



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: January 24, 2017
SUBJECT: Design Overlay Review No. 1542-14
General Plan Amendment No. 94-14
Zone Change Case No. 171-14 and
Tentative Parcel Map No. 73915

APPLICANT: Panattoni Development Company
Mark Payne, Partner
20411 SW Birch Street, Suite 400
Newport Beach, CA 92660

PROPERTY OWNER: Carson Successor Agency
701 E. Carson Street
Carson, CA 90745

REQUEST: To construct two concrete tilt up buildings totaling 120,486-square-feet (Building 1:43,592-square-feet and Building 2: 76,894-square-feet), amend General Plan Land Use Designation from Business Park to Light Industrial and change the zone change from MH-D to ML-D.

PROPERTIES INVOLVED: 2254 E. 223rd Street

<u>AYE</u>	<u>NO</u>		<u>AYE</u>	<u>NO</u>	
Absent		Chairman Diaz			Mitoma
		Vice-Chair Madrigal			Pimentel
		Andrews			Post
		Fe'esago, Jr.			Thomas
		Guidry			Palmer/Cinco

EXHIBIT NO. 1

Item No. 8-B

I. Introduction

Property Owner:

Carson Successor Agency
701 E. Carson Street
Carson, CA 90745

Applicant:

Panattoni Development, 20411 SW Birch St., Ste. 400, New Port Beach, CA 92660

Project Address:

2254 E. 223rd Street

Project Description:

The applicant has entered into a Purchase and Sales Agreement with the Carson Successor Agency and is proposing Design Overlay Review No. 1542-14 to construct two new buildings totaling 120,486-square-feet; Tentative Parcel Map No. 73915 to subdivide one existing parcel into two separate parcels; General Plan Amendment No. 94-14 to change the General Plan land use designation from Business Park to Light Industrial; and Zone Change Case No. 171-14 to change the zone from MH-D (Manufacturing, Heavy, Design Overlay) to ML-D (Manufacturing, Light, Design Overlay).

There are no specific tenants identified at this time. The project is a speculative proposal.

Current Improvements:

The site is currently unimproved.

II. Project Site and Surrounding Land Uses

The project site is located at the intersection of 223rd Street & Tesoro Campus Drive.

Site Information	
General Plan Land Use	Business Park
Zone District	MH-D (Manufacturing, Heavy, Design Overlay)
Project FAR	0.51
Site Size	5.5 acres
Present Use and Development	Vacant land, light industrial warehouse buildings
Surrounding Uses/Zoning	North: Commercial Automotive zoned CA South: Heavy industrial zoned MH-D East: Tesoro Refining and Marketing uses zoned MH-D West: Heavy industrial uses zoned MH-D
Access	Ingress/Egress: East 223 rd Street & Tesoro Campus Drive

Previously Approved Discretionary Permits

On March 14, 2006, the Planning Commission approved TPM No. 61063-05 for the development of automobile parking/storage for the auto-row dealerships on 223rd Street, however, this development did not occur.

Public Safety Issues

None.

III. Analysis

Background

The project site is a remnant portion of a former oil refinery and was previously occupied by the Stauffer Chemical Company as a polyvinyl chloride plant. The plant was deactivated in 1982 and the site buildings, chemical storage tanks and processing equipment were removed. There has not been any storage of hazardous waste materials at the site since 1982. The Department of Toxic and Substances Control (DTSC) and Stauffer entered into a "consent order" on June 27, 1994 to investigate and remediate contamination at the site which resulted in:

- Approval of a Remedial Action Plan for the soil operable unit by DTSC on June 25, 1997;
- Operation of a vapor liquid extraction (VLE) system in December 1998;
- Approval of a Remedial Action Plan for the groundwater operable unit by DTSC on May 17, 2011;
- Demolition of the VLE system began in November 2011 and completed on January 2012;
- Conducting quarterly groundwater monitoring by Stauffer and reporting to DTSC;
- Filing of a "land use covenant" for soil and groundwater with the Los Angeles County Recorder's Office on September 4, 2013;
- Clean-up of soil and groundwater contamination with DTSC oversight;
- Requiring Stauffer Company to continue submitting quarterly groundwater monitoring report and treatment system progress reports for DTSC review.

