

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 20-2699

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1813-19, AND RECOMMENDING THAT THE CITY COUNCIL ADOPT GENERAL PLAN AMENDMENT NO. 107-19, ZONE CHANGE CASE NO. 183-20, AND MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM, FOR A PROPOSED TILT-UP WAREHOUSE FACILITY AT 2112 E. 223RD STREET

WHEREAS, on November 19, 2020, the Department of Community Development received an application from the applicant, Mark Payne, on behalf of Panattoni Development Company for real property located at 2112 E. 223rd Street and legally described in Exhibit “A” attached hereto, requesting approval of Design Overlay Review No. 1813-19, General Plan Amendment No. 107-19 and Zone Change Case No. 183-20, to construct three tilt-up warehouses totaling 292,400 square feet with associated surface parking; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice for a July 28, 2020 public hearing which was adjourned to the Planning Commission’s July 29, 2020 meeting, did conduct a duly noticed public hearing as required by law to consider said applications. Notice of the hearing was originally published in the newspaper and posted and mailed to property owners and properties within a 750-foot radius of the project site by July 16, 2020.

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. The Planning Commission finds as follows:

1. With respect to **Site Plan and Design Review No. 1813-19** construct three tilt-up warehouses totaling 292,400 square feet with associated surface parking:
 - a) The proposed project will be consistent with the General Plan of the City of Carson with the approval of General Plan Amendment No. 107-19. The project site has a General Plan Land Use designation of Business Park and the applicant proposes to amend this designation to Light Industrial.
 - b) The proposed project is currently 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, open spaces, and other features relative to a harmonious and attractive development of the area. The project architecture incorporates various wall planes and massing elements that will be compatible with the surrounding light industrial and commercial uses. Building height

will range from 34 feet to 42 feet. The proposed exterior elevations consist of painted concrete tilt-up panels and blue-glazed glass. The exterior of the buildings will be beige and light and dark grey while the exterior building materials will include metal awnings.

- c) The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic. The project site is located on 223rd Street between two other major arterial streets: Wilmington Avenue and Alameda Street. The project site is located within close vicinity of the 405 Freeway (north). The development will have pedestrian and vehicular accessibility via three entry points located at East 223rd Street. The proposed driveways and interior vehicular circulation are designed to meet the Fire Department turning radius requirements, as well as truck and vehicular traffic.
 - d) All signage associated with this project will comply with applicable Carson Municipal Code provisions, and will exhibit attractiveness, effectiveness and restraint in signing graphics and color.
 - e) The proposed three concrete tilt-up light industrial buildings will be constructed in one single phase.
2. With respect to **General Plan Amendment No.107-19**, the Planning Commission finds that:
- a) The proposed General Plan Amendment is consistent with the City's General Plan goals and policies. The proposal to change the General Plan land use designation from Business Park to Light Industrial is consistent and compatible with the existing surrounding industrial uses and upon approval will be consistent and compatible with the surrounding General Plan land use designations.
 - b) The Business Park designation was placed on the site and its immediate surroundings to provide a buffer between heavy industrial uses to the south (Tesoro Refinery) and the auto dealerships on the north side of 223rd Street. In order to uphold the intent of the General Plan, this transition in land use is preserved with the proposed design of the buildings. First, the proposed size of the buildings discourages large users with heavy emphasis in truck traffic to move into the buildings. Second, the architecture of the building visible from 223rd Street resembles an office building and creates an illusion of a business park. In addition, the car-oriented uses (the parking lot) are partially visible from the street, while the more intense uses (truck loading areas) are located to the back and screened from the street.
3. With respect to **Zone Change Case No. 183-20**, the Planning Commission finds that:
- a) State law requires compatibility/consistency between land use zoning classifications and the General Plan. The proposal to change the zoning from MH-D (Manufacturing, Heavy, Design Overlay) to ML-D (Manufacturing, Light with a Design Overlay), would be compatible with the surrounding uses and compatible/consistent with the surrounding zoning designations upon approval. The "down zoning" of the property is a preferred method to reduce the impacts of the heavy industrial uses on the community.
 - b) The proposal to change the Zoning from MH-D to ML-D is consistent and compatible with existing surrounding light industrial uses and will be consistent with the surrounding Zoning Map.

