

**CITY OF CARSON**  
**PLANNING COMMISSION**  
**RESOLUTION NO. 23-XXXX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON FINDING AN EXEMPTION FROM CEQA AND CONDITIONALLY APPROVING SITE PLAN AND DESIGN REVIEW NO. 1926-23 FOR THE DEMOLITION OF THREE MULTI-TENANT INDUSTRIAL BUILDINGS AND CONSTRUCTION OF ONE 181,013 SQUARE FOOT INDUSTRIAL BUILDING ON AN APPROXIMATELY 8.7-ACRE SITE AT 1210 E. 223<sup>RD</sup> STREET, APN 731-500-4033.**

**WHEREAS**, on January 11, 2023, the Department of Community Development received a complete application from Robert Knapp c/o The Brookhollow Group for real property located at 1210 E. 223<sup>rd</sup> Street, legally described in Exhibit “A” attached hereto, requesting approval of Site Plan and Design Overlay Review No. 1926-23 to demolish three multi-tenant industrial buildings and construction of one 181,013 square foot industrial building on an approximately 8.7-acre site at 1210 E. 223<sup>rd</sup> Street; and

**WHEREAS**, studies and investigations were made, and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the 24th day of October 2023, conduct a duly noticed public hearing as required by law to consider said application. Notice of the hearing was posted and mailed to property owners and properties within a 750-foot radius of the project site by October 11th, 2023; and

**NOW, THEREFORE, THE PLANNING COMMISSION OF THE CITY OF CARSON, CALIFORNIA, HEREBY RESOLVES AS FOLLOWS:**

**SECTION 1.** The Planning Commission finds that the foregoing recitals are true and correct and are incorporated herein by reference.

**SECTION 2.** The Planning Commission finds as follows:

- a) The proposed project is compatible with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of Heavy Industrial and is compatible with the surrounding uses. There is no applicable specific plan for the area.
- b) The proposed project is compatible in architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area. The proposed project consists of demolishing three existing multi-tenant industrial buildings and developing one new 181,013 square warehouse building.

The project features a modern architectural style that combines painted concrete blocks, metal canopies, clear anodized mullions, and high-performance glazing. Large openings with blue reflective glass are strategically incorporated along the 223<sup>rd</sup> Street

and Lucerne Street facades to give the building an office-like appearance. The articulation of the concrete panels, along with the use of different color tones, effectively breaks up the façade, creating an appealing design aesthetic. The project's design is compatible with the surrounding area, as it aligns with other industrial uses.

- c) The proposed development, as conditioned pursuant to the conditions of approval attached hereto as Exhibit "B," provides for convenience and safety of circulation for pedestrians and vehicles.

A Traffic Impact Analysis Screening report dated June 23, 2023 for the project was submitted by the applicant and reviewed by the City's traffic engineer. The analysis indicates that the project will reduce daily trips by 545 passenger equivalents when compared to the current usage. The analysis uses ITE Trip Generation Manual, 11<sup>th</sup> Edition, Land Use Code 770 (Business Park) to set the trip generation rates for the existing use, and ITE Land Use Codes 150 (Warehousing, for 20% of the facility) and 110 (General Light Industrial, for 80% of the facility) to set the trip generation rates for the proposed use.

However, the proposed use of the facility once developed is speculative at this time. It is possible that the actual use could generate significantly greater traffic trips than analyzed, to the extent such use is automatically permitted under CMC 9141.1 (Condition of Approval No. 2). Most notably, if the actual use were to be a High-Cube Fulfillment Center Warehouse, the actual traffic trips could be much higher than what was analyzed, because High-Cube Fulfillment Center Warehouses are within the scope of ITE Land Use Code 155, which carries a much higher traffic trip generation rate than ITE Land Use Codes 150 and 770. Because the analysis provided by the applicant does not analyze the full range of potential uses under all potentially applicable ITE codes which could carry higher rates of traffic trip generation than those analyzed, Condition of Approval No. 3 has been added to Exhibit "B" to this resolution, requiring submittal of a revised traffic study with the necessary analysis and a further Planning Commission site plan and design overlay review approval based thereon prior to any such actual use. Imposition of this condition (among others as referenced above and below) is necessary for the Planning Commission to make this affirmative finding as to convenience and safety of circulation of pedestrians and vehicles.