The groundwater impacted by the previous contamination is not used for potable uses. The project site will be serviced by the California Water Service Company which derives its supply from local groundwater wells and imported water through the Metropolitan Water District.

General Plan Land Use Amendment

Historically, the designation of the site had been Heavy Industrial. In 2004, with the adoption of the General Plan, the land use designation for the project site was changed to Business Park. This designation was placed on the site and its immediate surroundings to provide a buffer between heavy industrial uses to the south (Tesoro Refinery) and the auto dealerships on the north side of 223rd Street. However, the City has never adopted a zoning designation to implement the Business Park Designation. Therefore, the applicant is proposing to change the land use designation to Light Industrial.

In order to uphold the intent of the General Plan, staff has insured this transition in land use is preserved with the proposed design of the buildings. First, instead of one large building two smaller buildings are proposed (Building 1: 43,592-square-feet and Building 2: 76,894-square-feet). The proposed size of the buildings discourages large users with heavy emphasis in truck traffic to move into the buildings. Second, the architecture of the building visible from 223rd Street resembles an office building. In addition, the car oriented uses (the parking lot) are visible from the street, while the more intense uses (truck loading areas) are located to the back and screened from the street.

Zone Change

State Planning Law requires consistency between zoning and the City's General Plan Land Use Designation. The subject site's existing zoning is MH-D (Manufacturing, Heavy, Design Overlay). The proposed General Plan land use designation is Light Industrial. In order to comply with the zoning and general plan land use consistency requirements, the applicant has filed Zone Change No. 171-14 to change zone from MH-D to ML-D (Manufacturing, Light, Design Overlay).

Tentative Parcel Map No. 73915

The existing parcel is 5.5 acres. The applicant is proposing to subdivide the site into two parcels to facilitate the lease or sale of each parcel to separate owners. One parcel is 2-acres and the other is 3.5 acres, refer to Exhibit No. 5, TPM No. 73915. In compliance with State Subdivision Map Act Los Angeles County Department of Public Works Land Division has reviewed the subdivision application and issued a clearance letter on November 22, 2016.

Buildings and Architecture

The proposed exterior elevations consist of painted concrete tilt-up panels and blue-glazed glass. The exterior of the buildings will be white with grey and blue reflective glazing glass accents. The proposed building height is approximately 34 feet.

The City's Architect has reviewed the proposed project and the applicant has integrated the following recommendations into their final project design:

1. The loading dock areas have been fully screened with screen walls, vines and gates for security;

2. Building elevations have been revised with massing variation, articulation and window treatments to improve the visual quality of the proposed buildings;
3. All roof mounted equipment will not be visible from the public streets;
4. Existing landscaping along Tesoro Campus Drive will be removed and replaced with new landscaping;
5. Bicycle racks have been relocated to be closer to building entries;

Landscaping

The proposed project includes 27,082-square-feet of landscaping. This conceptual landscape plan shows Strawberry, Brisbane Box and Olive trees along 223rd Street and BP Campus Drive (see Exhibit No. 6). Brisbane Box trees would be located along the west and a portion of the south property lines.

Walls and Fencing

Wrought iron 8-foot-high fencing is proposed on the north-western end of the proposed "Building-1" abutting the vehicular parking area. Chain-link 8-foot-high fencing with slats is proposed on the western and southern property boundaries. Concrete 10-foot-high screen decorative walls are proposed along Tesoro Campus Drive. Staff is conditioning the project to require a tubular wrought iron fencing in locations that may be visible from the public right-of-way (Condition of Approval No.26).

Evergreen landscaping/vines has been incorporated along fences/walls along Tesoro Campus Drive with emphasis on ten-foot (10') high concrete screen wall located at the central driveway entrances.

