

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 12-\_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT, ADOPTING THE FINDINGS OF FACT, STATEMENT OF OVERRIDING CONSIDERATIONS, MITIGATION MONITORING AND REPORTING PROGRAM, APPROVING DESIGN OVERLAY REVIEW NO. 1441-11 AND CONDITIONAL USE PERMIT NOS. 889-11 AND 891-11, AND RECOMMENDING TO THE CITY COUNCIL APPROVAL OF CONDITIONAL USE PERMIT NO. 890-11 AND ZONE CHANGE CASE NO. 168-12 FOR THE PORSCHE EXPERIENCE DRIVING CENTER PROJECT ON A 53-ACRE SITE LOCATED AT 19220 S. MAIN STREET**

**THE PLANNING COMMISSION OF THE CITY OF CARSON HEREBY FINDS, RESOLVES AND ORDERS AS FOLLOWS:**

**Section 1.** An application was duly filed by the applicants, Porsche Cars of North America and Watson Land Company, with respect to real property consisting of 53 acres located generally southwest of the I-405 freeway, north of Del Amo Boulevard and east of Main Street (the "Site"). The Site is shown in Exhibit "A" attached hereto and described more fully in the Environmental Impact Report ("EIR"). The proposed project is for a driver training facility which includes two handling courses, an acceleration/deceleration area, a "kick plate" area, an off-road course, an ice/low-friction course, and a second low-friction course. One 65,000-square-foot building would be developed with two levels and includes a museum, restaurant, retail and office spaces, classroom space, "client appreciation area," client lounge, and a "human performance center" that would emphasize proper driving posture and test driver vision and coordination. The applicant requests the following approvals:

- Design Overlay Review No. 1441-11 for site plan and design review of the proposed project subject to Section 9172.23 of the Carson Municipal Code (CMC);
- Conditional Use Permit No. 889-11 to operate a driver training facility on the Site as required in Section 9131.1 of the CMC and subject to the requirements of Section 9172.21 of the CMC;
- Conditional Use Permit No. 890-11 to develop an inactive landfill in the Organic Refuse Landfill (ORL) overlay district as required by Sections 9131.12 and 9141.12 of the CMC and subject to the requirements of Section 9172.21 of the CMC;
- Conditional Use Permit No. 891-11 for import or export of up to 200,000 cubic yards of soil as required by Section 9166.1 and 9166.2 of the CMC and subject to the requirements of Section 9172.21 of the CMC; and
- Zone Change Case No. 168-12 to change the zoning from CG-D-ORL (General, Commercial – Design Overlay – Organic Refuse Landfill) and ML-D-ORL (Manufacturing, Light – Design Overlay – Organic Refuse Landfill) to CR-D-ORL (Commercial, Regional – Design Overlay – Organic Refuse Landfill) subject to the requirements of Section 9172.13 of the CMC.

A Draft Focused Feasibility Study/Remedial Action Plan (FFS/RAP) for the project site was prepared on behalf of the current property owner, Watson Land Company, by ERM-West, Inc. The purpose of the FFS/RAP was to identify and evaluate remedial alternatives and present the property owner's preferred remedial action addressing the landfill cover and gas control systems for the soil and waste prism (including landfill gas) components at the project site. The FFS/RAP was reviewed by the California Department of Toxic Substance Control (DTSC) and has been preliminarily approved. The FFS/RAP describes various alternatives to remediate the project site and provides a number of methodologies to accomplish the remediation activities including, institutional and engineering controls, prescriptive and alternative landfill covers, and a landfill gas control system. The project site has a General Plan land use designation of Mixed Use - Business Park, and is zoned with a combination of General Commercial and Light Manufacturing, along with "ORL" (Organic Refuse Landfill) and "D" (Design Review) overlays.

A duly noticed Planning Commission public hearing was held on October 23, 2012 at 6:30 P.M. at the City Hall Council Chambers, 701 East Carson Street, Carson, California. A notice of the time, place and purpose of the aforesaid workshop was duly given.

**Section 2.** Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

**Section 3.** The City of Carson ("Agency") is the lead agency under the California Environmental Quality Act ("CEQA") for approval of the proposed project and preparation of the EIR, and is also the approving authority for the Design Overlay Review and Conditional Use Permits and Zone Change (Zone Change Case No. 168-12 map, attached hereto as Exhibit "B"). The Department of Toxic Substance Control (DTSC) is a responsible agency under CEQA for approval of the Remedial Action Plan (RAP).

**Section 4.** The Planning Commission finds that:

- a) The Site is located within an area suitable for the proposed driving skill course and will not operate as a race course. The building will house a variety of uses that will support the driving skill course and provide restaurant and meeting space available to the general public. The proposed project will create a showcase for the applicant to display, test drive and market Porsche vehicles, accessories and specialty parts.
- b) The proposed Project, with the additional conditions attached hereto, will further the public health, safety and welfare of the community through the remediation of the former BKK landfill site and reuse of the area formerly occupied by the previously demolished Don Dominguez Apartments. Following implementation of remediation activities, an existing "brownfield" will be placed into productive use.
- c) Pursuant to CMC Section 9172.13 the Planning Commission shall provide a recommendation for a zone change to the City Council based upon consistency with the General Plan. The proposed Zone Change is consistent with the General Plan in that the driving training facility is expected to be a regional commercial use in close proximity to a major freeway. Pursuant to CMC Section 9131.1, the proposed driving skill course is allowed in both the CG and CR zone districts with a conditional use permit. The proposed use and development is consistent with the General Plan which designates the subject property for Mixed Use – Business Park (MU-BP). The MU-BP designation anticipates a combination of regional commercial and business park/limited industrial uses.

- d) The proposed project is compatible with the architecture and design of existing and anticipated development in the vicinity, including site planning, land coverage, landscaping, appearance, scale of structures and open space. The proposed project replaces the existing Dominguez Golf Course. The proposed building will be located in the same location as the golf course club house and the driver training course will encompass the area of the site that was formerly the golf course, thus maintaining a similar arrangement of buildings to the current conditions. The proposed project incorporates landscape improvements, high-quality building materials and consistent integrated architecture design. Lighting for the proposed building, parking lots and driving training course will be similar to street lighting and will be directed away from all adjoining or nearby properties.
- e) The project will have adequate circulation to assure the convenience and safety of pedestrians and vehicles. The project provides 411 onsite parking spaces which exceeds the 391 spaces required by the CMC. The proposed project will have ingress and egress on Main Street. Adequate street access and traffic capacity is available on local roadways and freeways.
- f) Conditions have been included to require approval of any special events that may create an excessive demand on parking. A traffic and parking management plan will be required to provide sufficient on-site parking and to ensure that larger events do not create any negative impacts to the surrounding area.
- g) The applicant proposes a pylon sign, monument sign, and directional signs throughout the parking lot area. Wall signs will be placed on the building walls. Signage will be reviewed and approved by the Planning Division prior to installation. Signage will be designed in an attractive manner and will be located in areas that will not block view or be detrimental to motorists.
- h) The project site is located in a developed area with access to utilities. Adequate water pressure for fire protection is provided. The site plan has been reviewed by the Fire Department for adequate fire lanes and circulation. A condition has been included to require payment of a fair share to ensure that adequate fire facilities and infrastructure are in place and that all performance standards for fire protection are met.

**Section 5.** The Planning Commission further finds that the proposed project is subject to the provisions of CEQA. An environmental impact report (EIR) was prepared pursuant to Section 15161 of the CEQA Guidelines to analyze and disclose potential environmental effects associated with development and operation of the proposed project. The EIR also identified possible ways to minimize the significant impacts (referred to as mitigation) and evaluated reasonable alternatives to the project. The Planning Commission has reviewed and considered the information in the EIR and associated Findings of Fact and Statement of Overriding Considerations. Based on information set forth in the Draft EIR, the Planning Commission finds and determines that measures to mitigate certain impacts exist and are included in the Final EIR.

**Section 6.** Based on all evidence presented at the meetings and the aforementioned findings, the Planning Commission hereby takes the following actions:

- a) Certifies the EIR as having been completed in compliance with CEQA;
- b) Adopts the Findings of Fact that were prepared pursuant to Section 15091 of the CEQA Guidelines and which are attached hereto as Exhibit "C";

c) Adopts the Mitigation Monitoring and Reporting Program ("MMRP") that was prepared according to the requirements of the Public Resources Code Section 21081.6 and which is included as an appendix to the Final EIR;

d) Adopts the Statement of Overriding Considerations that was prepared pursuant to Section 15093 of the CEQA Guidelines to state the reasons for approving the proposed project although the project will result in the occurrence of significant impacts identified in the EIR. The Statement of Overriding Considerations is attached hereto as Exhibit "D"; and

e) Approves Design Overlay Review No. 1441-11 and Conditional Use Permit Nos. 889-11 and 891-11 with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "E" respectively attached hereto.

**Section 7.** Based on all evidence presented at the meetings and the aforementioned findings, the Planning Commission hereby recommends to the City Council approval of Conditional Use Permit No. 890-11 to develop an inactive landfill in the ORL overlay district and Zone Change Case No. 168-12 to change the zoning from CG-D-ORL and ML-D-ORL to CR-D-ORL for the Porsche Experience Driving Center, subject to the conditions of approval set forth in Exhibit "E" attached hereto.

**Section 8.** The Secretary shall certify to the adoption of the Resolution and shall transmit copies of the same to the applicant.

**PASSED, APPROVED AND ADOPTED THIS 23<sup>rd</sup> DAY OF October 2012.**

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**PLANNING COMMISSION CHAIR**

**ATTEST:**

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**SECRETARY**

EXHIBIT A-1

DESCRIPTION OF PROPERTY OWNED BY WATSON LAND

PARCEL 1:

THAT PORTION OF THE RANCHO SAN PEDRO, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN CASE NO. 3284 OF SUPERIOR COURT OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE EASTERLY LINE OF MAIN STREET, 80 FEET WIDE, AS SHOWN ON A RECORD OF SURVEY MAP FILED IN BOOK 53 PAGE 30 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, WITH THE NORTHERLY LINE (OR ITS PROLONGATION) OF THE STRIP OF LAND 100 FEET WIDE, DESCRIBED IN THE DEED RECORDED IN BOOK 20688 PAGE 242 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE NORTHERLY ALONG SAID MAIN STREET A DISTANCE OF 400 FEET; THENCE EASTERLY PARALLEL WITH SAID NORTHERLY LINE (OR ITS PROLONGATION) A DISTANCE OF 850 FEET; THENCE SOUTHERLY PARALLEL WITH SAID EASTERLY LINE A DISTANCE OF 400 FEET TO SAID NORTHERLY LINE (OR ITS PROLONGATION); THENCE WESTERLY ALONG SAID NORTHERLY LINE (OR ITS PROLONGATION) A DISTANCE OF 850 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHWESTERLY 10 FEET THEREOF IN MAIN STREET, AS SET OUT IN DEEDS RECORDED SEPTEMBER 3, 1965 AS INSTRUMENT NO. 3722, SEPTEMBER 5, 1979 AS INSTRUMENT NO. 79-991527 AND OCTOBER 4, 1979 AS INSTRUMENT NO. 79-1114966, ALL OF OFFICIAL RECORDS.