The proposed development, as conditioned, will have adequate street access for pedestrian and vehicles, and adequate capacity for parking and traffic. Vehicular access to the property is provided by two driveways on 223rd Street and one driveway on Lucerne Street. The internal driveways will provide full access to the warehouse facility and are designed to meet Fire Department turning radius requirements.

Carson Municipal Code Section 9162.21 requires 121 parking spaces for the project and 145 are provided. ( $181,013 \text{ sf} / 1500 = 120.67$ ). CMC Section 9162.62, which pertains to truck parking for warehouse uses over 30,000 square feet in size, mandates one truck parking space for every seven loading docks, doors, or ramps, with, with a minimum requirement of one per site. The project proposes 28 dock doors; therefore, four truck parking spaces are required. However, the applicant is proposing 66 truck parking spaces for the project, surpassing the minimum requirement. The project complies with all CMC development standards for truck loading and maneuvering. The driveways, when gated from each street access, are set back sufficiently to

accommodate a truck of the required size (thirty-three or fifty-five feet) entirely off the public right-of-way when the gate is closed.

Conditions of approval have also been included, as necessary to enable the Commission to make this finding in the affirmative, requiring the developer to submit and obtain Community Development Director approval of a truck routing plan to and from the state highway and interstate freeway system, and requiring (i) anti-idling signs indicating a diesel truck engine idling restrictions in accordance with applicable CARB and SCAQMD regulations to be posted at the subject property along entrances to the site and in the loading areas and strictly enforced by the facility operator, (ii) signs to be posted in prominent locations on the facility premises indicating that off-site parking for any employee, truck, or other vehicle related to the operation or use of the facility is strictly prohibited, and (iii) signs to be installed at all truck exit driveways on the facility premises directing truck drivers to the approved truck routes pursuant to the truck routing plan, all to the satisfaction of the Director.

- d) Carson Municipal Code Section 9146.7 (Signs) allows two square feet of business signage for every one linear foot of lot frontage for the first one hundred (100) feet, plus one-half (1/2) times the frontage in excess of one hundred (100) feet. All signage associated with this project will be reviewed and approved as a separate application and will ensure that the signage complies with applicable Carson Municipal Code provisions, and will exhibit attractiveness, effectiveness, and restraint in signing graphics and color.
- e) The proposed development will be constructed in one single phase.
- f) The proposed landscape plan will comply with applicable water conservation requirements. Permanent irrigation utilizing best water conservation practices will be installed for both on and off-site landscaped areas.
- g) With the conditions of approval attached hereto as Exhibit "B," the required findings pursuant to Section 9172.23 (D), "Site Plan and Design Review," can be and are made in the affirmative.

**SECTION 3.** The proposed project is limited to Site Plan and Design Review pursuant to Carson Municipal Code (CMC) Section 9172.23. CEQA applies only to discretionary projects proposed to be carried out or approved by public agencies, and the discretionary component of an action must give the agency the authority to consider a project's environmental consequences to trigger CEQA. Although Site Plan and Design Review approvals pursuant to CMC 9172.23(B)(1) involve discretion of the Planning Commission in applying the facts to determine if the required affirmative findings of CMC 9172.23(D) can be made, the Planning Commission's discretion is limited to the design-related issues included in the required findings. Accordingly, the City cannot impose conditions of approval that constitute environmental impact mitigation measures for Site Plan and Design Overlay Review (DOR) No. 1926-23 exceeding the scope of such design-related issues. Additionally, design-related issues such as those found in CMC 9172.23 have been found not to require the separate invocation of CEQA, as it is common sense that such design related issues do not relate to the potential for whether a project causes a significant effect on the environment. (Pub. Res. Code §21080; *McCorkle Eastside Neighborhood Group v. City of St. Helena*, 31 Cal.App.5th 80 (2018)). City staff shall cause a Notice of Exemption to be filed as authorized by CEQA and the State CEQA Guidelines.

