

## **RESOLUTION NO. 18-162**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, CERTIFYING AND ADOPTING A MITIGATED NEGATIVE DECLARATION AND A MITIGATION MONITORING AND REPORTING PROGRAM, FOR THE FOCAL STRATEGIC INVESTMENTS, LLC PROJECT, FOR WHICH AN INITIAL STUDY/MITIGATED NEGATIVE DECLARATION WAS PREPARED IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT**

**WHEREAS**, prior to the adoption of this Resolution, the City of Carson prepared an Initial Study and a Mitigated Negative Declaration for the Project in accordance with the requirements of the California Environmental Quality Act of 1970, as amended (“CEQA”), and state and local guidelines implementing CEQA; and,

**WHEREAS**, the Focal Strategic Investments, LLC Project (“Project”) analyzed under the Initial Study/Mitigated Negative Declaration consisted of the development of two one-story buildings totaling approximately 13,557 sq. ft. to be used for commercial cannabis operations including cultivation, manufacturing, and storage of residual materials from cannabis cultivation, on an approximately 0.66 net acres of real property with an address of 17505 South Main Street, Assessor Parcel No. 7339-003-900; and,

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in a number of significant effects on the environment and identified mitigation measures that would reduce the significant effects to a less-than-significant level; and,

**WHEREAS**, in connection with the approval of a project involving the preparation of an initial study/mitigated negative declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and,

**WHEREAS**, the Project’s mitigation measures are summarized below:

1. Biological mitigation measures for conformance with and compliance with the MBTA shall delineated; and,
2. Archaeological mitigation measures are provided for the sensitivity training of construction personnel and discovery of historical, archaeological, or Native American cultural materials paleontological or human remains; and,
3. Geology mitigation measures for a geotechnical report, prepared by a registered civil engineer or certified engineering; and,
4. Hazards and Hazardous Materials mitigation measures for proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous

wastewater and solid waste generated at the project site. Also, any and all equipment, facilities, connections and building components required for cannabis extraction shall be submitted to the Los Angeles County Fire Department for review and approval; and,

5. Hydrology and Water Quality mitigation measures are provided including prior to final project design, a Low Impact Development (LID) Plan would be developed by the Applicant and submitted to the City of Carson for approval; and,
6. Noise mitigation measures include equipment operated at the Project Site shall be equipped with the most effective noise control devices. The Applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction noise and vibration. Construction and demolition activities shall be scheduled so as to avoid operating several heavy pieces of equipment simultaneously. The Project shall provide a temporary 15-foot-tall construction barrier along property lines facing adjacent off-site commercial buildings and be equipped with noise blankets capable of achieving sound level reductions of at least 10 dBA between the Project construction site and the off-site commercial uses. All stationary mechanical equipment shall be equipped with standard noise control devices. All loading and unloading areas shall be located greater than 110 feet from the property line; and,
7. Utilities mitigation measures include a Cannabis Soil, Plant Material, and Waste Management. Each Licensee shall prepare and submit a Cannabis Soil, Plant Material, and Solid Waste Management Plan for the cannabis site, which describes the type and amount of solid waste that would be generated; and,

**WHEREAS**, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation; and,

**WHEREAS**, the City of Carson is the lead agency on the Project, and the City Council is the decision-making body for the proposed Project; and,

**WHEREAS**, the City has complied with all procedural, review, comment and notice requirements of CEQA; and

**WHEREAS**, on October 30, 2018, the Planning Commission conducted a duly noticed public hearing, reviewed all components of the Project, and recommended that the City Council not adopt the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project; and

**WHEREAS**, on November 20, 2018 the City Council conducted a duly noticed public hearing, at which time all interested parties were given an opportunity to be heard and present evidence regarding the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project; and

**WHEREAS**, the City Council has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and,

**WHEREAS**, the Initial Study/Mitigated Negative Declaration from, and the Mitigation Monitoring and Reporting Program (attached hereto as Exhibit A) for, the Project are, by this reference, incorporated into this Resolution as if fully set forth herein; and,

**WHEREAS**, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Fish and Game Code.

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

**Section 1.** That the recitals set forth above are all true and correct and are incorporated herein by this reference.

**Section 2.** That the City Council hereby makes the following findings:

- A. The City Council has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record, and has considered the information contained therein, prior to acting upon or approving the Project; and
- B. The Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and consistent with state and local guidelines implementing CEQA; and
- C. The Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City as lead agency for the Project; and
- D. There is no substantial evidence that, with the identified mitigation measures contained in the Initial Study/Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program, the approval of the Project would result in a significant adverse effect upon the environment; and
- E. The identified mitigation measures contained in the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program will avoid any potentially significant effects to a point where clearly no significant adverse impact on the environment would occur.