EXCEPT ALL MINERALS AND ALL MINERAL RIGHTS OF EVERY KIND AND CHARACTER NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED INCLUDING WITHOUT LIMITING THE GENERALITY OF THE FOREGOING, OIL, GAS, WATER AND RIGHTS THERETO, TOGETHER WITH THE SOLE, EXCLUSIVE AND PERPETUAL RIGHTS TO EXPLORE FOR, REMOVE AND DISPOSE OF SAID MINERALS BY ANY MEANS OR METHODS SUITABLE TO GRANTOR, ITS SUCCESSORS AND ASSIGNS, BUT WITHOUT ENTERING UPON OR USING THE SURFACE OF THE LANDS HEREBY CONVEYED OR ANY PORTION OF THE SUBSURFACE WITHIN FIVE HUNDRED (500) FEET OF THE SURFACE, AND IN SUCH MANNER AS NOT TO DAMAGE THE SURFACE OF SAID LANDS OR TO INTERFERE WITH THE USE THEREOF BY GRANTEE, ITS SUCCESSORS OR ASSIGNS, AS RESERVED BY DOMINGUEZ ESTATE COMPANY, A CORPORATION, IN THE DEED RECORDED APRIL 21, 1967 AS INSTRUMENT NO. 333.

APN: 7336-009-006

EXHIBIT A-2

DESCRIPTION OF PROPERTY OWNED BY WATSON PARTNERS

PARCEL 2:

THAT PORTION OF THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN CASE NO. 3284 OF SUPERIOR COURT OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY TERMINUS OF A CURVE CONCAVE EASTERLY, HAVING A RADIUS OF 1392.11 FEET AND A LENGTH OF 912.22 FEET IN THE NORTHWESTERLY LINE OF PARCEL 3, AS SHOWN ON A RECORD OF SURVEY, FILED IN BOOK 53 PAGE 30 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE NORTHERLY ALONG SAID CURVE, THROUGH A CENTRAL ANGLE OF 7° 28' 36", AN ARC DISTANCE OF 181.66 FEET TO THE TRUE POINT OF BEGINNING; A TANGENT OF SAID CURVE TO SAID TRUE POINT OF BEGINNING BEARS NORTH 4° 33' 57" EAST; THENCE SOUTH 83° 56' 48" EAST, A DISTANCE OF 100.56 FEET; THENCE SOUTH 50° 25' 00" EAST, A DISTANCE OF 285.00 FEET; THENCE SOUTH 57° 55' 26" EAST, A DISTANCE OF 260.23 FEET; THENCE SOUTH 50° 25' 00" EAST TO THE NORTHERLY LINE OF THE STRIP OF LAND 100 FEET WIDE, DESCRIBED IN THE DEED RECORDED IN BOOK 20688 PAGE 242, OFFICIAL RECORDS OF SAID COUNTY; THENCE WESTERLY ALONG SAID NORTHERLY LINE OR ITS PROLONGATION TO THE WESTERLY LINE OF PARCEL 4, AS SHOWN ON SAID RECORD OF SURVEY; THENCE NORTHERLY ALONG THE WESTERLY LINES OF SAID PARCELS 4 AND 3 TO THE TRUE POINT OF BEGINNING.

EXCEPT THAT PORTION THEREOF INCLUDED WITHIN THE LINES OF PARCEL 1 OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON FEBRUARY 9, 1960 IN BOOK D-744 PAGE 261, OFFICIAL RECORDS OF SAID COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE EASTERLY TERMINUS OF THAT CERTAIN COURSE IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED IN BOOK 51375 PAGE 52, OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER, DESCRIBED AS SOUTH 83° 56' 48" EAST 100.56 FEET; THENCE ALONG SAID COURSE NORTH 83° 57' 42" WEST 100.56 FEET TO A CURVE IN THE WESTERLY LINE OF PARCEL OF LAND DESCRIBED IN SAID DEED, SAID WESTERLY LINE BEING ALSO THE EASTERLY LINE OF MAIN STREET, 80.00 FEET WIDE, SAID CURVE BEING CONCAVE EASTERLY AND HAVING A RADIUS OF 1392.11 FEET; THENCE SOUTHERLY ALONG SAID CURVE FROM A TANGENT TO SAID CURVE BEARING SOUTH 4° 33' 03" WEST, THROUGH AN ANGLE OF 7° 28' 36", AN ARC DISTANCE OF 181.67 FEET TO END OF SAID CURVE; THENCE ALONG A RADIAL LINE OF SAID CURVE NORTH 87° 04' 27"

EAST 10.00 FEET TO A CURVE HAVING A RADIUS OF 1382.11 FEET, SAID CURVE BEING CONCENTRIC WITH SAID CURVE IN SAID NORTHWESTERLY LINE; THENCE NORTHERLY ALONG SAID CONCENTRIC CURVE, THROUGH AN ANGLE OF 7° 10' 57", AN ARC DISTANCE OF 173.26 FEET; THENCE SOUTH 88° 17' 13" EAST 90.62 FEET TO THE POINT OF BEGINNING.

ALSO EXCEPT THAT PORTION OF SAID LAND INCLUDED IN LINES OF LAND DESCRIBED IN DEED TO STATE OF CALIFORNIA, RECORDED IN BOOK D-1462 PAGE 379, OFFICIAL RECORDS.

ALSO EXCEPT THAT PORTION OF SAID LAND DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY TERMINUS OF THAT CURVE IN THE EASTERLY LINE OF MAIN STREET, 80.00 FEET WIDE, BEING CONCAVE EASTERLY, HAVING A RADIUS OF 1392.11 FEET AND AN ARC LENGTH OF 912.22 FEET, AS SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 53 PAGE 30 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG A RADIAL LINE OF SAID CURVE, NORTH 87° 04' 27" EAST 10.00 FEET TO A POINT IN A CURVE CONCENTRIC WITH THE ABOVE MENTIONED CURVE; THENCE NORTHERLY ALONG SAID CONCENTRIC CURVE THROUGH A CENTRAL ANGLE OF 7° 10' 57", AN ARC DISTANCE OF 173.26 FEET; THENCE SOUTH 88° 17' 13" EAST 90.62 FEET TO THE EASTERLY TERMINUS OF THAT COURSE IN THE BOUNDARY OF THE LAND DESCRIBED IN THE DEED TO THE STATE OF CALIFORNIA, RECORDED ON JUNE 6, 1956 AS INSTRUMENT NO. 1814 IN BOOK 51375 PAGE 52, OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER HAVING A BEARING AND LENGTH OF "SOUTH 83° 56' 48" EAST 100.56 FEET"; THENCE ALONG SAID BOUNDARY AS FOLLOWS; SOUTH 50° 25' 54" EAST 285.00 FEET; THENCE SOUTH 57° 56' 20" EAST 224.00 FEET; THENCE LEAVING SAID BOUNDARY, SOUTH 39° 45' 52" WEST 434.73 FEET; THENCE SOUTH 87° 04' 27" WEST TO THE EASTERLY LINE OF MAIN STREET, 80.00 FEET WIDE; THENCE NORTHERLY ALONG SAID EASTERLY LINE OF SAID MAIN STREET, NORTH 2° 55' 33" WEST TO THE POINT OF BEGINNING.

ALSO EXCEPT THEREFROM THE SOUTHERLY 400.00 FEET, MEASURED ALONG THE WESTERLY LINE OF THE WESTERLY 850.00 FEET, MEASURED ALONG THE SOUTHERLY LINE OF SAID LAND.

ALSO EXCEPTING THEREFROM THE SOUTHWESTERLY 10 FEET THEREOF IN MAIN STREET, AS SET OUT IN DEEDS RECORDED SEPTEMBER 3, 1965 AS INSTRUMENT NO. 3722, SEPTEMBER 5, 1979 AS INSTRUMENT NO. 79-991527 AND OCTOBER 4, 1979 AS INSTRUMENT NO. 79-1114966, ALL OF OFFICIAL RECORDS.

APN: 7336-009-008

PARCEL 3:

THAT PORTION OF THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP FILED IN CASE NO. 3284 OF SUPERIOR COURT OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHERLY TERMINUS OF THAT CURVE IN THAT EASTERLY LINE OF MAIN STREET, 80 FEET WIDE, BEING CONCAVE EASTERLY, HAVING A RADIUS OF 1392.11 FEET AND AN ARC LENGTH OF 912.22 FEET AS SHOWN ON RECORD OF SURVEY MAP FILED IN BOOK 53 PAGE 30 OF RECORD OF SURVEYS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY; THENCE ALONG A RADIAL LINE OF SAID CURVE, NORTH 87° 04' 27" EAST 10.00 FEET TO A POINT IN A CURVE CONCENTRIC WITH THE ABOVE MENTIONED CURVE; THENCE NORTHERLY ALONG SAID CONCENTRIC CURVE THROUGH A CENTRAL ANGLE OF 7° 10' 57" AN ARC DISTANCE OF 173.26 FEET; THENCE SOUTH 88° 17' 13" EAST 90.62 FEET TO THE EASTERLY TERMINUS OF THAT COURSE IN THE BOUNDARY OF THE LAND DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED ON JUNE 6, 1956 AS INSTRUMENT NO. 1814 IN BOOK 51375 PAGE 52, OFFICIAL RECORDS IN SAID OFFICE OF THE COUNTY RECORDER, HAVING A BEARING AND LENGTH OF "SOUTH 83° 56' 48" EAST 100.56 FEET"; THENCE ALONG SAID BOUNDARY AS FOLLOWS:

