

Errata to Conditions of Approval for Site Plan and Design Review No. DOR 27-2021

20. The Project shall comply with the Artistic Feature requirements described in the Specific Plan (and otherwise set forth under the Development Agreement). The artistic feature must be constructed prior to certificate of occupancy for first building constructed within the respective parcel.

COMPLIANCE WITH THE CITY'S HAZARDOUS MATERIALS ORDINANCE

All future uses for PA3(a) shall comply with the City's Hazardous Materials Ordinance including but not limited to the following:

38. Uses involving CalARP Regulated Substances above threshold quantities are prohibited.

39. Prior to issuance of building permits for tenant improvements, Applicant and perspective tenant(s) for PA3(a) shall file and receive approval of the City's Hazardous Materials Application which shall be approved by the Community Development Director if the following information is submitted with the application:

~~39. Applicant and tenant(s) shall comply with the Director-Approved Permit Program~~

~~40. Application Content and Owner Certification shall include:~~

- a. Types and quantities of CalARP or Regulated Materials used or stored;
- b. Report any outstanding violations of State Unified Program regulations and status of efforts to correct same;
- c. Agreement to allow City inspectors to inspect at least once per year;
- d. Payment of application fee to cover costs of administration.

~~41.~~40. Failure to update information or submit to inspections will cause permit to lapse.

~~42.~~41. False/fraudulent applications will be denied, and any permits issued are automatically deemed null and void.

~~43.~~42. If a permit lapses, permittee can apply for reinstatement two more times. Three strikes will result in the permit permanently forfeited.

PUBLIC USE OF THE PRIVATE DRIVE WITHIN PA3(A)

~~44.~~43. The Applicant shall make the streetscape portion of the Private Drive available for certain limited "Public Use Activities" that include political and social advocacy and

public protesting including, but not limited to, events sponsored by organized labor groups (the “Public Use Activity Area”).

~~45.44.~~ Notwithstanding the permitted Public Use Activities described above, the Applicant may prohibit certain uses of the Private Drive it deems incompatible with the Project, including, without limitation, any of the following:

- a. cooking, dispensing or preparing food;
- b. selling any item or engaging in the solicitation of money or other goods or services;
- c. parking, sleeping or remaining onsite past the hours of operation or overnight;
- d. engaging in any illegal, dangerous or other activity that is inconsistent with the uses of the Project , such as bicycle or skateboard riding or similar activity, being intoxicated, having shopping carts or other wheeled conveyances (except for wheelchairs and baby strollers/carriages); or
- e. blocking or impacting traffic within the Private Drive or preventing access by vehicles or trucks.

~~46.45.~~ The Applicant shall retain the right to cause persons engaging in the prohibited conduct described above to be removed from the Public Use Activity Area. Should any such persons refuse to leave the Public Use Activity Area, they shall be deemed to be trespassing and be subject to arrest in accordance with applicable laws.

~~47.46.~~ The Applicant shall be entitled to establish and post rules and regulations for use of the Public Use Activity Area. Such rules and regulations must be consistent with these conditions of approval and cannot limit the permitted use of the Public Use Activity Area which includes political and social advocacy and public protesting including, but not limited to, events sponsored by organized labor groups.

~~48.47.~~ Nothing in these conditions of approval or in the development plan shall be deemed to mean that the Private Drive or Public Use Activity Area is a public park or is subject to legal requirements applicable to a public park or other public space. The Private Drive and Public Use Activity Area shall remain the private property of the Applicant with members of the public having only a limited license to occupy and use the space for Public Use Activities consistent with these conditions of approval.

DEVELOPMENT IMPACT FEE - CITY OF CARSON

~~95. Interim Development Impact Fee: In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code and the current Fiscal Year 2021-2022 fees (effective July 1, 2021 through June 30, 2022) the applicant, property owner, and/or successor to whom these project entitlements are assigned (“Developer”) shall be responsible for payment of a one-time development impact fee at the rate of \$2.63 per square foot of industrial building constructed and \$4.71 per~~

~~square foot of commercial building constructed. The proposed development includes development impact fees estimated at \$6,402,910.41 [1,567,090 square feet (Proposed Industrial area) X \$2.63 per square foot = \$4,121,446.70 and 33,800 square feet (Proposed Commercial area) x \$4.71 = \$159,198.00. \$4,121,466.70 + \$159,198.00 = \$4,280,644.70. If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.~~

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