

## **RESOLUTION NO. 20-134**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON AFFIRMING PLANNING COMMISSION'S DECISION TO APPROVE CONDITIONAL USE PERMIT NO. 1074-18, AND APPROVING SPECIFIC PLAN NO. 18-18, GENERAL PLAN AMENDMENT NO. 108-18, AND MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING AND REPORTING PROGRAM FOR A PROPOSED WAREHOUSE AND TEMPORARY CARGO CONTAINER PARKING FACILITY AT 20601 S MAIN STREET**

**WHEREAS**, on October 10, 2018, the Department of Community Development received an application from KL Fenix Corporation (sometimes, "Developer") for development of real property located at 20601 S. Main Street and legally described in Exhibit "A" attached hereto, requesting approval of Design Overlay Review No. 1745-18, Conditional Use Permit No. 1074-18 and Specific Plan No. 18-18, with the expectation that Developer would follow up with applications for a General Plan Amendment and Development Agreement, to construct a 53,550 square foot tilt-up warehouse and office building and 475 temporary truck and container parking spaces, in connection with development of a Cargo Container Parking facility. On May 26, 2020, Developer submitted applications for General Plan Amendment No. 108-18 and Entitlement Agreement No. 24-18 in connection with such proposed project ("Project"); and

**WHEREAS**, after notice of the time, place and purpose of the public hearing was duly given, the Planning Commission held a public hearing and heard testimony and considered all factors both oral and written on the 27th day of May, 2020 and the 29th day of July, 2020, to consider Developer's applications. Following such public hearing, on July 29, 2020, the Planning Commission approved Design Overlay Review No. 1745-18 and Conditional Use Permit No. 1074-18, and recommended that the City Council approve Specific Plan No. 18-18, General Plan Amendment No. 108-18, Entitlement Agreement No. 24-18, and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, subject to specified conditions of approval; and

**WHEREAS**, the City Council desires, by this Resolution, to affirm the Planning Commission's approval of Conditional Use Permit No. 1074-18, and to approve Specific Plan No. 18-18, General Plan Amendment No. 108-18, and the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, subject to specified conditions of approval, it being understood that Entitlement Agreement No. 24-18 will be approved separately by ordinance pursuant to Section 65864 *et seq.* of the California Government Code ("Ordinance No. 20-2014").

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

**SECTION 1.** The foregoing recitals are true and correct, and are incorporated herein by reference.

**EXHIBIT NO. 2**

**SECTION 2.** The City Council finds as follows:

**1.** With respect to **Specific Plan (SP) No. 18-18**, KL Fenix Cargo Container Parking Specific Plan, dated July 2020, the City Council finds that:

a) The Specific Plan does fully comply with the requirements of California Government Code Section 65451 in that it contains text and diagram(s) specifying in detail:

- i. The proposed distribution, location, extent and intensity of major components of public and private transportation, sewage, water, drainage, solid waste disposal, energy and other essential facilities proposed to be located within the area covered by the Plan and needed to support the land uses as described in the Specific Plan. The Specific Plan includes Section VI (Building Form and Design Guidelines), Section IX (Traffic, Circulation and Parking Demand Management) and Section X (Sustainability Features), which are among the sections that address these concepts.
- ii. A program of implementation measures including regulations, programs, public works projects and financing measures necessary to carry out the project. The proposed Specific Plan includes Section XI (Implementation) which is among the sections that address these concepts.
- iii. Standards and criteria by which development will proceed, and standards for the conservation, development and utilization of natural resources, where applicable. The proposed Specific Plan includes Section V (Specific Plan Development Standards), Section VI (Building Form and Design Guidelines), Section VIII (Landscape Guidelines) and Section X (Sustainability Features), which are among the sections that address these concepts.
- iv. The relationship of the Specific Plan to the General Plan. Section IV (Relationship to the City's General Plan and Zoning Ordinance) of the Specific Plan contains an analysis of the consistency between the proposed Project, including the Specific Plan and the proposed General Plan Amendment. The Planning Commission has reviewed the analysis and determined that consistency between the Specific Plan and the General Plan Amendment is established.
- v. The distribution, location, and extent of the uses of land, including open space, within the area covered by the Specific Plan. Section I (Introduction & Project Description) and Section II (Existing & Surround Area) of the proposed Specific Plan provide descriptions, text and exhibits that outline the areas covered by the plan, and the goals and objectives of the plan.

b) The Specific Plan is consistent with the General Plan, as amended pursuant to General Plan Amendment No. 108-18. Section IV (Relationship to the City's General Plan and Zoning Ordinance) of the Specific Plan contains an analysis of the consistency between the proposed Project, including the Specific Plan, and the proposed General Plan Amendment. The Planning Commission has reviewed the analysis and determined that consistency between the Specific Plan and the General Plan Amendment is established.

