

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 22-2832

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON AFFIRMING, PURSUANT TO
CARSON MUNICIPAL CODE SECTION 9173.4(C)(2)(a),
THE DIRECTOR'S APPROVAL OF DESIGN OVERLAY
REVIEW (DOR) NO. 1831-20 FOR A PROPOSED TILT-UP
WAREHOUSE FACILITY AT
1055 E. SANDHILL AVENUE**

WHEREAS, on July 1, 2020, the Department of Community Development received an application from Rexford Industrial, LLC (the "Project Applicant") for real property located at 1055 E. Sandhill Avenue, requesting approval of Site Plan and Design Review No. 1831-20 to demolish a former General Mills facility and associated ancillary structures and construct a new 127,000 square foot tilt-up warehouse with surface parking (the "Project"); and

WHEREAS, on August 24, 2021, Planning staff prepared a report to present to the Planning Commission for its consideration of issuance of a Site Plan and Design Overlay Review approval for the Project pursuant to Carson Municipal Code ("CMC") Section 9172.23 ("Site Plan and Design Review"), based on staff's belief at that time that the Project site was located in the City's Design Overlay Zone, but before the public hearing took place the Project Applicant tabled the matter. In the ensuing weeks, staff determined the Project does not actually require approval pursuant to CMC 9172.23 because the site is not in fact located in the Design Overlay Zone. Accordingly, and based on the ML (Manufacturing Light) Zoning in which staff determined the Project is permitted by-right, staff determined that review should be solely ministerial.

WHEREAS, staff moved forward with an administrative review and approval process which did not include Site Plan and Design Overlay Review per CMC 9172.23 or CEQA review, and on January 12, 2022, the Director issued the Project Applicant a letter conditionally approving the Project subject to the conditions attached to the approval letter, including plan check process from the various City departments (the "Director Approval Letter").

WHEREAS, on February 11, 2022, Mr. Andy Lee ("Appellant") filed an appeal of the Director's approval of the Project with the City Clerk, which was received by the City Clerk on February 14, 2022, on the grounds set forth in his Appeal Application, including that the Project should have gone through CEQA review and received Site Plan and Design Review approval from the Planning Commission. On March 10, 2022, the appeal was accepted by the City Clerk's office for purposes of setting a Planning Commission hearing.

WHEREAS, the Director transmitted to the Planning Commission a summary of the factual data and the record of action taken on the case, and the Planning Commission, upon giving the required notice, did on the 12th day of April, 2022, conduct a duly noticed public hearing as required by law to consider the appeal pursuant to Carson Municipal Code Section 9173.4.

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 the same are incorporated herein by reference as findings of fact.

SECTION 2. Based upon substantial evidence taken from the record as a whole, and received at the hearing, conducted on April 12, 2022, both oral and written, including the staff report and all attachments thereto, the Planning Commission finds as follows:

- a) Appellant submitted unrefuted evidence that he was in contact with the former City planner assigned to the Project commencing in or about fall of 2021 and continuing on a regular basis throughout the months of January and February 2022, inquiring as to the status of approval of the Project, including whether the Project had been approved yet, and if so, on what date. The evidence further indicates that, although the Director approval was issued to the Project Applicant on January 12, 2022: (i) the former City planner informed him as late as January 26, 2022, that the Project had not yet been approved; and (ii) Appellant was not informed that the Project had actually been approved until February 9, 2022, or shortly thereafter. CMC 9173.33 provides, in pertinent part, "Except as otherwise provided in the decision or by law, (A) Decisions which are subject to appeal shall become effective . . . in the case of Director's decision, fifteen (15) days from the date of the written notice containing the decision, unless appealed." CMC 9172.32 provides, "For each decision, notice of the decision shall be sent by first class mail to: (A) The applicant or person initially requesting consideration of the matter. (B) Each person who has filed a written request therefor." Appellant had, in substance, filed a written request for notice of the decision of the Director regarding the Project prior to its approval, but because Appellant was not given notice of the decision until on or about February 9, 2022, the decision did not become effective until said date. The appeal was filed on or about February 11, 2022, and was received by the City Clerk on February 14, 2022. Accordingly, the appeal was timely under the CMC.
- b) The Project site is not located in the City's Design Overlay District. Accordingly, no Site Plan and Design Review approval pursuant to CMC 9172.23 is required for the project. The Director's Approval Letter used the label "Design Overlay Review No. 1831-20" that had been attached to the Project when it was originally applied for and partially processed as a Site Plan and Design Review per CMC 9172.23; despite this label, the Director's approval of the Project did not substantively constitute an approval of a Site Plan and Design Review pursuant to CMC 9172.23.
- c) The Project, as approved by the Director, is permitted by-right in the subject zone (M-L). Note the Project, as approved by the Director, consists only of the demolition of a former General Mills facility and associated ancillary structures and construction/development of a new 127,000 square foot tilt-up warehouse facility, subject to the terms and conditions set forth in the Director Approval Letter. It does not authorize any use of the approved facility beyond the automatically permitted uses specified in the CMC for the M-L zone, as no such use was included in the Project application (which the evidence indicates was left speculative) nor approved in the Director Approval Letter. Accordingly, no discretionary entitlement is required