**SECTION 4.** The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Site Plan and Design Review No. 1926-23, subject to the Conditions of Approval contained in Exhibit “B,” attached hereto.

**SECTION 5.** This decision of the Planning Commission shall become effective and final 15 days after the date of the action unless an appeal is filed within that time in accordance with Section 9173.4 of the Zoning Ordinance.

**SECTION 6.** The Secretary of the Planning Commission shall certify to the adoption of this Resolution.

**PASSED, APPROVED and ADOPTED** this 24th day of October 2023.

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**CHAIRPERSON**

**ATTEST:**

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**SECRETARY**



**First American**

**EXHIBIT A**

ISSUED BY

**First American Title Insurance Company**

File No: NCS-1122822-LA2

File No.: NCS-1122822-LA2

The Land referred to herein below is situated in the City of Carson, County of Los Angeles, State of California, and is described as follows:

ALL THOSE PORTIONS OF LOTS 12 AND 13 OF TRACT NO. 29411, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS PER MAP RECORDED IN [BOOK 756 PAGES 51 TO 67](#) INCLUSIVE OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE CENTERLINE OF 223RD STREET AND LUCERNE STREET AS SHOWN ON SAID MAP OF TRACT NO. 29411; THENCE SOUTH 89 DEGREES 49 MINUTES 30 SECONDS WEST, 651.24 FEET, ALONG SAID CENTERLINE OF 223RD STREET, THENCE LEAVING SAID CENTERLINE; SOUTH 0 DEGREES 10 MINUTES 30 SECONDS EAST 50.00 FEET, TO A POINT IN THE NORTHERLY LINE OF SAID LOT 12 ALSO BEING A POINT IN THE EASTERLY LINE OF THE 10.969 ACRE PARCEL OF LAND NOW OR FORMERLY OF PORTER SESNON, ET AL., AS DESCRIBED IN DEED RECORDED IN [BOOK D5715 AT PAGE 678](#) OF OFFICIAL RECORDS OF SAID COUNTY AS RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SAID EASTERLY LINE BEING DISTANT 637.00 FEET FROM THE NORTHWEST CORNER OF LOT 11 OF SAID TRACT AS MEASURED ALONG THE NORTHERLY LINE OF SAID LOTS 11 AND 12, AND THE TRUE POINT OF BEGINNING THENCE SOUTHERLY ALONG SAID EASTERLY LINE, AS FOLLOWS:

1ST SOUTH 0 DEGREES 10 MINUTES 30 SECONDS EAST 336.53 FEET, THENCE;

2ND SOUTHEASTERLY ALONG A TANGENT COMPOUND CURVE TO THE LEFT HAVING THE FOLLOWING RADII, CENTRAL ANGLE AND ARC LENGTHS:

RADII CENTRAL ANGLES ARC LENGTHS  
3RD 281.74 FEET 34° 28' 05" 169.49 FEET  
4TH 1172.30 FEET 4° 01' 20" 82.30 FEET  
5TH 358.45 FEET 31° 06' 12" 194.59 FEET  
TO A POINT THENCE;

6TH SOUTH 0 DEGREES 10 MINUTES 30 SECONDS EAST 25.09 FEET TO THE SOUTHERLY LINE OF SAID LOT 13; THENCE ALONG THE SOUTHERLY AND EASTERLY LINES OF SAID LOT 13 THE FOLLOWING COURSES:

7TH NORTH 89 DEGREES 49 MINUTES 30 SECONDS EAST 357.21 EAST, THENCE;

8TH NORTH 0 DEGREES 10 MINUTES 36 SECONDS WEST 675.09 FEET, THENCE;

9TH NORTHERLY AND WESTERLY ALONG A TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 25.00 FEET, A CENTRAL ANGLE OF 89 DEGREES 59 MINUTES 54 SECONDS, AN ARC LENGTH OF 39.27 FEET, THENCE ALONG THE NORTHERLY LINE OF SAID LOTS 12 AND 13;

