



CITY OF CARSON
PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: September 24, 2013
SUBJECT: Conditional Use Permit Nos. 940-13 and
 Relocation Permit No. 3047-13

APPLICANT: Enterprise Rent-A-Car
 C/o Robert Atkinson
 SyWest Development, 150 Pelican Way
 San Rafael, California 94901

REQUEST: Recommend to the City Council approval of development on an organic refuse landfill site and approval of a relocation permit for modular office buildings on a site zoned ML-ORL-D (Manufacturing, Light, Organic Refuse Landfill-Design Overlay).

PROPERTY INVOLVED: 20151 S. Main Street

COMMISSION ACTION

- Concurred with staff
- Did not concur with staff
- Other

COMMISSIONERS' VOTE

| <u>AYE</u> | <u>NO</u> | | <u>AYE</u> | <u>NO</u> | |
|-------------------|------------------|---------------------------|-------------------|------------------|-----------------|
| | | Chairman Faletogo | | | Gordon |
| | | Vice-Chair Verrett | | | Piñon |
| | | Brimmer | | | Saenz |
| | | Diaz | | | Schaefer |
| | | Goolsby | | | |

Item No. 11-D

I. **Introduction**

Requests

Relocation Review No. 3047-13 for installation of modular office buildings

Conditional Use Permit No. 940-13 for development and approval of use for an Organic Refuse Landfill (ORL) site

Property Owner and Applicant

South-Bay-Carson, LLC, 150 Pelican Way, San Rafael, CA 94901

Project Address

20151 S. Main, Carson, CA 90745

Project Description

The applicant requests the approval of a conditional use permit to allow the use of an Enterprise-Rent-A-Car regional storage hub on a 24.5-acre former organic refuse landfill site to be located in the ML-ORL-D (Manufacturing Light, Organic Refuse Landfill, Design Overlay Review) zoning district. Pursuant to CMC Section 9141.12, no use shall be permitted on property designated as ORL without the approval of a conditional use permit.

ii. **Background**

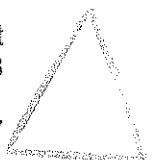
Use of Property

The property is vacant and is formerly an organic refuse landfill (the Southwest Conservation Landfill) that operated from 1964 to 1968. The property operated as the South Bay Six drive-in theater during the 1970's and closed in 1997. The City Council approved Conditional Use Permit No.511-00 allowing Prime Auto, in April of 2001, to start operation of a wholesale auto auction on the site. Operations were discontinued in the early summer of 2013.

The subject property improvements include paving with approximately 3 inches of pavement through-out the site with the exception of the perimeter areas. The perimeter areas are developed with a landscape setback of approximately 10 feet, however, the landscaping maintenance has been deferred and needs to be replanted.

The property is subject to South Coast Air Quality Management District (SCAQMD) Rule 1150.1 "alternative compliance plan" that requires continuous reporting and monitoring of the landfill gas collection and control system. The compliance plan requires the following:

- Collected landfill gas is routed to a control system that reduces the Non-Methane Organic Compound (NMOC) emissions by at least 98 percent by



weight or reduces the NMOC concentration to less than 20 parts per million by volume (ppmv);

- Control systems emissions are tested annually;
- Landfill gas is sampled at the main inlet to the flare and laboratory-analyzed quarterly for Total Organic Compounds (TOC) measured as methane and annually for Toxic Air Contaminants (TAC);
- The landfill gas control system is operated to control the concentration of TOC measured as methane below 5 percent by volume in the perimeter monitoring probes;
- Perimeter probe monitoring is conducted monthly for TOC and laboratory-analyzed annually for TACs using United States Environmental Protection Agency (EPA) guidelines;
- The landfill gas control system is operated to prevent the concentration of TOC (measured as methane), from exceeding 500 ppmv above background at any surface location over the landfill; and
- Instantaneous surface emissions monitoring is conducted quarterly.

According to SCAQMD staff the last inspection in 2007 identified no methane related problems from the monitoring facility with all equipment operating in working order. Based on planning staff inquiry, SCAQMD staff will re-inspect the subject property in 2013.

Previous Discretionary Permits

Previous discretionary permits include: CUP No. 511-00 for Prime Auto wholesale vehicle sales; Relocation Review permits 3035-46/47 for sales tent/portable bathrooms and storage trailers; and Special Use Permit No. 118-74 for development of a drive-in theater and Variance No. 144-81 for exceeding signage area for the former South Bay Six drive-in theater.