**Section 3.** That the City Council does hereby adopt and certify the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the Project, as the Project will not result in any significant, adverse environmental impacts with the mitigation imposed. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the City of Carson, Community Development Department, located at 701 East Carson Street, Carson, CA 90745, and (2) available for inspection by any interested person.

**Section 4.** That the City Council authorizes and directs the Director of the Department of Community Development, or designee, to promptly and timely execute and file with the Los Angeles County Clerk, a Notice of Determination that complies with CEQA Guidelines, section 15075.

**Section 5.** That the Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Carson, California, at a regular meeting held on the 20<sup>th</sup> day of November, 2018.

APPROVED AS TO FORM:

CITY OF CARSON:

\_\_\_\_\_  
Sunny K. Soltani, City Attorney

\_\_\_\_\_  
Albert Robles, Mayor

ATTEST:

\_\_\_\_\_  
Donesia Gause-Aldana, MMC, City Clerk

# EXHIBIT A

## Focal Strategies Cannabis Project

### Mitigation Monitoring and Reporting Program

#### A. Introduction

This Mitigation Monitoring and Reporting Program (MMRP) has been prepared in accordance with Public Resources Code Section 21081.6 and CEQA Guidelines Section 15091(d), which require a public agency to adopt a program for monitoring or reporting on the changes it has required in the project or conditions of approval to substantially lessen significant environmental effects. Specifically, Public Resources Code Section 21081.6 states: "... the [lead] agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment ... The ... program ... shall be designed to ensure compliance during project implementation." The City of Carson, specifically the Planning Division of the Community Development Department, is the Lead Agency for the proposed project.

The MMRP describes the procedures for the implementation of all of the mitigation measures identified in the MND for the proposed project. Mitigation measures set forth in the MMRP are specific and enforceable and are capable of being fully implemented by the City of Carson, the various applicants, and/or other identified public agencies of responsibility.

## B. Mitigation Measures

Mitigation Measures	Monitoring Phase	Implementing Party	Enforcement Agency	Responsible Monitoring Agency
<b>BIOLOGICAL RESORUCES</b>				
<p><b>MM-BIO-1:</b> Any construction activities that occur during the nesting season (February 15 to August 31) shall require that all suitable habitat (i.e., trees and shrubs) be surveyed for the presence of nesting birds by a qualified biologist, retained by the Applicant as approved by the City of Carson before commencement of clearing and prior to grading permit issuance.</p> <p>A preconstruction survey by a qualified biologist shall be conducted within 50 feet of vegetation no more than 7 days prior to construction occurring and immediately before construction commences. If nests are observed, an appropriate buffer in compliance with the MBTA shall delineated, flagged, and avoided until the qualified biological monitor has verified that the young have fledged or the nest has otherwise become inactive.</p>	Pre-Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division
<b>CULTURAL RESOURCES</b>				
<p><b>MM CUL-1:</b> Prior to earth moving activities, a qualified archaeologist meeting the Secretary of the Interior's professional qualifications standards for archaeology shall be retained. The qualified archaeologist shall conduct cultural resources sensitivity training for all construction personnel. The training shall include a module provided by the qualified paleontologist. Construction personnel shall be informed of the types of cultural resources that may be encountered, and of the proper procedures to be enacted in the event of an inadvertent discovery. The responsible party shall ensure that construction personnel are made available for and attend the training and shall retain documentation demonstrating attendance.</p>	Pre-Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division
<p><b>MM CUL-2:</b> In the event of the discovery of historical, archaeological, or Native American cultural materials, the contractor shall immediately cease all work activities in the vicinity (within approximately 50 feet) of the discovery. After cessation of excavation, the contractor shall immediately contact the responsible party and shall not resume work until the qualified archaeologist has assessed the discovery and any recommended treatment has been fully implemented. If the qualified archaeologist determines that the discovery constitutes a significant resource under CEQA, avoidance shall be the preferred manner of mitigation. In</p>	Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division

