CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 22-2841

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN REVIEW NO. 1858-21, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT A MITIGATED NEGATIVE DECLARATION WITH ERRATA AND GENERAL PLAN AMENDMENT NO. 111-21, ZONE CHANGE NO. 185-21, SPECIFIC PLAN NO. 29-22, AND DEVELOPMENT AGREEMENT NO. 27-21 FOR THE DEVELOPMENT OF A 121,775 SQUARE-FOOT SELF-STORAGE FACILITY AT 21611 PERRY STREET, APNS 7327-010-014 & 015

WHEREAS, on May 15, 2021, the Department of Community Development received an application from 21611 Perry Street LLC for the following entitlements for the development of a 121,775 square-foot self-storage facility on vacant parcels located at 21611 Perry Street and legally described in Exhibit "A" attached hereto (the "Property"):

- General Plan Amendment (GPA) No. 111-21, to change the land use designation of the Property from Light Industrial to Heavy Industrial;
- Zone Change (ZCC) No. 185-21, to change the zoning map designation for the Property from Manufacturing Light with a Design Overlay (ML-D) to Perry Street Specific Plan (PSSP);
- Specific Plan (SP) No. 29-22 - Perry Street Specific Plan (PSSP), to establish the development standards and permitted uses for the Property;
- Development Agreement (DA) No. 27-21, to grant specified development rights in exchange for provision of specified community benefits;
- Site Plan Review and Design Review (DOR) No. 1858-21; and

WHEREAS, studies and investigations were made, and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the thirteenth day of September 2022, conduct a duly noticed public hearing as required by law to consider said application. Notice of the hearing was posted on the subject property and mailed to property owners and properties within a 750-foot radius of the project site by August 31, 2022.

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

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

SECTION 2. With respect to the **Site Plan and Design Review No. 1858-21,** the Planning Commission finds as follows:

a) The proposed project development plan is compatible with the General Plan as amended

by GPA No. 111-21 and will be compatible with the General Plan Update's anticipated Corridor Mixed Use designation. The proposed design of the project will be consistent with the massing and heights of a nearby three-story multi-family housing structures. The project has been designed to incorporate the development standards of the Perry Street Specific Plan and, with adoption of GPA No. 111-21 the Perry Street Specific Plan, is consistent with both land use documents.

b) The proposed project is compatible in architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area. The proposed project is split into three buildings and consists of a mix of one-, two- and three-story buildings with a maximum height of 36 feet. The self-storage would include a lobby/self-storage office (2,425 square feet), cafe (1,550 square feet), and retail uses such as a UPS or FedEx (700 square feet) totaling 4,675 square feet to add multiple uses to the site. The proposed architecture is more residential in style and incorporates Spanish tile roofs, ornamental window elements, and neutral toned stucco. In addition, approximately 12,134 square feet of landscaping is proposed around the perimeter of the site. A variety of drought tolerant ornamental shrubs and medium size trees, which would be varying in height, would be included as a part of the proposed landscaping. Landscaping and plantings to be provided along the site's northern edge will offer a verdant privacy screen for adjacent residential uses. In conclusion, the proposed architectural style, material, colors, and landscaping will allow the development to be in harmony with the existing community.

c) The project design provides for convenience and safety of circulation for pedestrians and vehicles. Access to the proposed self-storage facility is controlled via computerized access gates. The premises will be under digital surveillance 24 hours a day, 7 days a week. Office hours are planned from 8am to 6pm, Monday through Sunday with 24-hour access to storage units allowed , 7 days a week. Additional controls of customer access are the restrictions on the location of customer ingress and egress to Building C. (the structure nearest to neighboring single family residences) between the hours of 11pm and 7 am. To accommodate the entry to the new storage facility, the existing driveway will be demolished, and a new driveway constructed, to be located near the center of the eastern frontage along Perry Street. The driveway entrance shall be 28-feet wide, and all drive aisles shall be at least 28-feet wide. The project shall provide 22 public parking spaces outside the computerized access gates for the self-storage facility, and 19 parking spaces inside the access gates. Curb, gutter, sidewalks, and driveway will be designed and constructed with City Engineer review and approval..

d) Any signage associated with the project, typically addressing and directional, shall comply with the applicable Carson Municipal Code provisions, will be reviewed, and approved by the Planning Division prior to building occupancy, and will exhibit attractiveness, effectiveness, and restraint in signing graphics and color.

e) The proposed development will be in one phase (i.e., will not be a phased development).

f) The required findings pursuant to Section 9172.23 (D), "Site Plan and Design Review," can be and are made in the affirmative.

