

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

**EXHIBIT "B"
CONDITIONS OF PROJECT APPROVAL
SITE PLAN AND DESIGN REVIEW NO. 1810-19**

I. INTRODUCTION

1. USA Waste of California, Inc., ("Applicant") owns the transfer station located at 135-401 Francisco Street, 19803-19809 Main Street, 19821 Main Street and 19831 Main Street, Carson, CA, consisting of APNs 7336-005-052 and 7336-005-053 ("Site"). Applicant submitted to the City Planning Department for approval its Development Permit Application and its Concept Site Plan on November 12, 2019, as modified by Site Plans submitted on January 13, 2020, and February 17, 2020 ("Project").
2. The Project is subject to that "Carson Transfer Station Agreement" executed between the City and Applicant and effective on October 1, 2019 (the "Transfer Station Agreement"). The Project will also be subject to a "Transfer Station Improvement & Operations Agreement" (the "Operations Agreement") which has been negotiated by the parties as contemplated in Section 3.F of the Transfer Station Agreement. These Conditions of Project Approval and final project approvals shall be attached as an exhibit to, and incorporated into, the Operations Agreement.
3. The Site use was previously approved for operation of the existing transfer station thereon by the City on or about March 26, 1996, pursuant to City Resolution 96-1612, Conditional Use Permit 391-92 with attendant Variances 390-96 and 391-06 and conditions of approval, conditionally permitting Applicant's operation of the Carson TS, which approvals were subsequently amended on several occasions, all of which approvals and amendments, are collectively referenced herein as the "1996 CUP". The 1996 CUP shall continue in effect through the Term as defined in the Transfer Station Agreement, and its provisions shall not be modified or altered except as otherwise governed by the Transfer Station Agreement and Operations Agreement.
4. The City and Applicant shall in good faith negotiate and execute that Operations Agreement as contemplated and directed by Section 3.F of the Transfer Station Agreement. The term of the Operations Agreement shall be commensurate with the term and provisions of the Transfer Station Agreement.

EXHIBIT D

II. GENERAL CONDITIONS

1. These Conditions of Project Approval ("Approval") shall become null and void two years following the effective date of Project approval and expiration of all appeals as provided for under the Transfer Station Agreement, defined below, unless a building permit is issued and construction is commenced and diligently pursued toward completion or a time extension has been approved by the Director of Community Development for this Approval. This Approval does not supersede any individual time limits specified herein for performance of specific conditions or improvements.
2. This Approval and a 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 in all future development plan submittals, including any revisions and the final working drawings.
3. The Applicant's Project plans shall conform to all the Conditions of Project Approval and shall be reviewed and approved by the Planning Division prior to the issuance of a Building Permit.
4. The Applicant shall comply with all City, county, state and federal regulations applicable to this Project.
5. The Applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Director of Community Development in order to comply with all the Conditions of Approval and applicable Zoning Ordinance provisions. Substantial revisions may require review and approval by the Planning Division. If so, such revisions shall be approved by the Planning Division.
6. The Applicant shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within thirty (30) days of receipt of the final approval of these Conditions of Approval.
7. Pursuant to Municipal Code section 2704, the Planning Commission shall consider the proposed Project approvals (site plan, building permit and design review), and if approved, that decision shall be subject to appeal within 15 days pursuant to section 9173.4. The Planning Commission shall also consider adoption of the Notice of Exemption (NOE) proposed by staff for the Project pursuant to CEQA. The City Council shall consider the Operations Agreement and, if a timely appeal is filed, the project approvals. The Council shall also consider adoption of a NOE for purposes of its discretionary approval(s) under CEQA.
8. A modification of the Conditions of Approval, including additions or deletions, may be considered upon filing of an Application by the Applicant or his/her authorized representative in accordance with Section 9173.1 of the Zoning

Ordinance provided that Section 91731.1B.2 shall not apply to any such requests by Applicant.