for the Project, the Director's approval of the Project is ministerial in nature, and no public hearing was required for the Director's approval to be granted.

- d) As a ministerial approval, the Project as approved by the Director was not a "discretionary project" within the meaning of CEQA, and thus was not subject to CEQA review. Cal. Pub. Res. Code §21080(a), (b)(1). Although the conditions of approval attached to the Director Approval Letter included five "mitigation measures," these were included pursuant to voluntary agreement of the Project Applicant, and did not change the legal nature of the Director's approval of the Project.

SECTION 3. Based on the foregoing, pursuant to CMC 9173.4(C)(2)(a), the Planning Commission of the City of Carson does hereby affirm the Director's approval of the Project, as is set forth in the Director Approval Letter attached hereto as Exhibit "A."

SECTION 4. 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 5. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 26th day of April, 2022.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT “A”

DIRECTOR APPROVAL LETTER

[to be attached]



City of Carson

January 12, 2022

RJ Rieves
Rexford Industrial LLC
11620 Wilshire Blvd., 10th Floor
Los Angeles, CA 90025

VIA EMAIL

**SUBJECT: DESIGN OVERLAY REVIEW (DOR) 1831-20 – 127,000 SQUARE FOOT
TILT-UP WAREHOUSE – 1055 E. SANDHILL AVENUE;
APN: 7319001034**

Dear Mr. Rieves:

Thank you for the opportunity to assist with your development needs. Staff has reviewed your proposal to permit a new 126,013 square foot, tilt-up warehouse building with included 6,512 mezzanine office space with surface parking: including 20 truck loading docks and 2 truck/forklift door at 1055 Sandhill Avenue. The 5.7-acre project site is located within the Manufacturing Light zone with a General Plan land use designation of Light Industrial.

The Planning Division of the City of Carson acted upon your application, received on July 21, 2020, and your request has been **conditionally approved**. Approval is solely for the subject property 1055 E. Sandhill Avenue, APN: 7319001034. *The adjacent Southern California Edison (SCE) property, APN: 7319001802, is not included in this entitlement and the user of this property is prohibited from utilizing the SCE property for any purpose. The adjacent SCE property shall only be accessed and utilized by SCE and its employees. The developer, property owner, or future tenants shall not sub-lease the adjacent SCE property for any use.*

Included in this letter are the Conditions of Approval for this application. Under the provisions of the Carson Municipal Code, the action taken by the Planning Division is final and effective fifteen days after the date of approval unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

If you have any questions, please contact Kaneca Pompey, Assistant Planner at (310) 952-1761 ext. 1327 or kpompey@carsonca.gov.

Sincerely,
Saied Naaseh
Community Director

Attachments:

1. Findings and Conditions of Approval – DOR 1831-20
2. Site Development Plans received November 9, 2021 – DOR 1831-20
3. Landscape Plan received November 9, 2021—DOR 1831-20

c: Alvie Betancourt, Planning Manager
Kaneca Pompey, Assistant Planner

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

**EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1831-20**

I. GENERAL CONDITIONS

1. ***Interim Development Impact Fee:*** In accordance to Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code and the current Fiscal Year 2021-2022 fees (effective July 1, 2021 through June 30, 2022) 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 of \$2.63 per square foot of industrial building constructed. The proposed development includes development impact fees estimated at \$331,414.19 [126,013 sq.ft. (Proposed Project) X \$2.63 per unit = \$331,414.19). 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. 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). No building permits shall be issued prior to the full payment of the amount.