2. With respect to **General Plan Amendment No. 108-18**, the City Council finds that:

a) The proposed General Plan Amendment is consistent with the City's General Plan goals and policies. The proposed project advances the General Plan's goals and policies related to land use, transportation and economic development.

- i. The proposed project supports General Plan goal LU-14 by making productive reuse of a brownfield site as Developer seeks to construct upon the site a 53,550 square foot tilt-up warehouse and office building, and 75 truck parking spaces and 400 container parking spaces, in connection with development of a Cargo Container Parking facility. The facility would be used to mobilize both imported and exported goods that pass through the Ports of Los Angeles and Long Beach.
- ii. The proposed project supports General Plan goal ED-11 by adapting reuse and redevelopment of "brownfields" as Developer seeks to construct upon the site a 53,550 square foot tilt-up warehouse and office building, and 75 truck parking spaces and 400 container parking spaces, in connection with development of a Cargo Container Parking facility. The facility would be used to mobilize both imported and exported goods that pass through the Ports of Los Angeles and Long Beach.
- iii. The proposed project supports General Plan policy TI-1.3 by ensuring that the City's designated truck routes provide efficient access to and from the I-110 Freeway as the project will require all truck access to and from the site to be via Figueroa Street. The property is located off of Figueroa Street directly across the street from the I-110 Freeway.
- iv. The proposed project supports General Plan policy TI-3.2 by creating disincentives for traffic traveling through neighborhoods, without impacting adjacent residential streets, as the project will require all truck access to and from the site to be via Figueroa Street, away from and not impacting residential neighborhoods. The property is located off of Figueroa Street directly across the street from the I-110 Freeway.

b) The General Plan Amendment will ensure consistency between the KL Fenix Cargo Container Parking Specific Plan and the General Plan. The General Plan amendment will establish a "Heavy Industrial" Land Use Designation for the KL Fenix Cargo Container Parking Specific Plan area to replace the site's existing Mixed-Use Business Park General Plan designations. The Specific Plan is consistent with the General Plan Land Use Element goals, policies and objectives.

**SECTION 3.** The City Council finds that the proposed project, as mitigated pursuant to the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program for the Project, which are available for public review at <http://ci.carson.ca.us/CommunityDevelopment/Billboards.aspx> and are incorporated into this Resolution by reference ("MND"), will not have a significant effect on the environment.

**SECTION 4.** The City Council of the City of Carson, based on the findings set forth above, does hereby (1) approve General Plan Amendment No. 108-18, (2) approve Specific Plan

No. 18-18, and (3) approve the MND, subject to the Conditions of Approval set forth in Exhibit "B" attached hereto and incorporated herein by reference.

**SECTION 5.** Pursuant to CMC Sections 9141.12(A) and (B), the Secretary of the Planning Commission was directed to refer the Planning Commission's Resolution approving Conditional Use Permit (CUP) No. 1074-18 ("Planning Commission CUP Resolution") to the City Council for review as if an appeal had been filed pursuant to CMC Section 9173.4. Based on the written findings set forth in the Planning Commission CUP Resolution, which the City Council hereby adopts as its own independent written findings, the City Council does hereby affirm Planning Commission's decision to approve Conditional Use Permit No. 1074-18. As a condition precedent to use of the subject property under Conditional Use Permit No. 1074-18, Conditional Use Permit No. 1074-18 requires approval by the Building and Safety Division and the City Council of a report submitted by Developer pursuant to the applicable provisions of the Building Code, prepared by a licensed civil engineer designated by Developer and approved by the City, which shall provide and include plans for a protective system or systems designated to eliminate or mitigate the potential hazards and environmental risks associated with the proposed use. The Building Official's approval shall be submitted to the City Council for final approval which will be in the discretion of the Council.

**SECTION 6.** The City Council declares that, should any provision, section, paragraph, sentence or word of this Resolution be rendered or declared invalid by any final court action in a court of competent jurisdiction or by reason of any preemptive legislation, the remaining provisions, sections, paragraphs, sentences or words of this Resolution as hereby adopted shall remain in full force and effect.

**SECTION 7.** The City Clerk shall certify to the adoption of this Resolution and enter it into the book of original Resolutions.