9. There is no specific plan for this area and the proposed Project is compatible with the area.
10. It is further made a Condition of this Approval that if any Condition is violated, this Approval may be revoked pursuant to Article 9.0 of the Operations Agreement.
11. All future 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 Applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to the Reimbursement Agreement between Applicant and the City effective February 19, 2020.
12. Indemnification. The Parties shall comply with the Indemnity provisions in Article 10 of the Operations Agreement.

III. ON-SITE LANDSCAPING/IRRIGATION

1. Applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
2. 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.
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 Applicant.
5. Prior to Issuance of Building Permit, the Applicant shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.
6. Landscaping, to include trees and vines, shall be used to screen truck parking and a property line wall along the western property line, subject to approval by the Planning Division and the Department of Public Works.
7. All new and retrofitted landscape of 500 square feet or greater is subject to the Model Water Efficient Landscape Ordinance (MWELo) per Department of Water Resources Title 23, Chapter 2.7.

IV. PLANNING DIVISION

1. All proposed building and site improvements shall be completed per the "Carson Transfer Station Agreement".
2. There shall be no substantial deviation of architectural design or details from the approved set of Project plans. Any substantial alteration shall be first approved by the Planning Division.

V. DEPARTMENT OF PUBLIC WORKS - ENGINEERING SERVICES

1. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
2. A construction permit is required for any work to be done in the public right-of-way.
3. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to issuance of permit by Engineering Division for such work.
4. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of permit by Engineering Division.
5. The Applicant shall submit an electronic copy of approved plans to the City of Carson – Engineering Division, prior to the issuance of construction permits.
6. If applicable to the Project, soils report, drainage concept, hydrology study or stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, drainage concept, hydrology study and stormwater information have been received and found satisfactory. Comply with measures recommended in the approved soils report, drainage concept, hydrology study and/or stormwater quality plan.
7. If applicable to the Project, quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
8. Applicant shall negotiate with City in good faith toward effecting any agreements or instruments (which may include a quitclaim) reasonably necessary to effectuate or confirm the City's ownership of a 5' x 50' area of real property as right-of-way, which area abuts the development along W. Francisco Street, as necessary to conform with City of Carson PW Standard Drawings No. 101 "Interior Collector & Local Streets." The subject strip of real property is more particularly described/depicted in "Detail 1" of Parcel Map No. 24606 (5' x 50' area bounded by lines L21 and L22 fronting W. Francisco St.). Failure of Applicant to ultimately make or agree to such instrument(s) shall not affect the

validity or effectiveness of the entitlement that is the subject of these conditions of approval.

9. Pursuant to Section 3 of the Transfer Station Agreement, the Applicant has agreed to implement Transfer Station improvements worth Five Million Dollars (\$5,000,000.00) at the Site, including payment of all permit fees ("Project Budget"). Applicant will implement the on-Site Project improvements as entitled by this Approval. Applicant has selected EVR Design+Build dba DBKO Design+Build as its contractor to perform this work. If, following completion of all on-Site Project improvements and receipt of final approval of the Project by the City Engineer, Planning Manager and the Building Official, funding remains in the Project Budget, then any such remaining Project Budget funds shall be applied to the following off-Site improvements. To the extent there are Project Budget funds remaining after completion of all on-Site Project improvements, the Applicant shall coordinate with the City of Carson Engineering Department to prioritize the following off-Site Project improvements to be constructed, at the discretion of the City Engineer:
 - a) *Off-site Priority No. 1:* The Applicant shall submit plans to the Engineering Division for improvements in the public right of way for review and approval by the City Engineer. A copy of the final Conditions of Approval shall be attached to the plans when submitted. The following improvements shall be implemented, as determined by the City Engineer but not exceeding the Project Budget:
 - i) Repair any broken or raised/sagged or non-compliant sidewalk, or non-standard curb and gutter within the public right of way along W. Francisco Street and Main Street abutting the Site per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 - ii) Install new sidewalk along W. Francisco Street and Main Street abutting the Site per City of Carson PW Standard Drawing No. 115, case 2, and Drawings No. 117
 - iii) Remove and replace any broken/damaged driveway approach within the public right of way along W. Francisco Street and Main Street abutting the Site per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 - iv) Remove unused driveway approach, if any, within the public right of way along W. Francisco Street and Main Street abutting the Site and replace it with full height curb and gutter and sidewalk per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 - v) Modify existing driveways within the public right of way along W. Francisco Street and Main Street abutting the Site per City of Carson PW Standard Drawings to comply with the ADA requirements and to the satisfaction of the City Engineer.