SECTION 3. The Planning Commission finds that the proposed project, as mitigated pursuant to the Mitigated Negative Declaration (MND), which is available for public review at <http://ci.carson.ca.us/CommunityDevelopment/Panattoni.aspx> and is incorporated into this Resolution by reference (“MND”), will not have a significant effect on the environment.

SECTION 4. Design Overlay Review No. 1813-19 complies with the City’s Zoning Ordinance and General Plan and is consistent with the intent of Article IX, Chapter 1, Section 9172.23 (Site Plan and Design Review) of the Carson Municipal Code.

SECTION 5. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Site Plan Design Review No. 1813-19 and recommends that the City Council (1) approve General Plan Amendment No. 107-19, (2) approve Zone Change Case No. 183-20, and (3) approve the MND and Mitigation Monitoring and Reporting Program (MMRP), subject to the Conditions of Approval set forth in Exhibit "B" attached hereto and incorporated herein by reference.

SECTION 6. This decision of the Planning Commission shall become effective and final 15 days after the date of the action and subject to approval of General Plan Amendment No. 107-19, Zone Change Case No. 183-20, and the MND and MMRP, by City Council unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.

SECTION 7. The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

PASSED, APPROVED and ADOPTED this 29th day of July, 2020.

Ramona Pimentel (COVID signature)

CHAIRPERSON

ATTEST:

Denise Bothe (COVID signature)

SECRETARY

EXHIBIT "A"

LEGAL DESCRIPTION

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

THAT PORTION OF THE 398.11 ACRE TRACT ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GUYER, BY DECREE OF PARTITION OF A PORTION OF THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, IN CASE NO. 3284 OF THE SUPERIOR COURT OF SAID COUNTY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEASTERLY CORNER OF THAT CERTAIN 10 ACRE PARCEL OF AND DESCRIBED IN THE DEED TO THE AMERICAN CHEMICAL CORPORATION, RECORDED ON JULY 10, 1959 AS INSTRUMENT NO. 4139 IN BOOK D-533 PAGE 307, OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTH 89 DEGREES 45' 25" WEST 469.06 FEET; THENCE NORTH 0 DEGREES 14' 35" WEST 434.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 89 DEGREES 45' 25" EAST 444.06 FEET; THENCE SOUTH 0 DEGREES 14' 35" EAST 42.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 296.34 FEET; THENCE SOUTHERLY ALONG SAID CURVE 178.22 FEET (THROUGH AN ANGLE OF 34 DEGREES 24' 00") TO A POINT; THENCE SOUTH 37 DEGREES 29' 07" EAST 67.14 FEET; THENCE SOUTH 42 DEGREES 44' 35" EAST 112.78 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 296.04 FEET; THENCE EASTERLY ALONG SAID CURVE 123.38 FEET (THROUGH AN ANGLE OF 23 DEGREES 48' 56") TO A POINT, A RADIAL LINE AT SAID POINT BEARS NORTH 23 DEGREES 26' 29" EAST; THENCE NORTH 89 DEGREES 43' 25" EAST TO THE WESTERLY LINE OF THE LAND DESCRIBED IN DEED TO WHITE STAR OIL COMPANY, RECORDED IN BOOK 2819 PAGE 159, OF OFFICIAL RECORDS; THENCE ALONG SAID WESTERLY LINE NORTH 17 DEGREES 11' 52" EAST 972.53 FEET TO THE SOUTHERLY LINE WILMINGTON STREET, (NOW 223RD STREET) 66.00 FEET WIDE; THENCE SOUTH 89 DEGREES 45' 25" WEST, ALONG SAID WILMINGTON STREET, 1082.51 FEET TO A LINE BEARING SOUTH 0 DEGREES 14' 35" EAST AND PASSES THROUGH THE TRUE POINT OF BEGINNING; THENCE ALONG LAST SAID LINE, SOUTH 0 DEGREES 14' 35" EAST TO THE TRUE POINT OF BEGINNING.