SECTION 3. With respect to **General Plan Amendment No. 111-21**, the Planning Commission finds that:

a) GPA No. 111-21 will change the subject property's General Plan land use designation from Light Industrial to Heavy Industrial, allowing a FAR of up to 1.0

and thereby accommodating the project's FAR of 0.998. With the adoption of the Perry Street Specific Plan (PSSP) and ZCC No. 185-21, the subject property's zoning will be consistent with its General Plan land use designation with respect to this development standard, and will be subject to the zoning, development standards and permitted uses of the PSSP. The property is deed restricted against residential use, and the proposed General Plan land use designation allowing the project's FAR of up to 1.0 is desirable and beneficial in that it promotes a compatible use of the property (the project) in light of its restrictions and surrounding uses. The project will also be consistent with the General Plan Update's anticipated land use designation of Commercial Mixed Use Corridor and its FAR of 1.0.

b) The proposed General Plan Amendment is consistent with the General Plan goals and policies. Specifically, Goal LU6: related to a sustainable balance of residential and non-residential development and a balance of traffic circulation through the City. The proposed project advances the General Plan's goals and policies implementing LU-IM 6.7: Review carefully any zone change and/or General Plan Amendment to permit development and modify intensity. Factors to be considered include, but are not limited to: Plan; circulation patterns; environmental constraints; and compatibility with surrounding uses.

c) The General Plan Amendment will ensure consistency between Perry Street Specific Plan and the General Plan. The General Plan amendment will change the land use designation to Heavy Industrial and the General Plan Update will establish a Commercial Mixed Corridor land use designation to replace the site's existing Heavy Industrial General Plan designation. The Specific Plan is consistent with the General Plan Land Use Element and General Plan Update's goals, policies, and objectives.

SECTION 4. With respect to the **Zone Change No. 185-21**, the Planning Commission finds that:

a) The project includes a zone change request changing the existing zoning district from Manufacturing Light Design Overlay (ML-D) to Perry Street Specific Plan zoning district.

b) A zone change, to be effectuated by ordinance changing the zoning of the Perry Street Specific Plan Area from ML-D to Perry Street Specific Plan zoning district (which zoning district shall have standards substantially in compliance with the Perry Street Specific Plan, attached hereto and incorporated herein by reference), is consistent with the General Plan, as amended pursuant to GPA No.111-21. Where the Carson Zoning Ordinance regulations and/or development standards are inconsistent with Perry Street Specific Plan, the Perry Street Specific Plan standards and regulations shall prevail. The proposed "Perry Street" zone and Heavy Industrial General Plan Land Use designation will allow the development of the 121,775 square-foot self-storage facility up to a maximum of 1.0 FAR.

c) The zone change from ML-D to PSSP is compatible with the surrounding uses and compatible/consistent with a General Plan land use designation of Heavy Industrial upon approval of GPA No. 111-21.

SECTION 5. With respect to the **Specific Plan (SP) No. 29-22**, PSSP, dated June 2022, including its Appendices, which is available for public review at city website page: https://ci.carson.ca.us/CommunityDevelopment/PerryStorage.aspx
and incorporated herein by reference (the "Plan"), the Planning Commission finds that:

a) The Plan complies with the requirements of California Government Code Section 65451 in that the Plan does specify in detail:

i. The distribution, location, and extent of the uses of land, including open space, within the area covered by the Plan.

ii. The proposed distribution, location, extent, and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses as described in the Plan;

iii. Standards and criteria by which development will proceed, and standards for the conservation, development, and utilization of natural resources, where applicable;

iv. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the above;

v. A statement of the relationship of the Specific Plan to the General Plan.

b) The Plan is consistent with the General Plan, as amended pursuant to GPA No. 111-21.

c) The proposed project is consistent with and adheres to the Carson General Plan Heavy Industrial Land Use designation and adheres to the Perry Street Specific Plan. The proposed self-storage facility development is consistent with development standards of the Perry Street Specific Plan.

SECTION 6. With respect to Development Agreement No. 27-21 (the "Agreement"), which, inclusive of the proposed City Council adopting ordinance, is attached to the September 13, 2022 staff report to the Planning Commission regarding the proposed project as Exhibit 5 and incorporated herein by reference, the Planning Commission finds that:

a) The Agreement is consistent with the provisions of Government Code Sections 65864 through 65869.5.

b) The Agreement provides for a project that is located within an area suitable for the proposed use and is in conformance the General Plan as amended by GPA No. 111-21 and the Perry Street Specific Plan (SP No. 29-22), which is also the zoning designation for the property pursuant to ZCC No. 185-21.

c) The Agreement provides for a public convenience through significant monetary benefits which will contribute directly or indirectly to programs and services designed to provide for the health, safety and welfare of the public, thereby exhibiting good land use practices.

d) The Agreement will not be detrimental to the public's health, safety and general welfare, nor will it adversely affect the orderly development or property values for the subject property or areas surrounding it.

e) The Agreement is in compliance with the procedures established by City Council Resolution No. 90-050 as required by Government Code, Section 65865(c).

f) The Agreement in Article 6 provides for an annual review to ensure good faith compliance with the terms of the Agreement, as required in Section 65865.1 of the Government Code.

g) The Agreement specifies its duration in Section 2.1, the Developer's Interim

Development Impact Fee obligations in Section 3.1, and the Developer's Community Facilities District obligations in Section 3.2, the Development Fee in Section 3.3, and the Community Benefits and Fee in Section 3.4.