Access and Parking

Ingress and egress is designed to accommodate passenger vehicles and semi-trailer trucks. Access to the building along 223rd Street, Building "1", will be provided by a 28-foot wide driveway from 223rd Street; a 28-foot wide driveway from Tesoro Campus Drive and a second 40-foot wide driveway from Tesoro Campus Drive. Access to Building "2" will be provided by a 40-foot wide driveway from Tesoro Campus Drive and a second 28-foot wide driveway from Tesoro Campus Drive. The vehicle access roads will be designed with a 32-foot centerline turning radius as required by the conditions of approval. In addition, a reciprocal access agreement between the two proposed parcels for emergency response vehicles is required by the condition of approval.

The project includes 162 parking spaces (124 standard spaces, 31 compact spaces, 5 ADA compliant spaces and 2 van spaces).

Parking Requirements

Proposed Use	Floor Area	Required Parking Ratio	Required Parking
Building 1: Office	4,860 sf	1 / 1,000 (1 st 10 %)	5 spaces
		1/300 (after 10%)	2 spaces
Building 2: Office	2,000 sf	1/1,000 (1 st 10 %)	2 spaces
Building 1: Warehouse	43,592 sf – 4,860=38,732 sf	1/500-manufacturing 1/1,500-warehousing	49 spaces
Building 2: Warehouse	76,894 sf- 2,000=74,894	1/500-manufacturing 1/1,500-warehousing	92 spaces
Total Spaces Required			150 spaces
Total Spaces Provided			162 spaces

Therefore, the proposed project exceeds the CMC requirement by 11 spaces. The project also includes a total of 13 high-grade loading docks (Building 1: 5 loading docks/Building 2: 8 loading docks).

Public Improvements

Five new fire hydrants are required as a condition of approval along the perimeter of the project site. With the new fire hydrants, the project will improve the health, safety, and general welfare of the neighborhood. Any required new curbs, gutters and sidewalks will be constructed per Carson Public Works Standards.

Security

Outdoor lighting, perimeter fencing and security cameras are required as conditions of approval.

Signage

The buildings signage shall comply with the CMC 9136.7 signs requirements. All building signs shall be approved by Planning Division staff prior to building occupancy.

Grading and Drainage

Currently there are no physical drainage improvements on the site to accommodate light industrial development. The entire site would need to be filled and graded for

driveway, parking and building construction. Before any grading can occur, a grading plan must be approved as required by the conditions of approval.

IV. Environmental Review

An initial study was prepared for the proposed project in compliance with the California Environmental Quality Act (CEQA) Guidelines. The initial study identified the following, refer to Exhibit No. 4, Executive Summary/Initial Study/Mitigated Negative Declaration for complete mitigation measures:

Air Quality:

The initial study identified less than significant impact. The project does not result in any increased frequency or severity of existing air quality violation standards or delay the timely attainment of air quality standards specified in the Air Quality Management Plan used by the Southern Council of Governments (SCAG) and the South Coast Air Quality Management District.

Mitigation Measure No. 1: All materials transported off-site shall be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage.

Cultural Resources Impacts:

The initial study identified less than significant impact with mitigation.

Mitigation Measure No. 6: The project applicant will be required to obtain the services of qualified Native American Monitor(s) during construction-related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleno Band of Mission Indians, Kizh Nation as activities that include pavement removal, pot-holing/auguring, boring, grading, excavation and trenching within the project area.

Hazards and Hazardous Materials:

The initial study identified less than significant impact with incorporation of mitigation measures.

Mitigation Measure No. 8: The Stauffer Company is required to continue submitting the quarterly ground water monitoring report and treatment system progress reports for the State Department of Toxic Substances Control (DTSC) review.

Noise:

The initial study identified less than significant impact with incorporation of mitigation measures.

Mitigation Measure No. 17: All construction activities must comply with Los Angeles County Code Sections 12.08.400/490 that limit exterior noise levels to 70 dB for industrial properties anytime.

