



CITY OF CARSON

PLANNING COMMISSION STAFF REPORT

**CONTINUED
PUBLIC HEARING:** May 14, 2019
SUBJECT: Design Overlay Review No. 1727-18 and Conditional Use Permit No. 1065-18
PROPERTY OWNER: Tesoro Logistics Operations, LLC
Attn: Rita Hagerty
6 Centerpointe Drive, Suite 500
La Palma, Ca 90623
REQUEST: Approval to construct, use, and maintain six (6) new, aboveground storage tanks on an existing refinery site.
PROPERTY INVOLVED: 1150 East Sepulveda Boulevard

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 Pimentel			Palmer
		Vice-Chair Cainglet			Rahman
		Fe'esago			Rashad
		Mitoma			Valdez
		Madrigal			Alt. Diaz Alt. Hellerud Alt. Zuniga

Item No. 6A

I. Introduction

Property Owner

Tesoro Logistics Operations, LLC
6 Centerpointe Drive, Suite 500, La Palma, CA 90623

Applicant

Tesoro Logistics Operations, LLC
6 Centerpointe Drive, Suite 500, La Palma, CA 90623

Project Address

1150 East Sepulveda Boulevard, Carson, CA 90745

II. Project Description

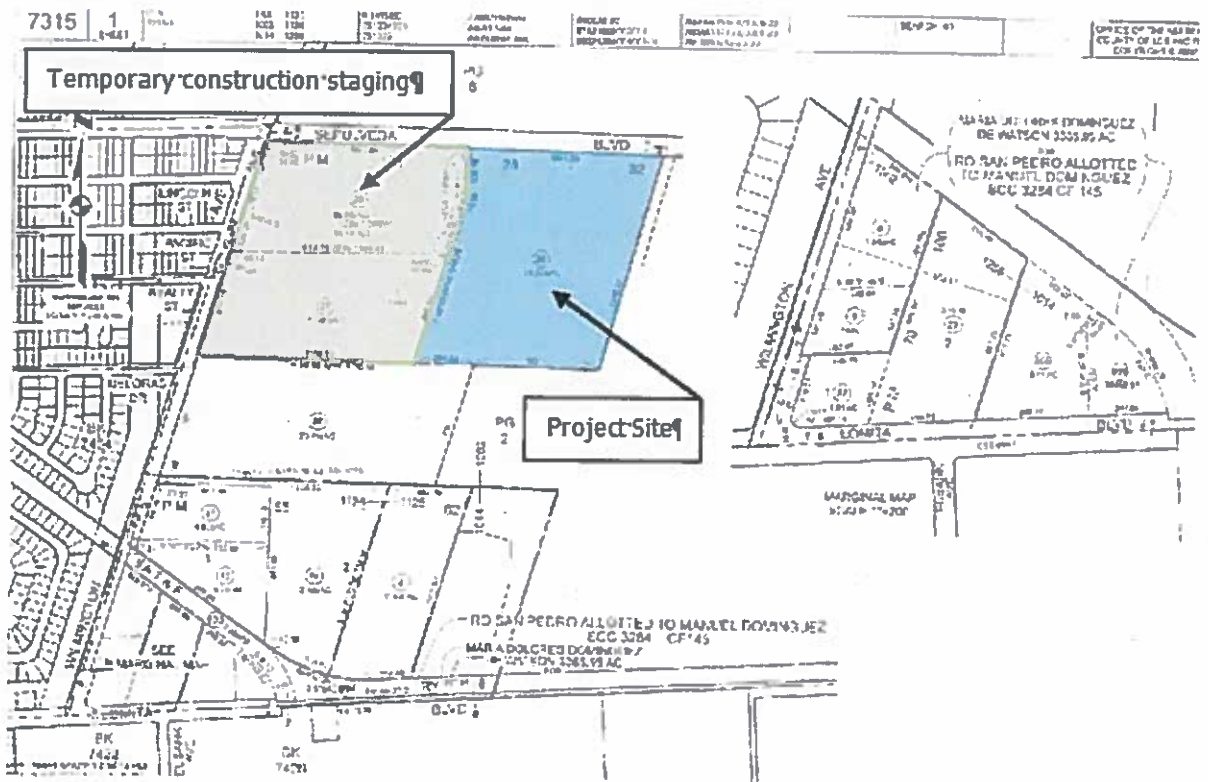
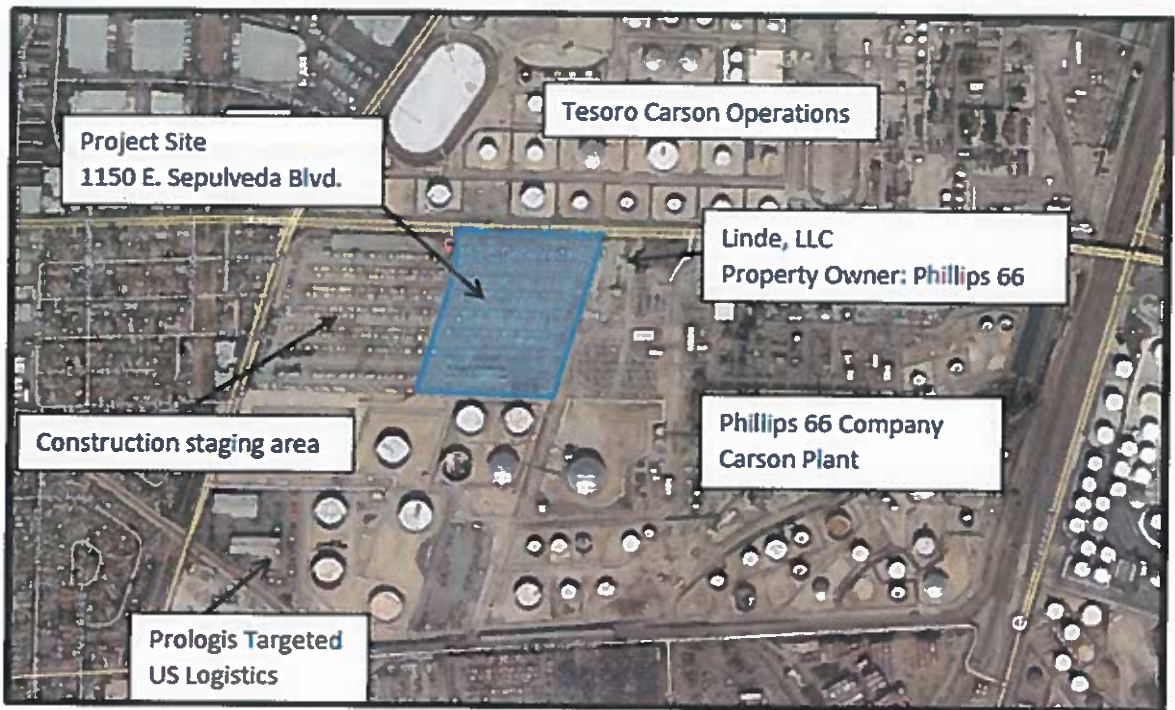
The applicant requests approval of Design Overlay Review (DOR) No. 1727-18 and Conditional Use Permit (CUP) No. 1065-18 to construct, use, and maintain six (6) new above-ground storage tanks in connection with its oil refinery operations.