(h) The Agreement includes conditions, terms, restrictions and requirements for development of the property in Article 4 and as permitted in Section 65865.2 of the Government Code.

(i) The Agreement contains provisions in Article 7 for termination of the Agreement prior to expiration of its term.

(j) The Agreement provides for amendment or cancellation in whole or in part, by mutual consent of the parties to the Agreement or their successors in interest, as required in Section 65868 of the Government Code.

(k) The Agreement is in the best public interest of the City and its residents and will achieve a number of City objectives including ensuring compatibility of the development and use of the site with surrounding uses (which absent this project could potentially have been problematic in that the site was traditionally industrial is deed restricted against residential use but is in close proximity to many residential uses) and helping achieve a sustainable balance of residential and non-residential development and a balance of traffic circulation through the City, in furtherance of General Plan goals and objectives.

SECTION 7. The Planning Commission further finds, on the basis of the whole record before it, that the proposed project, as mitigated pursuant to Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, which (inclusive of any comments received during the public review period and any edits made in response thereto) are available for public review at https://ci.carson.ca.us/content/files/pdfs/planning/docs/projects/PerryStorage/00_21611%20Perry%20Street%20Self%20Storage_FinalMND.pdf 2 and are incorporated into this Resolution by reference ("MND"), will not have a significant effect on the environment. The MND has been prepared and considered in compliance with CEQA, and contains all required contents pursuant to CEQA Guidelines Section 15071. The MND was prepared by a consultant of the City working with City Planning Staff, was reviewed and analyzed independently by Planning Staff and the Planning Commission, and reflects the independent judgment of the City as lead agency. A Notice of Intent was prepared and issued in compliance with CEQA Guidelines Section 15072. The draft MND was published, circulated and made available for public review in accordance with the requirements of CEQA, including CEQA Guidelines Section 15073.

ESA, the City's CEQA consultant produced an Errata to the MND dated September 8, 2022 that analyzed the effects of a modest increase to the amount of self storage square footage, for a total of 121,775 square footage in the Project, as well as a slight height increase to a maximum of 3 stories and 36 feet. The City's traffic engineer Fehr & Peers produced an analysis dated September 7, 2022 concluding that this slight increase in square footage and storage units do not cause any new traffic related impacts or require new mitigation measures or project changes. Based on these two expert consultant reports the City finds pursuant to CEQA Guidelines Section 15073.5 that these modest Project changes to not require recirculation of MND. Specifically, the slight increase in project square footage and height do not constitute a substantial revision as defined in CEQA Guideline Section 15073.5(b) in that (1) a new avoidable significant effect has not been identified and new mitigation or project revisions are not necessary to reduce the effect(s) to a level of insignificance and (2) the City lead agency has determined that no new mitigation measures or project revisions are necessary to reduce any potential new effects to less than significant levels. The changes that occurred post MND circulation rep[resent new information added to the MND

which merely clarifies, amplifies or makes insignificant modifications to the negative declaration as permitted by CEQA Guideline 15073.5(c)(4).

. The mitigation measures set forth in the MND are included within the project conditions of approval attached hereto as Exhibit "B". All environmental impacts of the proposed project, as assessed and mitigated pursuant to the MND and the project conditions of approval, will be mitigated to the maximum extent feasible and below a level of significance.

SECTION 8. Based on the findings and conclusions set forth above, the Planning Commission hereby (1) approves DOR No. 1858-21 contingent upon City Council approval of the MND, GPA No. 111-21, ZCC No. 185-21, SP No. 29-22, and DA No. 27-21, and (2) recommends that the City Council approve the MND, GPA No. 111-21, ZCC No. 185-21, SP No. 29-22, and DA No. 27-21, subject to the project conditions of approval set forth in Exhibit "B" attached hereto.

SECTION 9. This decision of the Planning Commission shall become effective and final 15 days from the date of adoption of this Resolution, in accordance with Section 9173.33 of the Zoning Ordinance, unless an appeal is filed within that time in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 10. The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant,

APPROVED and **ADOPTED** this 13th of September 2022.

CHAIRPERSON

ATTEST:

