CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

NEW BUSINESS CONSENT:  April 14, 2009

SUBJECT: Extension of Time for Modification No. 1 to Special Use Permit No. 106-74

APPLICANT/OWNER: Colony Cove Properties
c/o James Associates
255 N. El Cielo Rd. Suite 140-285
Palm Springs, CA 92262

REQUEST: A one-year time extension for Modification No. 1 to Special Use Permit No. 106-74 to permit an additional 21 mobile home spaces to an existing 404-unit mobile home park (Colony Cove Mobile Estates) located on approximately 52 acres in the RM-8-D (Residential, Multi-family – 8 units per acre – Design Overlay) zone district.

PROPERTY INVOLVED: 17700 South Avalon Boulevard

COMMISSION ACTION

___ Concurred with staff
___ Did not concur with staff
___ Other

COMMISSIONERS’ VOTE

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Item No. 9C
I. **Introduction**

The applicant, Colony Cove Properties, is requesting a one-year extension for Modification No. 1 to Special Use Permit No. 106-74, pursuant to Condition No. 1 of Planning Commission Resolution No. 08-2106. The property is located at 17700 South Avalon Boulevard and is zoned RM-8-D (Residential, Multi-family – 8 units per acre – Design Overlay).

II. **Background**

On March 25, 2008, the Planning Commission approved Modification No. 1 to Special Use Permit No. 106-74, to permit an additional 21 mobile home spaces to an existing 404-unit mobile home park - Colony Cove Mobile Estates. The approval included a requirement (Condition of Approval No. 10 of Resolution No. 06-2106) for an affordable rental agreement for five (5) of the 21 units. The applicant submitted a request for a one-year time extension on March 5, 2009 to work on the affordable rental agreement.

III. **Analysis**

Since the approval date, the city and owner have been attempting to enter into an agreement. To date, certain issues related to this agreement have not been resolved. While the city and owner remain desirous of entering into such an agreement, additional time is required or else the permit will expire. The applicant will be working with staff on these issues during the extension period.

IV. **Recommendation**

That the Planning Commission:

- APPROVE the extension of time for Modification No. 1 to Special Use Permit No. 106-74 until March 25, 2010; and

- ADOPT a minute resolution extending the approval to March 25, 2010.

V. **Exhibits**

1. Letter from the applicant’s attorney requesting an extension of time dated March 5, 2009

2. Planning Commission Resolution No. 08-2106 adopted on March 25, 2008

Prepared by:

[Signature]

Steven C. Newberg, AICP, Associate Planner

Reviewed by:

[Signature]

John F. Signo, AICP, Senior Planner

Approved by:

[Signature]

Sheri Repp-Loadsmann, Planning Division Manager
March 5, 2009

VIA HAND DELIVERY AND FEDERAL EXPRESS

Sheri Repp-Loadsman
Planning Manager
City of Carson
701 East Carson Street
Carson, California 90745

Re: Request for Extension to Modification to Special Use Permit No. 106-74

Dear Ms. Repp-Loadsman:

This law firm represents Colony Cove Properties, LLC ("Owner") in connection with the above-referenced matter.

Reference is made to the Modification to Special Use Permit No. 106-74 ("Modification of SUP" or "Permit") approved on March 25, 2008 ("Permit Approval Date") by the Planning Commission of the City of Carson pursuant to Resolution No. 08-2106 subject to certain Conditions of Approval. The Permit provided for the addition of 21 mobile home spaces to an existing mobile home park located at 17700 Avalon Boulevard.

Among other things, paragraph no. 1 of the Conditions of Approval provides that if a permit for new mobile homes is not obtained from the California Housing and Community Development Department, or if a building permit is not given for new construction on the site, within one (1) year of the date of approval of the Modification to SUP ("Conditional Approval Period"), then the Permit would be declared null and void unless an extension of time is requested prior to expiration of the Conditional Approval Period and is approved. As such, the Permit is subject to being declared null and void after March 25, 2009 unless an extension of time is requested and approved before such date.