EXCEPTING ALL OIL, GAS AND OTHER HYDROCARBONS AND ALL OTHER MINERALS IN, UNDER OR RECOVERABLE FROM SAID REAL PROPERTY HEREINABOVE DESCRIBED AND THE RIGHT TO EXPLORE, MINE, DRILL AND OPERATE FOR THE SAME AND TO PRODUCE AND REMOVE THE SAME BUT WITHOUT THE RIGHT TO ENTER UPON THE SURFACE OF SAID REAL PROPERTY HEREINABOVE DESCRIBED FOR SAID PURPOSES, AS EXCEPTED BY RICHFIELD OIL CORPORATION, A CORPORATION, IN DEEDS RECORDED JULY 10, 1959 IN BOOK D-533 PAGE 307, OFFICIAL RECORDS, AS DOCUMENT NO. 4139 AND AS RESERVED IN DEED RECORDED JUNE 14, 1942 AS DOCUMENT NO. 4764 IN BOOK D-1649 PAGE 371 OF OFFICIAL RECORDS.

APN: 7315-008-049

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

**EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1813-19
GENERAL PLAN AMENDMENT NO. 107-19
ZONE CHANGE CASE NO. 183-20**

I. GENERAL CONDITIONS

1. ***Interim Development Impact Fee:*** In accordance to Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code and the current Fiscal Year 2020-2021 fees (effective through June 30, 2021) the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible for payment of a one-time development impact fee at the rate of \$2.56 per square foot of industrial building constructed. The proposed development includes development impact fees estimate of \$748,544 (292,400 sq. ft. X \$2.56/ sq. ft. = \$748,544). If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.

Final development impact fee amounts are calculated and due prior to issuance of a building permit in one lump sum installment. Fees are subject to adjustments every July 1 based on State of California Construction Cost Index (Prior March to Current March Adjustment). No building permits shall be issued prior to the full payment of the amount.

See the following City webpage for additional information:
<https://ci.carson.ca.us/communitydevelopment/IDIFProgram.aspx>

2. ***Funding Mechanism for Ongoing Services/Community Facilities District:*** The proposed development is required to mitigate its impacts on city services. 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). A uniformed-standardized city-wide rate was adopted pursuant to Resolution No. 19-009 ("Resolution") and accompanying Fiscal Impact Analysis ("FIA") report.

The Developer shall be responsible to establish a funding mechanism to provide an ongoing source of funds for the ongoing services comparable to the uniformed-standardized city-wide rate established in the Resolution and FIA report. Based on the adopted Resolution, the subject property falls under Industrial Zone 2 rate at \$5,722.15 per acre per year through June 30, 2021. Based on a 14.28 acre development, the current estimated annual amount for ongoing services is \$81,712.30, subject to annual adjustments.

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. See the following City webpage for additional information:
<https://ci.carson.ca.us/communitydevelopment/CFD.aspx>

3. Design Overlay Review No. 1813-19 shall become null and void two years following the effective date of its approval unless a building permit has been issued or a time extension has been approved by the Planning Manager. A building permit issued in accordance with this condition shall be maintained in valid status in accordance with applicable laws and regulations until it is completed/finaled; failure to do so shall result in Design Overlay Review No. 1813-19 becoming null and void upon expiration or invalidity of the building permit. This condition does not supersede an individual time limit for performance of specific conditions or improvements.
4. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
5. Developer shall submit two revised sets of plans (including Site Plan & Elevations) incorporating all the Conditions of Approval to be reviewed and approved by the Planning Division prior to scheduling the project for City Council hearing.
6. Developer shall comply with all city, county, state and federal regulations applicable to this project.
7. Any substantial project revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
8. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
9. A modification of these conditions, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
10. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the Developer has been given written notice to cease such violation and has failed to do so for a period of thirty days.
11. Precedence of Conditions. If any of these Conditions of Approval alter a commitment made by the Developer in another document, the conditions enumerated herein shall take precedence unless superseded by the Entitlement Agreement, which shall govern over any conflicting provisions of any other approval.
12. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
13. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a

period of 60 days and funds shall be deposited within 10 days of the request therefor, or work may cease on the Project.