To understand the requirements in more detail, please 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 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 5.79-acre development, the current estimated annual amount for ongoing services is \$17,342, subject to annual adjustments. Prior to building permit issuance, 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 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. 1831-20 is not issued within **two years** of the effective date of the approved Planning Division determination, the entitlement shall be declared null and void unless an extension of time is previously approved by the Planning Division.
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 Division. 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 Division Determination.
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 Division 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.
15. **The adjacent Southern California Edison property, APN: 7319001802, is not included in this entitlement and the user of this property is prohibited from utilizing the SCE property for any purpose.**
16. **The adjacent Southern California Edison property shall only be accessed and utilized by SCE and its employees.**
17. **The developer, property owner, or future tenants shall not sub-lease the adjacent Southern California Edison property for any use.**

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 Division 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 wrought-iron fence shall be installed along the east property line, to the satisfaction of the Planning Division.**
3. **An 8-foot high wrought-iron fence shall be installed along west property line adjacent to the alley, to the satisfaction of the Planning Division.**
4. **An 8-foot high wrought-iron fence shall be installed along the north 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. **Fern Pine trees shall be installed along the north property line, 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. **Developer shall install stop signs at each exit driveway for the project site.**
4. **Developer shall prepare a plan to paint or remove red curb, whichever is applicable, on the north side of Sandhill Avenue along the project's frontage to accommodate sight distance at driveways and maximize parking. The plan shall be submitted to the City traffic engineer for review and approval.**
5. **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

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 any permit by Engineering Division.
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. The Developer shall provide traffic study to address the Ingress/Egress into and out of the property.
8. Soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved by Engineering Division.
9. 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 this development. 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.
10. The Developer shall install separate sewer laterals as recommended in the sewer study.
11. The Developer shall provide will serve letter from the water purveyor to serve this development.
12. Drainage/Grading plan shall be prepared by a registered Civil Engineer, to the satisfaction of the City of Carson and Los Angeles County Department of Public Works.
13. The Developer shall comply with applicable LID requirements (*Carson Municipal Code 5809*) and shall include Best Management Practices necessary to control storm water

pollution from construction activities and facility operations to the satisfaction of Building and Safety.

14. The Developer shall send a print of the development site plan to the County Sanitation District, to request for annexation. The request for annexation must be approved prior to the issuance of any permit.
15. Landscaping plans within the public right of way shall be submitted for approval prior to the issuance of any permits

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

16. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted.
 - a. Street Improvements, including driveway approach, underground utilities, streetlights on Sandhill Avenue, and parkway landscaping along Sandhill Avenue.
 - b. Sewer laterals to Sandhill Avenue as required per the aforementioned sewer area study.
 - c. Storm Drain/Drainage or parkway drain Improvements (if any) along Sandhill Avenue.

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

17. 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.
18. 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.
19. The Developer shall repair any broken or raised/sagged curb and gutter within the public right of way along Sandhill Avenue fronting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
20. The Developer shall construct the driveway approach for this proposed development per City of Carson PW Standard Drawings to comply with the ADA requirements and to the satisfaction of the City Engineer.
21. All street cuts for utility construction purposes shall be repaired by the Developer per the City's utility trench repair standard.
22. Developer shall plant approved parkway trees on locations where trees in the public right of way along Sandhill Avenue abutting this proposed development per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.

23. Developer shall install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Sandhill Avenue abutting this proposed development.
24. All new utility lines servicing the proposed development shall be underground to the satisfaction of the City Engineer.
25. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
26. Install striping and pavement legend per City of Carson PW Standard Drawings.
27. Streets fronting the development shall be cold planed and overlaid with 1.5"-2.5" AC Concrete by Developer to provide a positive cross fall, from curb-to-curb as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS).
28. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
29. The Developer shall pay any applicable Public Works/Engineering fees prior to the issuance of the Certificate of Occupancy.

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

30. Per 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.
31. Developer shall apply for a *Construction Activities Stormwater General Permit* from the State Water Resources Control Board.
32. Developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.
33. 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 Julio Gonzalez via E-mail JGonzalez@Carson.ca.us
34. Developer shall concurrently submit digital copies of the LID/NPDES/Grading Plans, hydrology and Hydraulic analysis concurrently to City of Carson, Engineering Services Department and the Los Angeles County Building & Safety Division. Deliver copy to Julio Gonzalez via E-mail to JGonzalez@Carson.ca.us.
35. Developer shall complete, sign and return the *Stormwater Planning Program LID Plan Checklist* form and return to City of Carson Engineering Services Division.

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

36. 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.
37. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Sustainability Administrator, Julio Gonzalez at JGonzalez@carson.ca.us
38. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.
39. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
40. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
41. Developer shall provide an approved Notice of Termination (NOT) by the State Water Resources Control Board.