Transportation/Circulation:

The initial study identified no impact. The trip generation for the proposed project was based on the Institute of Transportation Engineer (ITE) high-cube warehouse/distribution center trip generation rate estimated 56 heavy trucks trips per day. The projected passenger-car and heavy trucks daily trips proposed would be approximately 541 trips.

Pursuant to Section 21000, of the California Environmental Quality Act (CEQA) Guidelines, Title 14, Division 6, Chapter 3, Section 15000 a Mitigated Negative Declaration was prepared for the proposed project and found that although the project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

V. Public Notice

The Notice of Intent to Adopt a Mitigated Negative Declaration was posted, mailed and published on January 27, 2016 at the Los Angeles County Registrar/Recorder's Office. Public notice was posted to the project site on January 3, 2017. Notices were mailed to property owners and occupants within 500 feet by January 14, 2017. The agenda was posted at City Hall 72 hours prior to the Planning Commission meeting.

VI. Recommendation

That the Planning Commission:

- **ADOPT A MITIGATED NEGATIVE DECLARATION; and**
- **WAIVE** further reading and **ADOPT** Resolution No. _____, APPROVING DESIGN OVERLAY REVIEW NO. 1542-14 FOR THE NEW CONSTRUCTION OF TWO WAREHOUSE BUILDINGS TOTALLING120,486-SQUARE-FEET (BUILDING 1: 43,592-SQ-FT AND BUILDING 2: 76,894-SQ-FT) INCLUDING 6,860-SQUARE-FEET OF OFFICE SPACE, TENATIVE PARCEL MAP NO. 73915 CREATING TWO SEPARATE PARCELS AND RECOMMENDING APPROVAL TO THE CITY COUNCIL OF GENERAL PLAN AMENDMENT NO. 94-14 CHANGING GENERAL PLAN LAND USE DESIGNATION FROM BUSINESS PARK TO LIGHT INDUSTRIAL AND ZONE CHANGE CASE NO. 171-14 CHANGING ZONE FROM MH-D (MANUFACTURING, HEAVY, DESIGN OVERLY) TO ML-D (MANUFACTURING, LIGHT, DESIGN OVERLAY) TO BE LOCATED AT 2254 E. 223rd. STREET.

VII. Exhibits

1. Zoning Map
2. Proposed Resolution
3. Applicant's Operational Statement
4. Executive Summary Initial Study/Mitigated Negative Declaration
5. Development Plans (under separate cover)
6. Proposed landscape plan

Prepared by: Zak Gonzalez II, Associate Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 17-2597

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1542-14 FOR THE CONSTRUCTION OF TWO WAREHOUSE BUILDINGS WITH 120,486-SQUARE-FEET, TENTATIVE PARCEL MAP NO. 73915 TO CREATE TWO SEPARATE PARCELS AND RECOMMENDING APPROVAL OF MITIGATED NEGATIVE DECLARATION, GENERAL PLAN AMENDMENT NO. 94-14 CHANGING THE LAND USE DESIGNATION FROM BUSINESS PARK TO LIGHT INDUSTRIAL AND ZONE CHANGE CASE NO. 171-14 TO CHANGE THE ZONING FROM MH-D (MANUFACTURING, HEAVY, DESIGN OVERLAY) TO ML-D (MANUFACTURING, LIGHT WITH A DESIGN OVERLAY) FOR PROPERTY LOCATED AT 2254 E. 223rd 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, Mark Payne, on behalf of the property owner, Panattoni Development Company, with respect to real property located at 2254 E. 223rd Street and described in Exhibit "A" attached hereto, requesting of a 120,486-square-foot warehouse buildings. The request includes:

- General Plan Amendment No. 94-14 to change the land use designation for APN 7315-007-903 from Business Park to Light Industrial;
- Zone Change No. 171-14 to change the zoning of APN 7315-007-903 from MH-D (Manufacturing, Heavy, Design Overlay) to ML-D (Manufacturing, Light with a Design Overlay);
- Design Overlay Review No. 1542-14 for the new construction of two warehouse buildings; and
- Tentative Parcel Map No. 73915 to create two separate parcels

A Planning Commission meeting was duly held on January 24, 2017, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meeting was duly given.