**SECTION 8.** This Resolution shall become effective on the date Ordinance No. 20-2014 becomes effective.

PASSED, APPROVED AND ADOPTED this 17th day of November, 2020.

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Albert Robles, Mayor

ATTEST:

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Donesia Gause-Aldana, City Clerk

STATE OF CALIFORNIA            )  
COUNTY OF LOS ANGELES    ) SS:  
CITY OF CARSON                )

I, Donesia Gause-Aldana, City Clerk of the City of Carson, do hereby certify that the foregoing Resolution, being Resolution No. was passed and approved by the City Council of the City of Carson, at a regular meeting of said Council held on November 17, 2020 and that said Resolution was adopted by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Donesia Gause-Aldana, City Clerk

## **EXHIBIT "A"**

### **LEGAL DESCRIPTION**

PARCEL 4, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 62 PAGE 68 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXCEPTING FROM THAT PORTION INCLUDED WITHIN LOTS 38, 39, AND 44 OF TRACT NO. 6378, ALL OIL, GAS, HYDROCARBON SUBSTANCES AND OTHER MINERALS IN AND UNDER SAID LAND WITH THE RIGHT TO DRILL FOR, MINE, EXTRACT, TAKE, AND REMOVE THE SAME FROM ANY WELLS OR SHAFTS LOCATED ON ANY LAND ADJACENT TO THE ABOVE DESCRIBED LAND WITHOUT ACCOUNTING TO THE GRANTEE FOR ANY RENTALS, ROYALTIES OR PROCEEDS FROM THE SALE OF SUCH MINERALS, AS RESERVED IN DEED FROM SUNSET OIL COMPANY, RECORDED AUGUST 2, 1944 IN BOOK 20925, PAGE 72 OF OFFICIAL RECORDS.

ALSO EXCEPT ALL OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES AND ALL OTHER MINERALS IN AND UNDER SAID LAND (EXCEPT THE SOUTH 350 FEET OF LOTS 36 AND 37), AS RESERVED BY SUNSET OIL COMPANY, A CORPORATION IN DEED RECORDED JULY 1, 1955 IN BOOK 48230, PAGE 289 OF OFFICIAL RECORDS AND BY SUNSET INTERNATIONAL PETROLEUM CORPORATION, A CORPORATION IN DEED RECORDED JULY 20, 1960 IN BOOK D-916 PAGE 193 OF OFFICIAL RECORDS.

ALSO EXCEPT FROM SAID LAND THAT PORTION LYING WITHIN THE LINES OF LOT 91 TRACT NO. 4671, ALL OIL, GAS, PETROLEUM AND OTHER HYDROCARBON SUBSTANCES WHICH LIE BELOW A PLANE OF 500 FEET FROM THE SURFACE OF SAID LAND AS EXCEPTED IN THE DEED FROM DEL AMO ESTATE COMPANY, A CORPORATION, RECORDED NOVEMBER 8, 1963 IN BOOK D-2250 PAGE 748 OF OFFICIAL RECORDS.

ASSESSOR'S PARCEL NUMBER: 7336-003043

**EXHIBIT “B”**  
**CONDITIONS OF APPROVAL**  
**SEE ATTACHED**

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

**EXHIBIT "B"  
CONDITIONS OF APPROVAL  
DESIGN OVERLAY REVIEW NO. 1745-18, CONDITIONAL USE PERMIT NO. 1074-  
18, SPECIFIC PLAN 18-18, GENERAL PLAN AMENDMENT NO. 108-18 AND  
ENTITLEMENT AGREEMENT 24-18**

**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 \$729.52 per truck/container space. 2.56 per square foot of building constructed as stipulated in the Entitlement Agreement. The Developer will be responsible for development impact fees of \$217,396.96 (\$729.52 X 298 truck/container spaces). 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 and are based on the DIF in effect at the time the building permits are issued. 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:*** 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 law enforcement, street and sidewalk maintenance, landscape maintenance, street sweeping and sidewalk cleaning, and other eligible impacts of the Project within the CFD (the CFD Services). A uniformed-standardized 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 rate established in the Resolution and FIA report. Based on the adopted Resolution, the subject property falls under "Other Industrial Zones" with a rate of \$480.75 per acre per year through June 30, 2021. Based on a 14.33 acres total site area, the current estimated annual amount for ongoing services is \$6,889.15, subject to annual adjustments. The final CFD rates are based on the rates in effect at the time the building permits are issued.