10TH SOUTH 89 DEGREES 49 MINUTES 30 SECONDS WEST 586.15 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPT THEREFROM ALL OF THE MINERALS AND MINERAL ORES OF EVERY KIND AND CHARACTER OCCURRING 500 FEET BENEATH THE SURFACE THEREOF, NOW KNOWN TO EXIST OR HEREAFTER DISCOVERED UPON, WITHIN OR UNDERLYING SAID LAND OR THAT MAY BE PRODUCED THEREFROM, INCLUDING, WITHOUT LIMITING THE GENERALITY OF THE FOREGOING ALL PETROLEUM, OIL, NATURAL GAS AND OTHER HYDROCARBON SUBSTANCES AND

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PRODUCTS DERIVED THEREFROM, TOGETHER WITH THE EXCLUSIVE AND PERPETUAL RIGHT OF SAID GRANTORS, THEIR SUCCESSORS AND ASSIGNS OF INGRESS AND EGRESS BENEATH THE SURFACE OF SAID LAND TO EXPLORE FOR, EXTRACT, MINE AND REMOVE THE SAME, AND TO MAKE SUCH USE OF SAID LAND BENEATH THE SURFACE AS IS NECESSARY OR USEFUL IN CONNECTION THEREWITH, AND OTHER USE THEREOF, WHICH USES MAY INCLUDE LATERAL OR SLANT DRILLING, DIGGING, BORING OR SINKING OF WELLS, SHAFTS OR TUNNELS TO OTHER LANDS NOT SUBJECT TO THOSE RESERVATIONS AND EASEMENTS, PROVIDED, HOWEVER, THAT SAID GRANTORS, THEIR SUCCESSORS AND ASSIGNS, SHALL NOT USE THE SURFACE OF SAID LAND IN THE EXERCISE OF ANY OF SAID RIGHTS AND SHALL NOT DISTURB THE SURFACE OF SAID LAND OR ANY IMPROVEMENTS THEREON OR REMOVE OR IMPAIR THE LATERAL OR SUBJACENT SUPPORT OF SAID LAND OR ANY IMPROVEMENTS THEREON, AND SHALL CONDUCT NO OPERATIONS WITHIN 500 FEET OF THE SURFACE OF SAID LAND AS RECORDED DECEMBER 1, 1986 AS INSTRUMENT NO. [86-1650991](#), MEASURED VERTICALLY FROM THE SURFACE OF SAID LAND. IN THE EXERCISE OF SAID RESERVED EXCLUSIVE EASEMENTS, MINERALS, RIGHTS AND RESERVATIONS, GRANTORS MAY POOL SAID LANDS WITH OTHER LANDS. THE RIGHT OF GRANTORS SHALL INCLUDE, BUT SHALL IN NO WAY BE LIMITED TO, ALL SUBTERRANEAN RIGHTS NECESSARY INCIDENTAL OR CONVENIENT TO THE FULL EXERCISE OF THE RIGHTS RESERVED BY GRANTORS BELOW 500 FEET OF THE SURFACE OF SAID LAND AND SHALL INCLUDE THE RIGHT TO DRILL AND MAINTAIN WELL HOLES THROUGH THE SAID LAND BELOW 500 FEET FROM THE SURFACE THEREOF, FOR THE PURPOSE OF REMOVING OIL, GAS AND OTHER HYDROCARBON SUBSTANCES FROM OTHER LANDS, WHETHER SUCH OTHER LANDS TO BE ADJACENT, CONTIGUOUS, OR DISTANT FROM SAID LANDS, AS RESERVED BY LOUISE WATSON AND SUSANA W. LACAYO, AS JOINT TENANTS, IN DEED RECORDED JANUARY 3, 1963 AS INSTRUMENT NO. 2503, IN [BOOK D-1872 PAGE 539](#), OF OFFICIAL RECORDS.