Section 2. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. With respect to Site Plan and Design Review, the Planning Commission finds that:

- a) The proposed use and development will be consistent with the General Plan upon City Council approval of the Planning Commission recommendation changing the General Plan Land Use Designation of Business Park to Light Industrial use.
- b) The proposed project is compatible with the architecture and design of existing and anticipated development in the area, including site planning, land coverage, landscaping, appearance, scale of structures and open space. The project's architecture will be compatible

with anticipated development and create a harmonious and attractive development in the area.

c) The project site is proposing adequate parking spaces and circulation will be provided to assure the convenience and safety of pedestrians and vehicles. The proposed development will have direct access to East 223rd Street and Tesoro Campus Drive.

d) All signage associated with this project will comply with the Carson Municipal Code provisions and will be reviewed and approved by the Planning Division prior to building occupancy.

Section 4. With respect to the General Plan Amendment, the Planning Commission finds that:

a) State law requires compatibility/consistency between land use zoning classifications and the General Plan. The proposal to change the General Plan land use designation from Business Park to Light Industrial is consistent and compatible with the existing surrounding industrial uses. In addition, the proposal to change the zoning from MH-D to ML-D would be compatible with the surrounding uses and compatible/consistent with the surrounding General Plan land use designations upon approval.

b) The proposed project will be consistent with the General Plan upon City Council approval of the Planning Commission recommendation changing the General Plan Land Use Designation of Business Park to Light Industrial use.

c) The Business Park designation was placed on the site and its immediate surroundings to provide a buffer between heavy industrial uses to the south (Tesoro Refinery) and the auto dealerships on the north side of 223rd Street. In order to uphold the intent of the General Plan, this transition in land use is preserved with the proposed design of the buildings. First, instead of one large building two smaller buildings are proposed (Building 1: 43,592-sq-ft/Building 2: 76,894-sq-ft.). The proposed size of the buildings discourages large users with heavy emphasis in truck traffic to move into the buildings. Second, the architecture of the building visible from 223rd Street resembles an office building. In addition, the car oriented uses (the parking lot) are visible from the street, while the more intense uses (truck loading areas) are located to the back and screened from the street.

Section 5. With respect to the Zone Change, the Planning Commission finds that:

a) State law requires compatibility/consistency between land use zoning classifications and the General Plan. The proposal to change the zoning from MH-D (Manufacturing, Heavy, Design Overlay) to ML-D (Manufacturing, Light with a Design Overlay), would be compatible with the surrounding uses and compatible/consistent with the surrounding zoning designations upon approval. The "down zoning" of the property is a preferred method to reduce the impacts of the heavy industrial uses on the community.

b) The proposed project will be consistent with the Zoning Map upon City Council approval of the Planning Commission recommendation changing the Zoning Designation MH-D to ML-D.

Section 6. With respect to the Tentative Parcel Map the Planning Commission finds that:

a) The proposed map is consistent with applicable general/specific plans. The proposed parcel map is consistent with the policies and provisions of the General Plan that allow for development conforming to planned location, type and intensity of development.

b) The design or improvement of the proposed subdivision is consistent with the applicable general and specific plans because sufficient land is provided and designed for light industrial warehouse use with adequate infrastructure connections.

c) The site is physically suitable for the type of development proposed. The existing 5.5 acre site is flat land with no physical impediments for development.

d) The design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The design of the proposed warehouse buildings and the proposed improvements will not cause substantial damage or substantially and avoidably injure fish or wildlife or their habitat because it is clear/vacant and previously remediated through the State Department of Toxic Substances Control and contains no environmentally sensitive habitat and/species.

e) The design of the subdivision or the type of improvements is not likely to cause serious public health problems. The proposed project will not cause serious public health concerns because future use will conform to the intended uses in ML-D (Manufacturing, Light with Design Overlay) zone, is comparable to adjoining uses and is subject to all applicable-development/building-standards.

f) The design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. The design of the proposed subdivision will not conflict with easements acquired by the public-at-large for access through or use of property within the proposed subdivision because no such easements exist.