Prior to building permit issuance, Developer shall demonstrate compliance under this section either through: 1) Annexing into a City CFD or 2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City. See the



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

3. If a building permit for Site Plan and Design Review No. 1745-18, Conditional Use Permit No. 1074-18, Specific Plan 18-18, General Plan Amendment No. 108-18 and Development Agreement No. 24-18 is not issued within **two years** of the effective date of the approved Planning Commission Resolution, said permit shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
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 architectural plans (including Site Plan & Elevations) and revised Specific Plan incorporating all the Conditions of Approval to be reviewed and approved by the Planning Division prior to scheduling the project for City Council hearing unless explicitly specified herein.**
6. **The permits for the warehouse structure and the Cargo Container Parking Facility shall be issued concurrently. The warehouse structure and the Cargo Container Parking Facility shall be constructed and completed concurrently. The certificate of occupancy or the final for the warehouse structure and the Cargo Container Parking Facility shall be issued concurrently (Adopted by Planning Commission as recommended by Staff at the July 29, 2020 hearing).**
7. Developer shall comply with all city, county, state and federal regulations applicable to this project.
8. 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.
9. The applicant and property owner shall sign an Affidavit of Acceptance form and submit the document to the Planning Division within 30 days of City Council approval.
10. 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.
11. 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.
12. 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.
13. 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.

14. Deposit Account. A trust deposit account shall be established prior to issuance of building permits 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.
15. 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. SITE PLAN**

16. ~~The project is restricted to a maximum of 223 container parking spaces and 75 truck spaces for a total of 298 truck and container parking spaces. Such spaces shall be striped and clearly marked by the Developer for the purposes of this project. A revised site plan shall be submitted prior to issuance of any permits to implement these requirements and ensure proper on-site circulation and fencing for the 150’ buffer area to ensure the area is not used to park trucks and containers.~~ (Eliminated by the approval of the Planning Commission, July 29, 2020).
17. ~~Any portion of the Site not striped shall be considered undeveloped and shall not be used by the Developer for any purpose.~~ (Eliminated by the approval of the Planning Commission, July 29, 2020)
18. Pursuant to CMC Sections 9141.12(A) and (B), the Building and Safety Division and the City Council must approve a report submitted by Developer pursuant to the applicable provisions of the Building Code, prepared by a licensed civil engineer designated by Developer and approved by the City, which shall provide and include plans for a protective system or systems designated to eliminate or mitigate the potential hazards

and environmental risks associated with the proposed use. The Developer shall submit such a report for review and approval by Building Official prior to issuance of any permits. The Building Official's approval shall be submitted to the City Council for final approval which will be in the discretion of the Council, and shall have to be obtained prior to Certificate of Occupancy on the project.

19. Developer shall submit a revised Site Plan to Planning Division for review and approval before scheduling the project for City Council hearing and shall include the following:
  - a. Maneuverability of trucks docking at dock door numbers 5 & 6 by superimposing the truck turning template on the Site Plan (Addressed by applicant post Planning Commission decision);
  - b. Redesigning the Figueroa Street entrance to align it with the on and off-ramp for northbound I-110 and include a median to provide separation for incoming and out-going truck traffic per comments received from CalTrans and ensure proper on-site circulation;
  - c. The project's gated driveway on Figueroa Street shall
    - ~~Either remain open at all times during the truck operating hours~~
    - ~~Or be open from dawn through dusk and allowed to close during the night hours provided at least one truck length of stacking area is designed before the gates to allow for waiting of incoming trucks.~~ (Addressed by applicant post Planning Commission decision)
20. Developer shall provide a written statement from Caltrans confirming the location and design of Figueroa Street driveway is to the satisfaction of Caltrans before issuance of a grading permit.

### **III. AESTHETICS**

21. Developer shall hire a licensed architect familiar with this type of project to address all the comments of City's Design Consultants. Such revised Plans and Elevations shall be submitted to the Planning Division for approval prior to submitting for Building Plan Check.
- ~~22. A revised material board and a rendering of the project elevations shall be Planning Division for approval prior to scheduling the project for City Council hearing.~~ (Addressed by applicant post Planning Commission decision)
23. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
24. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division prior to issuance of building permits.
25. 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.).
26. 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.

27. No outdoor storage of materials shall be permitted on the property at any time.
28. Developer shall install one artistic piece along Main Street prior to issuance of occupancy permits and shall provide details for the same to Planning Division for review and approval prior to issuance of any permits. In case of disagreement on this matter, an in-lieu fee to cover the cost of the artistic piece shall be paid by applicant before the issuance of any permits. The fee shall be one percent (1%) of the estimated value of the project. The current estimated value of the project is \$4.5 Million.