SECRETARY

Exhibit A: Legal Description
Exhibit B: Conditions of Approval

EXHIBIT A

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

THAT PORTION OF LOT 15 OF TRACT NO. 4054, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 44 PAGE 39 OF MAPS, .IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHERLY LINE OF THE SOUTHERLY 20 FEET OF SAID LOT WITH A LINE PARALLEL WITH AND NORTHEASTERLY 27 FEET, MEASURED AT RIGHT ANGLES, FROM THE SOUTHWESTERLY LINE OF SAID LOT; THENCE ALONG SAID PARALLEL LINE NORTH 39° 21' 48" WEST 245.64 FEET; THENCE SOUTH 89° 22' 27" WEST 25.48 FEET; THENCE NORTH 39° 21' 48" WEST 2.11 FEET; THENCE NORTH 0° 37' 33" WEST 17.38 FEET TO A LINE PARALLEL WITH AND NORTHEASTERLY 18 FEET, MEASURED AT RIGHT ANGLES, FROM SAID SOUTHWESTERLY LINE; THENCE ALONG SAID LAST MENTIONED PARALLEL LINE NORTH 39° 21' 48" WEST TO THE SOUTHERLY LINE OF TRACT NO. 29360, AS PER MAP RECORDED IN BOOK 734, PAGE 45 OF MAPS; THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE EASTERLY LINE OF SAID LOT 15; THENCE SOUTHERLY ALONG SAID EASTERLY LINE TO SAID NORTHERLY LINE; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO THE POINT OF BEGINNING.

EXCEPT THEREFROM THAT PORTION OF SAID LAND DESIGNATED AS PARCELS 2-36 INCLUSIVE IN THE FINAL DECREE OF CONDEMNATION ENTERED IN SUPERIOR COURT, LOS ANGELES COUNTY, CASE NO. 909461, A CERTIFIED COPY OF WHICH WAS RECORDED AUGUST 26, 1969, AS INSTRUMENT NO. 2734, IN BOOK D-4478, PAGE 350, OFFICIAL RECORDS OF SAID COUNTY AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF SAID LOT WITH THE NORTHERLY LINE OF THE SOUTHERLY 20 FEET OF SAID LOT; THENCE WESTERLY ALONG SAID NORTHERLY LINE 19.99 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 15 FEET, TANGENT TO SAID NORTHERLY LINE AND TANGENT TO THE WESTERLY LINE OF THE EASTERLY *5* FEET OF SAID LOT; THENCE NORTHEASTERLY ALONG 'SAID CURVE 23.55 FEET TO SAID WESTERLY LINE; THENCE EASTERLY AT RIGHT ANGLES FROM SAID WESTERLY LINE 5 FEET TO SAID EASTERLY LINE; THENCE SOUTHERLY ALONG SAID EASTERLY LINE 14.99 FEET TO THE POINT OF BEGINNING.

ALSO, EXCEPT l/2 OF ALL OIL, GAS, HYDROCARBON AND MINERAL SUBSTANCES IN AND UNDER SAID LAND, BUT WITHOUT RIGHT OF SURFACE ENTRY, AS RESERVED BY MARY M. REGAN, IN DEED RECORDED OCTOBER 4, 1957 AS INSTRUMENT NO. 504, IN BOOK 44767, PAGE 300, OFFICIAL RECORDS.

APN: 7327-010-014 & 015

CITY OF CARSON

COMMUNITY DEVELOPMENT

PLANNING DIVISION

EXHIBIT "B"

CONDITIONS OF APPROVAL -21611 PERRY STREET / APNs 7327-001-014 & 015

SITE PLAN AND DESIGN REVIEW (DOR) NO. 1858 -21
GENERAL PLAN AMENDMENT (GPA) NO. 111-21
ZONE CHANGE (ZCC) NO. 185-21
SPECIFIC PLAN (SP) NO. 29-22
DEVELOPMENT AGREEMENT (DA) NO. 27-21

GENERAL CONDITIONS

1. The applicant and property owner shall sign an Affidavit of Acceptance of these conditions of approval in a form provided by the Director and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.

   Interim Development Impact Fee: In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code ("CMC"), the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible for payment of one-time interim development impact fees ("IDIF") at the amounts/rates in effect at the time of issuance of building permits for each square foot of industrial development constructed for the project. If the project increases or decreases in regards to the square footage constructed, the total IDIF amount will be adjusted accordingly at the applicable rate.

   Final IDIF rates and amounts are calculated and due prior to issuance of the building permit(s). No building permit shall be issued prior to the full payment of the required IDIF amount, which payment shall be made in one lump sum installment. IDIF amounts/rates are subject to adjustment every July 1st based on State of California Construction Cost Index (Prior March to Current March Adjustment), per CMC Section 11500.

   IDIF amounts/rates for industrial development have been set at $3.22 per square foot for Fiscal Year 2022-23, effective July 1, 2022, through June 30, 2023. Based on these rates, the Developer would be responsible for payment of IDIF in the amount of $392,115.50 for the proposed project, calculated as follows: 121,775 square feet X $3.22 per square foot = $392,115.50. However, if the IDIF for the project is not paid by the end of the 2022-23 fiscal year (i.e., by June 30, 2023), a new IDIF rate/amount will apply for the period of July 1, 2023, through June 30, 2024, based on the IDIF rate for Fiscal Year 2022-23, and so on for subsequent fiscal year(s).