Section 7. The Planning Commission further finds that the development permitted by the proposed project will not have a significant effect on the environment as indicated in the Initial Study and Mitigated Negative Declaration prepared for this project.

Section 8. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1542-14 and Tentative Tract Map No. 73915 subdividing existing 5.5 acres into two (2) parcels (Parcel 1 with 2 acres/Parcel 2 with 3.5 acres) and recommends City Council approval of General Plan Amendment No. 94-14 changing the Land Use Designation for APN 7315007903 from Business Park to Light Industrial Land Use Designation and Zone Change Case No. 171-14 to change the Zoning from MH-D (Manufacturing, Heavy, Design Overlay) to ML-D (Manufacturing, Light with a Design Overlay) with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto.

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

Section 10. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 24th DAY OF JANUARY, 2017



Louie D
CHAIRPERSON

ATTEST:



Denise Bothe
SECRETARY

EXHIBIT "A"

PARCEL 2 OF PARCEL MAP NO. 61063, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN BOOK 355, PAGES 81 THROUGH 83 INCLUSIVE OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL**

**DESIGN OVERLAY REVIEW NO. 1542-14
GENERAL PLAN AMENDMENT NO. 94-14
ZONE CHANGE CASE NO. 171-14
TENTATIVE TRACT MAP NO. 73915**

GENERAL CONDITIONS

1. If a building permit for Design Overlay Review No.1542-14, General Plan Amendment No. 94-14, Zone Change Case No. 174-14 is not issued within one year of their effective date of approval, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. *Within 24 months of approval of Tentative Tract Map No. 73915, the property owner shall prepare and file the Final Map for approval and recordation. The time limit for such filing may be extended by the Planning Commission for periods not to exceed a total of three (3) additional years.*
3. 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.
4. 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.
5. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
6. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
7. 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.

8. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
9. A modification of the conditions of this permit, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
10. It is further made a condition of this approval that if any condition is violated or if any law, statute ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
11. 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.
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. 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. An initial deposit of \$5,000.00 is required to cover processing costs. The applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
14. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefore, or work may cease on the Project.
15. Indemnification. The applicant, 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 the Panattoni Company Property Owner(s) operations or any claims against the City for or as a result of the granting of the approval. 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.

AESTHETICS

16. Texture treatment (such as rough stucco, sandblasting, etc.) shall be incorporated into building facades, subject to the Planning Division approval.
17. 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.
18. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
19. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
20. Incorporate additional landscaping to screen and block specific project areas that could be subject, as determined by the Planning Division, to graffiti.
21. Graffiti shall be removed from all areas within three (3) days 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.)
22. 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.
23. Prior to issuance of building permit, the specification of all colors and materials must be submitted and approved by the Planning Division.

FENCE/WALLS

24. Perimeter walls shall be architecturally coordinated with the project building and subject to the approval of the Planning Commission.
25. Where walls are used, they shall be of decorative material to include stucco block, slump stone or split face.
26. All chain-link fencing, including barbed and concertina wire, shall be removed. Decorative wrought iron fencing or a wall shall be used including in areas visible from the public right-of-way.

LANDSCAPE/IRRIGATION

27. Comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
28. 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.
29. The proposed irrigation system shall include best water conservation practices.
30. 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.
31. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
32. Prior to Issuance of Building Permit, the applicant 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.