#### **IV. FENCE/WALLS**

29. 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.
30. **A color and material board for the proposed fencing and walls shall be submitted to Planning Division for approval prior to scheduling for City Council.**
31. **An 8-foot high concrete panel wall shall be installed at the northern and southern perimeter of the property, in conformance to the approved revised Site Plan, Specific Plan, color and materials prior to issuance of certificate of occupancy.**
32. **Developer shall provide a letter of clearance from the LA County Flood Control District for the project including but not limited to the construction of Northern property line wall prior to issuance of any permits associated with the property.**
33. **An 8-foot high wrought-iron fence shall be installed prior to issuance of Certificate of occupancy along east property line adjacent to Main Street, in conformance to the approved revised Site Plan, Specific Plan, color and materials.**
34. **An 8-foot high concrete panel wall and an 8-foot wrought-iron gate shall be installed prior to issuance of Certificate of occupancy along west property line adjacent to Figueroa Street, in conformance to the approved revised Site Plan, Specific Plan, color and materials.**
35. ~~An 8-foot high fence spanning East-West, from Figueroa Street to the Warehouse building, shall be installed prior to issuance of Certificate of occupancy along the last truck/container parking spaces, at least 150 feet from the Southern property line in conformance to the approved revised Site Plan, Specific Plan, color and materials and verified by the Community Development Director.~~ (Eliminated by the approval of the Planning Commission, July 29, 2020)

#### **V. LANDSCAPE/IRRIGATION**

36. 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.
37. 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.
38. The proposed irrigation system shall include best water conservation practices.

39. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
40. **All new and retrofitted landscape area of 500 square feet or greater (in the aggregate) is subject to the Model Water Efficient Landscape Ordinance (MWELo) per Department of Water Resources (Chapter 2.7 of Division 2 of Title 23 of the California Code of Regulations).**
41. Maintenance and repair of all landscaping shall be the responsibility of Developer.
42. 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 **in conformance to the approved revised Site Plan, Specific Plan, color and materials.**
43. **All on-site trees shall be planted at 25-foot to center.**
44. **Additional on-site landscaping shall be provided to adequately screen the Cargo Container parking areas from I-110 off-ramp and North and Southbound Figueroa Street and to the satisfaction of Planning Division prior to issuance of any permits.**
45. **Developer shall submit a proposed, future Site Plan and landscape plan for review by Planning Division for approval prior to issuance of any permits in the event that the Cargo Container Parking use and spaces have to cease operating (Added by Staff pursuant to the approval of Planning Commission, July 29, 2020).**

## **VI. LIGHTING**

46. Developer shall provide adequate lighting for the parking areas and provide a lighting plan prior to issuance of any permits. The applicant shall demonstrate how the light poles will be installed on the former landfill site.
47. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
48. 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**

49. All driveways shall remain clear. No encroachment into driveways shall be permitted.
50. **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.**
51. ~~Any portion of the Site not stripped shall be considered undeveloped and shall not be used by the Developer for any purpose.~~ (Eliminated by the approval of the Planning Commission, July 29, 2020)
52. No stacking of containers shall be permitted on site.
53. No containers shall be permitted to be placed on the ground. All containers shall remain on the trailer unit at all times.
54. **No on-street parking shall be permitted along the frontage of the property on both Main Street and Figueroa Street.**

## **VIII. SIGNAGE**

- 55. The project shall apply for a Sign Program to allow for any proposed signage on the property. Such a Sign Program shall be filed and approved prior to any permit issuance.
- 56. No signage shall be approved as part of this approval including the “City of Carson” monument sign along Figueroa Street.

## **IX. AIR QUALITY**

- 57. All of Developer’s trucks shall be in compliance with the Port of Los Angeles and Port of Long Beach air quality standards.

## **X. TRASH**

- 58. Trash collection from the project site shall comply with the requirements of the City’s trash collection company.

## **XI. UTILITIES**

- 59. 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.
- 60. 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 prior to issuance of Certificate of Occupancy.

## **XII. PROJECT OPERATIONS**

- 61. Truck Operation hours will be limited to M-F 6 am – 2 am, Sat 6 am – 6 pm and shall remain closed on Sunday.
- 62. In the event a residential or commercial development is built on the adjacent surrounding parcels, all Cargo Container operations shall cease within 60 days from the date of notice by the City or any third party after the issuance of building permits for the surrounding parcel(s). (Modified by the approval of the Planning Commission, July 29, 2020).
- 63. In the event of cessation of the Cargo Container use, all 475 spaces shall be fenced-off, with the exception of a drive-aisle to access the warehouse use, and the Site area associated with the Cargo Container use shall be landscaped in a way to effectively stop possible use of the site as a cargo container parking facility, and maintained by the Developer. (Added by Staff pursuant to the approval of Planning Commission, July 29, 2020).