For conveyancing purposes only: APN 7315-004-033

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

**EXHIBIT "B"  
CONDITIONS OF APPROVAL  
SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1926-23**

**I. GENERAL CONDITIONS**

1. ***Interim Development Impact Fee:*** In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code (“CMC”), the applicant, property owner, and/or successor to whom these project entitlements are assigned (“Developer”) shall be responsible for payment of one-time interim development impact fees (“IDIF”) at the applicable amounts/rates detailed below for each square foot of commercial development constructed for the project. If the project increases or decreases regarding the square footage constructed, the total IDIF amount will be adjusted accordingly at the applicable rate.

Additionally, subject to the review, verification, and approval of the Community Development Director, the applicant *may* be eligible for development impact fee credits for demolition of an existing permitted structure or structures. To be eligible for credits, **prior to demolition**, provide building volume (average building height and footprint, usable areas) of all existing permitted structures and the new proposed structure. Awarded fee credits shall reduce the final development impact fee amount and are applied when development impact fees are due.

Final IDIF rates and amounts are calculated and due prior to issuance of the building permit(s). No building permit shall be issued prior to the full payment of the required IDIF amount, which payment shall be made in one lump sum installment. IDIF amounts/rates are subject to adjustment every July 1<sup>st</sup> based on State of California Construction Cost Index (Prior March to Current March Adjustment), per CMC Section 11500.

IDIF amounts/rates for industrial development have been set at \$3.36 per square foot for Fiscal Year 2023-24, effective July 1, 2023, through June 30, 2024. Based on these rates, the Developer would be responsible for payment of IDIF in the amount of \$608,203.68 for the proposed project, calculated as follows: 181,013 square feet X \$3.36 per square foot = \$608,203.68. However, if the IDIF for the project is not paid by the end of the 2023-24 fiscal year (i.e., by June 30, 2024), a new IDIF rate/amount will apply for the period of July 1, 2024, through June 30, 2025, based on the IDIF rate for Fiscal Year 2024-25, and so on for subsequent fiscal year(s). This estimated amount does not factor for any possible credits the applicant may be eligible for.

***Notice of Imposition of Interim Development Impact Fees; Right to Protest***

Pursuant to CMC Section 11503, Developer is hereby notified of the IDIF imposed on the project, as described and in the amount stated above. In accordance with Government Code Section 66020, Developer may protest the imposition of the IDIF on the project by complying with the requirements set forth in CMC 11900. Any such protest shall be filed within ninety (90) days after the effective date of the City’s approval/conditional approval of the project.

If you have any questions or comments regarding this notice, please contact James Nguyen at [jnguyen@carsonca.gov](mailto:jnguyen@carsonca.gov) or (310) 952-1700 ext. 1310.

**Funding Mechanism for Ongoing Services/Community Facilities District:**

Funding Mechanism for Ongoing Services/Community Facilities District: The Developer is required to establish a funding mechanism to provide an ongoing source of funds to mitigate the impacts of the proposed development on City services on an ongoing basis.

In 2018, City adopted Community Facilities District (CFD) No. 2018-01 and may adopt a similar community facilities district in the future to use instead of CFD No. 2018-01 (collectively referred to herein as the “CFD”) to fund the ongoing costs of City services permitted by the CFD, including the maintenance of parks, roadways, and sidewalks and other eligible impacts of the Project within the CFD (the CFD Services). The City uses this mechanism for projects wanting to join the CFD as a means to satisfy the condition to mitigate impacts on services. In 2019, the City undertook a Fiscal Impact Analysis (“FIA”), and uses the analysis generally to determine the impacts in CFD No. 2018-01.

Based on the FIA, the subject property falls under the “Industrial Zone 2 – Heavy Truck Routes” category with a current rate at \$7,009.87 per acre per year for Fiscal Year 23-24. Based on an 8.71 acre development, the current estimated annual amount for ongoing services is \$61,055.97 for Fiscal Year 23-24, subject to annual adjustments every July 1st. Prior to recordation of final tract map or permit issuance, whichever comes first, Developer shall demonstrate compliance under this section either through: (1) Annexing into a City CFD; or (2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City.