LIGHTING/SECURITY

33. Shall provide adequate lighting for the parking areas. Security cameras shall be provided via coordination/linkage with the Los Angeles County Sheriff's Department.
34. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
35. 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

36. All driveways shall remain clear. No encroachment into driveways shall be permitted.
37. 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.
38. ***The applicant will provide the CMC required parking spaces. None of the required parking spaces shall be used for storage of vehicles/trucks or any other equipment.***

SIGNS

39. Business signs and sign structures shall be permitted in conformance with development plans which have been approved pursuant to the Site Plan and Design Review procedures (including the number of signs and sign structures to be permitted) as provided in Section 9172.23 of the Zoning Ordinance.
40. All permitted business signs must be in compliance with the provisions of Section 9146.7 of the Zoning Ordinance.

TRASH

41. Trash collection shall comply with the requirements of the City's trash collection company.
42. Trash enclosures shall measure a minimum of fourteen (14) feet wide by six (6) feet deep as required by the City's trash collection company.
43. The trash enclosure and recycling area shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall that is compatible with the architectural design of the main building. A painted metal, self-closing door shall be used for enclosing the entrance to the trash and recycling areas.
44. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the Planning Division.
45. Prior to Issuance of Building Permit, the trash and recycling area enclosure design is to be approved by the Planning Division.

UTILITIES

46. 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.
47. 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.

48. 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.
49. 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.
50. *The applicant shall make available electrical charging outlets to accommodate electric vehicles. Any charging electric equipment shall be installed pursuant to the Los Angeles County Electrical Code.*

BUILDING AND SAFETY DIVISION

51. Submit development plans for plan check review and approval.
52. Obtain all appropriate building permits and an approved final inspection for the proposed project.
53. Prior to issuance of building permit, proof of worker's compensation and liability insurance must be on file with the Los Angeles County Building and Safety Division.

ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

General Conditions

54. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson standard plan and to the satisfaction of the City Engineer.
55. A construction permit is required for any work to be done in the public right-of-way.
56. Compliance with the applicable National Pollutant Discharge Elimination System (NPDES) requirements including best management practices to control storm water pollution from construction activities and facility operations.
57. A Final Map prepared by, or under the direction of a pre-1982 registered civil engineer or licensed land surveyor must be processed through the City Engineer prior to being filed with the County Recorder.

Prior to Issuance of Grading Permit

58. Submit a copy of approved grading plans on bond paper for review and obtain approval from the City of Carson Engineering Division.
59. Show any improvements within the public right-of-way on the grading plan for review and obtain approval from the City of Carson Engineering Division.

Prior to Issuance of Building Permit

60. A Final Map shall be recorded.
61. A Covenant and Agreement for an existing easement shall be recorded with the Los Angeles County Recorder's office. Said document shall indicate all easements.
62. Submit a copy of approved plans on mylars (*such as, Sewer, Street and/or Storm Drain Improvements, whichever applies*) for review and obtain approval from the City of Carson Engineering Division
63. Construction bond for all work to be done within the public right-of-way shall be submitted and approved by Engineering Services.
64. Submit improvement plans showing all the required improvements in the public right-of-way for review and approval of the City Engineer. A copy of the approved conditions of approval shall be attached to the plans submitted.
65. Provide proof of Worker's Compensation and Liability Insurance.
66. Submit drainage/grading plans prepared by a registered civil engineer to the satisfaction by the Los Angeles County Department of Public Works.
67. Submit for review and obtain approval of soils report, sewer area study, drainage concept, hydrology study and storm water quality plan. Building permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and storm water information have been received and found satisfactory.
68. Required to comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and storm water quality plan.
69. 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 this development. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the Los Angeles County Sewer Department.
70. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
71. All existing overhead utility lines less than 12 kilovolts shall be underground to the satisfaction of the City Engineer. Alternatively, at 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 underground provided the applicant deposits the full amount of the deposit of the in-lieu fee before the issuance of Building Permits. Undergrounding estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination.