- vi) Remove all existing street trees on W. Francisco Street and Main Street abutting the Site within the public right of way.
 - vii) Plant new 15 gallon Chinese Pistache parkway trees at 25ft on center, offset 20ft from any existing or proposed driveway, in the public right of way along W. Francisco Street and Main Street abutting the Site per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.
 - viii) Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along W. Francisco Street and Main Street abutting the Site..
 - ix) Install/If necessary, modify existing wheelchair ramp at the corner of W. Francisco Street and Main Street per City of Carson PW Standard Drawings, in compliance with ADA requirements.
 - x) Install striping and pavement legend per City of Carson PW Standard Drawings.
 - xi) Streets abutting the Project development shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS).
- Paint Curbs Red along W. Francisco Street and Main Street within or abutting this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
- b) *Off-Site Priority No. 2:* All existing overhead utility lines 12 kilovolts and less along W. Francisco Street and Main Street shall be underground to the satisfaction of the City Engineer. Undergrounding cost estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer along with Applicant's estimated cost to install the required infrastructure.

The determination of whether funds remain in the Project Budget for the off-Site improvements set forth in this Approval shall be based on the actual costs and expenses incurred by Applicant in the design, engineering, permitting and construction of the on-Site Project improvements and shall be supported by appropriate documentation such as invoices, receipts, etc. Nothing in this Condition shall be interpreted as waiving or limiting Applicant's obligation to implement the entitled On-Site Project improvements (i.e., odor control, building enclosure, building upgrades, on-site landscaping). Nothing in this Condition 9 or in any other Condition of this Approval shall be interpreted or deemed as requiring Applicant to implement off-Site improvements, or any part thereof, that would cause it to incur Project costs or expenses in excess of the Project Budget.

10. If needed, grant (an) easement(s) to the City or other appropriate regulatory agency or entity to the extent reasonably necessary for the maintenance of all infrastructures constructed and to facilitate safe and ADA-compliant pedestrian

and vehicular ingress and egress across driveways or other access points connecting this development to the public right-of-way, or otherwise along the public right-of-way on or adjacent to this development, to the satisfaction of the City Engineer.

VI. DEPARTMENT OF PUBLIC WORKS – WATER QUALITY

1. Prior to issuance of Building Permit, the proposed Project is subject to the following:

- a. Per City of Carson ordinance 5809, Applicant 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.
- b. Applicant shall apply for a *Construction Activities Stormwater General Permit* from the State Water Resources Control Board.
- c. Applicant shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.
- d. Applicant 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.
- e. Applicant 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 Julio Gonzalez via E-mail JGonzalez@Carson.ca.us.
- f. Applicant shall complete, sign and return the *Stormwater Planning Program LID Plan Checklist* form and return to City of Carson Engineering Services Division.

2. The proposed Project is subject to the following:

- a. For any structural and/or treatment control device installed, Applicant 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.
- b. Applicant shall complete and submit digital BMP Reporting Template Spreadsheet to Sustainability Administrator, Julio Gonzalez at jgonzale@carson.ca.us.
- c. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.

- d. RECORDATION is the responsibility of the Applicant. Provide a copy of the recorded covenant agreement to City Engineer.
- e. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
- f. Applicant shall provide an approved Notice of Termination (NOT) by the State Water Resources Control Board.

VII. LA COUNTY - BUILDING AND SAFETY DIVISION

- 1. Submit development plans for plan check review and approval.
- 2. 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 must be on file with the Los Angeles County Building and Safety Division.

VIII. LA COUNTY - FIRE DEPARTMENT

- 1. The proposed Project shall comply with all Los Angeles County Fire Department requirements.

IX. BUSINESS LICENSE

- 1. 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.