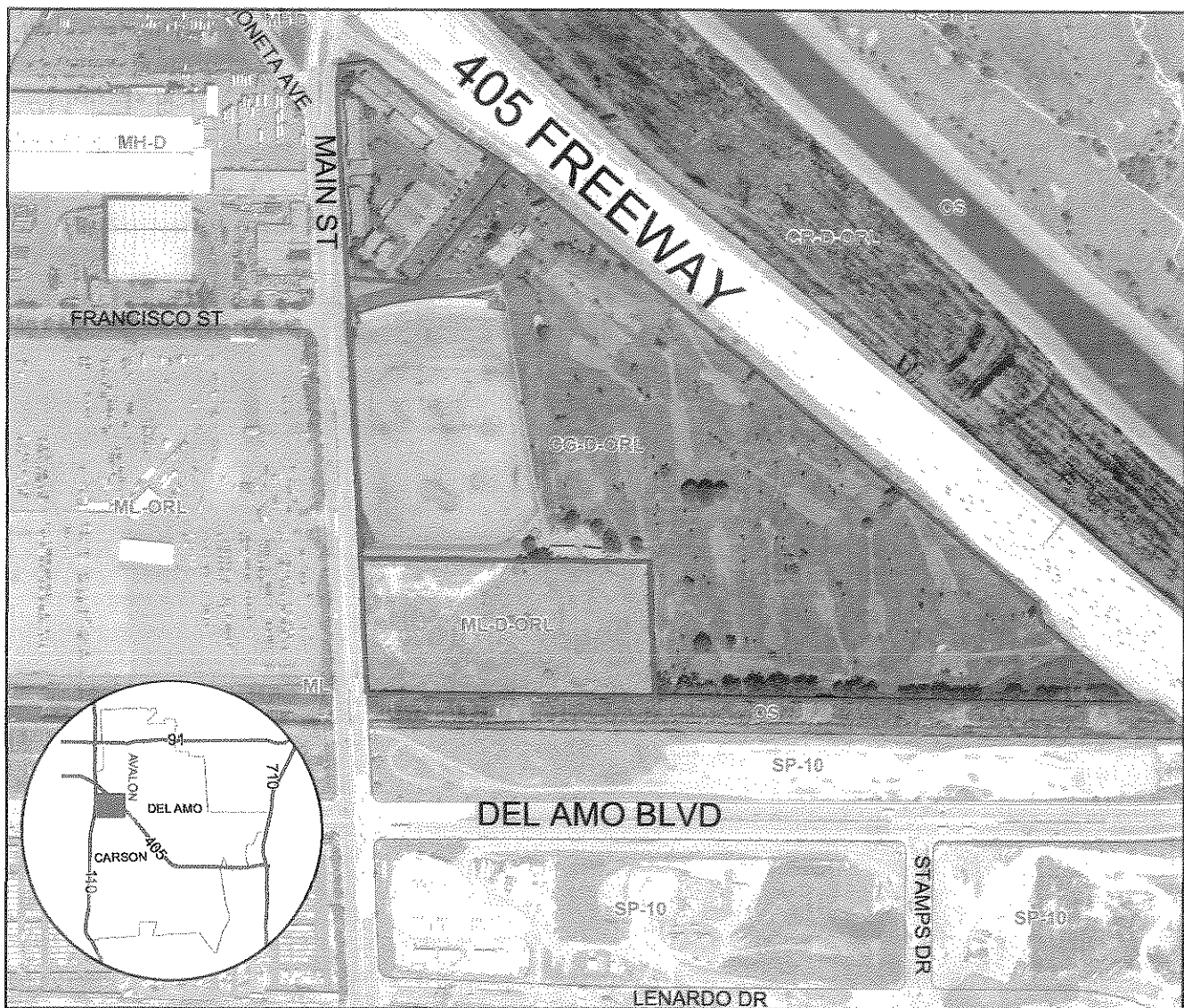
SOUTH 50° 25' 54" EAST 285.00 FEET; THENCE SOUTH 57° 56' 20" EAST 224.00 FEET; THENCE LEAVING SAID BOUNDARY SOUTH 39° 45' 52" WEST 434.73 FEET; THENCE SOUTH 87° 04' 27" WEST TO THE EASTERLY LINE OF MAIN STREET, 80 FEET WIDE; THENCE NORTHERLY ALONG THE EASTERLY LINE OF SAID MAIN STREET NORTH 2° 55' 33" WEST TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THE SOUTHWESTERLY 10 FEET THEREOF IN MAIN STREET, AS SET FORTH IN DEEDS RECORDED SEPTEMBER 3, 1965 AS INSTRUMENT NO. 3722, SEPTEMBER 5, 1979 AS INSTRUMENT NO. 79-991527 AND OCTOBER 4, 1979 AS INSTRUMENT NO. 79-1114966, ALL OF OFFICIAL RECORDS.

APN: 7336-009-009



AMENDMENT TO THE ZONING MAP DESIGNATION  
**Zone Change Case No. 168-12**



The site, as shown above, is currently designated as follows:

0 325 650 Feet



**ZONING MAP:** Commercial, General - Design Overlay - Organic Refuse Landfill and  
Manufacturing, Light - Design Overlay - Organic Refuse Landfill

It is proposed that the site be amended to the following:

**ZONING MAP:** Commercial, Regional - Design Overlay - Organic Refuse Landfill

**ADDRESS**

19702 and 19220 Main St  
Carson CA, 90745

## **EXHIBIT “C”**

### **CITY OF CARSON Porsche Experience Driving Center Findings of Fact**

**Pursuant to Section 15093 of the State CEQA Guidelines and  
Section 21081(b) of the Public Resources Code**

#### **For the Following Actions:**

- Certification of the Final Environmental Impact Report for the Porsche Experience Driving Center;
- Design Overlay Review, DOR No. 1441-11 for site plan design review of all proposed buildings, structures, site ingress/egress, parking and landscaping areas (i.e. driver's skill course track).;
- Conditional Use Permit for a driving skills course, CUP No. 889-11;
- Conditional Use Permit for construction on a former sanitary landfill, CUP No. 890-11;
- Conditional Use Permit for earthmoving activities involving no more than 200,000 cubic yards of soil import; CUP No. 891-11;
- Zone Change Case No. 168-12, changing zone from Commercial General Design-Overlay Review/Organic Refuse Landfill (CG-D-ORL) and Manufacturing Light, Design Overlay Review/Organic Refuse Landfill (ML-D-ORL) to Commercial Regional Design Overlay Review/Organic Refuse Landfill (CR-D-ORL).

## SECTION 1 OVERVIEW

This document constitutes the Findings of Fact by the City of Carson ("City") with respect to certain actions (described below) certifying the Porsche Experience Driving Center EIR (State Clearinghouse Number 2012041075) ("Final EIR"). The Findings will be used by the City in connection with the approvals to permit the implementation of the Project.

The Project would provide a driver training facility in the City of Carson. The Project would be constructed on a 53-acre site, southeast of the 1-405 Freeway between Main Street and Del Amo Boulevard. The Project, if approved, would be undertaken beginning in the Winter 2102/Spring of 2013, with construction and occupancy prior to the Fall of 2013.

This Findings of Fact constitute the decision making findings of the City as required by the California Environmental Quality Act, Public Resources Code Section 21000, et seq, ("CEQA") and the State CEQA Guidelines, Title 14, California Code of Regulations, Section 15000, et seq, "CEQA Guidelines" in connection with the Certification of the EIR for the Project and the adoption of a Mitigation Monitoring and Reporting Plan (MMRP). The City of Carson is the lead agency pursuant to CEQA with respect to the Project.

This Findings of Fact provide the following:

- Specific findings with respect to each environmental impact of the Project;
- Identification of those areas of environmental concern to which no significant environmental impact is anticipated from the Project;
- Identification of the Mitigation Measures applicable to the Project;
- Determination by the City that the Final EIR analyzes the environmental impacts of the Project, and that no further environmental review is required pursuant to CEQA;
- Determination that the project will not result in any adverse effect, either individually or cumulatively, on wildlife (as defined by Section 711.2 of the Fish and Game Code) or on wildlife habitats and resources;
- Determination that there is no environmentally superior alternative that would achieve the goals of the Project.

Section 1 of these Findings provides introductory information including the following: an overview of the Project and Findings; a summary of the Project characteristics; a

summary of procedures pertaining to the Draft EIR; an identification of comments and responses to the Draft EIR; an identification of the Final EIR contents; an identification of the conclusion in the Final EIR regarding significant impacts; and this section regarding the organization and format of these Findings. Section 2 provides an overview of the Project Objectives and the Findings. Section 3 identifies the significant and unavoidable effects of the Project. All numbered references identifying specific mitigation measures relative to the Project refer to numbered mitigation measures found in the Draft EIR and within the MMRP, as presented in the Final EIR. Section 4 of these Findings identifies the potentially significant effects of the Project that are determined to be mitigated to a less-than-significant level. Section 5 identifies the Project's potential environmental effects relative to the Project that were determined not to be significant, and, therefore, no mitigation is required.

### *Project Characteristics*

The Project would develop a driver training facility that includes two handling courses, an acceleration/deceleration area, a "kick plate" area, an off-road course, an ice/low-friction course, a second low-friction course on a 53-acre site, which was formerly used as a landfill. One 65,000-square-foot building would be developed with two levels to include a museum, restaurant, retail and office spaces, and a "human performance center" that would emphasize proper driving posture and test the drivers' vision and coordination, classroom space, "client appreciation area," and a client lounge. Approximately 411 parking spaces would be provided at the Project site.

A brief description of the driving course components are described below:

- *Handling Course A&B.* Designed to replicate a challenging country road, with varying chambers and blind covers. There are two handling courses that are planned. The primary course is 4,985 feet in length and the secondary course is 2,530 feet in length.
- *Ice Hill.* Simulating sheet ice road conditions with computer controlled water jets; this area allows drivers to explore general car control, as well as understanding the specific handling characteristics of a car. This track is approximately 350 feet long and its low friction hill is an eight percent grade. The track has 44,900 square feet of concrete paving with epoxy coating on low friction portions.
- *Fast Lane/Acceleration Lane.* This track is an approximately 3,500 feet long high speed lane, with an 18-feet wide track, and has a total area of 69,000 square foot of asphalt surface.
- *Kick Plate.* A moveable metal plate set flush with the road surface, designed to be triggered remotely as a car travels over it, thereby generating the effect of a loss of rear wheel traction. The kick plate is an approximately 280-feet long with its hydraulic kick plate device and the total kick plate area is 39,500 square feet.

- *Dynamic Area.* This track has an approximately 190 feet by 750 feet, and its total area is 135,145 square feet of asphalt surfaces that challenge a driver's more basic skills.
- *Low Friction Circle.* This track has an approximately 118 feet radius circle with a low friction surface. The track has a 53,240-square foot concrete paving with epoxy coating on low friction areas designed to replicate slippery road conditions.
- *Off Road Playground.* This area is designed to include steep hill climbs and descents, deep water and rough terrain. This track has approximately 36,900-square feet of an asphalt surface.

The project site is located on a former landfill. A Draft Focused Feasibility Study/Remedial Action Plan (FFS/RAP) for the project site was prepared on behalf of the current property owner, Watson Land Company, by ERM-West, Inc. The purpose of the FFS/RAP was to identify and evaluate remedial alternatives and present the property owner's preferred remedial action addressing the landfill cover and gas control systems for the soil and waste prism (including landfill gas) components at the project site. The FFS/RAP was reviewed by the California Department of Toxic Substance Control (DTSC) and has been preliminarily approved. The FFS/RAP describes various alternatives to remediate the project site and provides a number of methodologies to accomplish the remediation activities including, institutional and engineering controls, prescriptive and alternative landfill covers, and a landfill gas control system.

The project site has a General Plan designation of Mixed Use - Business Park, and is zoned with a combination of General Commercial and Light Manufacturing, along with "ORL" (Organic Refuse Landfill) and "D" (Design Review) (CR-D-ORL) overlays.

### *Draft Environmental Impact Report*

In compliance with CEQA Section 21080.4, a Notice of Preparation (NOP) was prepared by the City and distributed for public comment to the State Clearinghouse Office of Planning and Research, responsible agencies, and other interested parties on April 26, 2012.

The Project's Initial Study, provided to the Office of Planning and Research, responsible agencies and made available to the general public, identified those environmental topics for which the Project could have adverse environmental effects and concluded that an EIR would need to be prepared to document these effects. A copy of the NOP and Initial Study, and written responses to the NOP that were submitted to the City and are included in Appendix A of the Draft EIR.

In the Initial Study, the City determined that implementation of the Project may, either by itself or in conjunction with past, present, and reasonably foreseeable future development in the vicinity, have significant effects in the following areas:

- Aesthetics
- Air Quality
- Biological resources

- Cultural resources
- Geology and soils
- Greenhouse gas emissions
- Hazards and hazardous materials
- Hydrology and water quality
- Noise
- Public services
- Recreation
- Transportation and traffic
- Utilities and service systems

The City determined that the Project would not have the potential to cause significant impacts in the following areas: Agricultural Resources, Land Use, Mineral Resources, and Population and Housing. Therefore, these areas are not examined in the Draft EIR. The rationale for the finding that no significant impacts would occur for these areas is provided in the Project's Initial Study, included in Appendix A of the Draft EIR.

