

RESOLUTION NO. 22-077

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING, PURSUANT TO CARSON MUNICIPAL CODE SECTION 9173.4(C)(2)(a), THE DECISION OF THE CARSON PLANNING COMMISSION TO ADOPT PLANNING COMMISSION RESOLUTION NO. 22-2827 APPROVING DESIGN OVERLAY REVIEW NO. 1864-21 FOR A PROPOSED TILT-UP WAREHOUSE FACILITY AT 18001 SOUTH MAIN STREET

WHEREAS, on March 22, 2022, following a duly noticed public hearing, the Carson Planning Commission adopted Planning Commission Resolution No. 22-2827, “A Resolution of the Planning Commission of the City of Carson approving Site Plan and Design Overlay Review No. 1864-21 for a proposed tilt-up warehouse facility at 18001 South Main Street” in the City, thereby approving the aforementioned entitlement on the terms and conditions set forth in said resolution, including the conditions of approval attached thereto as Exhibit “B” (the “Planning Commission Decision”); and

WHEREAS, on March 30, 2022, City Councilmember Jim Dear filed an appeal of the Planning Commission Decision pursuant to Carson Municipal Code (“CMC”) Section 9173.4 (Appeals) of the City’s Zoning Ordinance. In accordance with Section 9173.4, because the appeal was filed by a Councilmember, no statement of the grounds for appeal was included. The appeal was complete as filed; and

WHEREAS, CMC Section 9173.4(C)(1) requires a public hearing to be conducted on the appeal. Section 9173.4(C)(2) provides that at the conclusion of the public hearing, the Council may: (a) affirm the decision; (b) modify the decision; (c) refer the matter back to the Planning Commission, with instructions; or (d) reverse the decision. Pursuant to CMC Section 9173.4(C)(3), unless referred back to the Planning Commission, the appellate decision shall be supported by written findings. Pursuant to CMC Section 9173.4(D), the Council must act to either affirm, reverse, modify, continue or refer matter back within 60 days of filing of the appeal; and

WHEREAS, on May 17, 2022, the City Council conducted a duly noticed public hearing to consider the appeal of the Planning Commission Decision, in accordance with CMC Section 9173.4, and elected to affirm the Planning Commission Decision.

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

SECTION 1. The foregoing recitals are true and correct and are incorporated herein by reference.

SECTION 2. Based upon substantial evidence taken from the record as a whole, and

received at the hearing, conducted on May 17, 2022, both oral and written, including the staff report and all attachments thereto, the City Council hereby finds that the Planning Commission Decision is in accordance with the requirements of the CMC, including the City's Zoning Ordinance, and other applicable law including CEQA. The City Council hereby makes, ratifies, and affirms the findings set forth in Planning Commission Resolution No. 22-2827, a copy of which is attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION 3. Based on the foregoing findings, the City Council hereby affirms the Planning Commission Decision, pursuant to CMC Section 9173.4(C)(2)(a).

SECTION 4. Should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

SECTION 5. This Resolution shall be effective immediately upon its adoption. As provided in Code of Civil Procedure §1094.6(b) and Carson Municipal Code §9173.5, any court action or proceeding brought to challenge this Resolution or the findings set forth herein pursuant to Code of Civil Procedure §1094.5 must be filed within 90 days after the date of this Resolution, except that any action or proceeding challenging this Resolution or the findings set forth herein that is within the scope of Carson Municipal Code §9173.5(A) must be filed within 60 days after the date of this Resolution. A copy of this Resolution shall be sent by first class mail to the applicant for Site Plan and Design Overlay Review No. 1864-21 (Herman Architecture and Design) and to any person who has filed a written request for notice of this decision pursuant to Carson Municipal Code §9173.32.

SECTION 6. The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 17th day of May, 2022.