   Notice of Imposition of Interim Development Impact Fees; Right to Protest

   Pursuant to CMC Section 11503, Developer is hereby notified of the IDIF imposed on the project, as described and in the amount stated above. In accordance with Government Code Section 66020, Developer may protest the imposition of the IDIF on the project by complying with the requirements set forth in CMC 11900. Any such protest shall be filed within ninety

(90) days after the effective of approval by the City of the entitlement(s) or permit(s) that is/are the subject of these conditions of approval. The ninety (90) day approval period in which the Developer may submit a protest has begun as of the effective date of the City's approval of the entitlement(s) or permit(s) that is/are the subject of these conditions of approval.

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 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 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 – All Other" category. Based on a 2.80 acre (122,071 sf) development site, the current estimated annual amount for ongoing services is $1,541.15, subject to annual adjustments every July 1st. Prior to recordation of final tract map or permit issuance, whichever comes first, Developer shall demonstrate compliance under this section either through: (1) Annexing into a City CFD; or (2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City.

   This condition may be satisfied by annexing the subject property to the CFD with the rate comparable to that of the FIA, or by requesting the City undertake a Fiscal Impact Study by a consultant chosen by the City with respect to the subject property with similar scope and standards as the FIA and paid for by the Developer to set the rate of the CFD for the subject property. Should another Fiscal Impact Study be undertaken, a lower or higher rate may be required for the mitigation of impacts based on the Study. The Developer may also provide another mechanism for satisfying the requirement to mitigate impacts that is acceptable to the City Council. Development Agreement Section 3.2 shall control over this condition in the event of a conflict.

3. Developer does not hold title to the property and is currently in escrow to acquire it. Under Section 7.8 of the Development Agreement, Development Agreement shall automatically terminate with no action needing to be taken by City or Developer in the event Developer should fail to or otherwise does not acquire legal title to the property within one-hundred twenty (120) days following approval of the Ordinance (Adopting Ordinance) which if adopted, would approve the Development Agreement, and all associated appeal periods. If a one-year extension for Developer to acquire the property is given in exchange for payment to City of $250,000, in accordance with Section 7.8, the automatic termination date of the Development Agreement will be extended by one-year. In the event the Development Agreement is terminated under Section 7.8, all other project entitlements (General Plan Amendment (GPA No. 111-21), Specific Plan (SP No. 29-22), Zone Change (ZCC No. 185-21), Site Plan and Design Overlay Review (DOR No. 1858-21), and associated Mitigated Negative Declaration, shall also automatically terminate and become invalidated concurrently.

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 make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission. Minor revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.

6. A modification of these conditions of approval, 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 Sections 12.4 of the Development Agreement.

7. If any of these conditions of approval is violated, or if any applicable law is violated, then except as otherwise provided in Section 9172.28 of the Zoning Ordinance, the subject entitlement(s) 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,

8. 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 condition of approval.

9. 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.

10. Hours of operation: the facility is open 24-hours a day except for the following:
    a. Office hours for the storage operations are from 8:00 a.m. to 8:00 p.m.
    b. Café hours are from 6:00 a.m. to 10:00 p.m.
    c. Mail, print, copy shop hours are from 6:00 a.m. to 10:00 p.m.
    d. Vehicular and pedestrian access to the internal project driveway fronting Building C along the northern perimeter of the property shall be prohibited between the hours of 9:00 p.m. and 7:00 a.m. (“Restricted Hours”) to reduce the potential for nighttime disturbance to adjacent residences.
    e. Vehicular and pedestrian access to the internally accessed Building C units during the Restricted Hours shall be from the southern and western internal driveways only. No vehicular and pedestrian access to the external units in Building C is permitted during the Restricted Hours.

11. 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.

12. 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.

AESTHETICS

13. Notwithstanding any other provision and/or condition of approval contained in any Development Approvals, Minor Modifications to the Development Agreement, the Project, and/or the Development plans shall be made ministerially, with the approval of the Director. Such "Minor Modifications" shall be defined as any modifications to the Development Agreement, the Project and/or the Development plans that do not (i) change the proposed uses analyzed in the MND, (ii) increase the total amount of square footage within the Project beyond 121,775 square feet, (iii) increase building heights within the Property in comparison to what was identified on the Development plans by more than ten (10) percent and/or (iv) reduce the number of parking stalls as depicted on the Development plans by more than ten (10) percent.

14. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.

15. Prior to Issuance of Building and Safety plan check submittal, the specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division.

16. 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.

17. No outdoor storage of materials shall be permitted on the property at any time.

18. There shall be no deviation of architectural designs or details that is not in substantial conformance with the approved set of plans, unless prior written approval is given by the Community Development Director.

LANDSCAPE/IRRIGATION

19. Installation, maintenance, and repair of all landscaping shall be the responsibility of Developer.

LIGHTING

20. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9127.1 of the Zoning Ordinance.

21. 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 Department.

SIGNAGE

22. All signs proposed for the Project will be governed by a comprehensive sign program that will provide internal consistency in design style and direction for placement and size of signs, including a standardized wayfinding program. The comprehensive sign program shall also include provisions that ensure that lighting from signs shall not significantly intrude upon or impact adjacent residential uses.