The Draft EIR was circulated for a 45-day review period which began on August 30, 2012 and ended on October 14, 2012. During the public review period, 5 comments letters on the Draft EIR were received. In addition, the Project and the Draft EIR were presented at a Planning Commission and Environmental Commission workshop that was held on September 17, 2012, during which the commissioners and the public had an opportunity to ask questions and comment on the Project and Draft EIR.

Written comments of the Draft EIR were received from the following:

| Number Reference     | Agency/Organization/Resident Name                | Date of Comment    |
|----------------------|--|--------------------|
| <b>Agencies</b>      |  |                    |
| NAHC                 | Native American Heritage Commission              | September 13, 2012 |
| Caltrans             | California Department of Transportation          | October 1, 2012    |
| LADPW                | Los Angeles County Public Works                  | October 17, 2012*  |
| DTSC                 | California Department of Toxic Substance Control | October 17, 2012*  |
| <b>Organizations</b> |  |                    |
| MKLA                 | McKenna, Long and Aldridge                       | October 15, 2012   |

\* Denotes comment letters received after the close of the public comment period

The City has reviewed the comments received and responses have been provided in the Final EIR. Other textual changes and references that have also been incorporated into the Final EIR.

### *The Final EIR*

The Final EIR is composed of the following materials;

- Draft EIR and all Technical Appendices;
- The Notices of Preparation (NOP) and Initial Study (IS), included as Appendices A of the Draft EIR;
- Corrections and additions to the remaining portions of the Draft EIR that have been made pursuant to Public Comments and Draft EIR review;
- Comments received on the Draft EIR with responses to each of the comments made; and
- The Mitigation Monitoring and Reporting Program that reflects edits to the EIR, pursuant to Public Comments.

### *Conclusion of the Final EIR*

The City has prepared a Final Environmental Impact Report (Final EIR) in accordance with the requirements of CEQA and the CEQA Guidelines. The environmental impacts that were evaluated in the EIR with respect to the Project are aesthetics, air quality, biological resources, cultural resources, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, noise, public services, recreation, transportation and traffic, utilities and service systems. The Final EIR and the Findings of Fact adopted by the City address the potential significant physical impacts on the environment that would result due to the implementation of the Project.

The Final EIR provides a detailed assessment of the potentially significant impacts resulting from approval of the Project. Based on all the evidence in the record of the City's proceedings to consider the Project, including the Draft and Final EIR, the City finds that significant and unavoidable temporary impacts would occur to air quality during construction. Potentially significant but mitigable impacts would occur to aesthetics, air quality, biological resources, geology and soils, hazards and hazardous materials, hydrology and water quality, and noise. Less than significant impacts with no mitigation are required for cultural resources, greenhouse gas emissions, public services, and transportation and traffic.

## SECTION 2 OVERVIEW OF FINDINGS AND PROJECT OBJECTIVES

### *Project Objectives*

Section 15124(b) of the CEQA Guidelines states that the Project Description shall contain "a statement of the objectives sought by the Project." Section 15124(b) of the CEQA Guidelines further states that "the statement of objectives should include the underlying purpose of the project." In the case of the Project, the underlying purpose is to develop the project site with a driver training facility.

The Project's objectives are listed below:

- Provide for appropriate remediation and reuse of the former BKK landfill, as well as for reuse of the area formerly occupied by the previously demolished Don Dominguez apartment complex.
- Stimulate private sector investment in the Project site by implementing a Project that is fiscally sound and capable of financing the construction and maintenance of necessary infrastructure improvements.
- Provide a diversity of both short term and long term employment opportunities for local residents by approving a Project that will generate construction work opportunities and long-term jobs. The Applicant estimates that development of the Project would create 80 construction jobs. The Draft EIR estimates that the Project would generate between 50 and up to 75 jobs during Project operations.
- Provide for an economically stable use of the property that will provide local employment opportunities and sufficient municipal revenues to the City to pay for needed services and facilities.
- Enhance Carson as a visitor-serving destination of regional, national, and international significance.
- Provide a high-quality facility that serves both as a showcase for Porsche products and as an educational tool for experienced and inexperienced drivers alike.
- Develop a project that allows consolidation of former uses and an existing facility with a complementary use.

### *Findings*

The City hereby certifies that it has reviewed and considered the Final EIR for the Project prior to considering its approval, that the EIR reflects the independent judgment of the City, and that the EIR has been prepared and completed in full compliance with CEQA and the CEQA Guidelines. The Final EIR includes the Draft EIR and all of its



Technical Appendices, and the October 2012 Final EIR. Having received, reviewed and considered the information in the record before it, including the Draft and Final EIR, which are herein incorporated by reference, the following Findings are hereby adopted by the City as required by CEQA (public Resources Code Sections 21081, 21081.5 and 21081.6), and the CEQA Guidelines (California Code of Regulations, Title 14, Sections 15091 through 15093), in conjunction with the approval of the Project, which is set forth below.

The City of Carson is the "lead agency" for the Project evaluated in the EIR. Based upon the substantial evidence in the record before it, the City finds that the Draft EIR and Final EIR were prepared in compliance with CEQA and the CEQA Guidelines. The City finds that it has independently reviewed and analyzed the Draft EIR and the Final EIR for the Project, that the Draft EIR that was circulated for public review reflected its independent judgment, and that the Final EIR reflects the independent judgment of the City.

Having reviewed and considered all of the information in the record before it, including the Draft EIR and Final EIR, which are incorporated herein by reference, the City makes the findings set forth below.

### SECTION 3: EFFECTS DETERMINED TO BE SIGNIFICANT AND UNAVOIDABLE

The following impacts, which were identified as significant, would not be reduced to less than significant levels, even after mitigation.

#### *Air Quality (Impact 3.2.2 and Impact 3.2.3)*

Construction activities such as grading and vehicle trips would generate emissions in violation of air quality standards related to NO<sub>x</sub> and PM<sub>10</sub>. Short term project construction impacts related to NO<sub>x</sub> and PM<sub>10</sub> would remain significant and unavoidable after mitigation has been implemented. Additionally, the import of 200,000 cubic yards (c.y.) of soil together with project construction and remediation activities would contribute to the exceedance of thresholds related to NO<sub>x</sub> and PM<sub>10</sub>, resulting in significant direct and cumulative air quality impact, even after Mitigation Measures MM AQ-1 through MM AQ-3 has been implemented. Construction and remediation activities associated with the Project would result in a cumulatively considerable increase of non-attainment criteria pollutants. Short-term remediation and construction activities including grading and demolition would exceed thresholds related to NO<sub>x</sub> and PM<sub>10</sub>, resulting in a significant direct and cumulative air quality impact even after mitigation has been implemented.

MM AQ-1 requires the applicant to conform with SCAQMD Rule 403 for excessive fugitive dust emissions through regular watering or other dust prevention measures and MM AQ-1 also requires the applicant conform with SCAQMD Rule 402 which requires implementation of dust suppression techniques to prevent fugitive dust from creating a nuisance off-site. MM AQ-2 requires measures during construction and remediation activities to substantially reduce NO<sub>x</sub> related emissions. MM AQ-3 requires the project to utilize epoxy coatings with a low (or zero) reactive organic gases (ROG) content to reduce ROG emissions resulting from application of epoxy coatings.

#### *Findings for Air Quality Impacts*

The City finds that the above-identified mitigation to the Project, which would substantially lessen the air quality impacts of the Project are hereby incorporated into the Project. The recommended mitigation measures in the EIR are adopted. However, no additional feasible mitigation measures are available to reduce the impact of the project's construction activities. While short-term construction-related air quality impacts could be reduced by staggering the remediation and construction schedule and eliminating the overlap between remediation activities and construction activities or by simply reducing daily activity levels and lengthening the site grading period, doing so would result in inefficient, costly activities, and would like cause impacts in other resource areas, such as traffic and noise impacts associated with a longer construction schedule. Because no feasible measures other than those already imposed on the project area available, air quality impacts would remain significant and unavoidable.

## **SECTION 4: POTENTIALLY SIGNIFICANT EFFECTS OF THE PROJECT THAT ARE DETERMINED TO BE MITIGATED TO A LESS-THAN-SIGNIFICANT LEVEL**

The following impacts were identified as less than significant after mitigation.

### *Aesthetics (Impact 3.1.1 and Impact 3.1.4)*

The Project would introduce new sources of light or glare, including lighting of buildings, parking areas and the driving course area. The EIR identifies Mitigation Measure MM AES-1 to reduce impacts associated with light and glare to less than significant levels. MM AES-1 requires reflective glass surfaces to be avoided or designed to avoid casting glare on the I-405 freeway or the driving training course. Also, all bare metallic surfaces will be painted or otherwise treated with flat finishes to reduce reflected glare.

### *Findings for Aesthetic Impacts*

The City finds that the above-identified mitigation to the Project, which would substantially lessen light and glare impacts by requiring the avoidance of reflective surfaces or reduced glare cast are hereby incorporated into the Project. The recommended mitigation measures in the EIR are adopted. The measures will mitigate the Project's impacts to aesthetics to less than significant levels.

### *Biological Resources (Impact 3.3.3)*

Construction activities for the project would result in the removal of existing vegetation that may be used by foraging birds and birds protected by the Migratory Bird Treaty Act (MBTA) and California Department of Fish and Game (CDFG) Code. Implementation of mitigation measure MM BIO-1 would ensure impacts to raptors and nesting birds are less than significant.

### *Findings for Biological Resources*

The City finds that the above-identified mitigation to the Project, which would substantially lessen impacts to foraging birds and birds protected by the MBTA and CDFG Code by requiring nesting bird clearance surveys during nesting season and if birds are identified, a buffer around active nests will be put in place are hereby incorporated into the Project. The recommended mitigation measures in the EIR are adopted. The Mitigation Measures will mitigate the Project's impacts to biological resources to less than significant levels.

### *Geology and Soils (Impact 3.5.1, Impact 3.5.2, Impact 3.5.3 and Impact 3.5.4)*

Construction and remediation activities on-site during demolition and grading would temporarily expose construction workers into an area of known seismic activity. Development of the project would introduce people and structures into an area of known seismic activity. Implementation of Mitigation Measure MM GEO-1 ensures structurally sound development would occur on the site because the project design would be

overseen by a qualified geotechnical engineer which would design the site to reduce impacts associated with geologic hazards. MM-GEO-1 requires the applicant to retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the site.

Construction activities such as grading and demolition would temporary result in exposing bare soils because more soil would be exposed during the construction phase. Implementation of Mitigation Measures MM WQ-1 and WQ-2 would reduce impacts associated with soil erosion. MM WQ-1 requires the applicant to adhere to the provisions of the NPDES Permit, General Permit, For Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-09-DWQ, NPDES No. CAS000002), and any other subsequent permits as they relate to construction activities for the project. MM WQ-2 requires the applicant to prepare and implement a SUSMP per the requirements of adopted Order 01-182, and the NPDES Permit for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles.

The Project is proposed to be developed over an existing landfill in an area of high groundwater. As such, it would be subject to lateral spreading, subsidence, liquefaction, or collapse of soils. Implementation of MM GEO-1 would reduce impacts associated with soils subject to lateral spreading, subsidence, liquefaction, or collapse of soils. Implementation of the MM GEO-1 ensures the Project would be designed in accordance with the recommendations of a qualified geotechnical engineer who will ensure through design specifications, soils on-site are structurally sound and impacts associated with lateral spreading, subsidence, liquefaction, or collapse of soils would be reduced to less than significant.