## **XIII. ENTITLEMENT AGREEMENT**

- 64. The project is also conditioned to meet all the terms and conditions as set forth by the Entitlement Agreement (DA 24-18) and incorporated herein by reference.

## **XIV. SPECIFIC PLAN**

- 65. The Developer shall submit a revised Specific Plan prepared by a professional planning firm incorporating all the Entitlement Agreement 24-18 terms and conditions, the conditions presented in this document and the following additional corrections before the scheduling of this project to City Council:

- a. Change language in Chapter V (A) prohibiting uses not specifically listed as permitted uses in the Specific Plan.
- b. Add setback requirements from Southern property line for Building and dock doors Chapter V (D).
- c. Edit Chapter XI to include a discussion on the temporary nature of this use and describing the process for modification or termination of the Specific Plan if the proposed use ceases to exist.

**XV. BUILDING AND SAFETY DIVISION**

- 66. Applicant shall submit development plans for plan check review and approval.
- 67. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.
- 68. 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.
- 69. A graywater system shall be required per section 304.1 of the 2020 County of LA plumbing code.
- 70. Site location will require a submitted to Environmental Programs Division for Methane Mitigation due to location from/within a Landfill.

**XVI. FIRE DEPARTMENT**

- 71. **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.**

**XVII. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON**

- 72. 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.
- 73. A construction permit is required for any work to be done in the public right-of-way.
- 74. 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.
- 75. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to issuance of any permit by Engineering Division.
- 76. 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.
- 77. 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.

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

- 78. 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.

79. Per City of Carson Municipal Code Section 5809(d)(2), Developer shall comply with the requirement that all street and road construction of 10,000 sq. ft. or more of impervious surface shall follow USEPA Guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets.
80. **Due to the adjacency of the project to Torrance Lateral, Developer shall design the Low Impact Development (LID) plan to mitigate stormwater in a way so as to capture and treat the water on-site, ensuring compliance with the National Pollutant Elimination System (NPDES) permit, City's Total Maximum Daily Loads (TMDL's) and zero effluent limits and to the satisfaction of the City Engineer.**
81. Developer shall apply for a Construction Activities Stormwater General Permit from the State Water Resources Control Board.
82. Developer shall provide a copy of an approved SWPPP stamped by Los Angeles County Building and Safety Division along with WDID number.
83. 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.
84. 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, and shall deliver a copy to Julio Gonzalez via E-mail JGonzalez@Carson.ca.us.
85. Developer shall complete, sign and return the Stormwater Planning Program LID Plan Checklist form and return to City of Carson Engineering Services Division.
86. 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.
87. If or when required, as determined by the City Engineer, provide CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities.
88. 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.
89. 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.
90. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City or other appropriate agency or entity.
91. 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 Main Street and Figueroa Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
- b. Install sidewalk along Main Street and Figueroa Street abutting this proposed development per City of Carson PW Standard Drawing No. 117
- c. **Remove existing street trees within public right of way on Main Street and Figueroa Street abutting this proposed development.**
- d. **Plant approved parkway trees on locations where trees in the public right of way along Main Street and Figueroa Street abutting this proposed development are missing, 25ft on center, per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.**
  - i. **Along Figueroa Street replace existing trees with Strawberry Tree – *Arbutus unedo*/'Marina'**
  - ii. **Along Main Street replace existing trees with a combination of *Lophostemon conferta* and *Lagerstroemia indica* hybrid 'Muskogee'**
- e. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Main Street and Figueroa Street abutting this proposed development.
- f. Install new curb and gutter per City of Carson PW Standard Drawing No 108A along Main Street and Figueroa Street abutting the proposed development.
- g. Fill in any missing sidewalk within the public right of way along Main Street and Figueroa Street abutting this proposed development
- h. Remove and replace any broken/damaged driveway approach within the public right of way along Main Street and Figueroa Street abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
- i. Remove unused driveway approach if any, within the public right of way along Main Street and Figueroa 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.
- j. The developer shall modify existing driveways within the public right of way along Main Street and Figueroa Street abutting this proposed development per City of Carson PW Standard Drawings to comply with the ADA requirements and to the satisfaction of the City Engineer.
- k. 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.
- l. **Developer shall construct a left-turn pocket on South-bound Figueroa to allow for truck access on the project site per City of Carson PW Standard Drawings and to the satisfaction of the City Traffic Engineer.**
- m. Install/Modify existing raised landscaped median along the Main Street and Figueroa Street to the satisfaction of the City Engineer.
- n. Install striping and pavement legend per City of Carson PW Standard Drawings.