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.

XIII. MITIGATION MEASURES

1. *Air Quality*

- a. The project shall utilize off-road diesel-powered construction equipment that meets or exceeds the California Air Resources Board (CARB) and United States Environmental Protection Agency (USEPA) Tier 4 Final off-road emissions standards or equivalent for equipment rated at 50 horsepower (hp) or greater during project construction. Such equipment shall be outfitted with Best Available Control Technology (BACT) which means a CARB certified Level 3 Diesel Particulate Filter or equivalent.

2. *Cultural Resources.*

- a. Prior to issuance of demolition permit, the Applicant shall retain a qualified Archaeologist who meets the Secretary of the Interior's Professional Qualifications Standards (Qualified Archaeologist) to oversee an archaeological monitor who shall be present during construction excavations such as demolition, clearing/grubbing, grading, trenching, or any other construction excavation activity associated with the project. The frequency of monitoring shall be based on the rate of excavation and grading activities, proximity to known archaeological resources, the materials being excavated (younger alluvium vs. older alluvium), and the depth of excavation, and if found, the abundance and type of archaeological resources encountered, as determined by the Qualified Archaeologist). Full-time field observation can be

reduced to part-time inspections or ceased entirely if determined appropriate by the Qualified Archaeologist. Prior to commencement of excavation activities, an Archaeological and Cultural Resources Sensitivity Training shall be given for construction personnel. The training session shall be carried out by the Qualified Archaeologist and shall focus on how to identify archaeological and cultural resources that may be encountered during earthmoving activities and the procedures to be followed in such an event.

- b. If human remains are encountered unexpectedly during implementation of the project, State Health and Safety Code section 7050.5 requires that no further disturbance shall occur until the County Coroner has made the necessary findings as to origin and disposition pursuant to PRC section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the Native American Heritage Commission (NAHC). The NAHC shall then identify the person(s) thought to be the Most Likely Descendent (MLD). The MLD may, with the permission of the landowner, or his or her authorized representative, inspect the site of the discovery of the Native American remains and may recommend to the owner or the person responsible for the excavation work means for treating or disposing, with appropriate dignity, the human remains and any associated grave goods. The MLD shall complete their inspection and make their recommendation within 48 hours of being granted access by the landowner to inspect the discovery. The recommendation may include the scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Upon the discovery of the Native American remains, the landowner shall ensure that the immediate vicinity, according to generally accepted cultural or archaeological standards or practices, where the Native American human remains are located, is not damaged or disturbed by further development activity until the landowner has discussed and conferred, as prescribed in this mitigation measure, with the MLD regarding their recommendations, if applicable, taking into account the possibility of multiple human remains. The landowner shall discuss and confer with the descendants all reasonable options regarding the descendants' preferences for treatment.

3. *Geology and Soils*

- a. Prior to the start of construction activities, the Applicant shall retain a Qualified Paleontologist that meets the standards of the Society for Vertebrate Paleontology (2010) to carry out all mitigation measures related to paleontological resources. The Qualified Paleontologists will thoroughly review the geotechnical specifications of the project to best understand the extent and depths of ground disturbance.

4. *Native American Monitoring*

- a. Prior to the commencement of any ground disturbing activity at the project site, the City shall retain a Native American Monitor approved by the Gabrieleno Band of Mission Indians –Kizh Nation – the tribe that consulted on this project pursuant to AB 52. The Tribal monitor will only be present on-site during the construction phases that involve ground-disturbing activity. Ground disturbing activities are defined by the Tribe as activities that may include, but are not limited to, pavement removal, potholing, or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the project site. The on-site Tribal monitoring shall end when all ground-disturbing activities on the project site are completed, or when the Tribal representatives and Tribal Monitor have indicated that the project site has little to no potential for impacting Tribal Cultural Resources.













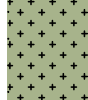











Upon discovery of any Tribal Cultural Resources, construction activities shall cease within 50-feet in the immediate vicinity of the find, until the find can be assessed. All Tribal Cultural Resources unearthed by the project shall be evaluated by the Tribal monitor approved by the Consulting Tribe and the qualified archaeologist. If the resources are Native American in origin, the Consulting Tribe will retain it/them in the form and /or manner the Tribe deems appropriate, for education, cultural and/or historic purposes. Work may continue in other parts of the project site while evaluation, and if necessary, mitigation takes place. Preservation in place is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavation to remove the resources along with laboratory processing and analysis.