23. Although, the sentence, "In addition, the building would include billboards." is included in the project applications under signage plans, the proposed project does not include a request for billboards at this time. A subsequent billboard application may be filed for review requiring approvals by both Caltrans and the Community Development Director.

PARKING

24. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.

25. The Project shall provide no fewer than 41 parking spaces with a mix of public parking spaces outside the computerized access gates for the self-storage facility, and parking spaces inside the access gates.

TRASH

26. Trash collection shall comply with the requirements of the City's trash collection company.

BUILDING AND SAFETY DIVISION

27. Submit development plans for plan check review and approval.

28. 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.

29. Obtain all appropriate building permits and an approved final inspection for the proposed project.

30. 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 to the satisfaction of Building and Safety.

PUBLIC WORKS DEPARTMENT- CITY OF CARSON

31. The Developer shall submit an electronic copy of approved plans *(such as, Sewer, Street and/or Storm Drain Improvements, Grading, etc., whichever applies)*, to the City of Carson – Engineering Division, prior to issuance of construction permits.

32. 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.

33. A construction permit is required for any work to be done within the public right-of-way.

34. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to issuance of any permit by Engineering Division.

35. 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.

36. The Developer shall provide recorded covenant to address drainage maintenance/ responsibilities.

37. If required by the Engineering Division, soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved by Engineering Division.

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

38. Per City of Carson Municipal Code Section 5809, Developer shall comply with all applicable Low Impact Development (LID) requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of the City Engineer.

39. Per City of Carson Municipal Code Section 5809(d)(2), Developer shall comply with all street and road construction of 10,000 S.F. or more of impervious surface, shall manage wet weather with Green Infrastructure: Greens Streets

40. Developer shall provide contact information of the Qualified Storm Water Developer (QSD) and/or Qualified SWPPP (Storm Water Pollution Prevention Plan) Developer (QSP) of the site to Kenneth Young via E-mail kyoung@carsonca.gov

41. Developer shall submit digital copies of the LID/NPDES/Grading Plans, hydrology and Hydraulic analysis concurrently to City of Carson, Engineering Services Department and Los Angeles County Building & Safety Division. Deliver copy to Kenneth Young via E-mail kyoung@carsonca.gov

42. Developer shall complete, sign and return the Stormwater Planning Program LID Plan Checklist form and return to City of Carson Engineering Services Division.

43. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The Developer shall submit a copy of approved Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.

44. If or when required, as determined by the City Engineer, provide CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities.

45. A soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be submitted to be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory. Developer shall comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.

46. The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of the development that is the subject of these conditions. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.

47. Off-site improvements (e.g., driveways, sidewalk, parkway drains, trees, curb/gutter etc.) shown on the grading plans must provide a concurrent submittal to City of Carson Engineering Division. Off-site improvements may be shown on a separate set of street improvement plans. Prior to issuance of grading permit, Developer shall obtain clearance from City of Carson Engineering Division.

48. Pursuant to Section 9161.4 of the Zoning Ordinance, Developer shall underground all existing overhead utility lines 12 kilovolts and less both onsite and along project frontage on the west side of Perry Street to the satisfaction of the City Engineer and only to the extent that the estimated cost of this, and all such required improvements, does not exceed fifty (50) percent of the valuation of the nearest proposed project structure for which a building permit is requested. Pursuant to Section 9161.7 of the Zoning Ordinance, the City may accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such undergrounding provided the applicant deposits the full amount of the in-lieu fee before

issuance of Building Permits. The in-lieu fee, and fees for all such required improvements, shall not exceed fifty (50) percent of the valuation of the structure for which a building permit is requested. Undergrounding cost estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination.

49. Comply with the street lighting requirements if required by the LA County Public Works, Traffic Safety and Mobility Division, Street Lighting Section and any City Street Lighting requirements.

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

50. 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.

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

52. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.

53. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer

54. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.

55. 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.

56. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.

    a. Comply with mitigation measures recommended by the water purveyor.

57. 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.

58. The Developer shall repair any broken or raised/sagged curb and gutter within the public right of way along Main Street fronting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer

59. All street cuts for utility construction purposes shall be repaired by the Developer per the City's utility trench repair standard.

60. All infrastructures necessary to serve the proposed development (Electric, Gas, water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.

61. The Developer shall pay any applicable Public Works/Engineering fees.

FIRE DEPARTMENT

62. The proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements.

BUSINESS LICENSE DEPARTMENT – CITY OF CARSON

63. 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.

ENVIRONMENTAL IMPACT MITIGATION MEASURES

64. **MM-BIO-1:** Pre-construction (vegetation removal) avian nesting surveys shall be conducted during the breeding season. A qualified avian biologist shall conduct these surveys within 7 days of vegetation and tree removal. The surveying biologist must be qualified to determine the species, status, and nesting stage without causing intrusive disturbance. The survey shall cover all reasonably potential nesting locations on and within 300 feet of the project site. If active nests are found, a no-disturbance buffer (300 feet for raptors and 50 feet for other birds, or as otherwise determined in consultation with CDFW shall be created around the active nests. If construction is scheduled to occur during the non-nesting season (August 16 to January 31), no preconstruction surveys or additional measures are required.