Mitigation Measures	Monitoring Phase	Implementing Party	Enforcement Agency	Responsible Monitoring Agency
<p>the event that avoidance is demonstrated to be infeasible, a Cultural Resources Treatment Plan shall be prepared and implemented by a qualified archaeologist in consultation with the lead agency. The lead agency shall consult with appropriate Native American representatives in determining appropriate treatment for unearthed cultural resources if the resources are prehistoric or Native American in nature.</p> <p>Archaeological materials recovered during any investigation shall be curated at an accredited curatorial facility. The report(s) documenting the implementation of the Cultural Resources Treatment Plan shall be submitted to the lead agency and to the South Central Coastal Information Center.</p>				
<p><b>MM CUL-3:</b> Prior to the start of any earth moving activities, a qualified paleontologist meeting the Society of Vertebrate Paleontology's professional criteria shall be retained by the responsible party to prepare and implement a Paleontological Resources Mitigation and Monitoring Plan (Plan). The Plan shall address procedures and locations for paleontological resources monitoring; microscopic examination of samples where applicable; the evaluation, recovery, identification, and curation of fossils, and the preparation of a final mitigation report.</p>	Pre-Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division
<p><b>MM CUL-4:</b> Paleontological resources monitoring shall be conducted by qualified paleontological monitors, under the supervision of the qualified paleontologist, in areas specified by the Plan. Locations of monitoring will include areas where excavation may extend into Older Quaternary deposits based on geotechnical findings and construction design plans. In the event fossils are exposed during earth moving, the monitor shall have the authority to halt or redirect construction activities to other work areas so the find can be evaluated. At each fossil locality, field data forms shall be used to record pertinent geologic data, stratigraphic sections shall be measured, and appropriate sediment samples shall be collected and submitted for analysis Based on observations of soil stratigraphy or other factors, and in consultation with the lead agency, the level of monitoring may be reduced.</p>	Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division
<p><b>MM CUL-5:</b> In the event that human remains are uncovered during project excavation, the contractor shall halt work in the vicinity (within 100 feet) of the find and contact the Los Angeles County Coroner in accordance with Health and</p>	Construction	Applicant	City of Carson Department of Community	City of Carson Department of Community

Mitigation Measures	Monitoring Phase	Implementing Party	Enforcement Agency	Responsible Monitoring Agency
Safety Code Section 7050.5. If the Coroner determines the remains are Native American in origin, the Coroner shall contact the Native American Heritage Commission. As provided in Public Resources Code Section 5097.98, the NAHC shall identify the person or persons believed to be most likely descended from the deceased Native American. The most likely descendent shall be afforded the opportunity to provide recommendations concerning the future disposition of the remains and any associated grave goods as provided in Public Resources Code 5097.98.			Development, Planning Division	Development, Planning Division
<b>GEOLOGY</b>				
<b>MM GEO-1:</b> Prior to the issuance of grading or building permits, the Applicant shall submit a geotechnical report, prepared by a registered civil engineer or certified engineering geologist, to the City of Carson, for review and approval. The project shall comply with the Uniform Building Code Chapter 18. Division1 Section1804.5 Liquefaction Potential and Soil Strength Loss. The geotechnical report shall assess potential consequences of any liquefaction and soil strength loss, estimation of settlement, lateral movement or reduction in foundation soil-bearing capacity, and discuss mitigation measures that may include building design consideration. Building design considerations shall include, but are not limited to: ground stabilization, selection of appropriate foundation type and depths, selection of appropriate structural systems to accommodate anticipated displacements or any combination of these measures..	Prior to Issuance of Grading or Building Permits	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division
<b>HAZARDS AND HAZARDOUS MATERIALS</b>				
<b>MM HAZ-1:</b> Prior to commencing operation of the cannabis cultivation facility (Certificate of Occupancy), the Applicant will be required to show the City proof of contract with a licensed hazardous waste hauler that will be responsible for removing all hazardous wastewater and solid waste generated at the project site.	Prior to Operation	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division
<b>MM HAZ-2:</b> Any and all equipment, facilities, connections and building components required for cannabis extraction shall be submitted to the Los Angeles County Fire Department for review and approval. Should extraction of cannabinoids be included in the building plans, no building permit shall be issued until the Los Angeles County Fire Department provides the City with written	Prior to Operation	Applicant	Los Angeles County Fire Department, City of Carson Department of	Los Angeles County Fire Department, City of Carson Department of Community