Since the Permit Approval Date, the City and Owner have sought to enter into an affordable rental housing agreement in accordance with paragraph no. 10 of the Conditions of Approval. The City and Owner remain desirous of entering into such an agreement provided issues pertaining to the term, responsibility for the determination of affordable housing eligibility, rent subsidy, obligations upon conversion, and other open issues are resolved. In order to resolve these issues, an additional period of time beyond the Conditional Approval Period is needed.

Exhibit No. 1
Sheri Repp-Loadsman  
March 5, 2009  
Page 2

The Owner hereby requests that the City grant an extension of the Conditional Approval Period from March 25, 2009 to March 25, 2010.

In connection with this extension request, please take note that paragraph no. 8 of the Conditions of Approval provides that modification of the Permit may be considered upon filing an application in accordance with Section 9173.1 of the Carson Municipal Code ("CMC"). Section 9173.1 of the CMC, however, does not contain specific provisions regarding the form, content and information to be submitted for such an application, except that the form, content and information to be submitted shall be as prescribed by the "Director", that at least six (6) months has elapsed since final action was taken on the matter, and that the application fee, if any, has been paid.

Please take note that this letter serves as Owner’s application for an extension request with respect to the Permit. To the extent the "Director" requires additional information to be submitted in connection with this request, please let us know. The date of this application is more than six (6) months since the Permit Approval Date. The application fee, if any, will be paid by Foresight Engineering.

We look forward to hearing from you as soon as possible regarding this extension request.

Very truly yours,

GILCHRIST & RUTTER  
Professional Corporation

Duane M. Montgomery  
Of the Firm

cc: Nader Qoborsi, PE, PLS  
Richard H. Close, Esq.
CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 08-2196

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING MODIFICATION TO SPECIAL USE PERMIT NO. 106-74 FOR THE ADDITION OF 21 MOBILE HOME SPACES TO AN EXISTING 404-UNIT MOBILE HOME PARK LOCATED AT 17700 AVALON BOULEVARD

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

Section 1. An application was duly filed by the applicant, Colony Cove Properties, with respect to real property located at 17700 Avalon Boulevard, and described in Exhibit "A" attached hereto, requesting authorization of a Modification to Special Use Permit No. 106-74 to permit an additional 21 mobile home spaces to an existing 404-unit mobile home park (Colony Cove Mobile Estates) located on approximately 52 acres in the RM-8-D (Residential, Multi-family – 8 units per acre – Design Overlay) zone district.

Public hearings were duly held February 26, 2008 and March 25, 2008, at 6:30 P.M. at City Hall, Council Chambers, 701 East Carson Street, Carson, California. A notice of time, place and purpose of the aforesaid meetings were duly given.

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

Section 3. The Planning Commission finds that:

a) The General Plan Housing Element calls for the promotion of a variety of housing types, including mobile homes, and the development of quality affordable housing. The proposed 21 units exceeds the maximum density allowed in the zone of 8 units per acre. The applicant intends to provide additional mobile home spaces and affordable housing opportunities for five of the new spaces. The mobile home park is allowed to exceed the maximum density provided they provide affordable housing. In doing so, the development will facilitate achievement of goals and objectives of the General Plan.

b) The project site is 52.54 acres in area, flat, and square-shaped. The location is suitable for the use, and there are adequate facilities to serve the subject property and intended use.

c) Primary access to the subject property is via two driveways on the west side from Avalon Boulevard, which is a major thoroughfare running the length of the city. Avalon Boulevard is considered sufficient in width and capacity to serve the anticipated cumulative traffic impact created by the proposed mobile home expansion. Emergency vehicle access is provided by crash gates in two locations along the east side of the subject property, facing Rainsbury Avenue.

d) There are a sufficient number fire hydrants located throughout the subject property to facilitate the suppression of fire. There is adequate water supply for the hydrants and efficient means of access for fire department equipment and personnel in the event of an emergency.
e) The zoning for the property calls for multi-family residential uses, with which the proposed use is compatible. The proposed spaces will occupy existing areas within the mobile home park, which is consistent with the intended character of the area.

f) The proposed site plan is designed to mitigate park residents’ concerns voiced in community meetings between staff, the applicant and park residents during the review process of this application, and has been revised in response to the salient issues raised by residents in these meetings.