This condition may be satisfied by annexing the subject property to the CFD with the rate comparable to that of the FIA, or by requesting the City undertake a Fiscal Impact Study by a consultant chosen by the City with respect to the subject property with similar scope and standards as the FIA and paid for by the Developer to set the rate of the CFD for the subject property. Should another Fiscal Impact Study be undertaken, a lower or higher rate may be required for the mitigation of impacts based on the Study. The Developer may also provide another mechanism for satisfying the requirement to mitigate impacts that is acceptable to the City Council.

To understand the requirements in more detail, please visit the City’s CFD webpage at <https://ci.carson.ca.us/communitydevelopment/CFD.aspx> and/or contact James Nguyen at [jnguyen@carsonca.gov](mailto:jnguyen@carsonca.gov) or 310-952-1700 ext. 1310.

2. Developer did not apply for or obtain any land use entitlement in connection with Site Plan and Design Review No. 1926-23, which relates solely to the development of the proposed facility, not any subsequent use thereof. Accordingly, the permissible uses of the subject property are limited to the automatically permitted uses set forth in CMC 9141.1 (as may be amended from time to time) for the applicable zone (M-H) until such time as Developer obtains a land use entitlement authorizing further/other uses.
3. The subject property shall not be used as a High-Cube Fulfillment Center Warehouse (ITE Trip Generation Manual 11<sup>h</sup> Edition - Land Use Code 155) or any other use that would generate a significantly higher rate or amount of daily or AM or PM peak hour truck trips, PCE traffic trips, or actual traffic trips to or from the subject property than that analyzed in the Traffic Impact Analysis Screening report dated June 23, 2023 that was prepared for the



project, without Developer first submitting a revised traffic impact analysis analyzing the proposed use under ITE Land Use Code 155 and obtaining a further Planning Commission site plan and design review approval pursuant to CMC 9172.23 (as may be amended from time to time, without limitation as to any other applicable approvals), including an affirmative finding as to safety and convenience of pedestrian and vehicular circulation pursuant to CMC 9172.23(D)(1)(c), based on an analysis of the anticipated project trip generation figures utilizing the applicable ITE Trip Generation Manual Land Use Code(s) for the then-proposed use. Prior to issuance of building permits, Developer shall record a covenant on the subject property, which shall run with the land and which shall be in a form acceptable to the City Attorney, to this effect.

4. If a building permit for Site Plan and Design Review No. 1926-23 is not issued within **two years** of the effective date of the approved Planning Commission Resolution, the entitlement shall be declared null and void unless an extension of time is approved by the Planning Commission.
5. The approved Resolution, including these Conditions of Approval, and signed Affidavit of Acceptance, shall be copied in their entirety, and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
6. Developer 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.
7. Developer shall comply with all city, county, state and federal regulations applicable to this project.
8. Any substantial project revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
9. The applicant and property owner shall sign an Affidavit of Acceptance of these Conditions of Approval, in a form approved by the Director, and shall submit the signed Affidavit of Acceptance to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
10. A modification of these conditions, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
11. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, then except as otherwise provided in Section 9172.28 of the Zoning Ordinance, this permit may be revoked by the Planning Commission or City Council, as may be applicable, provided the Developer has been given written notice to cease such violation and has failed to do so for a period of thirty days.
12. Precedence of Conditions. If any of these Conditions of Approval alter a commitment made by the Developer in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
13. City Approvals. All approvals by City, unless otherwise specified, shall be by the department head of the department requiring the condition. All agreements, covenants, easements, deposits and other documents required herein where City is a party shall be in a form

approved by the City Attorney. The Developer shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.