Lula Davis-Holmes, Mayor

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

ATTEST:

Dr. Khaleah K. Bradshaw, City Clerk

01007.0005/789015.1

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF CARSON)

I, Khaleah Bradshaw, City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. 22-077, was passed and approved by the City Council of the City of Carson at its meeting held on May 17, 2022, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Dr. Khaleah K. Bradshaw, City Clerk

EXHIBIT “A”

PLANNING COMMISSION RESOLUTION NO. 22-2827

[to be attached]

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 22-2827

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING SITE PLAN AND
DESIGN OVERLAY REVIEW NO. 1864-21 FOR A
PROPOSED TILT-UP WAREHOUSE FACILITY AT 18001
SOUTH MAIN STREET**

WHEREAS, on December 1, 2021, the Department of Community Development received a complete application from Herman Architecture and Design for real property located at 18001 South Main Street and legally described in Exhibit “A” attached hereto, requesting approval of Site Plan and Design Overlay Review No. 1864-21 to demolish an existing 58,965 square-foot vacant warehouse and construct a new 60,558-square-foot tilt-up warehouse building with 8,000 square feet of included office space and with surface parking; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the 22nd day of March 2022, conduct a duly noticed public hearing as required by law to consider said application. Notice of the hearing was posted and mailed to property owners and properties within a 750-foot radius of the project site by March 10, 2022; and

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

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

SECTION 2. The Planning Commission finds as follows:

- a) The proposed project is compatible with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of Heavy Industrial, and the proposed tilt-up warehouse and associated offices are compatible with said designation and the surrounding uses.
- b) The proposed project is compatible in architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area. The proposed project consists of developing a 60,558-square-foot tilt-up warehouse building with 8,000 square feet of included office space and associated 74-stall parking area.

The project is designed in a modern architectural style combining painted concrete blocks, metal canopies, clear anodized mullions, and blue high-performance glazing. Large openings with reflective glass have been used along the Main Street façade to create an office-like appearance. Articulation of the concrete panels interspersed with the use of different color tones effectively breaks-up the façade and creates an interesting design aesthetic. The project is compatible with the surrounding area in that

it is in keeping with other heavy and light heavy industrial uses and will be an improvement to the overall area.

- c) The proposed development provides for convenience and safety of circulation for pedestrians and vehicles. The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic. The project site will be accessed through two existing driveways off of Main Street.

Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-foot of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. Carson Municipal Code Section 9162.24 (Automobile Parking Spaces requires for Mixed Uses) states that office space incidental to warehouse or other industrial uses shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed ten percent of the total gross floor area. The proposed warehouse and office facility require 45 parking spaces: 39 for warehouse ($52,558 \text{ sf (warehouse)} + 6,056 \text{ sf (60,558 sf} \times 10\%) / 1,500 = 39$) and 6 for office ($(1,944 \text{ sf (8,000 sf (office)} - (60,558 \text{ sf} \times 10\%)) / 300)$). The applicant proposes 74 parking spaces; 71 standard stalls and 3 ADA compliant parking stalls.

A Transportation Technical Memorandum completed by the applicant's environmental consultant and reviewed and approved by the City's Traffic Engineer, concluded the following:

- The proposed project would generate 3 net new trips and no additional AM or PM peak hour trips.
 - The proposed Project would not result in unacceptable queueing conditions into or out of the Project site. No impacts would occur.
 - Bicyclist and pedestrian safety would be maintained at existing levels in the area since the project is not changing the existing land use and would result in a negligible increase in project related trips.
 - Based on the Los Angeles County Transportation Impact Analysis Guidelines the project meets the low trip generation VMT screening criterion and would be screened from conducting a project specific VMT analysis.
- d) Carson Municipal Code Section 9146.7 (Signs) allows two square feet of signage for every one linear foot of lot frontage for the first one hundred (100) feet, plus one-half (1/2) times the frontage in excess of one hundred (100) feet. At 270 feet in length, 185 square feet of signage will be allowed. All signage associated with this project will be reviewed and approved as a separate application and will ensure that the signage complies with applicable Carson Municipal Code provisions, and will exhibit attractiveness, effectiveness and restraint in signing graphics and color.
- e) The proposed development will be constructed in one single phase.
- f) The proposed landscape plan will comply with applicable water conservation requirements. Permanent irrigation utilizing best water conversation practices will be installed for both on and off-site landscaped areas. New landscape will be installed throughout the site, providing shade to vehicles and enhancing the visual attractiveness from adjoining streets and walkways.

- g) The required findings pursuant to Section 9172.23 (D), “Site Plan and Design Review,” can be made in the affirmative.