65. **MM-CULT-1:** 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 proposed project that occur outside or below the remediation areas. 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.

In the event that historic or prehistoric archaeological resources (e.g., bottles, foundations, refuse dumps, Native American artifacts, or features, etc.) are unearthed, ground-disturbing activities shall be halted or diverted away from the vicinity of the find so that the find can be evaluated. An appropriate buffer area shall be established by the Qualified Archaeologist

around the find where construction activities shall not be allowed to continue. Work shall be allowed to continue outside of the buffer area. All archaeological resources unearthed by project construction activities shall be evaluated by the Qualified Archaeologist and a Gabrieleño Band of Mission Indians – Kizh Nation Monitor. If the resources are Native American in origin, the Kizh Nation shall consult with the City and Qualified Archaeologist regarding the treatment and curation of any prehistoric archaeological resources. If a resource is determined by the Qualified Archaeologist to constitute a "historical resource" pursuant to CEQA Guidelines Section 15064.5(a) or a "unique archaeological resource" pursuant to Public Resources Code Section 21083.2(g), the Qualified Archaeologist shall coordinate with the Applicant and the City to develop a formal treatment plan that would serve to reduce impacts to the resources. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources and Public Resources Code Section 21083.2(b) for unique archaeological resources. The treatment plan shall incorporate the Kizh Nation's treatment and curation recommendations. Preservation in place (i.e., avoidance) is the preferred manner of treatment. If preservation in place is not feasible, treatment may include implementation of archaeological data recovery excavations to remove the resource along with subsequent laboratory processing and analysis. The treatment plan shall include measures regarding the curation of the recovered resources that may include curation at a public, non-profit institution with a research interest in the materials, such as the Natural History Museum of Los Angeles County or the Fowler Museum, if such an institution agrees to accept the material and/or the Kizh Nation. If no institution or the Kizh Nation accepts the resources, they may be donated to a local school or historical society in the area (such as the Culver City Historical Society) for educational purposes.

Prior to the release of the grading bond, the Qualified Archaeologist shall prepare a final report and appropriate California Department of Parks and Recreation Site Forms at the conclusion of archaeological monitoring. The report shall include a description of resources unearthed, if any, treatment of the resources, results of the artifact processing, analysis, and research, and evaluation of the resources with respect to the California Register of Historical Resources and CEQA. The report and the Site Forms shall be submitted by the Applicant to the City, the South Central Coastal Information Center, and representatives of other appropriate or concerned agencies to signify the satisfactory completion of the proposed project and required mitigation measures.

66. **MM-CULT-2:** If human remains are encountered unexpectedly during implementation of the proposed 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 Public Resources Code Section 5097.98. If the remains are determined to be of Native American descent, the coroner has 24 hours to notify the 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 land owner, 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 land owner 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. If the NAHC is unable to identify a MLD, or the MLD identified fails to make a recommendation, or the landowner rejects the recommendation of the MLD and the mediation provided for in Public Resources Code Section 5097.94, subdivision (k), if invoked, fails to provide measures acceptable to the landowner, the landowner or his or her authorized representative shall inter the human remains and items associated with Native American human remains with appropriate dignity on the facility property in a location not subject to further and future subsurface disturbance.

67. **MM-CULT-3**. In the case of human remains findings (as mitigated under MM-CULT-2), should the remains be determined to be Native American and should the Kizh Nation be recommended by the NAHC as Most Likely Descendant (MLD), then the following policy shall apply. Should the Kizh Nation not be named MLD by the NAHC other procedures may be required by the assigned MLD. As the MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Kizh Nation, the term "human remains" encompasses more than human bones. In ancient as well as historic times, Tribal Traditions included, but were not limited to, the preparation of the soil for burial, the burial of funerary objects with the deceased, and the ceremonial burning of human remains. If the discovery of human remains includes four or more burials, the discovery location shall be treated as a cemetery and a separate treatment plan shall be created. The prepared soil and cremation soils are to be treated in the same manner as bone fragments that remain intact. Associated funerary objects are objects that, as part of the death rite or ceremony of a culture, are reasonably believed to have been placed with individual human remains either at the time of death or later; other items made exclusively for burial purposes or to contain human remains can also be considered as associated funerary objects. Cremations will either be removed in bulk or by means as necessary to ensure complete recovery of all sacred materials. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains will be covered with muslin cloth and a steel plate that can be moved by heavy equipment placed over the excavation opening to protect the remains. If this type of steel plate is not available, a 24-hour guard should be posted outside of working hours. The Kizh Nation will make every effort to recommend diverting the project and keeping the remains in situ and protected. If the project cannot be diverted, it may be determined that burials will be removed. In the event preservation in place is not possible despite good faith efforts by the project applicant/developer and/or landowner, before ground-disturbing activities may resume on the project site, the landowner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. Each occurrence of human remains and associated funerary objects will be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony will be removed to a secure container on-site if possible. These items should be retained and reburied within 6 months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Kizh Nation and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered. The Kizh Nation will work closely with the project's qualified archaeologist to ensure that the excavation is treated carefully, ethically and respectfully. If data recovery is approved by the Kizh Nation, documentation shall be prepared and shall include (at a minimum) detailed descriptive notes and sketches. All data recovery data recovery-related forms of documentation shall be approved in

advance by the Kizh Nation. If any data recovery is performed, once complete, a final report shall be submitted to the Kizh Nation and the NAHC. The Kizh Nation does NOT authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains.