Section 4. The Planning Commission further finds that the use permitted by the proposed Modification to Special Use Permit No. 106-74 will not have a significant effect on the environment as indicated in the Initial Study and Negative Declaration prepared for this project. The proposed use will not alter the character of the surrounding area and meets or exceeds all City standards for protection of the environment. The Planning Commission hereby adopts the Negative Declaration.

Section 5. Based on the aforementioned findings, the Commission hereby grants a Modification to Special Use Permit No. 106-74, with respect to the property described in Section 1 hereof, subject to the conditions set forth in Exhibit "B" attached hereto, and adopts the Negative Declaration.

Section 6. The Secretary shall certify the adoption of this Resolution and shall transmit copies of the same to the applicant.

Section 7. This action shall become final and effective fifteen days after the adoption of this Resolution unless within such time an appeal is filed with the City Clerk in accordance with the provisions of the Carson Zoning Ordinance.

PASSED, APPROVED AND ADOPTED THIS 25TH DAY OF MARCH, 2008.

[Signature]
CHAIRMAN

ATTEST:  
SECRETARY
CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "A"
LEGAL DESCRIPTION
MODIFICATION TO SPECIAL USE PERMIT NO. 106-74

Property Address: 17700 Avalon Boulevard

The land referred to as parcel no. 7319-017-08 6 is described as follows:

Parcel 1 in the City of Carson, County of Los Angeles, State of California, as shown on Parcel Map No. 6150 filed in Book 69, Pages 69, 70, and 71 of Parcel Maps, in the Office of the County Recorder of said County.

Except from said land that portion lying below a depth of 500 feet, measured vertically from the surface of said land, as said surface existed on October 25, 1965.

Also except therefrom all mobile homes situated on said land.
CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION
EXHIBIT "B"
CONDITIONS OF APPROVAL
MODIFICATION TO SPECIAL USE PERMIT NO. 106-74

GENERAL CONDITIONS

1. If a permit for new mobile homes is not obtained from the State Housing and Community Development Department, or if a building permit is not given for new construction on the project site within one year of the date of approval of Modification to SUP No. 106-74, said permit shall be declared null and void unless an extension of time is requested prior to expiration and approved by the Planning Commission.

2. 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 approved 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.

3. The applicant shall make any necessary site plan and design revisions to the site plan and elevations approved by the Planning Commission and on file with the City Planning Division, 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. Should an affordable housing agreement between the applicant and the city not be finalized, as required by Condition No. 10, a modification to the site plan shall be reviewed and approved by the Planning Commission to authorize an alternative use for the five units.

4. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval, and which are consistent with the development plans included as exhibits to the staff report presented at the hearing in which the project was approved, including modifications to the plans and/or conditions of approval made by the Planning Commission during said hearing. Such approved development plans are subject to review and approval by the Planning Division prior to the issuance of a building permit.

5. 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.
6. 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.

7. 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.

8. 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.

9. Applicant shall defend, indemnify and hold harmless the City of Carson, its agents, officers, or employees from any claims, damages, action, or proceeding against the City or its agents, officers, or employees to attack, set aside, void or annul, and approval of the City, its advisory agencies, appeal boards, or legislative body concerning Modification to Special Use Permit No. 106-74. The City will promptly notify the Applicant of any such claim, action, or proceeding against the City and the Applicant will either undertake defense of the matter and pay the City's associated legal costs or will advance funds to pay for defense of the matter by the City Attorney. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Applicant's consent but should it do so, the City shall waive the indemnification herein, except, the City's decision to settle or abandon a matter following an adverse judgment or failure to appeal, shall not cause a waiver of the indemnification rights herein.