Public Safety Issues

There is no open case on any code enforcement matter on the subject property.

III. Analysis

Location/Site Characteristics/Existing Development

The 24.5-acre subject property is located at 20151 S. Main Street. The site is a former organic refuse landfill currently vacant with the exception of a methane monitoring building located at the northern property boundary. No hazardous wastes are stored on the property.

The Waste Management transfer facility is located to the north of the subject property within the MH-D (Manufacturing, Light-Design Overlay) zone district. The property to the south is zoned ML-ORL-D (Manufacturing, Light, Organic Refuse Landfill, Design



Overlay) and utilized for a landscape business. To the west is Figueroa Street and to the east is the Porsche Cars of North America project site zoned CR-ORL-D (Commercial, Regional, Organic Refuse Landfill-Design Overlay) and the Boulevards at South Bay, a mixed-use commercial and residential project approved for up to 2 million square feet of commercial space and 1,550 residential units.

Relocation Review No. 3047-13

Pursuant to CMC Section 9172.26 whenever a structure is proposed to be relocated to a site within the City of Carson, a Relocation Development Plan shall be submitted and approved before any grading permit, foundation permit, or relocation permit is issued or sign installed. The applicant has submitted plans for relocation approval of a 1,440-square-foot modular office building with an approximately 480-square-foot restroom modular unit for men and women. The site plan also identifies storage and trash recycling containers for the office use.

The Planning Commission shall approve the Relocation Development Plan if it is able to make the following findings:

1. Compatibility with the General Plan, any specific plans for the area, and surrounding uses.
2. Compatibility of 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.
3. Convenience and safety of circulation for pedestrians and vehicles.
4. Attractiveness, effectiveness and restraint in signing, graphics and color.
5. Conformance to any applicable design standards and guidelines that have been adopted pursuant to Section 9172.15.

The modular structures will meet all zoning, building and fire code requirements. The location is such that the structures will not be visible from the public right-of-way. The city typically does not approve the use of modular buildings except in circumstances where it can be demonstrated that the use will be short-term or there are unusual conditions that would warrant the use. In this case, the authorization is proposed for a 5-year term and the property is a former landfill that would require significant costs to design and construct a permanent structure. Staff believes that use of a modular structure would allow for the use of the property without causing unnecessary costs.

Conditional Use Permit No. 940-13

Staff has met with the property owner and Enterprise Rent-A-Car representatives to discuss the suitability of the proposed vehicle storage use in light of the Porsche driving skill project and the Boulevards at South Bay mixed use development. This

proposed conditional use permit is proposed to be authorized for a five (5) year period to enable the site's future highest and best use development potential to be determined consistent with the General Plan land use designation of a Mixed Use-Business Park. Staff does not recommend that the Planning Commission consider a longer term for the initial authorization. A condition has been included to allow an extension of time to be considered for the operation of the vehicle storage use contingent upon a finding that the property owner is taking active steps to develop the subject property. The condition seeks confirmation that the property owner is working with the appropriate regulatory agencies to conduct an environmental investigation and to prepare a remedial action plan that supports future development.

The site's existing ML-D-ORL zoning requires the processing of a conditional use permit application and the submittal of a report approved by the Building and Safety Division and the City Council prepared by a licensed civil engineer that would 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. Special Use Permit No. 118-74 required the property owner to establish certain measures to address the landfill condition. The applicant has demonstrated that the current landfill system is still operational and in compliance with SCAQMD requirements. Any future development of the property will require compliance with the building code and current requirements established by the California Department of Toxic Substances Control and SCAQMD for development on a landfill.

The proposed Enterprise Rent-A-Car regional storage hub facility will consist of inflow, short term storage and outflow of rental vehicles. Vehicles will be current year models that are joining the rental fleet or being sold by company wholesalers. There will be approximately twelve (12) full time employees, nine (9) full time drivers and 140 part time drivers that will report to the site each day. The hours of operation will be from 5:00 a.m. to 8:00 p.m. daily. The site plan identifies 24 employee parking stalls exceeding the CMC parking requirements along with approximately 1,555 parking spaces for the storage of rental cars. Once the site is fully operational there will be five to ten vehicle transport (car carrier) deliveries daily. At night the site will be locked down and guarded by an unarmed security force. Staff recommends that security cameras be added at all entry areas for added security.

The proposed site plan was reviewed and approved by the LA County Fire Department. All necessary permits will be obtained for the installation of any modular structures. The City's Traffic Engineer reviewed the proposed interior parking areas and deemed them as adequate and in compliance with the CMC. There are no adverse impacts expected from this project that would adversely affect any residential or commercial areas.