Mitigation Measures	Monitoring Phase	Implementing Party	Enforcement Agency	Responsible Monitoring Agency
authorization to issue the permit			Community Development, Planning Division	Development, Planning Division
<b>HYDROLOGY AND WATER QUALITY</b>				
<b>MM HYD-1:</b> Prior to final project design, a Low Impact Development (LID) Plan would be developed by the Applicant and submitted to the City of Carson for approval. The LID Plan is required because the project is classified as a “Planning Priority Project” per the CMC Ord. 96-1101, § 1 and must comply with requirements of Section 5809 Storm Water Pollution Control Measures for New Development and Redevelopment Projects. The project will result in 10,000 square feet or more of the impervious surfaces which was not subject to post-construction stormwater quality control requirements. Therefore, all stormwater runoff generated at the project site must be treated.	Prior to Final Project Design	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Planning Division
<b>NOISE</b>				
<b>MM NOISE-1:</b> Noise-generating equipment operated at the project site shall be equipped with the most effective noise control devices, i.e., mufflers, lagging, and/or motor enclosures. All equipment shall be properly maintained to ensure that no additional noise, due to worn or improperly maintained parts, would be generated.	Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Building and Safety Division
<b>MM NOISE-2:</b> The Applicant shall designate a construction relations officer to serve as a liaison with surrounding residents and property owners who is responsible for responding to any concerns regarding construction noise and vibration. The liaison’s telephone number(s) shall be prominently displayed at the project site. Signs shall also be posted at the project site that includes permitted construction days and hours.	Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Building and Safety Division
<b>MM NOISE-3:</b> Construction and demolition activities shall be scheduled so as to avoid operating several heavy pieces of equipment simultaneously.	Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Building and Safety Division

Mitigation Measures	Monitoring Phase	Implementing Party	Enforcement Agency	Responsible Monitoring Agency
<b>MM NOISE-4:</b> The project shall provide a temporary 15-foot-tall construction barrier along property lines facing adjacent off-site commercial buildings and be equipped with noise blankets capable of achieving sound level reductions of at least 15 dBA between the project construction site and the off-site commercial uses. Temporary noise barriers shall be used to block the line-of-sight between the construction equipment and the noise-sensitive receptors. The temporary barrier shall remain in place until windows have been installed. Standard construction protective fencing with green screen or pedestrian barricades for protective walkways shall be installed along property lines facing streets or commercial buildings. All temporary barriers, fences, and walls shall have gate access as needed for construction activities, deliveries, and site access by construction personnel.	Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Building and Safety Division
<b>MM NOISE-5:</b> All stationary mechanical equipment shall be equipped with standard noise control devices such as sound attenuators, acoustics louvers, or sound screen/parapet walls. In addition, all stationary mechanical equipment shall be located greater than 110 feet from the property line. Equipment specifications, design, and location shall be submitted and reviewed during the Design Review process.	Pre-Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Building and Safety Division
<b>MM NOISE-6:</b> All loading and unloading areas shall be located greater than 110 feet from the property line. Design and location shall be submitted and reviewed during the Design Review process	Pre-Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Building and Safety Division
<b>UTILITIES</b>				
<b>MM UE-1:</b> Cannabis Soil, Plant Material, and Waste Management. Each Licensee shall prepare and submit a Cannabis Soil, Plant Material, and Solid Waste Management Plan for the cannabis site, which describes the type and amount of solid waste that would be generated. The Plan shall maximize to the extent practicable composting of soil and cannabis plant waste on-site, and implement BMPs for solid waste handling. Transfer of cannabis plant waste material from the site shall only occur as allowed by state regulations, either through pre-treatment on-site to render the waste acceptable to licensed landfill or composting facilities, or using a	Pre-Construction	Applicant	City of Carson Department of Community Development, Planning Division	City of Carson Department of Community Development, Building and Safety Division

<b>Mitigation Measures</b>	<b>Monitoring Phase</b>	<b>Implementing Party</b>	<b>Enforcement Agency</b>	<b>Responsible Monitoring Agency</b>
commercial hauler that meets state regulations for the treatment and disposal of cannabis waste.				