III. Project Site and Surrounding Land Uses

The subject site is located in the MH (Manufacturing Heavy) Zone and is designated for Heavy Industrial land uses under the Land Use Element of the General Plan and General Plan Map. It is presently used as a cargo container storage and truck yard and parking facility by Shippers Transport Express, Inc. (Shippers), and is located adjacent to the Carson Crude Terminal, owned and operated by the applicant. The 28.22 acre project site is located at 1150 E. Sepulveda Boulevard at the southeast corner of Sepulveda Boulevard and South Wilmington Avenue which a portion of the larger 61.73-acre site currently occupied by Shippers. The following table provides a summary of information regarding the project site:

Site Information	
General Plan Land Use	Heavy Industrial
Zone District	Manufacturing Heavy (MH)
Site Size	28.22 acres
Present Use and Development	Heavy Industrial: Cargo Container Storage and Truck Yard and Parking Facility
Surrounding Uses/Zoning	North: Industrial South: Industrial East: Industrial West: Single-Family Residential

The following pictures illustrate the project site and surrounding area.



IV. Background

Tesoro is in the process of implementing the Los Angeles Refinery Integration and Compliance (LARIC) Project, which will integrate the Carson Refinery (located at

2350 East 223rd Street in the City of Carson (City)) with the Tesoro Los Angeles Refinery – Wilmington Operations (located at 2101 East Pacific Coast Highway in the City of Los Angeles) to form the "Tesoro Los Angeles Refinery". The Carson Refinery was acquired by Tesoro Refining & Marketing Company LLC, an affiliate of the applicant (Tesoro), from BP West Coast Products LLC (BP) in 2013. The Carson Refinery manufactures gasoline, jet fuel, diesel fuel, petroleum coke, fuel oil, fuel gases, propylene and calcined coke. It receives crude oil at terminals in the Los Angeles/Long Beach Port Complex, and ships products throughout Southern California, Arizona and Nevada via product distribution pipelines and terminals.

The LARIC Project is intended to integrate the two separate refineries and enhance Tesoro's refinery operations through process modifications that will improve efficiency, and continue compliance with state and local air quality regulations mandating emission reductions.

Construction of the proposed six new above-ground storage tanks (as set forth in this DOR and CUP request), is just one part of the overall LARIC Project. This portion of the LARIC Project is known as the Carson Crude Terminal Efficiency Project or CCT Efficiency Project.

An Environmental Impact Report (EIR) was prepared for the LARIC Project by the South Coast Air Quality Management District (SCAQMD) as the "lead agency" pursuant to the California Environmental Quality Act (CEQA). The City is a "responsible agency" for the EIR pursuant to CEQA Guidelines § 15381. After conducting an extensive public review process, SCAQMD certified the Final EIR for the LARIC Project on May 12, 2017 (State Clearinghouse (SCH) Number 2014091020). The Final EIR requires Tesoro to obtain a CUP for the new storage tanks, as well as additional right-of-way approvals for the new pipelines, and ministerial building and grading permits.

There have been a number of disputes between the City and Tesoro regarding the EIR and other matters in connection with the LARIC Project and the Carson Refinery, but on July 5, 2017, the Carson City Council approved a Community Benefits Agreement (CBA) between the City and Tesoro Refining & Marketing Company LLC (Tesoro), to resolve those disputes. Under the CBA, among other things, Tesoro agreed to make certain community benefits payments to the City and other payments in connection with the environmental impacts associated with Tesoro's refinery operations and the LARIC Project, which payments will collectively total \$24,000,000 over 13 years.

The project site is occupied by Shippers as a cargo container storage and truck yard and parking facility, pursuant to a lease agreement with Tesoro (as the lessor under the lease). Under the CBA, Tesoro was required to terminate Shippers' operations on the site by December 31, 2018 due to certain violations of the City's Municipal Code, and make certain payments to the City for Shippers prior and continued operations on the site until it was expected to vacate on December 31, 2018. Since

Shippers was unable to vacate the site by the Compliance Deadline, the City, Tesoro, and Shippers entered into a Triparty Settlement Agreement in March 2019 which provided for certain additional payments to the City for Shippers' continued use of the site in the amount of \$150,000 for each three month period following the Compliance Date. In order to enable the CCT Efficiency Project to commence, Shippers will be required to vacate the site, which, under the Triparty Settlement Agreement, must be achieved by December 31, 2019, if not earlier.