The property has been vacant for a number of months and the landscaping is not in good condition. A condition has been included to require the applicant/owner to provide a landscape plan that identifies how the landscape setback area will be refurbished. To ensure that the landscape area is maintained an irrigation plan shall be provided identifying any upgrades needed to the existing automatic irrigation

system. The owner/applicant will also provide new asphalt as needed to be in compliance with CMC Section 9162.0 which requires that the minimum thickness of the paving and base to be determined by an on-site pavement study completed by a licensed soils engineer approved by the Public Works Director.

The site's perimeter fencing is in disrepair and needs to be replaced. Conditions have been included to require that all needed property maintenance and asphalt paving to be improved within 60 days of final approval or sooner in compliance to the CMC and to secure final inspection clearance for the proposed project.

Zoning/General Plan Designation

The subject property is zoned ML-ORL-D (Manufacturing, Light, Organic Refuse Landfill, Design Overlay). The subject property has a General Plan Land Use designation of Mixed Use-Business Park.

Applicable Zoning Ordinance Regulations

The proposed CUP is subject to the approval of a development plan in accordance with the Conditional Use Permit (CUP) procedures as provided in Section 9172.21 and 9141.12 for development on Organic Refuse Landfill sites. The project is also subject to CMC Section 9172.26 (Relocation Review).

Required Findings: Conditional Use Permit

Pursuant to Section 9172.21(D), Conditional Use Permit, the Planning Commission may approve the proposal only if the following findings can be made in the affirmative:

1. The proposed use and development will be consistent with the General Plan upon General Plan Amendment approval to Heavy Industrial Land Use Designation.
2. The site is adequate in size, shape, topography, location, utilities and other factors to accommodate the proposed use and development.
3. There will be adequate street access and traffic capacity.
4. There will be adequate water supply for fire protection.
5. The proposed use and development will be compatible with the intended character of the area.

The required findings pursuant to Section 9172.21(D) and 9172.26 (D) (Commission Findings and Decision) can be made in the affirmative as discussed in the proposed resolution.

IV. Environmental Review

Pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines a "Categorical Exemption" has been

prepared for the proposed project that shows that no substantial evidence that the project may have a significant effect on the environment.

V. Recommendation


That the Planning Commission:

- Adopt the Categorical Exemption for said project;
- **WAIVE** further reading and **ADOPT** Resolution No. _____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL TO THE CITY COUNCIL OF CONDITIONAL USE PERMIT NO. 940-13 TO PERMIT DEVELOPMENT ON AN ORGANIC REFUSE LANDFILL SITE AND APPROVING RELOCATION REVIEW NO. 3047-13 FOR MODULAR OFFICE BUILDINGS FOR AN ENTERPRISE RENT-A-CAR REGIONAL STORAGE HUB USE TO BE LOCATED AT 20151 S. MAIN STREET."

VI. Exhibits

1. Draft Resolution
2. Enterprise Rent-A-Car/Project Description
3. Development Plans

Prepared by: _____


Zak Gonzalez II, Associate Planner

Reviewed by: _____


John F. Signo, AICP, Senior Planner

Approved by: _____


Sheri Repp Loadsman, Planning Officer

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 13-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON RECOMMENDING APPROVAL OF CONDITIONAL USE PERMIT NO. 940-13 TO ALLOW AN ENTERPRISE RENT-A-CAR STORAGE FACILITY ON A FORMER ORGANIC REFUSE LANDFILL SITE AND APPROVING RELOCATION PERMIT NO. 3047-13 TO RELOCATE AND AUTHORIZE USE OF MODULAR OFFICE BUILDINGS ON A SITE ZONED ML-ORL-D (MANUFACTURING, LIGHT-ORGANIC REFUSE LANDFILL-DESIGN OVERLAY) LOCATED AT 20151 S. MAIN STREET

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, Mr. Robert Atkinson, on behalf of the property owner, South Bay Carson LLC, with respect to real property located at 20151 S. Main Street, and described in Exhibit "A" attached hereto, recommending the approval of Conditional Use Permit (CUP) No. 940-13 to allow an Enterprise-Rent-A-Car storage facility on a former organic refuse landfill site and a Relocation Permit No. 3047-13 to relocate and authorize use of modular office buildings on a site zoned ML-ORL-D (Manufacturing, Light – Organic Refuse Landfill-Design Overlay).