14. Deposit Account. A trust deposit account shall be established for all deposits and fees required in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefor, or work may cease on the Project.
15. Indemnification. To the fullest extent permitted by law, the applicant, property owner, and tenant(s), for themselves and their successors in interest (“Indemnitors”), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them (“Indemnitees”) from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, “Claims”) against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors’ operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees’ associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors’ consent. Indemnitors shall provide a deposit to the City in the amount of 100% of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys’ fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.
16. The project shall comply with all applicable California Air Resource Board (CARB) and South Coast Air Quality Management (SCAQMD) requirements.
17. The truck entries shall be located along or adjacent to approved City of Carson truck routes. The Developer shall submit and obtain Director approval of a Truck Routing plan to and from the state highway and interstate freeway system.
18. The building roofs shall be solar-ready, which includes designing and constructing the building in a manner that facilitates and optimizes the installation of a rooftop solar photovoltaic system at some point after the building has been constructed.

## **AESTHETICS**

19. There shall be no deviation of architectural design or details from the approved set of plans. The Planning Division shall first approve any alteration.

20. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
21. Prior to Building and Safety plan check submittal, the specification of all colors and materials and texture treatment must be submitted and approved by the Planning Division.
22. The proposed project site shall be maintained free of debris, litter and inoperable vehicles at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.
23. No outdoor storage of materials shall be permitted on the property at any time.

### **LANDSCAPE/IRRIGATION**

24. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
25. All landscaping shall be drought -tolerant and be in compliance with the Model Efficient Landscape Ordinance and that palm trees shall not be utilized.

### **LIGHTING**

26. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9127.1 of the Zoning Ordinance.
27. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Department.

### **PARKING**

28. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
29. Anti-idling signs indicating diesel truck engine idling restrictions in accordance with applicable CARB and SCAQMD regulations, with information on how to report violations, shall be posted at the subject property along entrances to the site and in the loading areas, to the satisfaction of the Community Development Director, and shall be strictly enforced by the facility operator.
30. The Developer shall post signs in prominent locations on the facility premises indicating that off-site parking for any employee, truck, or other vehicle related to the operation or use of the facility is strictly prohibited, to the satisfaction of the Community Development Director.
31. Signs shall be installed at all truck exit driveways on the facility premises directing truck drivers to the approved truck routes pursuant to the Truck Routing Plan, to the satisfaction of the Community Development Director.
32. All signs under this Section shall be legible, durable, and weather-proof, to the satisfaction of the Community Development Director.

## **TRASH**

33. Trash collection shall comply with the requirements of the City's trash collection company.

## **BUILDING AND SAFETY DIVISION**

34. Submit development plans for plan check review and approval.
35. Prior to issuance of building permit, proof of worker's compensation and liability insurance for Developer must be on file with the Los Angeles County Building and Safety Division.
36. Obtain all appropriate building permits and an approved final inspection for the proposed project.
37. The Developer shall comply with applicable LID requirements (Carson Municipal Code 5809) and shall include Best Management Practices necessary to control storm water pollution from construction activities to the satisfaction of Building and Safety.

## **PUBLIC WORKS DEPARTMENT- CITY OF CARSON**

38. The Developer shall submit an electronic copy of approved plans (*such as, Sewer, Street and/or Storm Drain Improvements, Grading, etc., whichever applies*), to the City of Carson – Engineering Division, prior to issuance of construction permits.
39. Any existing off-site improvements damaged and/or destroyed during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
40. A construction permit is required for any work to be done within the public right-of-way.
41. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to issuance of any permit by Engineering Division.
42. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to the issuance of any encroachment permits.
43. The Developer shall provide recorded covenant to address drainage maintenance/responsibilities.
44. If required by the Engineering Division, soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved by Engineering Division.

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

45. Per City of Carson Municipal Code Section 5809, Developer shall comply with all applicable Low Impact Development (LID) requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of the City Engineer.