14. Indemnification. The applicant, property owner, and tenant(s), for themselves and their successors in interest (“Indemnitors”), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them (“Indemnitees”) from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, “Claims”) against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors’ operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees’ associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors’ consent. Indemnitors shall provide a deposit to the City in the amount of 100% of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys’ fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.

II. PLANNING DIVISION

15. The project does not propose and is not designed for cold storage uses. In the event that such use is proposed, the City shall analyze such use in accordance with all laws, regulations, and policies, and would require additional environmental analysis, if applicable.

III. AESTHETICS

16. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division
17. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
18. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division prior to issuance of building permits.
19. Graffiti shall be removed from all areas within twenty-four (24) hours of written notification by the City of Carson, including graffiti found on perimeter walls and fences. Should the graffiti problem persist more than twice in any calendar year, the matter may be brought before the Planning Commission for review and further consideration of site modification (i.e. fencing, landscaping, chemical treatment, etc.).

20. 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.
21. No outdoor storage of materials shall be permitted on the property at any time.

IV. FENCE/WALLS

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

V. LANDSCAPE/IRRIGATION

25. Comply with the provisions of the Los Angeles County Green Building Code Section “Water Efficient Landscaping.”
26. The proposed landscaping exceeds 2,500 square feet. Prior to building permit issuance, submit landscape and water efficient plans for all development-related landscape and irrigation in accordance with the Water Efficient Landscape Ordinance (WELO).
27. 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 and shall include best water conservation practices that comply with the Water Efficient Landscape Ordinance (WELO).
28. Installation of 6” x 6” concrete curbs is required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
29. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
30. Prior to Issuance of Building Permit, the Developer shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.
31. Incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti as determined by the Planning Division.

VI. LIGHTING

32. Developer shall provide adequate lighting for the parking areas and provide a lighting plan prior to issuance of any permits.
33. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.

34. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

VII. PARKING/TRAFFIC

35. All driveways shall remain clear. No encroachment into driveways shall be permitted.
36. All areas used for movement, parking, loading, or storage of vehicles shall be paved and clearly marked and in accordance with Section 9162.0 of the Zoning Ordinance.
37. Any portion of the Site not stripped shall be considered undeveloped and shall not be used by the Developer for any purpose.
38. None of the required parking spaces shall be used for storage of vehicles/trucks or any other equipment.

VIII. SIGNAGE

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

IX. TRASH

41. Trash collection from the project site shall comply with the requirements of the City's trash collection company.
42. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the Planning Division.
43. Prior to Issuance of Building Permit, the trash and recycling area enclosure design is to be approved by the Planning Division.

X. UTILITIES

44. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
45. Public utility easements shall be provided in the location as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.
46. Developer shall remove at its own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended
47. Any aboveground utility cabinet or equipment cabinet shall be screened from the public right-of-way by a decorative block wall or landscaping, to the satisfaction of the Planning Division.
48. The applicant shall make available electrical charging outlets to accommodate electric vehicles. Any charging electric equipment shall be installed pursuant to the Los Angeles County Electrical Code.

XI. BUILDING AND SAFETY DIVISION

- 49. Applicant shall submit development plans for plan check review and approval.
- 50. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.
- 51. 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

XII. FIRE DEPARTMENT

- 52. The final revised plans for the proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements prior to issuance of Building Permits.