Section 2. A public hearing was duly held on September 24, 2013, 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 meeting was duly given. Evidence, both written and oral, was duly presented to and considered by the Planning Commission at the aforesaid meeting.

Section 3. The Planning Commission finds that:

- a) The proposed vehicle storage use will provide for a surface use of a former landfill property and will not involve the construction of new buildings that would result in the need for a revised remedial action plan to address landfill conditions. The proposed use will operate for a five year time period and is considered to be an interim land use. A condition has been included to allow an extension of time to be considered for the operation of the vehicle storage use contingent upon a finding that the property owner is taking active steps to develop the subject property. The condition seeks confirmation that the property owner is working with the appropriate regulatory agencies to conduct an environmental investigation and to prepare a remedial action plan that supports future development.
- b) The applicant's proposal includes the use of modular structures. Such structures are adequate due to the short lease, anticipated to be five years. The modular structures would eventually be removed to allow for remediation and future development. Furthermore, enhancement of existing setbacks, landscape and fencing will beautify this area and promote compatibility with



adjacent uses. The site is 24 acres and is ample enough to accommodate proposed vehicle storage operations and traffic flow. The topography is relatively flat, considering that it was a former landfill. The applicant will be upgrading and/or modifying utilities per Building and Safety requirements to accommodate services to the operations.

- c) The project provides convenience and safety of circulation for pedestrians and vehicles. The site contains a large 70-foot wide entry area from Main Street. Vehicle carriers will be entering and exiting at various times of the day and throughout the week. Main Street is a 100-foot public right of way with sufficient capacity to accommodate projected vehicle trips and traffic circulation. The site plan, as proposed, allows for adequate on-site circulation and traffic flow.
- d) There will be adequate water supply for fire protection. The site is currently served by the public water system. There are adequate water hydrants off-site to allow the fire department access to public water in the event of an emergency.
- e) The property owner has demonstrated that the gas collection system is operated consistent with requirements established by the South Coast Air Quality Management District, Los Angeles Department of Health Services-Environmental Health Division and the California Regional Water Quality Control Board. Routine monitoring of the site for surface emissions, lateral gas migration and operation of the flare will continue to be performed in accordance with the SCAQMD Rule 1150.1 Alternative Compliance Plan by the property owner's environmental consultant. Routine monitoring of the site for surface emissions, lateral gas migration and operation of the flare are performed in accordance with the SCAQMD Rule 1150.1 Alternative Compliance Plan.
- f) The surrounding properties are occupied by heavy and light industrial uses to the north and south of the subject property. Properties to the east are planned for the Porsche Experience Driving Center, a driver training center including a museum, restaurant, retail and other uses. The Boulevards at South Bay development is also located in close proximity and is anticipated to complete the first phase of a large residential and commercial mixed use development by 2016. The proposed interim vehicle storage use on the former landfill is compatible with the surrounding existing and anticipated uses and is consistent with the General Plan land use designation of Mixed Use-Business Park. If an extension of time is requested, the Planning Commission and City Council will consider if the continued vehicle storage use is consistent with the Carson Municipal Code (CMC) and General Plan.
- c) The proposed site plan and existing parking and vehicle access to and from the site is adequate to serve the proposed use. The City Traffic Engineer determined that the proposed project will not generate any significant traffic impacts to the area and is in compliance with all other CMC parking requirements.
- d) The proposed project meets the goals and objectives of the General Plan and is consistent with applicable zoning and design regulations. All of the required



findings pursuant to Section 9172.21(d), "Conditional Use Permit" and Section 9172.26 (d), "Relocation Review" Approval Authority and Findings and Decision" can be made in the affirmative.

Section 4. Pursuant to Section 15332, In-Fill Development Projects, of the California Environmental Quality Act (CEQA) Guidelines, there is no substantial evidence that the project would have a significant effect on the environment since the site is developed and no physical exterior construction is proposed. As such, the project is categorical exemption from further environmental review.

Section 5. Based on the aforementioned findings, the Commission hereby recommends approval to the City Council for Conditional Use Permit No. 940-13 with respect to the property described in Section 1 hereof, and approves Relocation Review No. 3047-13 subject to the conditions set forth in Exhibit "B" attached hereto.

Section 6. The Secretary shall certify to the adoption of the 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 24th DAY OF SEPTEMBER, 2013.

CHAIRMAN

ATTEST:

SECRETARY



EXHIBIT A

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

PARCEL 1:

Lots 93, 94 and 95 of Tract 4671, as per map recorded in Book 56 Pages 30 and 31 of Maps, in the Office of the County Recorder of said County.

