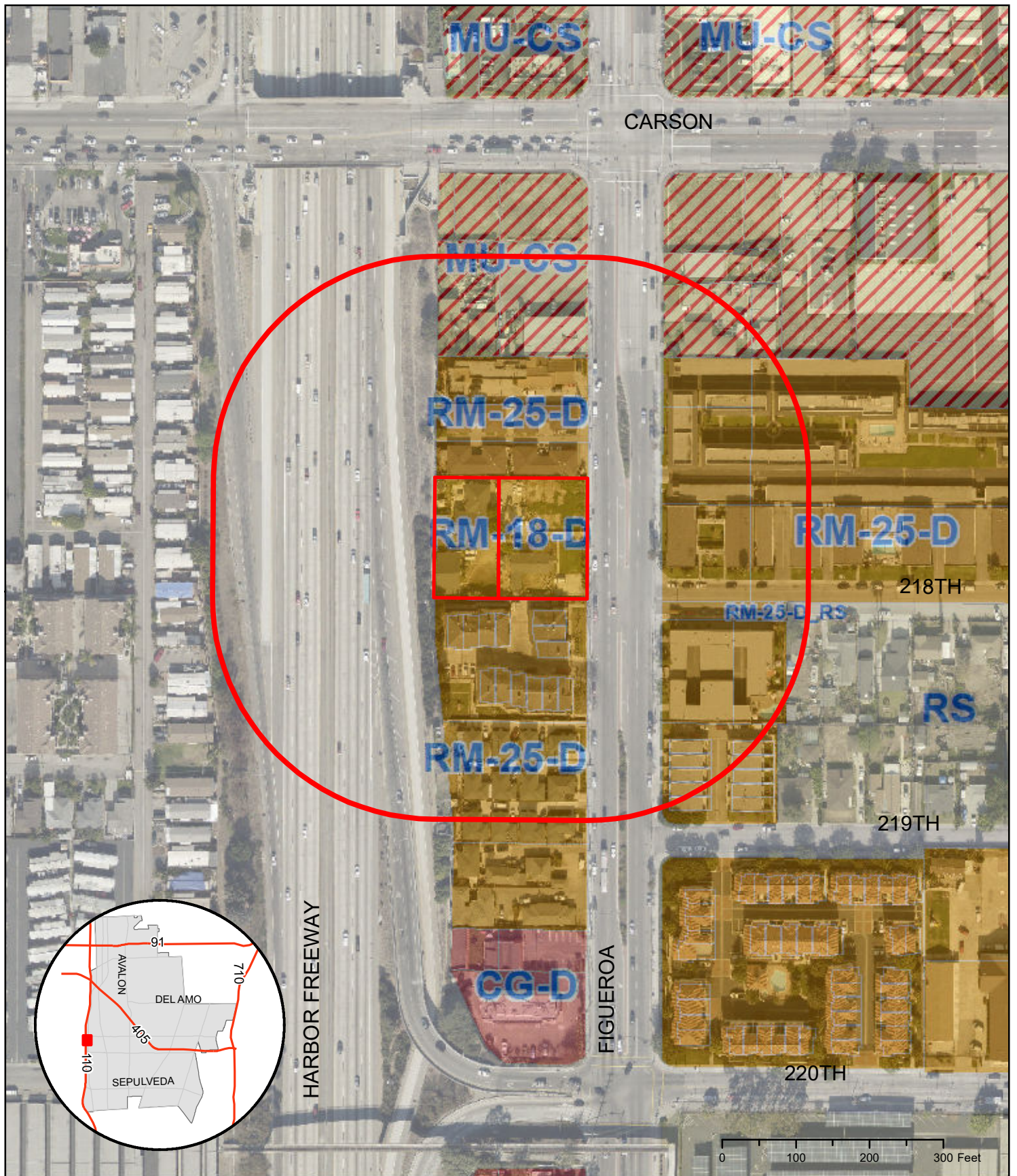
21809 - 21811 FIGUEROA ST

FUTURE UNLIMITED!

Business Hours: 7am to 6pm

Monday - Thursday

CUSTOMER COPY



City of Carson
300 Foot Radius Map
21809-21811 S Figueroa Street