5. *Historical Marker*

- a. The project location represents a Tribal Cultural Landscape where prehistoric and historical events have occurred. To preserve the historical events and information of the project site, the City shall work alongside the Kizh Tribe to create language to be used in a historical marker and/or informative plaque or kiosk to be placed on the project site for the edification of all future generations.

REXFORD SANDHILL
1055 SANDHILL AVENUE
CARSON, CALIFORNIA

| | |
|-----------|---------------|
| PA / PM: | C. NOLAN |
| DRAWN BY: | |
| JOB NO.: | IRV20-0035-00 |

| PRELIMINARY PLANTING LEGEND | | | |
|---|--|------------------|-------------------------------|
| SYMBOL | BOTANICAL / COMMON NAME | SIZE | PLANT FUNCTION |
| PROPOSED TREES | | | |
|  | CERCIS OCCIDENTALIS / WESTERN REDBUD | 24" BOX STANDARD | FLOWERING ACCENT TREE |
|  | GELERA PARVIFOLIA / AUSTRALIAN WILLOW | 24" BOX STANDARD | PARKING LOT SHADE TREE |
|  | TRISTANIA CONFERTA / BRISBANE BOX | 24" BOX STANDARD | TALL EVERGREEN SCREENING TREE |
|  | KOELREUTERIA PANICULATA / GOLDEN RAIN TREE | 24" BOX STANDARD | PARKING LOT SHADE TREE |
|  | QUERCUS AGRIFOLIA / COAST LIVE OAK | 24" BOX STANDARD | EVERGREEN SHADE TREE |
|  | MAGNOLIA GRANDIFLORA / SOUTHERN MAGNOLIA | 24" BOX STANDARD | EVERGREEN SHADE TREE |
|  | PODOCARPUS GRACILIOR / FERN PINE | 15 GAL COLUMN | EVERGREEN SCREENING |
| SYMBOL | BOTANICAL / COMMON NAME | SIZE | |
| PROPOSED SHRUBS | | | |
|  | ACHILLEA 'MOONSHINE' / YARROW | 1 GAL / 30" O.C. | |
|  | AGAVE DESMETIANA / DWARF AGAVE | 1 GAL / 36" O.C. | |
|  | LA VENDORA DENTATA / FRENCH LAVENDER | 1 GAL / 30" O.C. | |
|  | CALLISTEMON 'LITTLE JOHN' / DWARF BOTTLE BRUSH | 1 GAL / 30" O.C. | |
|  | DIANELLA T. 'SILVER STREAK' / SILVER STREAK FLAX LILY | 5 GAL / 36" O.C. | |
|  | GAURA LINDHEIMERI 'SISKIYOU PINK' / SISKIYOU PINK GAURA | 5 GAL / 36" O.C. | |
|  | HEMEROCALLIS SP. / DAY LILY | 1 GAL / 24" O.C. | |
|  | LEUCOPHYLLUM FRUTESCENS / TEXAS RANGER | 5 GAL / 36" O.C. | |
|  | DIETES VEGETA / FORTNIGHT LILY | 5 GAL / 36" O.C. | |
|  | PENNISTEM ALOPECUROIDES / BLACK PENNISTEM | 1 GAL / 36" O.C. | |
|  | PHORMIUM T. 'SURFER' / SURFER NEW ZEALAND FLAX | 5 GAL / 36" O.C. | |
|  | SALVIA GREGI FURHMAN'S RED' / FURHMAN'S RED SAGE | 1 GAL / 30" O.C. | |
|  | WESTRINGIA FRUITICOSA / COAST ROSEMARY | 5 GAL / 42" O.C. | |
| PROPOSED GROUND COVER & VINES | | | |
|  | ROSA X 'FLOWERING CARPET' / FLOWERING CARPET ROSE - PINK | 1 GAL / 30" O.C. | |
|  | ROSMARINUS O. 'PROSTRATUS' / PROSTRATE ROSEMARY | 1 GAL / 30" O.C. | |
|  | LANTANA CAMARA / COMMON LANTANA | 5 GAL / 36" O.C. | |
|  | MYOPORIUM PARVIFOLIUM / MYOPORIUM | 1 GAL / 36" O.C. | |
| <div> TOTAL LANDSCAPE AREA PROVIDED: 32,907 SF TOTAL SITE AREA: 252,207 SF TOTAL LANDSCAPE COVERAGE: 13.0% </div> | | | |