SECTION 3. Design related issues such as those found in Site Plan and Design Overlay Review No. 1864-21 have been found to be outside CEQA, as it is common sense that design related issues do not relate to the potential for whether a project causes a significant effect on the environment. (*McCorkle Eastside Neighborhood Group v. City of St. Helena*, 31 Cal.App.5th 80 (2018)). Toward that end, the City cannot impose conditions of approval that constitute environmental impact mitigation measures exceeding the scope of design review for Site Plan and Design Overlay Review No. 1864-21.

Additionally, and as an alternative finding in the event Site Plan and Design Overlay Review No. 1864-21 is deemed to constitute a discretionary project within the meaning of CEQA notwithstanding the finding and authorities set forth in the foregoing paragraph, the Planning Commission finds that Site Plan and Design Overlay Review No. 1864-21 is categorically exempt from CEQA pursuant to CEQA’s Class 2 Categorical Exemption (14 CCR §15302), which states as follows:

“§ 15302. Replacement or Reconstruction.

Class 2 consists of replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the structure replaced and will have substantially the same purpose and capacity as the structure replaced, including but not limited to:

- (a) Replacement or reconstruction of existing schools and hospitals to provide earthquake resistant structures which do not increase capacity more than 50 percent;
- (b) Replacement of a commercial structure with a new structure of substantially the same size, purpose, and capacity.
- (c) Replacement or reconstruction of existing utility systems and/or facilities involving negligible or no expansion of capacity.
- (d) Conversion of overhead electric utility distribution system facilities to underground including connection to existing overhead electric utility distribution lines where the surface is restored to the condition existing prior to the undergrounding.”

Site Plan and Design Overlay Review No. 1864-21 consists of the replacement of an existing structure/facility (an existing 58,965 square-foot vacant warehouse) with a new structure/facility of substantially the same size, purpose and capacity (a new 60,558-square foot tilt-up warehouse building) on the same site. The Class 2 Categorical exemption would apply to exempt Site Plan and Design Overlay Review No. 1864-21 from CEQA review even if Site Plan and Design Overlay Review No. 1864-21 were considered a discretionary project within the meaning of CEQA.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Site Plan and Design Overlay Review No. 1864-21, subject to the Conditions of Approval contained in Exhibit “B,” attached hereto.

SECTION 5. This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed within that time in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 6. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 22nd day of March, 2022.

Vice Chair Chris Palmer- Covid Signature
CHAIRPERSON

ATTEST:

Lucille Sandoval
SECRETARY

EXHIBIT "A"

Legal Description

Real property in the City of Carson, County of Los Angeles, State of California, described as follows:

PARCEL 1:

THOSE PORTIONS OF LOTS 10 AND 11 OF THE SOUTH GARDENA TRACT, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 43, PAGE 39 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT IN THE EASTERLY LINE OF LOT 10, DISTANT NORTHERLY THEREON, 555.73 FEET FROM THE SOUTHEASTERLY CORNER THEREOF; THENCE NORTHERLY ALONG THEEASTERLY LINES OF SAID LOTS 10 AND 11, A DISTANCE OF 270 FEET; THENCE WESTERLY AT RIGHT ANGLES TO THE EASTERLY LINE OF SAID LOT 11, A DISTANCE OF 428.8 FEET; THENCE SOUTHERLY PARALLEL WITH THE EASTERLY LINE OF SAID LOTS 11 AND 10, A DISTANCE OF 270 FEET TO A LINE DRAWN AT RIGHT ANGLES TO THE EASTERLY LINE OF SAID LOT 10 AND WHICH PASSES THROUGH THE POINT OF BEGINNING; THENCE EASTERLY IN A DIRECT LINE, 428.8 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THE NORTH 210 FEET OF THAT PORTION OF LOT 10 OF THE SOUTH GARDENA TRACT, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 43, PAGE 39 OF MISCELLANEOUS RECORDS, IN THE OFFICE OF THE COUNTY RECORDER, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF BROADWAY "100 FEET WIDE" AS DESCRIBED IN DECREE OF CONDEMNATION IN LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 274177, RECORDED IN BOOK 12339, PAGE 97 OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER WITH A LINE THAT IS PARALLEL WITH AND DISTANT 537.08 FEET SOUTHERLY FROM THE NORTHERLY LINE OF SAID LOT 10; THENCE ALONG SAID PARALLEL LINE NORTH 89° 31' 43" EAST 400 FEET TO THE TRUE POINT OF BEGINNING; THENCE PARALLEL WITH SAID EASTERLY LINE NORTH 0° 28' 30" WEST 537.08 FEET TO SAID NORTHERLY LINE; THENCE ALONG SAID NORTHERLY LINE NORTH 89° 31' 49" EAST 28.04 FEET, MORE OR LESS, TO A LINE THAT IS PARALLEL WITH AND DISTANT 428.80 FEET WESTERLY "MEASURED AT RIGHT ANGLES" FROM THE EASTERLY LINE OF SAID LOT 10; THENCE ALONG SAID PARALLEL LINE SOUTH 0° 28' 30" EAST 537.08 FEET TO A LINE PARALLEL WITH SAID NORTHERLY LINE WHICH PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE ALONG SAID PARALLEL LINE SOUTH 89° 31' 45" WEST 28.04 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING. EXCEPT THE SOUTH 287.08 FEET THEREOF.

