



# CARSON PLANNING COMMISSION STAFF REPORT

**DATE:** November 12, 2024  
**FROM:** Planning & Community Development  
**BY:** Christopher Palmer, AICP - Planning Manager  
**SUBJECT:** General Plan Amendment – Land Use Element

## PROJECT/APPLICANT INFORMATION

**Project Summary:** Consideration of a Recommendation to City Council concerning a General Plan Amendment that would add text to the General Plan Land Use and Revitalization Element to require approval of a Specific Plan prior to redevelopment of sites that currently operate as oil or petroleum refineries within City of Carson

**Project Location:** Citywide

**Project Applicant:** N/A (City of Carson)

## I. OVERVIEW

### A. Introduction

The Carson 2040 General Plan (General Plan) was adopted in April of 2023, and contains nine elements. It is designed to tailor to the current needs of the City and anticipated futures needs of the City. It introduces a greater mix of land uses to reflect new and changing priorities. It encourages sustainability through transit-oriented, mixed-use, infill development and greater opportunity and equity. It promotes development in the core area and provides greater diversity of non-residential uses. The General Plan also includes an Environmental Justice Element (entitled the Community Health and Environmental Justice Element), which was a new addition to the current General Plan as compared to the City’s previous General Plan.

The Environmental Justice Element is guided by Senate Bill (SB 1000) and requires cities with SB 535 “disadvantaged communities” to include an environmental justice element in their general plans. CalEPA identifies disadvantaged communities as low-income areas that are disproportionately affected by and/or vulnerable to pollution and other environmental hazards that negatively impact human health, most commonly among communities of color. Out of the 26 census tracts that intersect with the Planning Area of the General Plan, 22 are “disadvantaged communities.” These include the areas of the City located immediately to the west and north of

two major oil refineries currently operating in the City, the Phillips 66 and Tesoro refineries, as shown in Figure 6-1 in the Community Health and Environmental Justice Element.

Staff believes that requiring a Specific Plan to be approved prior to redevelopment of sites that are currently operated as oil or petroleum refineries or associated uses will further the goals and policies of the General Plan, particularly those of the Environmental Justice and Land Use and Revitalization Elements, and will protect the public health, safety and welfare. Such sites are located in (but not necessarily on every parcel throughout) the area of the City that is south of 223<sup>rd</sup> Street and east of Wilmington Avenue, consist of large parcels, and are zoned Manufacturing-Heavy with a General Plan land use classification of Heavy Industrial. Under the City's current General Plan and Zoning Ordinance regulations, the City may not have sufficient decision-making authority and discretion over a potential application for redevelopment of such sites for new uses following cessation of refinery operations. Oil or petroleum refinery operations often result in contamination of the sites on which they are located, and many of the subject sites have been operated as oil refineries for several decades. As a result, there is a need for environmental testing and California Environmental Quality Act (CEQA) review by the City prior to approval of any such redevelopment project in order to help ensure protection of environmental quality (as well as environmental justice) in connection with the redevelopment. Requiring a Specific Plan prior to any such redevelopment will ensure the City has the necessary authority to conduct CEQA review of such projects, and will also help ensure the City has the necessary Planning oversight and decision-making authority to require the redevelopment to be cohesive and compatible both within the site and with surrounding uses, such as by requiring landscaped buffers and other project design features and other measures to avoid negative impacts on public health, safety, and welfare, including for the people who occupy the site of the redevelopment and the surrounding areas.

In addition, the requirement of a Specific Plan will ensure any redevelopment of such sites will be cohesive and compatible with surrounding areas, including existing or proposed residential areas that may be in the travel path of future development of such sites.

It should be noted that the General Plan already provides that future development of the former Shell refinery site requires preparation of a Specific Plan. The Shell site is not the subject of the proposed General Plan Amendment, as it is a former (not current) refinery site and has already been adequately addressed in the General Plan.

## **B. Project Description**

In the event of any application for redevelopment of any existing refinery site for a new use following cessation of refinery operations, this General Plan Amendment will require preparation and approval of a Specific Plan to (without limitation) provide for comprehensiveness and cohesiveness of the refinery site redevelopment. The specific plan would be required to be approved prior to, or concurrently with, approval of development plans for the redevelopment project.