V. Analysis

The CCT Efficiency Project consists of the construction, use and maintenance of six (6), 240-foot diameter, 500,000 barrel, 70-foot high above-ground storage tanks. The tanks will be connected to existing piping manifolds within the Carson Crude Terminal and construction staging is proposed to take place on the adjacent lot. The tanks are proposed to be constructed as far away from Wilmington Avenue and the nearest single-family residential community as possible to create a significant buffer of more than 1,000 feet from the nearest residential properties.

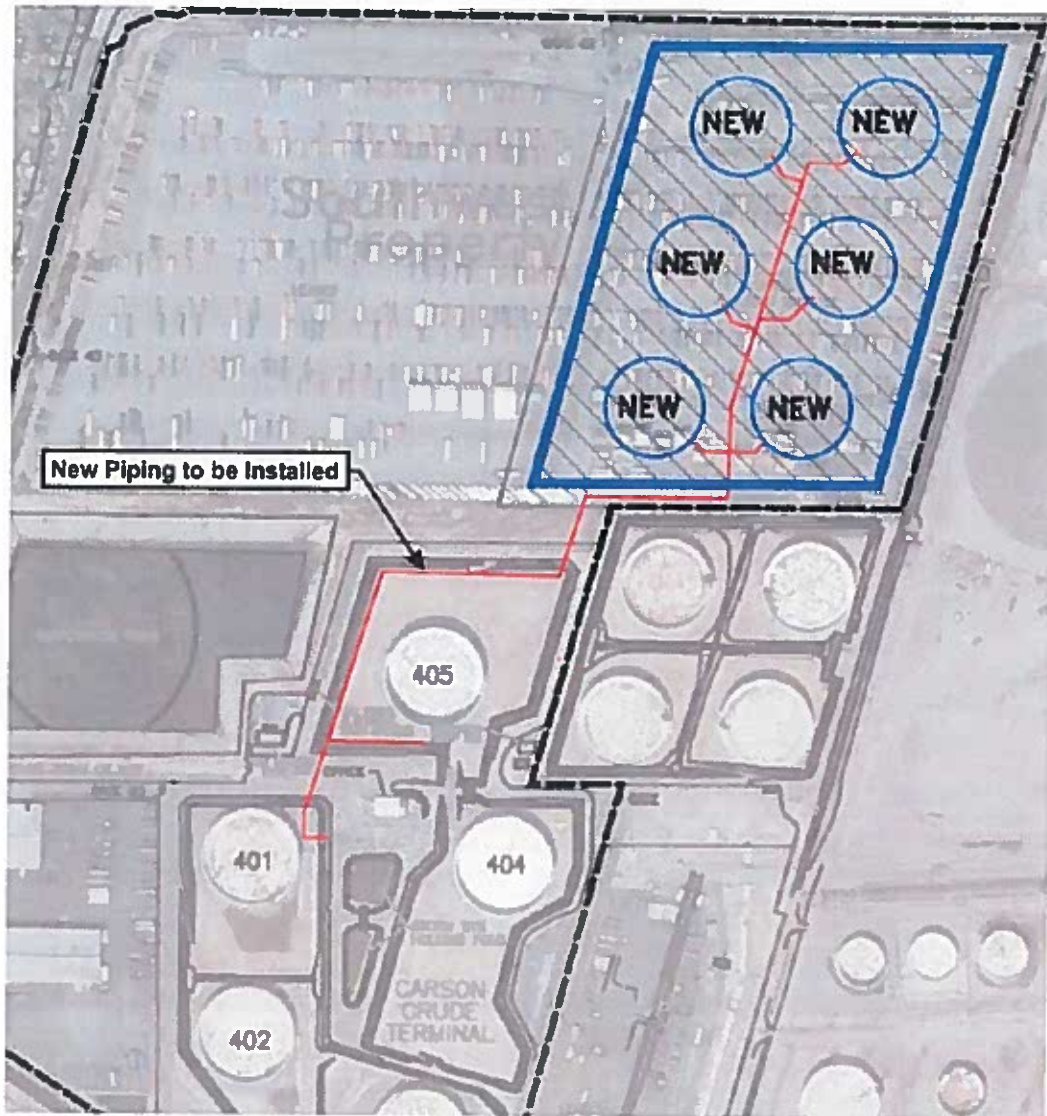
See below for depictions of the proposed new tanks.



The construction of the six new storage tanks is intended to improve supply logistics for storing and transferring crude oil, which is imported to the Carson and Wilmington refineries from the Port of Long Beach and the Long Beach Marine Terminal. The Carson Refinery and Carson Crude Terminal currently lack adequate storage capacity to accept full cargos when marine vessels at these facilities deliver crude oil, which cause delays in tanker offloading. The proposed CCT Efficiency Project will allow marine vessels to fully unload crude oil deliveries in one dock visit, improving efficiency of crude oil transfer and marine vessel unloading to eliminate such delays which will reduce marine vessel emissions.

Based on 2015 marine vessel calls, if the CCT Efficiency Project was fully operational in 2015, it could have resulted in emission reductions of 36 less tons of volatile organic compounds, 25 less tons of carbon monoxide, 200 less tons of nitrogen oxides, 4 less tons of sulfur oxides, and 22,000 to 25,000 less metric tons of CO₂e (greenhouse gases). Thus, the project will result in significant emissions reductions to create cleaner air for surrounding communities.

