

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 24-2880

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING THAT THE CARSON CITY COUNCIL APPROVE CEQA “NO PROJECT”/EXEMPTION FINDINGS AND ADOPT GENERAL PLAN AMENDMENT NO. 001-24, MODIFYING THE LAND USE ELEMENT OF THE CARSON 2040 GENERAL PLAN REGARDING SPECIFIC PLAN REQUIREMENT FOR ANY REDEVELOPMENT OF EXISTING OIL OR PETROLEUM REFINERY SITES FOLLOWING CESSATION OF REFINERY OPERATIONS

WHEREAS, the City of Carson (“City”) adopted its current General Plan, the Carson 2040 General Plan, in April 2023 by Resolution No. 23-062; and

WHEREAS, the General Plan, in the Land Use and Revitalization Element, contains Implementing Policy LUR-P-29, which provides as follows:

“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.

Such areas that would benefit from a specific plan include the Shell Site and South Bay Pavilion if redeveloped.”; and

WHEREAS, to help ensure the protection of public health, safety and welfare, environmental justice, and environmental quality in the event of an application for redevelopment of the site of an existing oil or petroleum refinery or associated use in Carson (“Refinery Site”) for a new use following cessation of refinery operations, the City has initiated General Plan Amendment No. 0001-24 (the “General Plan Amendment”) to modify the text of Implementing Policy LUR-P-29 to expressly require approval of a Specific Plan prior to or concurrent with approval of development plans for any redevelopment of a Refinery Site for a new use following cessation of refinery operations, and to make a corresponding change to Figure 2-3 in the Land Use and Revitalization Element (General Plan Land Use Diagram); and

WHEREAS, the Planning Commission held a duly noticed public hearing at its meeting of November 12, 2024, to consider the General Plan Amendment. The Planning Commission considered evidence presented at the public hearing, including public testimony, and a report prepared by City staff, and having done so, sees fits and hereby intends to recommend to the City Council approval and adoption of the General Plan Amendment; and

WHEREAS, all of the legal prerequisites to adoption of this Resolution have occurred.

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

SECTION 1. The Planning Commission finds that the foregoing recitals are true and correct, and the same are incorporated herein by reference as findings of fact based on the entire administrative record.

SECTION 2. The Planning Commission further finds as follows:

A. The Planning Commission hereby further finds that the General Plan Amendment is consistent with the Carson 2040 General Plan, including furthering the following General Plan goals, policies and objectives: Guiding Principle 6, Guiding Principle 7, Land Use and Revitalization Element Guiding Policy LUR-G-13, Land Use and Revitalization Element Guiding Policy LUR-G-14, Land Use and Revitalization Element Implementing Policy LUR-P-29, Community Health and Environmental Justice Element Guiding Policy CHE-G-1, Community Health and Environmental Justice Element Guiding Policy CHE-G-2, Community Health and Environmental Justice Element Guiding Policy CHE-G-4, and Community Health and Environmental Justice Element Implementing Policy CHE-P-8.

B. The General Plan Amendment will contribute to the public health, safety and general welfare in the City and will be of benefit to the public.

C. The General Plan Amendment retains the internal consistency of the General Plan and is consistent with other adopted plans.

SECTION 3. The Planning Commission recommends that the City Council find as follows with respect to applicability of CEQA to the recommended General Plan Amendment:

Pursuant to CEQA Guidelines Section 15378, the 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 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 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.” It can be seen with certainty that there is no possibility that the 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 General Plan Amendment would be favorable, not adverse, on the environment, in that the 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 the General Plan Amendment does constitute a CEQA “project,” the 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 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 CEQA Guidelines Section 15300.2 apply.

SECTION 4. Based on the foregoing, the Planning Commission hereby recommends that the City Council adopt the General Plan Amendment (GPA No. 0001-24), consisting of the following:

A. Amend the text of Implementing Policy LUR-P-29 on page 2-30 of the General Plan Land Use and Revitalization Element as follows (additions shown in in **bolded, underlined** font; deletions shown in ~~strikethrough 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/Tesoro oil refinery, and the site of the Phillips 66 oil refinery, if redeveloped.**”*

B. Amend Figure 2-3 (General Plan Land Use Diagram) on page 2-10 in the Land Use

and Revitalization Element of the General Plan 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 in subsection (A) of this Section 4, 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 subsection (A) of this Section 4, 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 subsection (A) of this Section 4.

SECTION 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution and transmit a copy of this Resolution to the City Council via the City Clerk.

PASSED, APPROVED AND ADOPTED THIS 12th DAY OF NOVEMBER 2024.

Diane Thomas
CHAIR

ATTEST:

LAURA GONZALEZ
PLANNING SECRETARY