Construction activities such as grading and demolition would be temporary and result in the construction on soils that have a medium to high potential for expansion. Implementation of MM GEO-1 would reduce impacts on the Project site associated with expansive soils. Implementation of MM GEO-1 ensures the Project would be developed with a qualified geotechnical engineer who will ensure soils on-site are not expansive and impacts associated with expansive soils would be less than significant.

#### *Findings for Geology and Soils*

The City finds that the above-identified Mitigation Measure MM-GEO-1, would substantially lessen impacts associated with impacts to people and structures from seismic activities by requiring the applicant to retain a qualified geotechnical engineer to design the project facilities to withstand probable seismically induced ground shaking at the site by ensuring structurally sound development will occur on the site is hereby incorporated into the Project. The City finds that the above identified Mitigation Measures MM-WQ-1 and MM WQ-2 would substantially lessen impacts associated with the exposure of bare soils by adhering to the requirements of MM WQ-1 and MM WQ-2, which require the compliance with the NPDES Permit and SUSMP. The recommended mitigation measures in the EIR are adopted. The mitigation measures will mitigate the Project's impacts associated with seismic hazards, expansive soils, and bare soils are reduced to less than significant levels.

### *Hazards and Hazardous Materials (Impact 3.7.2b and 3.7.4)*

Remediation and excavation activities could uncover unmarked groundwater wells and vapor wells on the Project site. The wells could be damaged or truncated by excavation equipment. A truncated or improperly destroyed groundwater well would act as a preferential pathway to the underlying aquifer allowing landfill waste contaminants to degrade water quality. Compliance with laws and regulations would reduce impacts associated with these hazards. Implementing of Mitigation Measure MM HAZ-1 would reduce impacts to less than significant. MM HAZ-1 requires that the site owner and the project applicant to conduct a comprehensive well survey to locate, identify, and confirm all existing groundwater and vapor wells on the Project site. MM HAZ-1 requires that existing wells be clearly marked and protected prior to and during all ground-disturbing activities and any unnecessary wells be properly destroyed in accordance with regulatory requirements.

The Project is located on a hazardous material site and hazards that are encountered in excavated soil during project construction could result in a hazardous release into the environment, which could potentially expose construction workers and the public to hazardous materials and chemical vapors. Depending on the nature and extent of any contamination encountered, adverse health effects and nuisance vapors could result if proper precautions are not taken. Contaminated soil could also require disposal as a hazardous waste. Implementation of Mitigation Measures MM HAZ-2, MM HAZ-3 and MM HAZ-4 would reduce impacts to less than significant. MM HAZ-2 requires the construction contractor to retain a qualified environmental professional to prepare a site-specific Health and Safety Plan (HASP) in accordance with federal OSHA regulations (29 CFR 1910.120) and Cal/OSHA regulations (8 CCR Title 8, Section 5192).

Under the terms of the Voluntary Cleanup Agreement, all site investigation and remediation activities under the Remedial Action Plan (RAP) at the project site must be performed in accordance with a Health and Safety Plan (HASP) approved by DTSC. Impacts associated with site cleanup would be mitigated with the implementation of MM HAZ-2. MM HAZ-3 requires the construction contractor to prepare and implement a Soil and Water Management Plan, subject to review by the DTSC. MM HAZ-4 requires the Watson Land Company receive DTSC approval of the Draft RAP and acceptance of the Remedial Investigation Report prior to Project approval. In addition, the City will require Watson Land Company to perform post-construction sampling and prepare a post-remedy.

### *Findings for Hazards and Hazardous Materials*

The City finds that the above-identified Mitigation Measure MM-HAZ-1 by requiring the site owner and the project applicant to conduct a comprehensive well survey to locate, identify, and confirm all existing groundwater and vapor wells on the Project site would substantially lessen impacts associated with the excavation of unmarked wells is hereby incorporated into the Project. The recommended measure in the EIR is adopted. The

mitigation measure will mitigate the Project's impacts from hazards are reduced to less than significant levels.

The City finds that the above-identified Mitigation Measure MM-HAZ-2, MM HAZ-3, and MM HAZ-4 would substantially lessen impacts associated with hazards that are encountered in excavated soil during Project construction could result in a release to the environment. MM HAZ-2 would lessen impacts associated with hazardous materials by requiring the development of a Health and Safety Plan. MM HAZ-3 would reduce impacts associated with hazardous conditions by requiring the construction contractor to prepare and implement a Soil and Water Management Plan. MM HAZ-4 requires the approval and implementation of a RAP, which will assist in the remediation of hazardous conditions at the site. The recommended mitigation measures in the EIR are adopted. The measures will reduce the Project's impacts to public of exposure to hazardous materials will be reduced to less than significant levels.

*Hydrology and Water Quality*(Impact 3.8.1, Impact 3.8.3, Impact 3.8.4, Impact 3.8.5)

Remediation and construction activities of the Project would include clearing, grubbing, grading, and stockpiling of materials. These activities would create temporary indirect impacts such as dust, potential fuel spills from construction equipment, and activities of equipment or personnel outside designated construction areas. Additionally, during project construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. Also, vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion. The proposed BMPs for the Project would be anticipated to remove potential pollutants from runoff and would not contribute additional pollutant loads into receiving waters. Implementation of Mitigation Measure MM WQ-1 and MM WQ-2 would further reduce impacts related to water quality standards or waste discharge requirements. MM WQ-1 requires the applicant to comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) Permit, General Permit, for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order No. 2009-09-DWQ, NPDES No. CAS000002), and any other subsequent permits as they relate to construction activities. MM WQ-2 requires the project applicant to prepare and implement a SUSMP per the requirements of adopted Order 01-182, the NPDES Permit for Municipal Stormwater and Urban Runoff Discharges within the County of Los Angeles. Impacts associated with violation of water quality standards would be reduced to less than significant.

Remediation and construction activities would alter drainage patterns on-site. In order to control the drainage pattern alterations during construction and operation, compliance with the Construction General Permit, and SUSMP, and implementation of BMPs would occur. Implementation of MM WQ-1 and MM WQ-2 would reduce impacts associated with the alteration of drainage patterns on-site.

During project construction activities, excavated soil would be exposed, and there would be an increased potential for soil erosion and sedimentation compared to existing conditions. Vehicles and equipment are prone to tracking soil and/or spoil from work areas to paved roadways, which is another form of erosion. The proposed BMPs for the

Project would be anticipated to remove potential pollutants from runoff and would not contribute additional pollutant loads into receiving waters. Implementation of MM WQ-1 would reduce impacts to stormwater discharge to less than significant levels.

#### *Findings for Hydrology and Water Quality*

The City finds that the above-identified MM WQ-1 which requires the applicant to comply with the provisions of the NPDES thereby reducing impacts to water quality and MM WQ-2 would require compliance with the SUSMP which would substantially lessen impacts associated with violations of water quality standards, alterations of drainage patterns and increased pollutant loads into receiving waters. The recommended mitigation measures in the EIR are adopted. The measures will reduce the Project's impacts to water quality standards, drainage patterns and receiving waters and impacts will be reduced to less than significant levels.

#### *Noise (Impact 3.9.1b, 3.9.1c, and 3.9.3)*

Stationary noise on the project site would increase long-term noise levels at the Project site. Stationary noise sources associated with the project would include noise associated with amplified sounds and crowd noise, on-site truck deliveries, mechanical equipment, and the proposed parking lot. Noise impacts from these sources would be intermittent and occur primarily during daytime hours. Development of the Project would not generate long-term noise impacts with the implementation of Mitigation Measure MM NOI-1.

Use of the driving skills course would generate long-term noise levels at the Project site. Development of the Project would not generate long term noise impacts with the implementation of MM NOI-1.

Project operations would introduce specialty vehicles at the Project site would result in a substantial permanent increase in the existing ambient noise levels at the project site. Implementation of a noise management program under MM NOI-1 would reduce this increase in ambient noise levels. MM NOI-1 requires that prior to the issuance of a Certificate of Occupancy, the applicant prepare a Focused Acoustical Analysis to demonstrate compliance with City of Carson noise ordinance requirements, including acoustical impacts from project operation at the adjacent residential property line, south of the Project site.

#### *Findings of Fact for Noise*

The City finds that the above-identified Mitigation Measure NOI-1 would substantially lessen impacts associated with noise at the Project site. Because the mitigation measure will require demonstration that project operations meet the requirements of the City's Noise Ordinance, and provides for specific measures to be implemented should project-related noise levels exceed ordinance requirements, the Project's contribution to noise at the project site and impacts would be reduced to less than significant levels.

## **SECTION 5: PROJECT'S POTENTIAL ENVIRONMENTAL EFFECTS DETERMINED NOT TO BE SIGNIFICANT, NO MITIGATION IS REQUIRED**

### *Aesthetics (Impact 3.1.2, Impact 3.1.3a, Impact 3.1.3b)*

Removal of the golf course and construction of the Project, including a 65,000-square foot operations building would alter views across the site toward the Rancho Palos Verde Estate Bluffs and the San Gabriel Mountains. However, construction activities would be temporary and would not permanently block or affect scenic views. Also, development currently exists on the site and the introduction of a new use at the site would alter views across the site, but not significantly affect views of distant vistas.

The Project is not located near any scenic resources or within a scenic highway corridor. Because there are no scenic highways in the Project vicinity, Project implementation would not affect any scenic resources within a scenic highway corridor.

Project remediation and construction would result in temporary changes to the existing visual character of the site and its surroundings. The placement of construction equipment associated with construction activities such as demolition, grading, and site development would be temporary. Because construction activities are short-term the Project's construction would not substantially degrade the existing visual character or quality of the site and its surroundings.

By replacing the existing golf course with a driver training facility, the Project would change the existing visual character of the site and its surroundings. The driver skills would change the visual character of the site from an open golf course to a more urban character. Views of passive golfing activities onsite would be replaced by more active driving skills activities.

Although the Project would change the visual character of the site, the Project would not degrade the visual character of the site or surroundings due to the existing developed nature of the site.

### *Findings of Fact for Aesthetics*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project would not impact a scenic highway or degrade the visual character of the Project site and would have less than significant impacts to the visual environment. No mitigation measures are necessary.

### *Air Quality (Impact 3.2.1 and Impact 3.2.5)*

Construction and operation activities associated with the Project would not generate emissions that would conflict with or obstruct implementation of SCAQMD's SIP and AQMP. Implementation of the Project would not conflict with or obstruct implementation of SCAQMD's SIP and AQMP. Implementation of the Project would not potentially result in the exposure of sensitive receptors to substantial pollutant concentrations.



Development of the Project would not result exposure of sensitive receptors to substantial concentrations of criteria air pollutants and toxic air contaminant because there are no sensitive receptors close to the Project. Sensitive receptors would not be affected by substantial pollutant concentrations. Operation of the Project would not generate emissions that would potentially result in the exposure of sensitive receptors to substantial pollutant concentrations.

Implementation of the Project would not create odors affecting a substantial number of people. Construction activities associated with the Project may generate detectable odors from heavy-duty equipment exhaust. Construction-related odors would be short-term in nature and cease upon Project completion.

#### *Findings of Fact for Air Quality*

The City finds that the Project's air quality impacts would not conflict with or obstruct implementation of SCAQMD's SIP and AQMP because the project would not be inconsistent with the policies of the SIP or the policies of the AQMP. The City finds that the Project's air quality impacts would not result in the exposure of sensitive receptors to substantial pollutant emissions because the project's construction and operational emissions would not exceed the applicable SCAQMD thresholds. The Project would not generate detectable odors because the project would not include any uses identified by SCAQMD that generates odors. The project would have less than significant impacts to air quality associated with these impacts. No mitigation measures are necessary.