EXCEPT THEREFROM all oil, gas, minerals and other hydrocarbon substances in and under said land lying below a depth of 500 feet from the surface thereof; but with no right of surface entry, as provided in the Deed recorded November 8, 1963 in Book D2250 Page 748, Official Records.

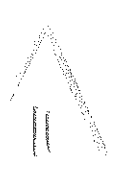
ALSO EXCEPT the subsurface water rights, but without the right of entry to the surface or subsurface above a depth of 500 feet, as provided in the Deed recorded November 8, 1963 as Instrument No. 5443.

PARCEL 2:

That portion of Lot 92, of Tract No. 4671, in the City of Carson, in the County of Los Angeles, State of California, as per map recorded in Book 56 Pages 30 and 31 of Maps, in the Office of the County Recorder of said County, lying Northerly of a line parallel with and 50 feet Northerly of the following described lines:

Beginning at a point in the center line of Main Street, distant thereon North 6° 12' 44" West 292.93 feet from its point of intersection with the Easterly prolongation of the center line of James Street; thence South 87° 01' 26" West 75.13 feet; thence South 87° 34' 22" West 853.34 feet to a point in a line parallel with and 50 feet Southerly of the Northerly line of said Lot 92; thence South 86° 37' 39" West to a point in a line parallel with and 50 feet Southerly of the Northerly line of Lot 13 of said Tract 4671, distant Westerly 333.52 feet along said parallel line from its point of intersection with the Easterly line of said Lot 13; thence South 85° 15' 55" West 880.00 feet; thence South 86° 41' 35" West 82.47 feet to a point in the center line of Normandie Avenue, distant thereon North 3° 21' 05" West 289.70 feet from its point of intersection with the Westerly prolongation of center line of James Street, as said streets are shown on said Map of Tract 4671.

ALSO EXCEPT all (100 per cent) of the oil, gas, petroleum and other hydrocarbon substances which lie below a plane parallel to and 500 feet below the natural surface of said land, without, however, any right to enter upon the surface of said land to explore for, develop, or remove said substances, but with full right to explore for, develop and remove the same by means of wells or equipment having surface locations outside the outer boundaries of said real property, in and under or recoverable from said real property, as excepted in the Deed from Del Amo Estate Company, a corporation, recorded November 8, 1963 in Book D-2250 Page 748, Official Records.



CITY OF CARSON
DEVELOPMENT SERVICES
PLANNING DIVISION

EXHIBIT "B"

CONDITIONAL USE PERMIT NO. 940-13 AND
RELOCATION REVIEW NO. 3047-13

GENERAL CONDITIONS

1. If a building permit is not issued within one year of the date of approval of Conditional Use Permit No. 940-13 and Relocation Review No. 3047-13, 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. This authorization shall expire five years from the date of the City Council approval. Any extension of these permits shall be subject to review and approval by the Planning Commission and City Council subject to a determination that the additional time is in full compliance with all Carson Municipal Code and General Plan requirements. Any request for additional time shall be considered in the same manner as the original permits.
3. The approved Resolution, including the Conditions of Approval contained herein, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
4. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
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. 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 by the Planning Commission.
7. The applicant shall submit two complete sets of plans and related documentation 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.
8. All buildings, grounds, parking areas and landscaping shall be maintained in a neat and orderly manner at all times.
9. 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.



10. 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.
11. It is further made a condition of this approval that if any condition is violated or if any law, statute 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.
12. **Precedence of Conditions.** If any of the Conditions of Approval alter a commitment made by the applicant 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 therefore, or work may cease on the Project.
15. The 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, or in any way related to the approval of the City, its advisory agencies, appeal boards, or legislative body concerning Conditional Use Permit No. 940-13 and Relocation Review No. 3047-13. 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. The applicant shall provide a deposit in the amount of 100 percent 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 the 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 the City shall have no liability to the applicant.

AESTHETICS

16. All trash and debris shall be removed prior to the issuance of a building permit. The subject property shall be maintained at all times to present an attractive appearance to the satisfaction of the Planning Division.

FENCES/WALLS

17. The existing wooden fence is in disrepair and shall be replaced within 60 days or sooner of final project approval.

GRAFFITI

18. The applicant shall incorporate additional landscaping to screen and block specific project areas that could be subject to graffiti, as determined by the Planning Division.
19. Graffiti shall be removed from all project areas within three (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.).