AFFORDABLE HOUSING

10. The applicant shall provide affordable rental housing for five new units at income levels and locations to be determined pursuant to an agreement with the city. The affordable rental rate shall be targeted to moderate (or below)-income households, unless otherwise approved by the city, and may be patterned after State Government Code 66427.5 at the discretion of the city. The affordable rental rate shall remain in effect for a period of not less than 30 years or until such time that the city approves an amendment to the agreement. The affordable housing costs shall consider space rent, principle and interest on the mobilehome, mortgage loan insurance fees, property taxes and assessments, fire and casualty insurance, property maintenance and repairs and a reasonable allowance for utilities. The program must be approved by the city before the applicant gets occupancy of units. Notwithstanding the foregoing, the applicant shall have no obligation to comply with this condition in the event that the city and the applicant are unable to come to an agreement on applicable rental rates and the affordable housing agreement for the five affordable units (see Condition No. 5).
11. If a subdivision conversion to residential ownership is approved, the affordable rental housing covenant on the five units shall be converted to low-income home ownership opportunities for five units. The locations of such units will be subject to an agreement with the city. The agreement shall include a formula to provide a fair distribution between land value and unit value.

PARKING

12. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.

13. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.

14. All areas used for the movement, loading, repair or storage of vehicles shall be paved with either:

a. Concrete or asphaltic concrete to a minimum thickness of three and one-half inches over four inches of crushed aggregate base; or

b. Other surfacing material which, in the opinion of the Director of Engineering Services, provides equivalent life, service and appearance.

15. Parking for handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

LANDSCAPING/IRRIGATION

16. The applicant shall submit two sets of landscaping and irrigation plans drawn, stamped, and signed by a licensed landscape architect and in substantial conformance with preliminary landscape plans dated as received by the Planning Department on February 14, 2008. Such plans are to be approved by the Planning Division prior to the issuance of any building permit.

17. Such landscaping and irrigation plans shall be stamped and signed by a licensed landscape architect and are to include, but are not limited to:

a. Trees, grass, and vine-like landscaping in the proposed park areas;

b. Perimeter landscaping near the “dog-run” area, as described on the site plan marked “Exhibit D”;

c. Annual flowers wherever possible; and

d. Irrigation system designed to commercial grade standards.

Furthermore, these plans are subject to Planning Division review and approval before landscape/irrigation construction, which is to be completed prior to the issuance of final occupancy.

18. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, “Water Efficient Landscaping.”
19. The applicant shall install 6-inch by 6-inch concrete curbs around all landscaped planter areas, except for areas determined by a SUSMP/NPDES permit, or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient stormwater runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.

20. Landscaping shall be provided with a permanently installed, automatic irrigation system and operated by an electrically-timed controller station set for early morning or late evening irrigation.

UTILITIES

21. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9126.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.

22. All utility meters will be painted the same color as the structures to reduce visibility (the Gas Company will not allow meters to be placed in boxes).

AESTHETICS

23. The specification of all colors and materials of new construction of trash enclosures, maintenance shed, and carport must be submitted and approved by the Planning Division prior to the issuance of any building permits.

24. 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.)

FENCES/WALLS

25. All fences, walls and hedges shall be located and constructed in compliance with the standards as provided for in Section 9126.3 (residential zones) of the Zoning Ordinance.

TRASH

26. Trash enclosures and recycling areas shall be located on four-inch concrete pads and in locations consistent with the approved site plan, subject to Planning Division review and approval. Painted metal, self-closing doors shall be used for enclosing the entrance to the trash and recycling areas. The trash and recycling area enclosure design is to be approved by the Planning Division prior to issuance of any building permit(s).
27. Recycling areas shall be provided in accordance with Sections 9164.4 and 9164.5 of the Zoning Ordinance. The number and size of recycling facilities are subject to the approval of the Planning Division.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

28. Provide water mains, fire hydrants, and fire flows as required by County Forester and Fire Warden for all land shown on the map to be recorded.

29. Provide Fire Department and City approved street signs and building address numbers prior to occupancy.

30. Access shall comply with Section 10.207 of the Fire Code which requires all weather access. All weather access may require paving.

31. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.

32. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.

33. Submit fire flow information to this Los Angeles County Fire Department, Land Development Division office for approval.