72. All new utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.

Prior to Issuance of Certificate of Occupancy

73. Submit the approved off-site improvement plans electronically stored on a CD in AutoCAD format that is prepared by a licensed engineer.
74. Install separate sewer laterals to individually serve each building in the development. Installation and dedication of the main line sewers may be necessary to meet this requirement.
75. 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.
76. Provide to the City Engineer an executed 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.
77. Comply with mitigation measures recommended by the water purveyor.
78. 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.
79. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along ~~223rd Street~~ abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
80. Replace any missing sidewalk areas located within the public right-of-way along ~~223rd Street~~ abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
81. Remove and replace any broken/damaged driveway approach within the public right of way along ~~223rd Street~~ abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
82. Modify existing driveways within the public right of way along ~~223rd Street~~ abutting this proposed development per City of Carson Standard to comply with the American Disability Act (ADA) requirements and to the satisfaction of the City Engineer.
83. Construct new driveway approaches per City of Carson Standard and in compliance with the American Disability Act (ADA) requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 30 feet.

84. Plant approved parkway trees on locations where trees in the public right of way along ~~223rd Street~~ abutting this proposed development are missing per City of Carson Standard Nos. 117, 132, 133 and 134.
85. 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.
86. Install street lights (if required) on concrete poles with underground wiring in the public right-of-way along ~~223rd Street~~ abutting this proposed development to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works. Contact Los Angeles County Department of Public Works (LACDPW) Traffic Lighting Jeff Chow (626) 300-4753.
87. Install striping and pavement legend per City of Carson standard.
88. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, constructions, and maintenance of all infrastructures constructed and American Disability Act (ADA) accessibility for this for this development to the satisfaction of the City Engineer and/or appropriate agency or entity.
89. Streets abutting the development, with new utility trench cuts to serve 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)
90. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation.

FIRE DEPARTMENT

91. The proposed light industrial office/warehouse development shall obtain approval and comply with all Los Angeles County Fire Department requirements (i.e. fire hydrant installations and fire flow requirements).
92. *The vehicle access roads shall be designed with a 32-foot centerline turning radius.*
93. *A reciprocal access easement/agreement shall be required between the two (2) proposed parcels for emergency response vehicle access.*

TRAFFIC ENGINEER – CITY OF CARSON

94. Submit plans for review showing the proposed red curbs and obtain approval. Paint curbs red along ~~223rd Street~~ within or abutting this proposed development (if applicable).

BUSINESS LICENSE

95. 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.
96. Development Impact Fee

The City is in the process of developing and adopting Development Impact Fees (DIF) on new developments. DIF are routinely collected by other cities to pay for impacts of a project on the City's infrastructure including, but not limited to, streets, sidewalks, bikeways, parkways and median landscaping, parks, police, fire, sewer, libraries, and reclaimed water. The proceeds from DIF will be used by the City to pay for capital improvements necessary to accommodate new developments. The City's DIF will be developed to demonstrate that there is a reasonable relationship between the specific amount of the fee imposed, the particular development project and the cost of the public facility attributable to the project. After the adoption of the DIF, the City will issue a letter to the Parties detailing the amount of the DIF due to the City. The Parties shall pay the DIF in full within 30 days from the date of the letter requesting the DIF payment. If payment is not received by the due date, the City will take further action for collection. The applicant may appeal the DIF amount to the Planning Commission. Any such appeal must be provided in writing to the City Clerk no later than 20 days following the date of notification of the amount from the Planning Department, stating the reasons for the appeal and including all relevant evidence in support thereof.

MITIGATION MEASURES

97. All materials transported off-site shall be sufficiently watered or securely covered to prevent excessive amounts of dust and spillage.
98. The applicant will be required to obtain the services of qualified Native American Monitor's during construction related ground disturbance activities. Ground disturbance is defined by the Tribal Representatives from the Gabrieleno Band of Mission Indians, Kizh Nation as activities that include pavement removal, pot-holing/auguring, boring, grading, excavation and trenching within the project area.
99. The Stauffer Company is required to continue submitting quarterly ground water monitoring report and treatment system progress reports for the State Department of Toxic Substances Control (DTSC) review.
100. All construction activities must comply with the Los Angeles County Code Sections 12.08.400/490 that limit exterior noise levels to 70 dB for industrial properties anytime.