A depiction of the tanks and pipelines serving the Carson Crude Terminal facility is shown below.



In addition, as set forth in the Conditions of Approval attached hereto, the CCT Efficiency Project will implement a range of landscaping, irrigation, and other improvements along the perimeter of the project site to enhance the aesthetics of the

area and screen the refinery operations from view. Among other things, such improvements include at least a partial removal of existing cargo storage containers operated by Shippers, repairs to and replacements of sidewalks, curbs, gutters, and driveways; installation of landscaping and irrigation along the sidewalks, medians and parking on Sepulveda Boulevard and Wilmington Avenue, including new street trees; restoration and enhancements to existing fencing and gates; repaving of streets fronting the site (grind and overlay), undergrounding of new overhead utility lines on the property; striping and painting of pavement and curbs; and new streetlights.

All such improvements must adhere to City-approved plans and specifications and comply with city, county, state and federal regulations. In addition, the applicant is required to deposit funds necessary to cover the City's costs and expenses in connection with its review and processing of the CCT Efficiency Project, including legal fees and consultant costs.

Separately, the Conditions of Approval require certain odor and nuisance mitigation measures.

VI. Environmental Review

The CCT Efficiency Project was analyzed in the EIR as part of the overall LARIC Project, which was prepared and certified by the SCAQMD on May 12, 2017. The EIR included analysis of all potential environmental impacts of the LARIC Project required by CEQA; the analyses included aesthetics, agricultural resources, air quality, biological resources, geology/soils, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, utilities/service systems, and mandatory findings of significance. The Draft EIR was released for a 94-day public review and comment period, and circulated to neighboring jurisdictions, responsible agencies including Carson, other public agencies, and interested individuals. In approving the Final EIR (FEIR), SCAQMD adopted Findings and a Statement of Overriding Considerations pursuant to CEQA Guidelines § 15091 and § 15093. The SCAQMD also adopted a Mitigation Monitoring and Reporting Plan, which included specific construction mitigation measures and long-term mitigation measures to reduce the LARIC Project's environmental impacts, where feasible.

Since the CCT Efficiency Project was previously reviewed by the SCAQMD (as lead agency) pursuant to CEQA, the City, as a responsible agency may issue any subsequent approvals and permits required for the project without further environmental review. The lead agency's EIR is presumed to be legally adequate and may be relied upon by the City in implementing components of the project. Further, responsible agencies cannot require a subsequent or supplemental EIR be prepared for a project which has already been approved by a lead agency unless they can show that substantial changes in the project or its circumstances require major revisions to the EIR, or that new information of substantial importance is available that shows any of the following: (A) the project will have one or more

significant effects not discussed in the previous EIR; (B) significant effects previously examined will be substantially more severe than shown in the previous EIR; (C) mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or (D) mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative. (CEQA Guidelines §15162)

Moreover, pursuant to the CBA, the City acknowledged and affirmed that the EIR satisfies CEQA requirements for the City's approval of the subsequent approvals, including pursuant to California Public Resources Code Section 21167.2. Therefore, no further CEQA review is necessary for the Planning Commission's approval of this application.

VII. Public Notice

Public notice was posted to the project site on March 15, 2019. Notices were mailed to property owners and occupants on March 13, 2019. The agenda was posted at City Hall 72 hours prior to this Planning Commission meeting. This item was continued from the April 9, 2019 Planning Commission hearing to the May 14, 2019 Planning Commission hearing.

VIII. Recommendation

That the Planning Commission:

- **APPROVE** Design Overlay Review No. 1727-18 and Conditional Use Permit No. 1065-18 for the construction, use, and maintenance of six (6) new above-ground storage tanks for the operation of an existing refinery site subject to the conditions attached as Exhibit "B" to the Resolution; and
- **WAIVE** further reading and **ADOPT** Resolution No. _____ entitled, "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1727-18 AND CONDITIONAL USE PERMIT NO. 1065-18 FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF SIX (6) ABOVE-GROUND STORAGE TANKS IN CONNECTION WITH AN EXISTING OIL REFINERY."

IX. Exhibits

1. Proposed Resolution and Conditions of Approval
2. Development Plans and Renderings

Prepared by: Nancy Mith, Planner
3223899.2

CITY OF CARSON

PLANNING COMMISSION

RESOLUTION NO. 19-2667

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING DESIGN OVERLAY REVIEW NO. 1727-18 AND CONDITIONAL USE PERMIT NO. 1065-18 FOR THE CONSTRUCTION, USE, AND MAINTENANCE OF SIX (6) ABOVE-GROUND STORAGE TANKS IN CONNECTION WITH AN EXISTING OIL REFINERY.

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, Tesoro Logistics Operations, with respect to real property located at 1150 E Sepulveda Boulevard and described in Exhibit "A" attached hereto, requesting approval to permit the construction, use, and maintenance of six (6) new above-ground storage tanks on an existing refinery site located in the MH (Manufacturing Heavy) Zone.

A Planning Commission meeting was duly held on April 9, 2019, 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.