LANDSCAPING/IRRIGATION

20. The applicant shall submit two sets of landscaping and irrigation plans identifying the refurbishment of the front and side yard setback areas along Main and Francisco Streets. Such plans are to be approved by the Planning Division prior to the issuance of any building permit and all work shall be complete prior to occupancy. A bond may be accepted by the Planning Division for the landscape improvements subject to an agreement that all work is to be complete within 60 days of occupancy of the property.
21. The applicant shall comply with the provisions of Section 9168 of the Zoning Ordinance, "Water Efficient Landscaping."
22. 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.
23. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.



LIGHTING/SECURITY

24. Onsite lighting shall conform to the requirements of the Carson Municipal Code and shall be directed downward and inward so as not to cause light and glare impacts onto adjacent properties and motorists. Security cameras shall be added at site entry/exit areas along Main and Figueroa Streets to provide added protection to the proposed unarmed security force at night.

PARKING

25. The required parking shall meet all applicable standards as outlined in the Carson Municipal Code.
26. All parking areas and driveways shall remain clear. No encroachment into parking areas and/or driveways shall be permitted.
27. Compact spaces shall be properly designated pursuant to Section 9162.43 of the Zoning Ordinance.
28. Employee parking spaces shall be provided with perimeter guards as provided in Section 9162.55 of the Zoning Ordinance.
29. Parking spaces shall be identified (marked) as provided in Section 9162.56 of the Zoning Ordinance.
30. All areas used for the movement parking, 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.
 - c. Asphalt paving to be improved or repaired within 60 days of project approval.
31. Parking for the handicapped shall comply with the requirements of Section 9162.42 of the Zoning Ordinance.

SIGNS

32. All signage shall comply with the requirements of the Carson Municipal Code and shall require a sign permit approved by the Planning Division.

TRASH

33. Trash enclosure to meet Carson Municipal Code Section 9164.3 requirements.

BUILDING AND SAFETY - COUNTY OF LOS ANGELES

44. All modular buildings including restroom facilities shall comply with the American Disability Act (ADA) building requirements. Further, in compliance with Carson



Municipal Code Section No. 9121.12 the owner/applicant shall submit a report approved by the Building and Safety Division and the City Council prepared by a licensed civil engineer that would 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 on a former organic refuse landfill site.

BUSINESS LICENSE DEPARTMENT - CITY OF CARSON

- 45. Per Section 6310 of the Carson Municipal Code, all parties involved in the construction project, including but not limited to contractors and subcontractors, shall obtain a City Business License.

ENGINEERING SERVICES DIVISION - CITY OF CARSON

- 46. A construction permit is required for any work to be done in the public right-of-way.
- 47. The owner/applicant shall comply with the Standard Urban Storm Water Plan (SUSMP) requirements. Owner/applicant shall coordinate with the city's Public Works Department.

The Department of Public Works recommends approval of the proposed project subject to the following conditions:

GENERAL

- 48. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson Standard plan and to the satisfaction of the City Engineer.
- 49. Submit Proof of Worker's Compensation and Liability Insurance.

BUILDING PERMIT

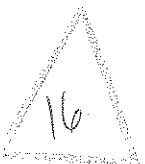
Prior to issuance of **Building Permit**, the proposed development is subject to the following:

- 50. The developer shall submit improvement plans to the Engineering Services 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.
- 51. Construction bond for all work to be done within the public right-of-way shall be submitted and approved by the Engineering Services Division prior to issuance of Building Permit.

CERTIFICATE OF OCCUPANCY

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

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



53. The Developer shall install separate sewer laterals to individually serve the building in the development. Installation and dedication of main line sewers may be necessary to meet this requirement.
54. 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.
55. Remove and replace any existing broken/damaged curb, gutter, sidewalk and driveway approach within the public right of way along Main and Francisco Street abutting and serving this proposed development per City of Carson Standard and to the satisfaction of the City Engineer.
56. Plant approved parkway trees on locations where trees are missing in the public right-of-way along Francisco and Main Streets per City of Carson Standard Nos. 117, 132, 133 and 134.
57. Install an automatic irrigation system for the purpose of maintaining the parkway trees to be planted within the public right-of-way along Main and Francisco Streets.
58. 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 in a CD in AutoCAD format to the Engineering Services Division.
59. 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.

FIRE DEPARTMENT - COUNTY OF LOS ANGELES

60. Provide water mains, fire hydrants, fire flows and emergency fire apparatus interior access as required by the Fire Department.
61. All required fire hydrants shall be installed, tested and accepted prior to construction. Vehicular access must be provided and maintained serviceable throughout construction.