A Specific Plan is a planning document that systematically implements the General Plan for the area covered by the Specific Plan. The Specific Plan must contain certain specified details relating to land uses, major infrastructure, development and conservation standards, an implementation program, and a statement of relationship to the general plan. (Gov't Code Sections 65450-65451; Carson Municipal Code ("CMC") Sections 9217.1-9217.3). Per CMC Section 9217.1(A), a Specific Plan "shall state whether its provisions are to be combined with the standards and requirements of the base zoning district for the [Specific Plan area] or will supersede the underlying district's requirements."

The proposed General Plan Amendment does not change the permitted uses of any property; rather, it adds another layer of City planning control, such that an applicant who seeks to redevelop an existing refinery site for a new use following cessation of refinery operations will be required to submit a proposed Specific Plan and go through the City's Specific Plan review and decision-making process in addition to the applicable use entitlement process (if any) and any other required approval process under the Carson Municipal Code (except to the extent the proposed Specific Plan, as approved, provides that it supersedes Carson Zoning Ordinance approval processes or requirements).

The future Specific Plan(s) would be required to be consistent with the General Plan, including, without limitation, furthering the Land Use and Revitalization Element goals, objectives and policies, and the Community Health and Environmental Justice Element goals, objectives and policies that:

1. Reduce pollution exposure (including air quality)
2. Reduce unique/compounded health risks
3. Promote public facilities (public improvements, public services, and community amenities)
4. Promote physical activity
5. Promote food access
6. Promote safe and sanitary homes
7. Promote civic engagement
8. Prioritize needs of disadvantaged communities

## II. ANALYSIS

### A. General Plan Consistency

The proposed General Plan Amendment is consistent with the General Plan, and will further the following General Plan goals and policies, without limitation:

- **Guiding Principle 6** – Foster harmony between industrial and residential land uses.
- **Guiding Principle 7** – Improve public health and sustainability.
- **LUR-G-13** – Ensure adequate buffers and transitions between industrial and residential land uses as sites are developed or redeveloped.
- **LUR-G-14** - Ensure that future industrial development is in harmony to the extent possible with adjacent residential areas.
- **LUR-P-29** - Undertake planned development and specific plans for unique projects as a means to achieve high community standards, address neighborhood or significant site-specific issues, ensure compatibility between a number of uses, on large parcels, and when needed as part of a redevelopment or environmental remediation strategy.
- **CHE-G-1** – Seek to improve citywide health outcomes and reduce disparities between census tracts by focusing on prevention and interventions, and by addressing the root causes of health disparities and equities in Carson.
- **CHE-G-2** – Reduce air pollution and the incidence of respiratory illness through the land use planning process.
- **CHE-G-4** – Protect community health from pollution by toxics and hazardous materials, especially in areas with vulnerable or sensitive populations.
- **CHE-P-8** – Avoid new toxin sources by stringently evaluating the siting of facilities that might significantly increase pollution, especially near already disproportionately impacted communities.

### B. Proposed General Plan Amendment

The General Plan Land Use Element, in Section 2.4 (Guiding and Implementing Policies), has a subsection entitled “*Detailed Planning for Specific Areas.*” In Implementing Policy LUR-P-29 on page 2-30 of the General Plan Land Use and Revitalization Element, staff proposes the following changes to the existing language (additions shown in in **bolded, underlined** font; deletions shown in ~~striketrough font~~):

“Undertake planned development and specific plans for unique projects, **and require submittal and approval of a specific plan prior to, or concurrently with, approval of development plans for any redevelopment of the site of an existing oil or petroleum refinery or associated use for a new use following cessation of refinery operations,** as a means to achieve high community standards, address neighborhood or significant site-specific issues, ensure compatibility between a number of uses, on large parcels, and when needed as part of a redevelopment or environmental remediation strategy.

*Such areas that would benefit from a specific plan include the Shell Site, ~~the and~~ South Bay Pavilion, the site of the Marathon Oil Refinery (as shown in Figure 2-3), and the site of the Phillips 66 Oil Refinery (as shown in Figure 2-3), if redeveloped.*

Note: As stated in the General Plan, the italicized text that sometimes follows the policies in the General Plan, such as the last paragraph in LUR-P-29 above, is for reference only (to provide explanation or greater context) and is not considered adopted policy.