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

Section 3. With respect to the Design Overlay Review No. 1727-18 and Conditional Use Permit No. 1065-18, the Planning Commission finds that:

- a) The proposed project is consistent with the General Plan Land Use Designation of Heavy Industrial. The surrounding area includes industrial uses to the north, south, and east, and there is a 1,000-foot buffer between the proposed refinery project and the residentially zoned properties to the west. The proposed project will be complementary to the surrounding uses and will be appropriate for the subject property.
- b) The project site consists of one parcel of a much larger facility. The size of the single, flat, vacant parcel is sufficient to meet size and spacing requirements of the proposed tanks. Additionally, this parcel was selected because of its distance from the nearest residential uses and its proximity to other existing tanks which facilitates connectivity to existing pipelines and utility infrastructure.
- c) Street access is provided at an existing entrance to the facility located at 1150 E. Sepulveda Boulevard. Sepulveda Boulevard between Alameda Street and Wilmington Avenue is designated as a Major Highway and performs at a Level of Service A in accordance with the Transportation Element of the City of Carson's General Plan. This finding is further supported by the traffic

EXHIBIT NO. - 1

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assessment in the approved Final EIR. Temporary traffic impacts during construction are to be mitigated through the implementation of construction mitigation measures although no significant impact is anticipated at the CCT. Once construction is completed, the new use will generate minimal vehicular traffic as the proposed storage tanks are generally unmanned and require only periodic routine maintenance. The proposed use does not generate significant traffic.

- d) Water supply for the existing fire protection system is available from three sources: Carson Operations, California Water Service and Phillips 66 Refinery. The combined water supply from these individual providers is the primary source for an onsite 15,000 GPM diesel driven fire pump. The current fire system piping network consists of two fire water loops. This system will be expanded for the new tanks. Fire flow tests were conducted in 2015 to confirm that existing water supplies are adequate for the expanded fire protection system.
- e) The site is currently zoned for heavy industrial uses. The character of the area is also dominated by heavy industrial uses, including storage tanks. The site of the project is bounded on all sides by related uses with the appropriate setback from residential areas. Therefore, the proposed use and development is compatible with the intended zoned and existing character of the area.

Section 4. The Planning Commission further finds that the development permitted by the proposed project will not have a significant effect on the environment. The CCT Efficiency Project was analyzed in the Environmental Impact Report prepared and certified by the SCAQMD on May 12, 2017 for the LARIC Project. The EIR included analysis of all potential environmental impacts of the LARIC Project required by CEQA; the analyses included aesthetics, agricultural resources, air quality, biological resources, geology/soils, hazards and hazardous materials, hydrology/water quality, land use/planning, mineral resources, noise, population/housing, public services, recreation, transportation/traffic, utilities/service systems, and mandatory findings of significance. The Draft EIR was released for a 94-day public review and comment period, and circulated to neighboring jurisdictions, responsible agencies including Carson, other public agencies, and interested individuals. In approving the Final EIR (FEIR), SCAQMD adopted Findings and a Statement of Overriding Considerations pursuant to CEQA Guidelines § 15091 and § 15093. SCAQMD also adopted a Mitigation Monitoring and Reporting Plan, which included specific construction mitigation measures and long-term mitigation measures to reduce the LARIC Project's environmental impacts, where feasible.

Project approval by SCAQMD allows responsible agencies to move forward with any subsequent approvals and permits. The lead agency's EIR is presumed to be legally adequate and may be relied upon by other public agencies implementing components of the project. In the absence of an injunction issued by a reviewing court to stay the project, a responsible agency is required to move forward to review and approve the project. Further, responsible agencies cannot require a subsequent or supplemental EIR be prepared for a project approved by the lead agency unless they can show that substantial changes in the project or circumstances thereof require major revisions to the EIR, or that new information is available.

Section 6 of the Community Benefits Agreement states: "The City hereby expressly acknowledges and affirms that the EIR satisfies CEQA requirements for the City's approval of the subsequent approvals, including pursuant to California Public Resources Code Section 21167.2." Additionally, CEQA Guidelines § 15162 states, "When an EIR has been certified, no subsequent EIR shall be prepared in the absence of (1) substantial changes in the project or its circumstances or (2) new information of substantial importance regarding project impacts or mitigation.

Section 5. Based on the aforementioned findings, the Commission hereby approves Design Overlay Review No. 1727-18 and CUP 1065-18, with respect to the property described in Section 1 hereof, 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 14th DAY OF MAY, 2019

CHAIRPERSON

ATTEST:

SECRETARY



EXHIBIT "A"

All that certain real property situated in the County of Los Angeles, State of California, described as follows:

Parcel O:

Parcel 2 of Parcel Map No. 4603, in the City of Carson, County of Los Angeles, State of California, as per Map recorded in Book 55, Page 62 of Parcel Maps, in the Office of the County Recorder of said County.

Excepting therefrom all oil, gas, and other mineral rights below 500 feet from the surface of the land, but without the right of surface entry, as reserved in Deed from Watson Land Company, a Corporation, recorded October 31, 1974 as Instrument No. 452 of the Official Records.

Also except therefrom all oil, gas and other mineral rights below 200 feet from the surface of said land, but without right of entry to the surface of said land, except over the following portions for the term of that certain Lease dated November 26, 1956, executed by Watson Land Company and Donald Frankel, Frankel and Harding S. Frankel and recorded in Book 52945, Page 94 of Official Records, in the Office of the County Recorder of said County.

Also except therefrom said land all oil, gas and other mineral rights below 200 feet from the surface of said land, but without right of entry to the surface of said land, as excepted by Watson Land Company, a Corporation, in Deed recorded December 14, 1970, as Instrument No. 1764, in Book D-4916, Page 4, Official Records.

Well Site A-4:

Beginning at the Easterly terminus of that certain curve in the Northerly boundary of the Right-of-Way of the Santa Fe and Los Angeles Harbor Railway as described in Deed recorded in Book 3817, Page 164, Official Records of said County, said curve recited therein as concave Northerly having a radius of 892.29 feet and an arc length of 597.41 feet; thence North 03°30'53" West 14.72 feet; thence North 87°10'30" West 0.69 of a foot to the True Point of Beginning; thence North 87°10'30" West 200.00 feet; thence North 02°49'30" East 100.00 feet; thence South 87°10'30" East 200.00 feet; thence South 02°49'30" West 100.00 feet to the True Point of Beginning, as excepted by Watson Land Company, a Corporation, in Deed recorded January 6, 1960, as Instrument No. 3073, in Book D-711, Page 788, Official Records.