**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION**

**EXHIBIT "B"
CONDITIONS OF APPROVAL
SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1864-21**

I. GENERAL CONDITIONS

1. ***Interim Development Impact Fee:*** In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code, the applicant, property owner, and/or successor to whom these project entitlements are assigned (“Developer”) shall be responsible for payment of a one-time development impact fee at the rate in effect at the time of issuance of building permits, currently (for Fiscal Year 2021-2022, effective July 1, 2021, through June 30, 2022) set at \$2.63 per square foot of industrial building constructed. Based on the current rates, the interim development impact fees for the proposed development are estimated at \$159,267.54 [60,558 sq. ft. (Proposed Project) X \$2.63 per unit = \$159,267.54]. If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.

Additionally, subject to the review, verification, and approval of the Community Development Director, the applicant *may* be eligible for development impact fee credits for demolition of an existing permitted structure or structures. To be eligible for credits, **prior to demolition**, provide building volume (average building height and footprint, usable areas) of all existing permitted structures and the new proposed structure. Awarded fee credits shall reduce the final development impact fee amount and are applied when development impact fees are due.

Final development impact fee amounts are calculated and due prior to issuance of a building permit in one lump sum installment. Fees are subject to adjustments every July 1st based on State of California Construction Cost Index (Prior March to Current March Adjustment). If fees are not paid at the end of a fiscal year (e.g. June 30, 2022), a new fee will be calculated based on the new fiscal year’s rate (e.g. July 1, 2022) from the aforementioned adjustment. No building permits shall be issued prior to the full payment of the required development impact fee amount.

To understand the requirements in more detail, please visit the City’s IDIF webpage at <https://ci.carson.ca.us/communitydevelopment/IDIFProgram.aspx> and/or contact James Nguyen at jnguyen@carsonca.gov or 310-952-1700 ext. 1310.

2. ***Funding Mechanism for Ongoing Services/Community Facilities District:*** The Developer is required to establish a funding mechanism to provide an ongoing source of funds to mitigate the impacts of the proposed development on City services on an ongoing basis.

In 2018, City adopted Community Facilities District (CFD) No. 2018-01, and City may adopt a similar community facilities district in the future to use instead of CFD No. 2018-01 (collectively referred to herein as the “CFD”), to fund the ongoing costs of City services permitted by the CFD, including the maintenance of parks, roadways, and sidewalks and other eligible impacts of the Project within the CFD (the CFD Services). The City uses this mechanism for projects wanting to join the CFD as a means to satisfy the condition to mitigate impacts on services. In 2019, the City undertook a Fiscal Impact Analysis (“FIA”), and uses the analysis generally to determine the impacts in CFD No. 2018-01.

Based on the FIA, the subject property falls under the “Industrial Zone 1” category. Based on a 2.67-acre development, the current estimated annual amount for ongoing services is \$7,997.10, subject to annual adjustments every July 1st. Prior to recordation of final tract map or permit issuance, whichever comes first, Developer shall demonstrate compliance under this section either through: (1) Annexing into a City CFD; or (2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City.

This condition may be satisfied by annexing the subject property to the CFD with the rate comparable to that of the FIA, or by requesting the City undertake a Fiscal Impact Study by a consultant chosen by the City with respect to the subject property with similar scope and standards as the FIA and paid for by the Developer to set the rate of the CFD for the subject property. Should another Fiscal Impact Study be undertaken, a lower or higher rate may be required for the mitigation of impacts based on the Study. The Developer may also provide another mechanism for satisfying the requirement to mitigate impacts that is acceptable to the City Council.