XIII. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

- 53. 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.
- 54. A construction permit is required for any work to be done in the public right-of-way.
- 55. Payment and Performance bonds 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.
- 56. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to issuance of any permit by Engineering Division.
- 57. The Developer shall submit a copy of approved Grading plans on bond paper to the City of Carson – Engineering Division, prior to issuance of grading permits.
- 58. The Developer shall submit an electronic copy of **approved** plans (*such as, Sewer, Street and/or Storm Drain Improvements, whichever applies*), to the City of Carson – Engineering Division, prior to the issuance of construction permits.
- 59. Per a planned city Capital Improvement Project, 223rd Street, directly abutting the development, will be subject to a 5-year moratorium pending completion of the planned city Capital Improvement Project. No excavation or disturbance within the roadway will be permitted except as approved by the City Engineer.
 - a. For any right-of-way landscape improvements, the developer shall be responsible for relocating conflicting trees/structures for any proposed driveway curb cuts.

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

- 60. 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.
- 61. Developer shall apply for a *Construction Activities Stormwater General Permit* from the State Water Resources Control Board.
- 62. Developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.

63. Developer shall provide contact information of the Qualified Storm Water Developer (QSD) and/or Qualified SWPPP (Storm Water Pollution Prevention Plan) Developer (QSP) of the site to Julio Gonzalez via E-mail JGonzalez@Carson.ca.us
64. 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 Julio Gonzalez via E-mail JGonzalez@Carson.ca.us
65. Developer shall complete, sign and return the *Stormwater Planning Program LID Plan Checklist* form and return to City of Carson Engineering Services Division.
66. 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.
67. If or when required, as determined by the City Engineer, provide CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities.
68. A soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall 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.
69. 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.
70. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City or other appropriate agency or entity.
71. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted. The following are required as a part of the project's improvement plans:
 - a. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along 223rd Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
 - b. Remove unused driveway approach if any, within the public right of way along 223rd Street abutting this proposed development 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.
 - c. The developer shall construct new driveway approaches per City of Carson PW Standard Drawings and in compliance with the ADA requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 40 feet, unless approved by the City Traffic Engineer and City Engineer.
 - d. Install striping and pavement legend per City of Carson PW Standard Drawings.

- e. Paint Curbs Red along 223rd Street within or abutting this proposed development, to the satisfaction of the City Traffic Engineer. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
 - f. Sewer Main Improvements (if any) along 223rd Street as determined by the aforementioned sewer area study.
 - g. Storm Drain Improvements (if any) along 223rd Street as determined by the aforementioned requirement.
72. 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.
73. The owner shall annex the area to the LA County Lighting Maintenance District, for the purpose of operating and maintain the streetlights to be installed to the satisfaction of the LA County Light Maintenance District. Additional Street Lighting Installation or upgrades to existing street lights may be required as a part of the annexation.
- a. Street lighting plans cannot be approved prior to completion of annexation process.
 - i. Provide business/property owners name, mailing address, site address, Assessor Parcel Number, and Parcel Boundaries in either Microstation or Auto CADD format of territory to be developed to Street Lighting Section.
 - ii. Submit map of the proposed project including any roadways conditioned for streetlights to Street Lighting Section. Contact Street Lighting Section for map requirements and/or questions at (626) 300-4726.
74. Comply with the street lighting requirements as stipulated by the LA County Public Works, Traffic Safety and Mobility Division, Street Lighting Section and any City Street Lighting requirements
- a. Provide streetlights on concrete poles with underground wiring along the property frontage on 223rd Street to the satisfaction of Public Works or as modified by Public Works. Submit street lighting plans along with existing and/or proposed underground utilities plans to Traffic Safety and Mobility Division, Street Lighting Section, for processing and approval.

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

75. 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.
76. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Sustainability Administrator, Julio Gonzalez at jgonzale@carson.ca.us

77. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.
78. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
79. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
80. Developer shall provide an approved Notice of Termination (NOT) by the State Water Resources Control Board
81. 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
82. 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. Developer shall comply with all mitigation measures recommended by the water purveyor.
83. The Developer shall construct and guarantee the construction of all required and previously approved Street Improvements to the satisfaction of the City of Carson Public Works Inspector and the City Engineer.
84. The Developer shall construct and guarantee the construction of all required drainage infrastructure in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
85. All new utility lines servicing the proposed development shall be underground to the satisfaction of the City Engineer.
86. Developer shall comply with any additional requirements, if any, as a means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
87. If needed, the Developer shall grant an easement to the City, and any other appropriate regulatory agency, or entity to the extent reasonably necessary, for the purposes of ingress, egress, construction and maintenance of all infrastructures constructed and handicap access to ensure the safety of the public, for this development, to the satisfaction of the City Engineer.
88. All infrastructures necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.