34. At the discretion of the applicant, a 39-foot lot line adjustment shall be completed between the subject property and the adjacent Los Angeles County Fire Department property. The lot line adjustment shall be recorded with the Los Angeles County Recorder's Office prior to the occupancy of the new spaces.

PUBLIC SAFETY - CITY OF CARSON

35. Ensure compliance with current seismic mitigation codes.

36. Where practical, surface treatments, accessibility or landscaping strategies should work to deter graffiti. Stucco or cinder block walls, with access to the public, should be set back or landscaped in such a way as to deter graffiti.

ENGINEERING SERVICES DEPARTMENT - CITY OF CARSON

37. Prior to issuance of Building Permit, a soils report, sewer area study, drainage concept, and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until the required soils, sewer, drainage concept and stormwater information have been received and found satisfactory.

38. Comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept and stormwater quality plan.
39. Dedicate 6-ft of additional right-of-way along portions of Rainsbury Avenue. Developer shall prepare legal description for required dedication, for review and approval of the City Engineer and Recordation with County Recorders Office.

40. 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.

41. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency or entity.

42. Repair any broken or raised (one-inch or more) sidewalk, curb and gutter along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue within or abutting this proposed development per City of Carson Standard and to the satisfaction of the City Engineer, which is limited to $10,000 or less in performance costs.

43. The Developer shall fill in missing sidewalk, remove and replace any broken/damaged driveway approach in the public right of way abutting the proposed development per City of Carson Standard and to the satisfaction of the City Engineer.

44. The Developer shall modify existing driveways in the public right of way per City of Carson Standard to comply with the ADA requirements and to the satisfaction of the City Engineer.

45. Where sidewalk meander around existing driveways and extending beyond the public right of way at any location, the required described sidewalk easements shall be submitted and approved prior to issuance of the building permit.

46. If any, remove unused driveway approach if any, and replace it with full height curb and gutter and sidewalk per City of Carson Standard and to the satisfaction of the City Engineer.

47. Install and/or modify (if necessary) existing wheelchair ramp along Avalon Boulevard at the entrance and exit to the subject site, and at the northwest corner of Rainsbury Avenue and Victoria Street per City of Carson Standard, in compliance with ADA requirements.

48. In the event that the applicant proposes future improvements allowing vehicular access entering or exiting onto Rainsbury Avenue (apart from the two existing "crash gates"), the applicant shall install streetlights on concrete poles with underground wiring Rainsbury Avenue to the satisfaction of the L.A. County Street Lighting Division, Department of Public Works.

49. All new utility lines, along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue abutting the proposed development shall be underground to the satisfaction of the City Engineer.
50. Plant approved parkway trees on locations along Avalon Boulevard and Victoria Street where trees are missing per City of Carson Standard Nos. 117, 132, 133 and 134. All new trees must be kept adequately watered.

51. Paint Curbs Red along Avalon Blvd, Albertoni Street, Victoria Street and Rainsbury Avenue within or abutting this proposed development, to the satisfaction of the City Traffic Engineer.

52. 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.

53. 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.

54. 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.

55. 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.

56. Comply with mitigation measures recommended by the water purveyor.

57. The Developer shall submit a copy of approved plans on mylars (i.e. Grading, Sewer, Street, and Storm Drain Improvement Plans), to the City of Carson – Engineering Division, prior to issuance of construction permits.

58. A construction permit is required for any work to be done in the public right-of-way.

59. Any improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.

60. 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.

61. 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 Engineer in the field. Slurry Seal materials shall be rubberized emulsion aggregate slurry (REAS)
62. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the drainage study, subject to the approval of the City Engineer.

63. Prior to issuance of Building Permit, the following must be on file:

64. Drainage/Grading plan prepared by a registered Civil Engineer, to the satisfaction of the Building and Safety Division.

65. Construction bond as required for all work to be done within the public right of way.

66. Proof of Worker's Compensation and Liability Insurance.

67. The Developer shall comply with the applicable SUSMP requirements and shall incorporate into the project plan a Storm Water Mitigation Plan, which includes those Best Management Practices necessary to control storm water pollution from construction activities and facility operations prior to issuance of Building Permit.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

68. 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.