To understand the requirements in more detail, please visit the City’s CFD webpage at <https://ci.carson.ca.us/communitydevelopment/CFD.aspx> and/or contact James Nguyen at jnguyen@carsonca.gov or 310-952-1700 ext. 1310.

3. If a building permit for Site Plan and Design Review No. 1864-21 is not issued within **two years** of the effective date of the approved Planning Commission Resolution, the entitlement shall be declared null and void unless an extension of time is approved by the Planning Commission.
4. The approved Resolution, including these Conditions of Approval, 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. Developer 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. Developer shall comply with all city, county, state and federal regulations applicable to this project.
7. Any substantial project 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 of these Conditions of Approval, in a form approved by the Director, and shall submit the signed Affidavit of Acceptance to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
9. A modification of these conditions, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
10. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or

City Council, as may be applicable; provided the Developer has been given written notice to cease such violation and has failed to do so for a period of thirty days.

11. Precedence of Conditions. If any of these Conditions of Approval alter a commitment made by the Developer 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.
12. 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.
13. 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 therefor, or work may cease on the Project.
14. Indemnification. The applicant, property owner, and tenant(s), for themselves and their successors in interest (“Indemnitors”), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them (“Indemnitees”) from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, “Claims”) against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors’ operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees’ associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors’ consent. Indemnitors shall provide a deposit to the City 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 attorneys’ fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.

II. AESTHETICS

1. 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.

2. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
3. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
4. Graffiti shall be removed from all areas within twenty-four (24) hours of written notification by the City of Carson, including graffiti found on perimeter walls and fences. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modification (i.e. fencing, landscaping, chemical treatment, etc.).
5. The proposed project site shall be maintained free of debris, litter and inoperable vehicles at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.
6. No outdoor storage of materials shall be permitted on the property at any time.

III. FENCES/WALLS

1. Perimeter walls and fences shall be architecturally coordinated with the project building and subject to the approval of the Planning Division.
2. **An 8-foot-high tubular steel fence shall be installed along the north property line, to the satisfaction of the Planning Division.**
3. **An 8-foot-high tubular steel fence shall be installed along the south property line, to the satisfaction of the Planning Division.**
4. **An 8-foot-high tubular steel fence shall be installed along the west property line, to the satisfaction of the Planning Division.**

IV. LANDSCAPE/IRRIGATION

1. 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.
2. Installation of 6" x 6" concrete curbs is 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.
3. The proposed irrigation system shall include best water conservation practices.
4. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
5. **All new and retrofitted landscape area of 500 square feet or greater (in the aggregate) is subject to the Model Water Efficient Landscape Ordinance (MWELO) per Department of Water Resources (Chapter 2.7 of Division 2 of Title 23 of the California Code of Regulations).**

6. **A total of 9,467 square feet of landscaping shall be installed along the northern, southern and eastern portions of the property, and throughout the eastern parking area visible from Main Street, to the satisfaction of the Planning Division.**
7. Maintenance and repair of all landscaping shall be the responsibility of Developer.
8. Prior to Issuance of Building Permit, the Developer shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.

V. LIGHTING

1. Developer shall provide adequate lighting for the parking areas to the satisfaction of the Director.
2. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
3. 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.

VI. PARKING/TRAFFIC

1. All driveways shall remain clear. No encroachment into driveways shall be permitted.
2. All areas used for movement, parking, loading, or storage of vehicles shall be paved and in accordance with Section 9162.0 of the Zoning Ordinance.
3. **Any work that takes place within the public right-of-way shall obtain a City-approved traffic control plan prior to the beginning of work.**

VII. TRASH

1. Trash collection from the project site shall comply with the requirements of the City's trash collection company.

VIII. UTILITIES

1. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
2. 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.

IX. BUILDING AND SAFETY DIVISION

1. Applicant shall submit development plans for plan check review and approval.
2. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.

3. Prior to issuance of building permit, proof of worker's compensation and liability insurance for Developer must be on file with the Los Angeles County Building and Safety Division.

X. FIRE DEPARTMENT

1. Developer shall obtain approval and comply with all Los Angeles County Fire Department requirements for the proposed development.