Well Site A-5:

Beginning at the intersection of the Northerly boundary of the Santa Fe and Los Angeles Harbor Railway Right-of-Way as described in Deed recorded in Book 3817, Page 164, Official Records of said County, with the Westerly boundary of the land conveyed to Shell Oil Company of California by Deed recorded in Book 1714, Page 283 of Official Records of said County; thence along the Northerly boundary of said Santa Fe and Los Angeles Harbor Railway Right-of-Way South 86°29'07" West 574.79 feet; thence North 16°41'37" East 53.28 feet to the True Point of Beginning; thence North 73°18'23" West 100.00 feet; thence North 16°41'37" East 200.00 feet; thence South 73°18'23" East 100.00 feet; thence South 16°41'37" West 200.00 feet to the True Point of Beginning, as excepted by Watson Land Company, a Corporation, in Deed recorded January 6, 1960, as Instrument No. 3073, in Book D-711, Page 788, Official Records.

Well Site A-8:

Beginning at the intersection of the Northerly boundary of the Santa Fe and Los Angeles Harbor Railway Right-of-Way as described in Deed recorded in Book 3817, Page 164, Official Records of said County, with the Westerly boundary of the land conveyed to the Shell Oil Company of California by Deed recorded in Book 1714, Page 283, Official Records of said County; thence along the Northerly boundary of said Santa Fe and Los Angeles Harbor Railway Right-of-Way, South 86°29'07" West 574.59 feet; thence North 16°41'37" East 462.39 feet to the True Point of Beginning; thence North 73°18'23" West 55.64 feet; thence North 16°41'37" East



200.00 feet; thence South 73°18'23" East 100.00 feet; thence South 16°41'37" West 200.00 feet; thence North 73°18'23" West 44.96 feet to the True Point of Beginning, as excepted by Watson Land Company, a Corporation, in Deed recorded January 6, 1960, as Instrument No. 3073, in Book D-711, Page 788, Official Records.

Parcel D:

Parcel 1 of Parcel Map No. 15342, in the City of Carson, County of Los Angeles, State of California, as per Map filed in Book 163, Pages 28 to 32 of Parcel Maps, in the Office of the County Recorder of said County.

Except therefrom all oil, gas, minerals and other hydrocarbon substances in or under said land below a depth of 500 feet from the surface thereof, without surface right of entry as more particularly described therein and as reserved in an Instrument recorded March 1, 1962 as Instrument No. 1033, Official Records.

Assessor's Parcel Number: 7315-001-018; 7315-001-008;
7315-001-025; 7315-001-026;
7315-001-027; 7315-001-028;
and 8900-763-629

CITY OF CARSON
ECONOMIC DEVELOPMENT
PLANNING DIVISION
EXHIBIT "B"

SITE PLAN AND DESIGN REVIEW NO. 1727-18
CONDITIONAL USE PERMIT NO. 1065-18

GENERAL CONDITIONS

1. Development project approval shall become null and void two years following the effective date of the City's approval of the applicant's site plan and design review (No. 1727-18) and conditional use permit (No. 1065-18) application (the "Permit") unless an initial building permit is issued and construction is commenced and diligently pursued toward completion or a time extension has been approved by the Planning Manager. The Planning Manager may approve one such extension request if he/she finds that the applicant has not violated any conditions of approval and circumstances have not changed such that each of the required findings could be made at the time of the extension request. These provisions shall not supersede an individual time limit for performance of specific conditions or improvements.
2. The conditions of approval ("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.
3. The applicant shall submit two complete sets of plans that conform to all the Conditions of Approval to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
4. The applicant shall comply with all city, county, state and federal regulations applicable to the project.
5. 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 Conditions of Approval and applicable Zoning Code provisions. Substantial revisions will require review and approval by the Planning Division. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
6. All construction documentation shall be coordinated for consistency including but not limited to architectural, structural, mechanical, electrical, plumbing, landscape, and irrigation, grading, utility, street lighting, traffic signing, traffic striping and street



improvement plans. All such plans shall be consistent with the approved entitlement plans on file with the Planning Department Division.

7. 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 approval by the Planning Manager.
8. The decision of the Planning Division 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 Code.
9. Any 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.
10. If any of these Conditions of Approval is violated or if any law, statute ordinance is violated, this Permit may be revoked by the Planning Division or Commission, as applicable; provided the applicant has been given written notice to cease such violation and has failed to do so for a period of thirty days.
11. Precedence of Conditions. If any of the Conditions of Approval alter or conflict with a commitment made by the applicant in another document, the conditions enumerated herein shall take precedence.
12. 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 applicant shall pay the cost for review and approval of such agreements and deposit necessary funds pursuant to a deposit agreement.
13. Deposit Account. A trust deposit account shall be established for all deposits and fees required under these Conditions of Approval. 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 its anticipated expenses in processing the project over a period of 60 days, and funds shall be deposited within 10 days of the request therefore, or work shall cease on the project. Any unexpended amounts shall be refunded to the applicant within 120 days after the project has an approved final inspection and notice of completion by the City.
14. Indemnification. The applicant shall, and shall cause, the property owner, all tenant(s) of the property, and their respective successors in interest (collectively, "Parties") to, defend, indemnify and hold harmless the City of Carson, its agents, officers, and/or employees from any claims, damages, action, or proceeding against the City or its agents, officers, and/or employees, related to the project, the property, and/or this Permit, including, without limitation, any action seeking to attack, set aside, void, challenge or annul the Permit or these Conditions of Approval or the City's actions or decisions



concerning the project, or in any way related to any damage or harm to people or property, real and personal. The City will promptly notify the Parties of any such claim, action, or proceeding against the City and Parties will pay the City's associated legal costs. The City will cooperate fully in the defense. Notwithstanding the foregoing, the City retains the right to settle or abandon the matter without the Parties' consent. The Parties shall provide a deposit in the amount of 100% of the City's estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys' 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 Parties fails to provide or maintain the deposit, the City may abandon the action and Parties shall pay all costs resulting therefrom and the City shall have no liability to Parties.