#### *Biological Resources (Impact 3.3.1 and Impact 3.3.2)*

Development of the Project would eliminate existing on-site vegetation and habitat. Construction activities such as grading would remove vegetation on site, however because the Project site does not provide suitable habitat for any species identified as candidate, sensitive, or special status in the area and is not within critical habitat for any listed species.

Development of the Project would result in the removal of existing vegetation from the Project site, including an area containing wetland and riparian habitat. Although there is a small erosional feature on the Project site there are no federal or state jurisdictional waters or wetlands in the boundaries of the Project site, development of the Project would have no impact on wetland and riparian habitats.

#### *Findings of Fact for Biological Resources*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project would not impact biological resources associated with species identified as candidate, sensitive, or special status in the area or wetland and riparian habitat and would have less than significant impacts to these biological resources.

#### *Cultural Resources (Impact 3.4.1)*

The Project would maintain the potentially historic “Mulligan Man.” Because the Project would maintain the potentially historic resource, “Mulligan Man,” on-site, and there are no other significant resources on the project site, implementation of the Project will not affect this potentially historic resource.

#### *Findings of Fact for Cultural Resources*

The City finds that the Project would not impact potentially historic cultural resources and would have less than significant impacts to potentially historic cultural resource.

#### *Greenhouse Gases (Impact 3.6.1 and Impact 3.6.2)*

Implementation of the Project would generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment. Remediation activities would generate approximately 919.95 MTCO<sub>2</sub>eq/yr. Remediation involves construction activities, remediation GHG emissions have been amortized, and would result in 30.67 MTCO<sub>2</sub>eq/yr, which would be added to the total operational GHG emissions. Implementation of remediation would decrease greenhouse gas emissions currently released from the Project site. Project construction emissions would result in 48.49 MTCO<sub>2</sub>eq/yr, which would be added to the total operational GHG emissions. Unmitigated Project operational emissions include 2,487.37 MTCO<sub>2</sub>eq/yr, discounting for the existing operations of 1,888.08 MTCO<sub>2</sub>eq/yr, net Project emissions total 599.29 MTCO<sub>2</sub>eq/yr, which is below the draft SCAQMD 1,400 MTCO<sub>2</sub>eq/yr threshold.

Because the Project is reducing greenhouse gas emissions currently being emitted from the Project site, implementation of the Project would not conflict with greenhouse gas reduction plans. Implementation of the Project would reduce greenhouse gas emissions related to the existing Project site.

#### *Findings of Facts for Greenhouse Gases*

The City finds the because the Project is reducing greenhouse gas emissions currently being emitted from the Project site, implementation of the Project would not conflict with greenhouse gas reduction plans. Implementation of the Project would reduce greenhouse gas emissions related to the existing Project site and would reduce current greenhouse gas emissions associated with the Project site.

#### *Hazards and Hazardous Materials (Impact 3.7.1 and Impact 3.7.2b)*

Implementation of the Project would potentially create for significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials. Construction activities would be temporary and involve fuels, lubricants, paints, and solvents. Storage and use of hazardous materials at the Project site could result in the accidental release of small quantities of hazardous materials, which would result in exposure to construction workers and/or degrade soil, groundwater, and surface water at Project site. Development of the Project would create hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials. Storage and use of hazardous materials at the Project site could result in the

accidental release of small quantities of hazardous materials. The Project would involve the storage and use of hazardous materials including an existing gasoline above-ground storage tank, containers of leaded fuel and high octane race fuel. Small quantities of hazardous materials associated with vehicle servicing, such as motor oil, solvents and paints also would presumably be stored at the equipment building. Compliance with laws and regulations would reduce impacts associated with hazards.

Hazardous building materials would not be released through implementation of the Project that would create upset and/or cause accidental release conditions. The existing building and structures on the Project site may contain asbestos, lead-based paint, or PCBs demolition of which could cause the release of hazardous building materials. Compliance with laws and regulations will reduce impacts associated with these hazards.

#### *Findings of Fact for Hazardous Materials*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project's construction and operation would not create significant hazards to the public or the environment through the routine transport, use, or disposal of hazardous materials. Nor would the Project create upset and or cause hazardous conditions and would have less than significant impacts associated with hazardous materials transport or create hazardous conditions.

#### *Hydrology and Water Quality (Impact 3.8.2)*

The Project site is not located within or adjacent to a groundwater recharge area. Additionally, implementation of the Project would utilize less water for landscaping purposes than existing conditions, and would utilize recycled water rather than potable water. As such, the Project would not deplete or interfere with groundwater resources. Construction activities would not deplete or interfere with groundwater resources, as implementation of the RAP would protect groundwater resources through the development of the cap. Implementation of the Project would not interfere with groundwater recharge.

#### *Findings of Fact for Hydrology and Water Quality*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project would not interfere with groundwater recharge, the Project site is not located within or adjacent to a groundwater recharge area and significant impacts associated with groundwater recharge would not occur.

#### *Noise (Impact 3.9.1a, Impact 3.9.1c, Impact 3.9.2, and Impact 3.9.4)*

Remediation and construction activities associated with the Project would require the use of heavy-duty equipment at the Project site that would generate short-term groundborne vibration. Groundborne vibration would be generated primarily during demolition, site preparation, and grading activities onsite and by off-site haul-truck

travel, however the activities are temporary and short-term and would not impact nearby sensitive receptors.

Remediation and construction activities associated with the Project would increase short-term noise levels in the Project vicinity. Remediation and construction activities would be short-term and involves demolition, site preparation, and fine grading operations. Construction activities would result in periodic increases to the ambient noise environment and could affect sensitive receptors near the site, however the activities are temporary and short-term and would not impact nearby sensitive receptors.

#### *Findings of Fact for Noise*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project would only increase noise and vibration in the Project area for short-term and temporary construction activities and significant impacts associated with remediation and construction noise would be less than significant.

#### *Public Services (Impact 3.10.1a and 3.10.1b)*

Construction and implementation of the Project would result in calls for fire protection and emergency medical services. The Project would not create a need for additional staffing or facilities in order to adequately service the Project and the surrounding community. The payment of fair share fees and adherence to conditions of approvals would ensure adequate emergency services.

Construction and implementation of the Project would result in additional calls for law enforcement services but would not require construction of new police facilities. The Project would not create a need for additional staffing or facilities in order to adequately service the Project and the surrounding community. Adherence to conditions of approvals would ensure adequate law enforcement services.

#### *Findings of Fact for Public Services*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project would not have impacts associated with emergency services or law enforcement services and significant impacts associated with public services would be less than significant.

#### *Recreation (Impact 3.11.1)*

Implementation of the Project does not include the development of residential land uses that would increase the use of existing neighborhood and/or regional parks or other recreational facilities that would cause the facility to be deteriorated. However, the Project would result in removal of the privately operated Dominguez Golf Course and driving range. The Project would remove the existing golf course and driving range with a driver trainer facility and related amenities. No impact to recreational facilities would occur because several other golf courses are within the general Project area and the

Project would not cause physical deterioration of neighborhood or regional recreational facilities.

*Findings of Fact for Recreation*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project would not have impacts associated with recreational opportunities within the City and significant impacts associated with recreation would be less than significant.

*Traffic and Transportation (Impact 3.12.1a, Impact 3.12.1b, Impact 3.12.1c, Impact 3.12.2, and Impact 3.12.3)*

Remediation activities associated with the Project would result in the addition of vehicle trips to the existing traffic volumes in the Project site vicinity. The trip generation associated with the remediation work is not included in Project construction or operation. The trip generation associated with the remediation phase at the Project site would require trips for construction worker staffing needs, equipment needs. These trip volumes would not exceed the City or County's performance criteria for affected roadways.

The trip generation associated with the construction at the Project site would require trips for planned construction worker staffing needs, equipment needs, and the amount of soil import that is expected. With the addition of Project construction-generated trips, the study intersection of Hamilton Boulevard and Del Amo Boulevard would continue to operate at a deficient LOS (LOS E or worse) during both A.M. and P.M. This would not exceed the City's performance criteria.

Operation of the Project would result in the addition of vehicle trips to the existing traffic volumes in the Project site vicinity but would not substantially reduce the level of service of any roadway segment or intersections. The operation of the Project will generate traffic from the Project site; however, operational vehicle trips would not exceed established LOS thresholds of significance. Implementation of the Project would reduce current traffic volumes to the site.

Operation of the Project would result in the addition of vehicle trips to the existing Caltrans freeway mainline segments in the Project site vicinity. The increase of operational vehicle trips would not exceed established trip thresholds. Implementation of the Project would reduce current volumes to the Project site.

The amount of peak hour vehicle trips introduced by the Project at the nearest CMP-monitored intersections and freeways would be minimal and would not conflict with the applicable CMP. Vehicle trips would be generated by the Project; however they would be minimal and would not require a CMP study or freeway analysis.

The Project would provide adequate access ways to the Project site for visitors and delivery trucks and would not increase traffic hazards. The Project site would create and utilize access points similar to the existing access locations and provide adequate

access ways to the Project site for visitors and delivery trucks and would not increase traffic hazards.

*Findings of Fact for Transportation and Traffic*

Based on the information presented in the Final EIR and the preceding discussion, the City finds that the Project would not have impacts associated with transportation and traffic and significant impacts associated with transportation and traffic would not occur.

## **EXHIBIT “D”**

### **CITY OF CARSON Porsche Experience Driving Center Statement of Overriding Considerations**

**Pursuant to Section 15093 of the State CEQA Guidelines and  
Section 21081(b) of the Public Resources Code**

**For the Follow Actions:**

#### **Carson Planning Commission**

- Certification of the Final Environmental Impact Report for Porsche Cars of North America, Driving Skills Course
- Design Overlay Review No. 1441-11;
- Conditional Use Permit No.: 889-11;
- Conditional Use Permit No. 890-11;
- Conditional Use Permit No. 891-11;
- Zone Change Case No. 168-12;
- Building and Grading-related permits such as general building, foundation, plumbing, sewer, HV AC, electrical, landscaping, fencing, paving, etc.;
- Construction-related encroachment permits.

The City has balanced the benefits of the Porsche Experience Driving Center ("Project") against its unavoidable environmental risks (temporary short-term air quality impacts) in determining that the specific economic, legal, social, technological, or other benefits outweigh the unavoidable significant adverse environmental effects related to temporary construction impacts associated with air quality. Section 15093(b) of the State CEQA Guidelines provides that when the decision of the public agency results in the occurrence of significant impacts that are identified in the Final EIR, the agency must state in writing the reasons to support its actions based on the Final EIR and/or other information in the record. The reasons set forth below are based on the Final EIR and other information in the record.