XIV. BUSINESS LICENSE

89. All parties involved in the subject project including but not limited to contractors and subcontractors are required to obtain a city business license per Section 6310 of the Carson Municipal Code.

XV. MITIGATION MEASURES

90. **Cultural Resources.** MM-CUL-1: If previously unidentified cultural resources are encountered during ground-disturbing activities, work in the immediate area shall halt and a qualified archaeologist, defined as an archaeologist who meets the Secretary of the Interior's Professional Qualification Standards for archaeology, shall be contacted immediately to evaluate the find. If the discovery proves to be significant under CEQA, additional work such as data recovery excavation may be warranted to mitigate any significant impacts. In the event that an identified cultural resource is of Native American origin, the qualified archaeologist shall consult with the project owner and City of Carson to implement Native American consultation procedures. Construction shall not resume until the qualified archaeologist states in writing that the proposed construction activities would not significantly damage any archaeological resources.
91. **Geology and Soils.** MM-GEO-1: If evidence of subsurface paleontological resources is found during construction, excavation and other construction activity in that area shall cease and the construction contractor shall contact the City of Carson Community Development Director. With direction from the Community Development Director, a paleontologist certified by the County of Los Angeles shall evaluate the find prior to resuming grading in the immediate vicinity of the find. If warranted, the paleontologist shall prepare and complete a standard Paleontological Resources Mitigation Program for the salvage and curation of identified resources.
92. **Hazards and Hazardous Materials.**
- a. MM-HAZ-1: The Applicant shall retain a qualified Phase II/Site Characterization Specialist to conduct verification soil vapor sampling during any excavation activities at depth that which would present a concern to worker safety. Should any samples determine that residual contamination in soil vapor present a risk to construction workers during excavation activities, the Phase II/Site Characterization Specialist shall have the authority to either implement additional safety precautions and/or temporarily suspend construction activity at said location for the protection of workers or the public.
 - b. MM-HAZ-2: Observations shall be made by the contractor during grading and utility trenching for the presence of unknown pipelines, buried infrastructures, containers, debris, and/or soil potentially impacted by chemicals compounds or fuel and oil hydrocarbons. Indications of impacted soil may include chemical or fuel odors, unusual coloration, apparent moisture, and staining. If any of the above are encountered, a qualified environmental professional with Phase II/Site Characterization experience shall be consulted to provide field monitoring using appropriate instrumentation, and to assist with segregation of excavated material for proper disposal at a licensed waste-handling facility.
93. **Noise.** MM-NOI-1: Prior to the initiation of construction, the Applicant shall prepare a paving control plan to ensure that the paving process does not result in damage to the western and southern industrial structures. The paving control plan shall be subject to the Building and Safety Department's approval prior to issuance of a grading permit. To reduce groundborne vibration levels, the paving control plan shall stipulate that static (non-vibratory) rollers shall be used as an alternative to vibratory rollers within 15 feet of the western and southern Poly One Corporation industrial structures (Assessor's Parcel Number [APN] 7315-008-022).

94. *Transportation.*

- a. MM-TRA-1: .Prior to the project operations, the project Applicant shall enter into an Operational Labor Agreement with the City of Carson to implement a local hiring program consisting of reasonable efforts such as local job fairs and to reduce employee vehicle miles travelled (VMT) to the City's threshold of 16.7 VMT per Employee or less. The Operational Labor Agreement shall specify that the Property Owner, or designee, provides to the City Traffic Engineer on an annual basis an Employee VMT Monitoring Table, or other VMT monitoring system, as approved by the City Traffic Engineer, that identifies commute distance bins and the proportion of employees within each bin to determine the project's average home-based work VMT per employee. A sample Employee VMT Monitoring Table is included as Attachment B of the Panattoni Warehouse Project: Vehicle Miles Traveled Analysis, prepared by Fehr and Peers, dated May 19, 2020. The Employee VMT Monitoring Table, or other approved VMT monitoring system, shall be approved by the City of Carson Traffic Engineer prior to project operations.