- o. Paint Curbs Red along Main Street and Figueroa Street within or abutting this proposed development. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
  - p. The developer shall grind and overlay the top 2" of asphalt on Main Street and Figueroa Street directly abutting the development from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer.
  - q. Sewer Main Improvements (if any) along Main Street and Figueroa Street as determined by the aforementioned sewer area study.
  - r. Storm Drain Improvements (if any) along Main Street and Figueroa Street as determined by the aforementioned requirement.
92. 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.
93. **Developer shall comply with any mitigation measures or improvements as required by the California Department of Transportation (Caltrans) as a part of this proposed development. Developer shall work with Caltrans directly and coordinate offsite improvements with City of Carson conditions of approval. Developer shall provide a written statement from Caltrans confirming required mitigation measures have been met to the satisfaction of Caltrans before issuance of a certificate of occupancy.**
94. **All existing overhead utility lines, including Telecommunication lines, 12 kilovolts and less along Main Street and Figueroa Street shall be underground to the satisfaction of the City Engineer.**

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

- 95. 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.
- 96. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Sustainability Administrator, Julio Gonzalez at [jgonzale@carson.ca.us](mailto:jgonzale@carson.ca.us)
- 97. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.
- 98. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
- 99. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
- 100. Developer shall provide an approved Notice of Termination (NOT) by the State Water Resources Control Board.

101. 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.
102. 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.
103. 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.
104. 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.
105. All new utility lines servicing the proposed development shall be underground to the satisfaction of the City Engineer.
106. 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.
107. 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.
108. 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.

#### **XVIII. BUSINESS LICENSE**

109. 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.

#### **XIX. MITIGATION MEASURES**

110. ***Air Quality.*** MM-AQ-1: To reduce the potential for health risks as a result of construction of the project, the applicant shall:
  - a. Prior to the start of construction activities, the project applicant, or its designee, shall ensure that all 75 horsepower or greater diesel-powered equipment are powered with California Air Resources Board–certified Tier 4 Interim engines, except where the project applicant establishes to the satisfaction of the City of Carson that Tier 4 Interim equipment is not available.
  - b. All other diesel-powered construction equipment will be classified as Tier 3 or higher, at a minimum, except where the project applicant establishes to the satisfaction of the City of Carson that Tier 3 equipment is not available.

In the case where the applicant is unable to secure a piece of equipment that meets the Tier 4 Interim requirement, the applicant may upgrade another piece of equipment to compensate (from Tier 4 Interim to Tier 4 Final). Engine Tier requirements in accordance with this measure shall be incorporated on all construction plans.

111. ***Cultural Resources.*** MM-CUL-1: If archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending on the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may be warranted.
112. ***Geology and Soils.*** MM-GEO-1: If excavations reach depths below human-transported fill materials, a qualified paleontologist meeting the 2010 Society of Vertebrate Paleontologists (SVP) standards should be retained to determine when and where paleontological monitoring is warranted. The qualified paleontologist or a qualified paleontological monitor meeting the 2010 SVP standards under the direction of the qualified paleontologist shall conduct the paleontological monitoring. If the sediments are determined by the qualified paleontologist to be too young or too coarse-grained to likely preserve paleontological resources, the qualified paleontologist can reduce or terminate monitoring per the 2010 SVP guidelines and based on the excavations remaining for the project.
113. ***Hazards and Hazardous Materials.***
  - a. MM-HAZ-1: Prior to, during, and following construction of the project, specified programs and actions recommended in the remedial action plan (RAP) and approved by the Department of Toxic Substances Control (DTSC) shall be implemented in accordance with the RAP. Any potential variation to the RAP's recommendations shall be discussed with and approved by the DTSC prior to implementation. Evidence of compliance with the RAP shall be provided in a timely manner to the City of Carson and available to review in the project file.
  - b. MM-HAZ-2: Before issuance of a grading permit, a licensed contractor shall prepare a hazardous materials contingency plan (HMCP) and submit the plan to the City of Carson. The purpose of the HMCP is to protect on-site construction workers and off-site receptors in the vicinity of the construction site. The HMCP shall describe the practices and procedures to be implemented to protect worker health in the event of an accidental release of hazardous materials, or if previously undiscovered hazardous materials are encountered during construction. The HMCP shall include items such as spill prevention, cleanup, and evacuation procedures. The HMCP shall help protect the public and workers by providing procedures and contingencies to help reduce exposure to hazardous materials.
  - c. MM-HAZ-3: The proposed warehouse/office building and any other on-site habitable structure shall include a vapor mitigation system such as a vapor barrier, passive venting, and/or similar method. The design of the vapor mitigation system shall be approved by the Department of Toxic Substances Control (DTSC) as part of DTSC's review of the remedial action plan (RAP) and any approved variations to the RAP.