15. The applicant shall pay all applicable fees of the City for the processing of the project including consulting fees and expenses and legal fees and costs. Fees shall be paid at the rate established by resolution of the City Council.

PLANNING DIVISION

16. Prior to finaling the building permit for the project, landscaping, irrigation, and fencing plans shall be submitted by the applicant and approved by the City for the following improvements along the perimeter of the 60 Acre Site (as defined below) consistent with the design of the improvements set forth in the Community Benefits Agreement (Carson Refinery Perimeter Beautification) dated May __, 2019 between the City and Tesoro Refining & Marketing Company LLC (the "Beautification Agreement") (i.e., those improvements made along the frontage of the property on Sepulveda Boulevard). Said improvements shall be installed on the perimeter of the 60 Acre Site and completed prior to the City's finaling of the building permit for the project:

- a. Replace existing fencing with new fencing in accordance with the plans and specifications approved by the City (with vines to screen the site, if required by the City);
- b. Install new landscaping and irrigation and remove all unhealthy landscaping;
- c. Amend and level soil in landscaped areas, including by adding ground cover or gravel if necessary;
- d. Install new landscaping on both sides of the main entry to create defined entry statement; and
- e. Install new irrigation and landscaping including trees approved by City staff for all medians along the frontage of the 60 Acre Site to be maintained by the City.

As used in this Permit, (i) the terms (or similar phrase) "finaling the building permit" or "finalized building permit" shall mean the final inspection / release / closeout action to be performed by the City for the applicant's operation of the project, and (ii) the term "60 Acre Site" shall mean the overall site area for the project including the tank farm property and the construction staging area for the project, which is currently occupied by Shippers Transport Express, Inc.



17. Prior to finaling the building permit for the project, plans shall be submitted by the applicant and approved by the City for the following improvements on the perimeter of the 60 Acre Site consistent with the design of the improvements set forth under the Beautification Agreement (along the frontage of the property on Wilmington Avenue). Said improvements shall be installed on the 60 Acre Site and completed prior to the City's finaling of the building permit for the project:
 - a. Replace existing fencing with new fencing in accordance with the plans and specifications approved by the City (with vines to screen the site, if required by the City);
 - b. Install new landscaping and irrigation and remove all unhealthy landscaping;
 - c. Amend and level soil in landscaped areas, including by adding ground cover or gravel if necessary;
 - d. Replace missing and existing unhealthy juniper trees with bougainvillea trees;
 - e. Install new landscaping on both sides of the entry to create defined entry statement, and;
 - f. Install new irrigation and landscaping including trees approved by City staff for all medians along the frontage of the 60 Acre Site to be maintained by the City.
18. Prior to finaling the building permit for the project, plans shall be submitted by the applicant and approved by the City for the Wilmington Avenue and Sepulveda Boulevard intersection. Said improvements shall be installed and completed prior to finaling the building permit for the project:
 - a. Installation of signage, irrigation, and landscaping, such as palm trees, at the south-east corner of Wilmington Avenue and Sepulveda Boulevard, consistent with the north-west corner.
19. A 6' bike lane with a 4' buffer shall be provided along the north side of Sepulveda Boulevard on the perimeter of the 60 Acre Site. The buffered bike lanes shall provide additional space between the bike lane and auto travel lanes or on-street parking, but shall not require any reconfiguration or alteration to any sidewalks. The buffer space shall be painted with a hatched striping pattern.
20. All sidewalks, curbs, gutters, and driveways along Wilmington Avenue and Sepulveda Boulevard on the perimeter of the 60 Acre Site shall be repaired and/or replaced to the satisfaction of the City Engineer. To the extent that any such repairs or alterations require enhancements to ensure accessibility pursuant to the Americans with Disabilities Act ("ADA"), the applicant shall make the necessary enhancements and alterations and ensure compliance with all ADA requirements.
21. The applicant shall be responsible for maintaining all improvements located on its property.
22. All of the foregoing described improvements must be constructed, installed and maintained in accordance with applicable laws and regulations including applicable City codes and regulations, and ADA regulations.



23. All landscaping within the public right of way shall include the following:
 - a. Coast Live Oak and Naked Coral Trees
 - b. Little John (Crimson Bottlebrush), Paddle Plan, Red Yucca, and Saucer Plants
24. Prior to finaling the building permit for the project, plans shall be submitted by the applicant and approved by the City for the proposed improvements and landscaping to be installed around the new tanks to screen them from view. Said improvements shall be installed and completed prior to finaling the building permit for the project.
25. The applicant shall provide additional landscaping around the tanks to screen them from view prior to finaling the building permit for the project.
26. Prior to finaling the building permit for the project, the applicant shall pay the applicable adopted Development Impact Fee for industrial properties at the rate in effect at the time of issuance of building permits, based on the total square footage of the six new tank structures. The current rate is \$2.44 per square-foot
27. Prior to finaling the building permit for the project, the applicant shall file a signed unanimous approval letter (signed by the property owner) requesting a voluntary annexation into the Citywide Community Facilities District for Industrial Zone 2 at the rate in effect at the time the building permit is finalized. Currently, the rate is \$5,347.80 per acre per year (if paid by July 1, 2020, otherwise in accordance with the then adopted rates after such date) to mitigate the project's impacts to City services or otherwise propose other effective means to ensure impacts are mitigated.
28. Future uses of the remainder parcel (i.e., areas not used for the tank farm) shall be approved by the City prior to their commencement.