Based upon the substantial evidence in the record, including but not limited to the Final EIR, the City finds that the benefits of the Project outweigh its unavoidable adverse environmental effects, and furthermore, finds that such adverse, environmental effects are acceptable. Each of the separate benefits of the proposed Project, as stated below, is determined to be, unto itself and independent of the other Project benefits, a basis for overriding all unavoidable adverse environmental impacts identified in these Findings. The reasons for the approval of the Project despite the occurrence of significant unavoidable Project impacts on regional air quality emissions during construction, and air quality and noise/vibration impacts during construction, which create or otherwise contribute to related cumulative impacts, consist of the following:

The Project would enable the City to achieve objectives of the City, as established in the General Plan. The Project would allow the City to:

- Provide for appropriate remediation and reuse of the former BKK landfill, as well as for reuse of the area formerly occupied by the previously demolished Don Dominguez apartment complex. (The Draft EIR was reviewed by the Department of Toxic Substance Control (DTSC) and concurred with the findings in the Draft EIR. The will provide oversight of the implementation of the Remedial Action Plan.)
- Stimulate private sector investment in the Project site by implementing a Project that is fiscally sound and capable of financing the construction and maintenance of necessary infrastructure improvements. The Applicant is willing to invest in the site improvements.
- Provide a diversity of both short term and long term employment opportunities for local residents by approving a Project that will generate construction work opportunities and long-term jobs. The Applicant estimates that development of the Project would create 80 construction jobs. The Draft EIR estimates that the Project would generate between 50 and up to 75 jobs during Project operations.
- Provide for an economically stable use of the property that will provide local employment opportunities and sufficient municipal revenues to the City to pay for needed services and facilities. (Construction of the project is estimated by the Los Angeles County Economic Development Corporation to generate an



estimated \$45.5 million in additional economic output in Southern California. The ongoing operations of the Porsche Experience Center Los Angeles are expected to create a total of 135 jobs with labor income of \$6.8 million. Ongoing operations will generate \$22.5 million in economic activity annually in Southern California.)

- Enhance Carson as a visitor-serving destination of regional, national, and international significance.
- Provide a high-quality facility that serves Porsche products as an educational tool.
- Provide a high-quality facility that serves Porsche products as an association with the “quality” inherent in the Porsche brand.
- Develop a project that allows using a previous landfill and subsequent apartment complex and golf course with a new use.

There are no feasible mitigation measures or alternatives that would further reduce or eliminate the significant unavoidable Project temporary short-term impacts on regional air quality emissions during construction which would also create and/or otherwise contribute to related cumulative impacts. The only way to reduce the Project's temporary short-term impacts would be to stagger construction and remediation activities and not provide overlap between the two activities, which would be costly, inefficient and burdensome. For the reasons stated above, and based on substantial evidence in the record before it, the City finds that these unavoidable adverse environmental impacts are acceptable and, furthermore, finds that the benefits of the Project outweigh its unavoidable adverse environmental effects.

**CITY OF CARSON**  
**DEVELOPMENT SERVICES**  
**PLANNING DIVISION**  
**EXHIBIT "E"**

**CONDITIONS OF APPROVAL**

**DESIGN OVERLAY REVIEW NO. 1441-11**

**CONDITIONAL USE PERMIT NOS. 889-11, 890-11, AND 891-11**

**ZONE CHANGE CASE NO. 168-12**

**GENERAL CONDITIONS**

1. If Design Overlay Review No. 1441-11 and Conditional Use Permit Nos. 889-11, 890-11, and 891-11 are not used within one year of their effective date, said permits shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
2. Approval of Design Overlay Review No. 1441-11 is contingent upon City Council approval of Zone Change Case No. 168-12. In the event that Zone Change Case No. 168-12 is not approved, the development plan shall be referred to the Planning Commission to review the proposed building design and applicable development standards.
3. Approval of Design Overlay Review No. 1441-11 and Conditional Use Permit Nos. 889-11 and 891-11 are contingent upon City Council certification of the environmental impact report (EIR) and approval of Conditional Use Permit No. 890-11 authorizing development on a former landfill. In the event that the EIR is not certified or Conditional Use Permit No. 890-11 is not approved, all permits described above shall be declared null and void.
4. The applicant shall abide to all mitigation measures included in the certified EIR in order to avoid potentially significant impacts. Failure to comply with the mitigation measures is a violation of these conditions of approval.
5. In the event that a required mitigation measure conflicts with the design and development standards of the Carson Municipal Code (CMC), the applicant shall obtain proper entitlements (e.g., variance request, conditional use permit, etc.) to secure approval. Entitlements shall be obtained prior to issuance of a building permit related to said mitigation measure.
6. 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 issuance of a building permit. Said copies shall be included in all development plan revisions and the final working drawings.

7. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
8. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission in order to comply with all the conditions of approval and applicable Zoning Ordinance provisions. Substantial revisions will require review and approval by the Planning Commission.
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 receipt of the Planning Commission Resolution.
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 applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
11. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
12. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
13. Decision of the Planning Commission shall become effective and final 15 days after the date of its action unless an appeal is filed in accordance with Section 9173.4 of the Zoning Ordinance.
14. A modification of the conditions of this permit, 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.
15. The applicant shall submit to the Planning Division a Facility Consent Agreement with the Department of Toxic Substances Control (DTSC) to assure that above-ground improvements will not interfere with the remedial systems.
16. Remediation of the site shall be completed by the applicant and approved by the Department of Toxic Substances Control prior to the issuance of a certificate of occupancy. The applicant shall comply with all applicable DTSC and Regional Water Quality Control Board (RWQCB) requirements.
17. 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.

18. The applicant shall indemnify the City and its elected boards, commissions, officers, agents and employees and will hold and save them and each of them harmless from any and all actions, suits, claims, liabilities, losses, damages, penalties, obligations and expenses (including but not limited to attorneys' fees and costs) against the City and/or Agent for any such Claims or Litigation and shall be responsible for any judgment arising therefrom. The City shall provide the applicant with notice of the pendency of such action and shall request that the applicant defend such action. The applicant may utilize the City Attorney's office or use legal counsel of its choosing, but shall reimburse the City for any necessary legal cost incurred by City. The applicant shall provide a deposit 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 attorney's fees, and shall make additional deposits as requested by City to keep the deposit at such level. The City may ask for further security in the form of a deed of trust to land of equivalent value. If the applicant fails to provide or maintain the deposit, the City may abandon the action and the applicant shall pay all costs resulting therefrom and City shall have no liability to the applicant. The applicant's obligation to pay the cost of the action, including judgment, shall extend until judgment. After judgment in a trial court, the parties must mutually agree as to whether any appeal will be taken or defended. The applicant shall have the right, within the first 30 days of the service of the complaint, in its sole and absolute discretion, to determine that it does not want to defend any litigation attacking the City's approvals in which case the City shall allow the applicant to settle the litigation on whatever terms the applicant determines, in its sole and absolute discretion, but applicant shall confer with City before acting and cannot bind City. In that event, the applicant shall be liable for any costs incurred by the City up to the date of settlement but shall have no further obligation to the City beyond the payment of those costs. In the event of an appeal, or a settlement offer, the Parties shall confer in good faith as to how to proceed. Notwithstanding the applicant's indemnity for claims and litigation, the City retains the right to settle any litigation brought against it in its sole and absolute discretion and the applicant shall remain liable.

#### PARKING/TRAFFIC/CIRCULATION

19. The required parking shall meet all applicable standards as outlined in Part 6, Division 2 of the Carson Zoning Ordinance.
20. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted. No outdoor storage shall occupy designated parking spaces.
21. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
22. Parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance except as may be excluded pursuant to the approved site plan.
23. The applicant shall obtain approval for any special event that requires parking in excess of available designated parking spaces located on paved surfaces on the property. The Planning Division will process such request for a special event in the

same manner as a minor modification to a conditional use permit, applicable fees and procedure to be determined upon submittal of the application. Any approval for special events that utilize any areas not currently designated for parking will require the submittal of a traffic and parking management/monitoring plan to assure safety of pedestrians and minimize any traffic impacts in the area. The plan shall be prepared by a qualified traffic engineer if deemed necessary by the City Traffic Engineer and shall be reviewed and approved by the City Traffic Engineer prior to authorization by the Planning Division.

24. The special event activities application shall include but is not limited to: street layout showing the location of any potential detour routes/special signage; name and phone number of persons maintaining traffic control devices; and written approval to implement traffic control from affected agencies such as LA County Fire Department.
25. Onsite wayfinding signage shall be implemented to provide a comprehensive system of directing vehicular and pedestrian circulation
26. The final track design shall provide sufficient set back from the south bound ramp to the San Diego freeway in order to provide for an additional right turn lane or an additional access lane to the freeway should future increases in development necessitate such improvement. The subject project is not required to provide any dedication or participate in the funding of such improvements should street or ramp widening be required at a future date due to mitigation of other development(s).
27. A transportation information area shall be located inside or near the building in a conspicuous area for employees. The information area shall consist of a bulletin board, display case or kiosk featuring transportation information. The types of information that must be included are transit route maps, bicycle route maps, information numbers for local transit operators and the regional ridesharing agency, as well as a list of alternative transportation amenities at the site.
28. Up to ten (10) percent of all employee parking shall be set aside for carpools and vanpools, unless an alternative is approved by the City. Carpool and vanpool spaces shall be conveniently located as close to the building as feasible, to the satisfaction of the Planning Division.
29. A designated pathway of travel shall be provided to all pedestrian and bicycle riders to provide direct and convenient access to the development from the public right of way and all parking areas.
30. Bicycle parking facilities shall include bicycle racks, bicycle lockers or locked storage rooms. The Planning Division shall approve the location, type and quantify of bicycle facilities.

#### LANDSCAPING/IRRIGATION

31. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.

32. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
33. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning.
34. A 10-foot-wide landscape area shall be located along the front property line along Main Street. Said landscaping shall be properly maintained at all times.
35. All required yards adjacent to, or visible from, a public right-of-way shall be landscaped utilizing any combination of the drought resistant plants native to this region, including lawn grasses, flowers, ground covers, vines, shrubs in five (5) to fifteen (15) gallon sizes, and minimum twenty-four (24) inch box specimen trees, of sufficient bulk to provide screening.

#### AESTHETICS

36. 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.
37. Decorative colored concrete pattern or paving shall be constructed at the two northerly driveway approach entries along Main Street to the satisfaction of the Planning Division.
38. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.
39. Graffiti shall be removed from all project areas within 3 days of written notification by the City of Carson. 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 modifications (i.e., fencing, landscaping, chemical treatment, etc.).
40. All roof-mounted equipment shall be screened from public view or incorporated into the design of the structure or building.
41. Equipment used for the landfill remedial systems shall have a block wall and landscape as necessary to screen from the public right of way and view from residential uses. Prior to installation of any above ground equipment, the applicant or property owner shall provide a revised site plan showing the location of said equipment, walls and landscape area. The revised plans shall be subject to approval by the Planning Division.

#### FENCES/WALLS

42. Prior to issuance of a building permit, the proposed fencing type and samples shall be submitted for Planning Division review and approval.
43. Fencing along Main Street shall be setback at least 10 feet from the property line except as may be expressly permitted pursuant to an approved site plan.

44. Barbed or concertina wire fencing shall be prohibited.

### SIGNS

45. All proposed business signs must be in compliance with the provisions of the CMC signage requirements. Signage shall be reviewed and approved by the Planning Division.

### LIGHTING

46. A precise lighting plan shall be submitted showing all proposed building, parking lot and accent lighting, subject to the approval of the Planning Division.
47. Lighting for the project site shall be directed downward and inward in order to minimize and shield glare to other properties and the public roadways.

### TRUCK LOADING, MANEUVERING, AND STORAGE

48. All truck loading areas shall be properly marked according to Section 9162.66 of the Zoning Ordinance.
49. Truck delivery shall be confined to non-peak hours to the extent feasible.
50. Any areas utilized for the loading or storage of trucks shall be screened from view of the public right of way.