If, through preparation of the Employee Monitoring Table, or other approved VMT monitoring system, it is determined that the project would still exceed the City's threshold of 16.7 VMT per Employee, the project Applicant shall be responsible for identifying and implementing travel demand measures to demonstrate the project's VMT per employee are reduced to less than significant levels. These measures may include, but are not limited to, identifying and paying for off-street parking, providing transit passes to employees, providing commuter incentives, providing transit subsidies, providing parking cash-outs, commute marketing program, or implementing carpool/vanpool incentives. The project Applicant shall be responsible for demonstrating the effectiveness of these measures through the VMT monitoring system to reduce the project's VMT per employee to the City's threshold of 16.7, as verified by the City Traffic Engineer.

Should the City of Carson adopt a VMT threshold, the project Applicant or future Property Owner has the option to submit an updated VMT analysis to the City Engineer for review and approval. Should the VMT analysis show that the project is less than significant per the City's adopted VMT threshold, this mitigation measure shall no longer apply. Should an updated VMT analysis determine that the project has the potential to impact State transportation facilities, the Applicant shall submit the TMP for review and comment by Caltrans, prior to approval by the City Engineer.

- b. MM-TRA-2: Prior to the initiation of construction, the project Applicant shall prepare a Traffic Management Plan (TMP) for approval by the City of Carson Traffic Engineer. Should a Caltrans transportation permit be required for the project, the Applicant shall submit the TMP for review and comment by Caltrans, prior to approval by the City of Carson Traffic Engineer. The TMP shall include measures such as construction signage, limitations on timing for lane closures to avoid peak hours, temporary striping plans, and the need for a construction flagperson to direct traffic during heavy equipment use. The TMP shall specify that one direction of travel in each direction must always be maintained for East 223rd Street throughout project construction. The TMP shall be incorporated into project specifications for verification prior to final plan approval.

95. *Tribal Cultural Resources.* MM-CUL-1: .Prior to issuance of any grading permits, the project Applicant shall be required to retain and compensate for the services of a Tribal monitor/consultant who is both approved by the Gabrieleño Band of Mission Indians-Kizh

Nation Tribal Government and is listed under the Native American Heritage Commission's (NAHC's) Tribal Contact list for the area of the project location. This list is provided by the NAHC. The monitor/consultant shall be present on-site during the construction phases that involves ground disturbing activities. Ground disturbing activities are defined by the Gabrieleño Band of Mission Indians-Kizh Nation as activities that may include, but are not limited to, pavement removal, pot-holing or auguring, grubbing, tree removals, boring, grading, excavation, drilling, and trenching within the project area. The Tribal Monitor/consultant shall complete daily monitoring logs that provide descriptions of the day's activities, including construction activities, locations, soil, and any cultural materials identified. The on-site monitoring shall end when the project site grading and excavation activities are completed, or when the Tribal Representatives and monitor/consultant have indicated that the site has a low potential for impacting Tribal Cultural Resources.

Upon discovery of any tribal cultural or archaeological resources, all construction activities shall cease in the immediate vicinity of the find until the find can be assessed. All tribal cultural and archaeological resources unearthed by project construction activities shall be evaluated by the qualified archaeologist (Mitigation Measure CUL-1) and the tribal monitor/consultant. If the resources are Native American in origin, the Gabrieleño Band of Mission Indians-Kizh Nation shall coordinate with the landowner regarding treatment and curation of these resources. Typically, the Tribe requests preservation in place or recovery for educational purposes. Work may continue on other parts of the project while evaluation and, if necessary, additional protective mitigation takes place (CEQA Guidelines Section 15064.5 [f]). If a resource is determined by the qualified archaeologist to constitute a "historical resource" or "unique archaeological resource" (per Mitigation Measure CUL-1), time allotment and funding sufficient to allow for implementation of avoidance measures, or appropriate mitigation, must be made available by the Applicant. The treatment plan established for the resources shall be in accordance with CEQA Guidelines Section 15064.5(f) for historical resources.