46. Per City of Carson Municipal Code Section 5809(d)(2), Developer shall comply with all street and road construction of 10,000 S.F. or more of impervious surface, shall manage wet weather with Green Infrastructure: Greens Streets.
47. Developer shall provide contact information of the Qualified Storm Water Developer (QSD) and/or Qualified SWPPP (Storm Water Pollution Prevention Plan) Developer (QSP) of the site to Kenneth Young via E-mail [kyoung@carsonca.gov](mailto:kyoung@carsonca.gov)
48. Developer shall submit digital copies of the LID/NPDES/Grading Plans, hydrology and Hydraulic analysis concurrently to City of Carson, Engineering Services Department and Los Angeles County Building & Safety Division. Deliver copy to Kenneth Young via E-mail [kyoung@carsonca.gov](mailto:kyoung@carsonca.gov)
49. Developer shall complete, sign and return the Stormwater Planning Program LID Plan Checklist form and return to City of Carson Engineering Services Division.
50. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The Developer shall submit a copy of approved Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.
51. If or when required, as determined by the City Engineer, Developer shall provide CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities.
52. If or when required, as determined by the Building and Safety Department, a soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory. Developer shall comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.
53. If or when required, as determined by the Building and Safety Department, The Developer shall submit a sewer area study to the Los Angeles County Department of Public Works (LACDPW) to determine if capacity is adequate in the sewerage system to be used as the outlet for the sewer of the development that is the subject of these conditions. If the system is found to have insufficient capacity, the problem must be addressed and resolved to the satisfaction of the L.A. County Sewer Department.
54. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted. The following are required as a part of the project's improvement plans, pursuant to Section 9161.4 of the Zoning Ordinance:
  - a. Repair any broken or raised/sagged sidewalk, curb and gutter within the public right of way abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
  - b. Remove and replace any broken/damaged driveway approach within the public right of way abutting this proposed development per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.

- c. Streets abutting 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).
- 55. Off-site improvements (e.g. driveways, sidewalk, parkway drains, trees, curb/gutter etc.) shown on the grading plans must provide a concurrent submittal to City of Carson Engineering Division. Off-site improvements may be shown on a separate set of street improvement plans. Prior to issuance of grading permit, Developer shall obtain clearance from City of Carson Engineering Division.
- 56. Pursuant to Section 9161.4 of the Zoning Ordinance, Developer shall underground all existing overhead utility lines 12 kilovolts and less abutting the proposed development to the satisfaction of the City Engineer and only to the extent that the estimated cost of this, and all such required improvements, does not exceed fifty (50) percent of the valuation of the structure(s) for which a building permit is requested. Pursuant to Section 9161.7 of the Zoning Ordinance, 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 provided the applicant deposits the full amount of the in-lieu fee before issuance of Building Permits. The in-lieu fee, and fees for all such required improvements, shall not exceed fifty (50) percent of the valuation of the structure(s) for which a building permit is requested. Undergrounding cost estimate shall be prepared by Southern California Edison and shall be submitted to the City Engineer for his determination.
- 57. Comply with the street lighting requirements if required by the LA County Public Works, Traffic Safety and Mobility Division, Street Lighting Section and any City Street Lighting requirements.

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

- 58. For any structural and/or treatment control device installed. Developer shall record a maintenance covenant pursuant to Section 106.4.3 of the County of Los Angeles Building Code and title 12, Chapter 12.80 of the Los Angeles County Code relating to the control of pollutants carried by storm water runoff. In addition, an exhibit shall be attached to identify the location and maintenance information for any structural and/or treatment control device installed.
- 59. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Kenneth Young via E-mail [kyoung@carsonca.gov](mailto:kyoung@carsonca.gov)
- 60. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.
- 61. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer.
- 62. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.

63. 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.
64. 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.
65. Comply with mitigation measures recommended by the water purveyor.
66. 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.
67. All street cuts for utility construction purposes shall be repaired by the Developer per the City's utility trench repair standard.
68. All infrastructures necessary to serve the proposed development (Electric, Gas, water, sewer, storm drain, and street improvements) shall be in operation prior to the issuance of Certificate of Occupancy.
69. The Developer shall pay any applicable Public Works/Engineering fees prior to the issuance of the Certificate of Occupancy.

#### **FIRE DEPARTMENT**

70. The proposed development shall obtain approval and comply with all Los Angeles County Fire Department requirements.

#### **BUSINESS LICENSE DEPARTMENT – CITY OF CARSON**

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