### AIR QUALITY – CONSTRUCTION PHASE

51. Temporary traffic controls (i.e., flag person) shall be provided during all construction phases to maintain traffic flow.
52. Construction activities shall be scheduled for off-peak hours to the degree practicable.
53. Construction trucks shall be re-routed away from congested streets.
54. Truck deliveries shall be consolidated when possible.
55. Construction equipment and vehicle engines shall be maintained in good condition and in proper tune as per manufacturers' specifications and pre SCAQMD rules, to minimize exhaust emissions.
56. Methanol- or natural gas-powered mobile equipment and pile drivers shall be used instead of diesel to the extent available and at competitive prices.
57. Propane- or butane-powered onsite mobile equipment shall be used instead of gasoline to the extent available and at competitive prices.
58. Exposed piles (i.e., gravel, sand, and dirt) shall be enclosed, covered, or watered twice daily, or an approved soil binder shall be used.

59. Active grading sites shall be watered at least twice daily.
60. Excavation and grading operations shall be suspended when wind speeds (as instantaneous gusts) exceed 25 miles per hour over a 30-minute period.
61. All trucks hauling dirt, sand, soil, or other loose materials are to be covered or should maintain at least two feet of freeboard (i.e., minimum vertical distance between top of the load and the top of the trailer), in accordance with Section 23114 of the California Vehicle Code.
62. Streets shall be swept on an as needed basis at the end of the day if visible soil material is carried over to adjacent roads. Water sweepers using reclaimed water are recommended.
63. Wheel washers shall be installed where vehicles enter and exit unpaved roads onto paved roads.
64. Trucks and any equipment leaving the site shall be washed if dirt, sand, soil, or other loose material is visible.
65. Water shall be applied three times daily, or chemical soil stabilizers shall be used according to manufacturers' specifications, to all unpaved parking or staging areas or unpaved road surfaces.
66. Traffic speed limits of 15 miles per hour or less shall be posted and enforced on all unpaved roads.

#### AIR QUALITY – OPERATIONAL

67. Alternative fuel vehicle (AFV) parking spaces shall be made available to employees and customers of the office building to the satisfaction of the Planning Division.

#### GEOLOGY AND SOILS

68. The proposed project shall comply with the standards set forth in the UBC (most recent edition) for structures on-site to assure safety of the occupants to the satisfaction of the Department of Building and Safety prior to issuance of a building permit. These standards included compliance with California Division of Mines and Geology Special Publication 117 (Guidelines for Evaluating and Mitigating Seismic Hazards in California, adopted march 13, 1997) and "Recommended Procedures for Implementation of CDMG Special Publication 117- Guidelines for analyzing and Mitigating Liquefaction in California" (Dr. Geoffrey R. Martin et al, May 1999).
69. A qualified geotechnical engineer shall be present on-site during excavation, grading, and general site preparation activities to monitor the implementation of the recommendations as specified in the geotechnical report.
70. A site-specific geologic and soil investigation shall be conducted and a report prepared which satisfies the requirements of the City Engineer and the Building and Safety Department. The report shall be prepared and submitted prior to approval of final design plans. The report shall also include recommendations for minimizing



geologic and soil related hazards and these recommendations shall be incorporated into the final project design.

#### NOISE

71. All operations shall comply with the Carson Noise Control Ordinance.
72. The Porsche driving training center hours of operation will be from 8:00 a.m. to 8:00 p.m. unless the activities are located primarily within the building or an alternative schedule has been approved for a special event by the Planning Division. Any noise generated from the operation and cars using the proposed track that exceed the City's Noise Control Ordinance will comply with a Noise Monitoring/Mitigation Program Agreement attached as Exhibit F to this resolution. Specifically, the proposed agreement will include: an initial pre-operational assessment commencing at the issuance of a Certificate of Occupancy to the Applicant and terminating upon issuance of a building permits for the residential component of the Boulevards at South Bay project; a continuous operational monitoring, commencing at the issuance of a building permit for the residential component and shall continue for the entire duration of the Applicant's operation measuring "real-time" noise impacts; and compliance monitoring commencing upon the issuance of the first Certificate of Occupancy for the Residential Component. Compliance monitoring shall consist of noise monitoring, recording noise readings and enforcement to assure compliance with the City Noise Ordinance

#### TRASH

73. The trash enclosure(s) shall be located on a four inch concrete pad screened by a six foot high decorative concrete block wall. Trash enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).
74. Recycling areas shall be provided for employees and customer and shall be in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.

#### UTILITIES

75. Public utility easements shall be provided in the locations as required by all utility companies with easements free and clear of obstructions, and electrical utilities shall be installed underground.
76. The applicant shall remove at their own expense any obstructions within the utility easements that would interfere with the use for which the easements are intended.
77. All ground-mounted utilities such as electrical transformers shall be located outside of the required front yard setback. Utilities shall be adequately screened with a decorative solid block wall or landscaping if visible from the public right-of-way.

#### FIRE DEPARTMENT - COUNTY OF LOS ANGELES

78. Provide water mains, fire hydrants, and fire flows as required by Los Angeles County Fire Department (LACoFD) and Fire Warden for the proposed site.

79. All required fire hydrants shall be installed, tested and accepted prior to issuance of a building permit or another time period as approved by LACoFD. Vehicular access must be provided and maintained serviceable throughout construction.
80. Provide unobstructed 26-foot wide vehicular access driveways with access to within 150 feet of all portions of the exterior building walls. Turning radius shall not be less than 32 feet. Any single gate opening used for ingress and egress shall be a minimum of 26 feet in width. Gate plans shall be submitted to the Fire Department prior to installation.
81. The applicant shall pay its "fair share" fire impact fees to adequately provide fire suppression/prevention services to this project and cover "fair share" cost of fire service facilities and equipment that is required to offset impacts of the proposed project as determined by the LACoFD and the City of Carson. Payment shall be made prior to issuance of a building permit or another time period as approved by LACoFD and the City of Carson.

#### BUILDING AND SAFETY – LOS ANGELES COUNTY

82. Per Section 9141.12 – Uses Permitted on Organic Refuse Landfill Sites, approval by the Building and Safety Division of a report submitted by the applicant, 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, shall be required prior to issuance of any building permit(s). The DTSC "Remedial Action Plan" will serve as the report to assure the elimination and or mitigation of any potential hazards and environmental risks for the Porsche project.
83. Issuance of grading or building permits for Development is contingent upon a finding that the issuance of said permits are not in conflict with the requirements established by the State Department of Toxic Substances (DTSC) Control.
84. All existing structures shall be demolished prior to the issuance of any building permit.

#### ENGINEERING DIVISION

84. 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.
85. The Developer shall submit a copy of approved plans on mylars (*such as, Sewer, Street and/or Storm Drain Improvements, whichever applies*), to the City of Carson – Engineering Division, prior to issuance of construction permits.
86. Any existing off-site improvements damaged during construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
87. A construction permit is required for any work to be done in the public right-of-way.

88. Proof of Worker's Compensation and Liability Insurance shall be submitted to the city prior to issuance of construction permit.

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

89. The Developer shall comply with the applicable SUSMP requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.
90. 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.
- a) Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
91. 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 this development. 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.
92. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.
93. The Developer shall submit improvement plans to the Development Services Group – 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.
- a) Sewer Main Improvements (*if any*) along Main Street as determined by the aforementioned sewer area study.
  - b) Storm Drain Improvements (*if any*) along Main Street as determined by the aforementioned requirement.
  - c) Street Improvements (*if any*) along Main Street as determined by the aforementioned requirement.
94. If any modification to existing median along Main Street is proposed, the developer shall submit Median Improvement Plan to the Development Services Group – Engineering Division for review and approval of the City Engineer.
95. Offsite improvements (*eg. driveways, sidewalk, parkway drains, trees, curb/gutter*) shall be shown on the grading plan. Prior to issuance of grading permit, developer shall obtain clearance from Carson Engineering.
96. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Services prior to issuance of Building Permit.

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

97. The Developer shall install separate sewer laterals to individually serve each building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
98. 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.
99. The Developer shall execute and provide to the City Engineer, a written statement from the water purveyor indicating that the water system will be operated by the purveyor and that under normal conditions, the system will meet the requirements for the development and that water service will be provided to each building.
  - a) Comply with mitigation measures recommended by the water purveyor.
100. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
101. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way along Main Street abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
102. Fill in any missing sidewalk if any, within the public right of way along Main Street abutting this proposed development
103. Remove unused driveway approach if any, within the public right of way along Main Street abutting this proposed development and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.
104. The Developer shall modify existing driveways within the public right of way along Main Street abutting this proposed development per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer. The proposed main driveway approach exceeds the maximum 40-foot width requirement. The driveway width at property line shall not exceed 40 feet and the driveway approach shall not exceed 60 feet at curb line. Any deviation shall be subject to the City Engineer review and approval.
105. The developer shall construct new driveway approaches per City of Carson Standard 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 30 feet.
106. Plant approved parkway trees on locations where trees in the public right of way along Main Street abutting this proposed development are missing per City of Carson Standard Nos. 117, 132, 133 and 134 to the satisfaction of the City Engineer.
107. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Main Street abutting this proposed development, to the satisfaction of the City Engineer.
108. The Owner shall annex the area to the L.A. County Lighting Maintenance District, for the purpose of operating and maintaining the streetlights to be installed. The

annexation shall be to the satisfaction of L.A. County and shall be completed prior to the issuance of Certificate of Occupancy. Additional streetlight installation or upgrade to existing streetlights may be required as part of the annexation. *(annexation procedure is approximately 12-month)* Contact LACDPW Traffic Lighting Joaquin Herrera (626)300-4770.

109. The developer shall submit street lighting layout plan for any existing street lights proposed to be relocated along Main Street. Street lighting layout plan shall be reviewed and approved by the L.A. County Street Lighting Division, Department of Public Works. Contact LACDPW Traffic Lighting Jeff Chow (626)300-4753.
110. All existing overhead utility lines less than 12 kilovolts shall be underground to the satisfaction of the City Engineer. Alternatively, in the City Engineer's discretion, the City may accept an in-lieu fee in an amount determined by the City Engineer to be sufficient to cover the costs of such undergrounding. Undergrounding estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination. [Per SCE: Distribution Lines are 12kV and less; Transmission Lines: 16kV and above]
111. All new utility lines, servicing the proposed development shall be underground to the satisfaction of the City Engineer.
112. Comply with any additional requirements, if any, as means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
113. Install striping and pavement legend per City of Carson standard.
114. Paint Curbs Red along Main Street as required and to the satisfaction of the City Engineer. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
115. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructures constructed and handicap access for this development to the satisfaction of the City Engineer and or appropriate agency or entity.
116. Streets abutting the development, with new utility trench cuts to serve the development, shall be slurry sealed from curb-to-curb or from median-to-curb when medians are existing or as approved by the City Engineer. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)
117. At the time of issuance of Certificate of Occupancy, and improvement plan approval, the developer's engineer shall submit the approved off-site improvement plans electronically stored a CD in AutoCAD format to the Engineering Services Division.
118. 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.
119. 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.

#### DEPARTMENT OF TOXIC SUBSTANCES CONTROL

120. Any hazardous wastes/materials encountered during construction shall be remediated in accordance with local, state, and federal regulations.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

121. Per section 6310 of the Carson Municipal Code, all parties involved in the project, including but not limited to contractors and subcontractors, will need to obtain a City Business License.