XI. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

1. The Developer shall submit an electronic copy of approved plans (*such as, Sewer, Street and/or Storm Drain Improvements, Grading, etc., whichever applies*), to the City of Carson – Engineering Division, prior to issuance of construction permits.
2. Any existing off-site improvements damaged and/or damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
3. A construction permit is required for any work to be done within the public right-of-way.
4. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to issuance of any permit by Engineering Division.
5. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to the issuance of any encroachment permits.
6. The Developer shall provide recorded covenant to address drainage maintenance/responsibilities.
7. If required by the Engineering Division, soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved by Engineering Division.

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

8. Per City of Carson Municipal Code Section 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.
9. Per City of Carson Municipal Code Section 5809(d)(2), Developer shall comply with all street and road construction of 10,000 S.F. or more of impervious surface, shall manage wet weather with Green Infrastructure: Greens Streets
10. 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 to Kenneth Young via E-mail kyoung@carsonca.gov
11. Developer shall submit digital copies of the LID/NPDES/Grading Plans, hydrology and Hydraulic analysis concurrently to City of Carson, Engineering Services Department and Los

Angeles County Building & Safety Division. Deliver copy to Kenneth Young via E-mail kyoung@carsonca.gov

12. Developer shall complete, sign and return the Stormwater Planning Program LID Plan Checklist form and return to City of Carson Engineering Services Division.
13. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The Developer shall submit a copy of approved Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.
14. If or when required, as determined by the City Engineer, provide CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities.
15. A soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory. Developer shall comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
16. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of the development that is the subject of these conditions. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
17. Dedicate additional Right-of-Way beyond the existing right-of-way line to the extent the City Engineer determines such additional right-of-way is necessary to conform with City of Carson PW Standard Street Section to accommodate the ADA access behind the Main St. driveway approach to the project site. Developer shall prepare the legal description for any such required dedication, for review and approval of the City Engineer and Recordation with County Recorders Office. All documents shall be approved and ready for recordation prior to issuance of Building Permits.
18. 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. The following are required as a part of the project's improvement plans.
 - a. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Main St. abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 - b. Remove and replace any broken/damaged driveway approach within the public right of way along Main St. abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 - c. The Developer shall modify existing driveways within the public right of way along Main St. 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.
 - d. Plant approved parkway trees on locations where trees in the public right of way along Main St. abutting this proposed development are missing per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.

- e. Plant parkway grass/landscaping in the public right of way along Main St. abutting this proposed development per City of Carson PW Standard Drawing No. 116 to the satisfaction of the City Engineer.
 - f. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Main St. abutting this proposed development.
 - g. Install/Modify existing raised landscaped median along the Main St. to the satisfaction of the City Engineer.
 - h. Install striping and pavement legend per City of Carson PW Standard Drawings.
 - i. Paint Curbs Red along Main St. within or abutting this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
 - j. Streets abutting the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS).
19. 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.
20. Pursuant to Section 9161.4 of the Zoning Ordinance, Developer shall underground all existing overhead utility lines 12 kilovolts and less along Main St. to the satisfaction of the City Engineer and only if the estimated cost of this, and all such required improvements, does not exceed fifty (50) percent of the valuation of the structure for which a building permit is requested. Pursuant to Section 9161.7 of the Zoning Ordinance, 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 in-lieu fee before issuance of Building Permits and the in-lieu fee, and fees for all such required improvements, does not exceed fifty (50) percent of the valuation of the structure for which a building permit is requested. Undergrounding cost estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination.
21. Comply with the street lighting requirements if required by the LA County Public Works, Traffic Safety and Mobility Division, Street Lighting Section and any City Street Lighting requirements.

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

22. 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.
23. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Kenneth Young via E-mail kyoung@carsonca.gov

24. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.
25. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
26. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
27. 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.
28. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
 - a. Comply with mitigation measures recommended by the water purveyor.
29. 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.
30. 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.
31. The Developer shall repair any broken or raised/sagged curb and gutter within the public right of way along Main Street fronting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
32. All street cuts for utility construction purposes shall be repaired by the Developer per the City's utility trench repair standard.
33. All infrastructures necessary to serve the proposed development (Electric, Gas, water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
34. The Developer shall pay any applicable Public Works/Engineering fees prior to the issuance of the Certificate of Occupancy.

XII. BUSINESS LICENSE

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