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. All Tribal Cultural Resources shall be returned to the Tribe. Any historic archaeological material that is not Native American in origin shall be curated at a public, nonprofit 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. If no institution accepts the archaeological material, they shall be offered to the Tribe or a local school or historical society in the area for educational purposes.

Native American human remains are defined in PRC 5097.98 (d)(1) as an inhumation or cremation, and in any state of decomposition or skeletal completeness. Funerary objects, or associated grave goods defined in PRC 5097.98, are also to be treated according to this statute. Health and Safety Code 7050.5 dictates that any discoveries of human skeletal material shall be immediately reported to the County Coroner and excavation halted until the coroner has determined the nature of the remains. If the coroner recognizes the human remains to be those of a Native American or has reason to believe that they are those of a Native American, he or she shall contact, by telephone within 24 hours, the Native American Heritage Commission (NAHC) and PRC 5097.98 shall be followed.

Upon discovery of human remains, the tribal monitor/consultant and/or qualified archaeologist (Mitigation Measure CUL-1) shall immediately divert work at minimum of 150

feet and place an exclusion zone around the discovery location. The monitor/consultant(s) shall then notify the Tribe, the qualified lead archaeologist, and the construction manager who shall call the coroner. Work shall continue to be diverted while the coroner determines whether the remains are human and subsequently Native American. The discovery is to be kept confidential and secure to prevent any further disturbance. If the finds are determined to be Native American, the coroner shall notify the NAHC as mandated by state law who shall then appoint a Most Likely Descendent (MLD).

If the Gabrieleno Band of Mission Indians – Kizh Nation is designated MLD, the Koo-nas-gna Burial Policy shall be implemented. To the Tribe, 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. 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.

Prior to the continuation of ground disturbing activities, the land owner shall arrange a designated site location within the footprint of the project for the respectful reburial of the human remains and/or ceremonial objects. In the case where discovered human remains cannot be fully documented and recovered on the same day, the remains shall 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 shall be posted outside of working hours. Every effort to diverting the project and keep the remains in situ and protected shall be made. However, if the project cannot be diverted, burials can then be removed, as approved by the Tribe. The Tribe shall work closely with the qualified archaeologist to ensure that the excavation is treated carefully, ethically, and respectfully. If data recovery is approved by the Tribe, documentation shall be taken which includes at a minimum detailed descriptive notes and sketches. Additional types of documentation shall be approved by the Tribe for data recovery purposes. Cremations shall either be removed in bulk or by means as necessary to ensure complete recovery of all material. If the discovery of human remains includes four or more burials, the location is considered a cemetery and a separate treatment plan shall be created. Once complete, a final report of all activities is to be submitted to the Tribe and the NAHC. The Tribe does not authorize any scientific study or the utilization of any invasive and/or destructive diagnostics on human remains, in accordance with existing laws and regulations.

Each occurrence of human remains and associated funerary objects shall be stored using opaque cloth bags. All human remains, funerary objects, sacred objects and objects of cultural patrimony shall be removed to a secure container on site if possible. These items shall be retained and reburied within six months of recovery. The site of reburial/repatriation shall be on the project site but at a location agreed upon between the Tribe and the landowner at a site to be protected in perpetuity. There shall be no publicity regarding any cultural materials recovered.

Archaeological and Native American monitoring and excavation during construction shall be consistent with current professional standards. All feasible care to avoid any unnecessary disturbance, physical modification, or separation of human remains and associated funerary objects shall be taken. Principal personnel must meet the Secretary of Interior standards for archaeology and have a minimum of 10 years of experience as a principal investigator

working with Native American archaeological sites in southern California. The qualified archaeologist (Mitigation Measure CUL-1) shall ensure that all other personnel are appropriately trained and qualified.