Evidence of installation of the vapor mitigation system shall be provided to the City of Carson within 2 weeks of the completion of installation.

DTSC-approved performance measures shall be established to ensure that the vapor mitigation system is operating correctly and preventing unacceptable volatile chemical concentrations from migrating up and into the overlying structure. An operations and maintenance plan shall be prepared that identifies the performance measures and shall state the methods by which the performance goals will be tested and verified.

114. *Noise.*

- a. MM-NOI-1: At least 30 days prior to commencement of construction, the contractor shall provide written notice to all residential property owners and tenants within 300 feet of the project site that proposed construction activities could affect outdoor or indoor living areas. The notice shall contain a description of the project, a construction schedule including days and hours of construction, and a description of noise-reduction measures.
- b. MM-NOI-2: Noise-generating construction activities (which may include preparation for construction work) shall be permitted weekdays between 7:00 a.m. and 6:00 p.m., excluding federal holidays. When a holiday falls on a Saturday or Sunday, the preceding Friday or following Monday, respectively, shall be observed as a legal holiday.
- c. MM-NOI-3: Stationary construction equipment that generates noise that exceeds 85 A-weighted decibels at the property boundaries shall be shielded with a barrier that meets a Sound Transmission Class rating of 25.
- d. MM-NOI-4: All construction equipment powered by internal combustion engines shall be properly muffled and maintained. No internal combustion engine shall be operated on the site without a muffler. All diesel equipment shall be operated with closed engine doors and shall be equipped with factory recommended mufflers. Unnecessary idling of internal combustion engines shall be prohibited.
- e. MM-NOI-5: Air compressors and generators used for construction shall be surrounded by temporary acoustical shelters. Whenever feasible, electrical power shall be used to run air compressors and similar power tools.
- f. MM-NOI-6: A temporary construction sound barrier wall shall be installed along the easterly and southerly project site boundaries. Entry gates for construction vehicles shall be closed when vehicles are not entering or exiting the site. The barrier shall be made of sound-attenuating material (not landscaping). To effectively reduce sound transmission through the barrier, the material chosen must be rigid and sufficiently dense (at least 20 kilograms per square meter). All noise barrier material types are equally effective, acoustically, if they have this density. For example, 5/8-inch plywood, mounted with no gaps between adjacent sheets, would be of sufficient density to achieve the target attenuation. The barrier shall be 8 feet in height from the ground surface on the construction side of the wall to achieve the goal of blocking direct line of sight to the adjacent residence windows. It is estimated that a noise barrier of the prescribed density would reduce average noise levels to sensitive receptors by approximately 8 A-weighted decibels or more by blocking direct line of sight to ground-level receptors.

115. **Transportation.** MM-TRA-1: Prior to the issuance of the first building permit, the project applicant shall coordinate with the California Department of Transportation (Caltrans) and the City on the redesign of the Figueroa Street/Interstate (I-) 110 northbound ramps intersection to ensure adequate and safe operation at the intersection and project access. The intersection modification shall involve the consolidation of the two project driveways currently proposed along Figueroa Street into a single driveway that is aligned with the present location of the I-110 on- and off ramps (i.e., creation of new east leg of the intersection) or other designs acceptable to Caltrans. The required improvement shall be installed and operational to the satisfaction of Caltrans and the City prior to issuance of the first Certificate of Occupancy.
116. **Tribal Cultural Resources.** MM-CUL-1: If archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards, can evaluate the significance of the find and determine whether or not additional study is warranted. Depending on the significance of the find under the California Environmental Quality Act (CEQA) (14 CCR 15064.5[f]; California Public Resources Code, Section 21082), the archaeologist may simply record the find and allow work to continue. If the discovery proves significant under CEQA, additional work, such as preparation of an archaeological treatment plan and data recovery, may be warranted.