68. **MM-NOI-1.** Temporary construction noise barriers, with a minimum rating of Sound Transmission Class (STC) 30 and Noise Reduction Coefficient (NRC) 0.7, shall be implemented prior to grading/site preparation beginning on–site near the northern and northeastern project boundaries (R1, R2, and R3) as follows:

- Along the northern project boundary: A noise barrier with a minimum height of 15 feet above grade.

Beginning at the northeast corner of the subject site and continuing south along the eastern project boundary to 15 feet beyond the southern edge of the multi-family complex located at 21610 S. Perry Street: A noise barrier with a minimum height of 18 feet above grade

69. **MM-NOI-2**. No more than two pieces of the following specific off-road construction equipment shall be used at the same time within 50 feet the north and north-eastern boundary of the project site. Such equipment includes the following:

- Concrete Saws
- Pavers
- Paving Equipment
- Generators
- Pumps

These pieces of equipment have the highest reference noise level as indicated by the Federal Highway Administration's Roadway Construction Noise Model User's Guide. By limiting the number of noisy equipment operating at the same time within 50 feet of the north and north-eastern boundary of the project site, the cumulative noise effect from multiple equipment will be reduced.

70. **MM-TCR-1:** Retain a Native American Monitor Prior to Commencement of Ground-Disturbing Activities.

A. The project applicant/lead agency shall retain a Native American Monitor from or approved by the Gabrieleño Band of Mission Indians – Kizh Nation. The monitor shall be retained prior to the commencement of any "ground-disturbing activity" for the subject project at all project locations (i.e., both on-site and any off-site locations that are included in the project description/definition and/or required in connection with the project, such as public improvement work) outside or below the previous remediation areas. "Ground disturbing activity" shall include, but is not limited to, demolition, pavement removal, potholing, auguring, grubbing, tree removal, boring, grading, excavation, drilling, and trenching.

B. A copy of the executed monitoring agreement shall be submitted to the lead agency prior to the commencement of any ground-disturbing activity, or the issuance of any permit necessary to commence a ground-disturbing activity.

C. The monitor will complete daily monitoring logs that will provide descriptions of the relevant ground-disturbing activities, the type of construction activities performed, locations of ground

disturbing activities, soil types, cultural-related materials, and any other facts, conditions, materials, or discoveries of significance to the Tribe. Monitor logs will identify and describe any discovered tribal cultural resources (TCRs), including but not limited to, Native American cultural and historical artifacts, remains, places of significance, etc., (collectively, tribal cultural resources, or "TCR"), as well as any discovered Native American (ancestral) human remains and burial goods. Copies of the monitor logs will be provided to the project applicant/lead agency.

D. On-site tribal monitoring shall conclude upon the latter of the following (1) written confirmation to the Kizh Nation from a designated point of contact for the project applicant/lead agency that all ground-disturbing activities and phases that may involve ground-disturbing activities on the project site or in connection with the project are complete; or (2) a determination and written notification by the Kizh Nation to the project applicant/lead agency that no future, planned construction activity and/or development/construction phase at the project site possesses the potential to impact Kizh Nation TCRs.

E. Upon discovery of any TCRs, all construction activities in the immediate vicinity of the discovery shall cease (i.e., not less than the surrounding 50 feet) and shall not resume until the discovered TCR has been fully assessed by the Kizh Nation monitor. A meeting shall take place between the Applicant, the qualified Archaeologist, the Kizh Nation, and the City to discuss the significance of the find and whether it qualifies as a tribal cultural resource pursuant to Public Resources Code Section 21074(a) and appropriate treatment under CEQA. The Project Archaeologist shall provide a treatment plan as recommended in Mitigation Measure CUL-MM-1, that shall incorporate the monitoring Kizh Nation's treatment and curation recommendations. The preferred treatment under CEQA is avoidance, but if not feasible, may include, but would not be limited to, capping in place, excavation and removal of the resource and follow-up laboratory processing and analysis, interpretive displays, sensitive area signage, or other mutually agreed upon measures. The Kizh Nation will recover and retain all discovered TCRs in the form and/or manner the Kizh Nation deems appropriate, at the Kizh Nation's sole discretion, and for any purpose the Kizh Nation deems appropriate, including for educational, cultural, and/or historic purposes.