The recommended General Plan Amendment also includes a modification to the General Plan Land Use Diagram, Figure 2-3 in the Land Use and Revitalization Element, to delineate the area of the City that is located south of 223rd Street and east of Wilmington Avenue as one or more “Potential Specific Plan Area[s]” using light blue dots according to the legend in said figure, and add an associated notation, consistent with the recommended text amendment set forth above, which notation shall refer to LUR-P-29 and make clear that: (i) the mere fact that a property is within the delineated area in the modified Figure 2-3 does not in and of itself create any requirement for submittal or approval of a Specific Plan prior to development of the property or constitute a determination that all or any particular portion of the delineated area constitutes “sites of existing oil or petroleum refineries and associated uses” to which LUR-P-29 applies; and (ii) the delineated area may include one or more potential Specific Plans, as different sites that are subject to LUR-P-29 may submit and obtain approval of different Specific Plans, subject to compliance with applicable laws. This recommended amendment to Figure 2-3 is not intended to create a substantive requirement independent of LUR-P-29 as recommended to be modified pursuant to the text amendment set forth above, but rather is intended to maintain internal consistency of the General Plan and apprise readers of Figure 2-3 of the potential requirement of a Specific Plan pursuant to LUR-P-29 as recommended to be modified pursuant to the text amendment set forth above.

### **C. Public Hearing Notice**

Public Notice was given in accordance with Chapter 17.06 of the CMC. The Planning Department published a public hearing notice in the local paper on October 31, 2024 and posted in the designated public places throughout the City.

### **D. Environmental Analysis**

Pursuant to CEQA Guidelines Section 15378, the proposed General Plan Amendment does not constitute a CEQA “project”, because the action constitutes administrative or maintenance activities of the City, such as general policy and procedure making that is excluded from the definition of project under CEQA Guidelines Section 15378(a). The proposed action does not change the permitted uses of any real property, and merely

requires an additional layer of City planning review prior to any redevelopment of a Refinery Site for a new use following cessation of refinery operations, such that an applicant would need to prepare a Specific Plan and go through the City's Specific Plan review and decision-making process in addition to the applicable use entitlement process (if any) and any other required approval process under the Carson Municipal Code (except to the extent the proposed Specific Plan, as approved, provides that it supersedes Carson Zoning Ordinance use entitlement processes or requirements).

In the event the proposed General Plan Amendment does constitute a CEQA "project," it is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), because the action does not have the potential for causing a significant effect on the environment. "Significant effect on the environment" is defined in CEQA Guidelines Section 15382 as "a substantial, or potentially substantial, *adverse* change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic or aesthetic significance." (emphasis added). It can be seen with certainty that there is no possibility that the proposed General Plan Amendment may have a significant effect on the environment, because any potential change in any of the physical conditions within the area affected by the proposed General Plan Amendment would be favorable, not adverse, on the environment, in that the proposed General Plan Amendment, by requiring approval of a Specific Plan prior to any redevelopment of a Refinery Site for a new use following cessation of refinery operations, would ensure the City has discretion to mitigate potential environmental impacts of any such redevelopment, and thereby ensure that any such redevelopment would constitute a discretionary project within the meaning of Public Resources Code Section 21080(a) with respect to approval by the City, and that the City would therefore have authority to conduct environmental review of such redevelopment project pursuant to CEQA.

Also in the event this Ordinance does constitute a CEQA "project," the proposed General Plan Amendment is categorically exempt from review under CEQA pursuant to State CEQA Guidelines Section 15305, Minor Alterations in Land Use Limitations, because the proposed General Plan Amendment constitutes a minor alteration in land use limitations in areas with an average slope of less than 20%, which does not result in any changes in land use or density. None of the exceptions to the categorical exemption described in State CEQA Guidelines Section 15300.2 applies.

### III. CONCLUSION AND RECOMMENDATION

The proposed amendment ensures that future development of former refineries will consider the community and environmental sensitivity for all future development and protect and enhance the public health, safety and welfare.

Accordingly, Staff is recommending that the Planning Commission adopt PC Resolution 24-2880 recommending that the City Council approve General Plan Amendment No. GPA0001-24, to: (1) add language to the Land Use and Revitalization Element of the City's General Plan; and (2) incorporate the boundaries of the potential future specific plan area(s) onto the General Plan Land Use Map.

**ATTACHMENTS**

- 1) Public Hearing Notice
- 2) PC Resolution 24-2880