ENVIRONMENTAL

29. The project shall comply with all applicable mitigation measures in the South Coast Air Quality Management District (SCAQMD) certified Final EIR for the LARIC Project (May 12, 2017, State Clearinghouse Number 2014091020). A Mitigation Monitoring Program shall be submitted for the applicable mitigation measures for the project.
30. The development of the project shall limit exterior lighting so that it is minimized, shielded, or concealed and restricted to low intensity features, such that no light source is directly visible from public view. Site perimeter lighting shall be prohibited. No up-lighting of trees is permitted.
31. Develop an odor and nuisance monitoring and mitigation plan, which would examine the root causes of historical and future occurring odor and nuisance issues which lead to complaints and would address and implement measures to reduce the frequency of complaints. This would include coordination and dissemination of information with public groups and the City to ensure transparency regarding odors and nuisance issues.



32. Tesoro shall report annually to the City in writing on the number of odor and nuisance complaints confirmed by the SCAQMD. The report shall specify, where available, whether each complaint relates to hydrogen sulfide, NH₃, or an unspecified compound or source and the root cause of the condition which caused the odor complaint. The report shall also specify what measures have been implemented to prevent reoccurrence of the situation.
33. The Odor and Nuisance Monitoring and Mitigation Plan shall include the following at a minimum:
- a. Establish protocols for monitoring odors at or from the facility/property on an ongoing basis;
 - b. Provide for the establishment of a regular odor patrol to monitor odors at or from the facility/property and to investigate, and take corrective actions with respect to odor complaints on an ongoing basis;
 - c. Establish protocols for the prompt recording and annual reporting to City of odor complaints confirmed by SCAQMD;
 - d. Establish community outreach protocols describing procedures for informing the public about how and where to submit odor complaints;
 - e. Describe measures to be implemented as necessary to reduce SCAQMD-confirmed odor complaints. Potential measures may include the following odor mitigation strategies, to the extent applicable to the project:
 - i. Installation of additional vapor recovery systems
 - ii. Injection of masking odorants into refinery process streams
 - iii. Installation of flare meters and controls
 - iv. Implementation of wastewater circulation technology for any aerated ponds
 - v. Implementation of thermal oxidizers
 - vi. Implementation of carbon absorption mechanisms
 - vii. Implementation of biofiltration and/or biotrickling filters
 - f. Establish protocols for:
 - i. The annual review and reporting on the effectiveness of any Odor Reduction Measures implemented pursuant to this measure; and
 - ii. Adaptively managing the implementation of Odor Reduction Measures as necessary to maintain complaints at a minimum level
 - g. The Odor Plan shall be submitted prior to the issuance of any permits and approved prior to the start-up of operations of the new tanks.

PARKING, TRUCK CIRCULATION AND DELIVERIES

34. All driveways shall remain clear. No encroachment into driveways shall be permitted.
35. The driveway located on Sepulveda Blvd. shall only permit right turns out of the property and a sign shall be placed on the property indicating the same.



PUBLIC WORKS ENGINEERING – CITY OF CARSON

General Conditions

36. The applicant shall submit a copy of approved grading plans on bond paper to the City of Carson – Engineering Division, prior to issuance of grading permits.
37. A construction staging plan shall be reviewed and approved by the Planning Manager prior to plan check submittal
38. Construction hours shall be limited to Monday through Friday from [7:00 a.m. to 7:00 p.m.] and Saturdays from [8:00 a.m. to 5:00 p.m.] No construction activities shall be permitted on Sundays or City-designated holidays.
39. Construction management techniques, including minimizing the amount of equipment used simultaneously and increasing the distance between emission sources, shall be employed as feasible and appropriate. All trucks leaving the construction site shall adhere to the California Vehicle Code. In addition, construction vehicles shall be covered when necessary; and their tires rinsed prior to leaving the property.
40. Any existing off-site improvements damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
41. A construction permit is required for any work to be done in the public right-of-way.
42. Construction bonds shall be required 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 permit by Engineering Division.
43. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to the issuance of any permit by Engineering Division.

Prior to Issuance of Building Permit

44. A Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The applicant shall submit a copy of approved Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.
45. The applicant shall quitclaim or relocate any easements interfering with building locations to the satisfaction of the City, appropriate agency, or entity.
46. Additional Right-of-Way is required beyond the existing right-of-way line. The applicant shall dedicate appropriate additional right-of-way abutting the property line along Sepulveda Blvd. to achieve the ultimate 100-ft right of way. The applicant shall prepare a legal description for the required dedication, for review and approval of the City Engineer and Recordation with County Recorder's Office. All documents shall be approved and ready for recordation prior to issuance of Building Permits.



47. The applicant 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 the approved Conditions of Approval shall be attached to the plans when submitted.
 - a) Street Improvements (if any) along Sepulveda Blvd. and along Wilmington Avenue abutting the 60 Acre Site.
48. 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 the grading permit, the applicant shall obtain clearance from City of Carson Engineering Division.
49. Unless required by a governmental agency other than the City of Carson, overhead utility lines shall not be required to be undergrounded.

Prior to finaling the building permit for the project, the proposed development is subject to the following:

50. Remove unused driveway approach if any, within the public right of way along Sepulveda Blvd. and along Wilmington Ave. abutting the 60 Acre Site and replace it with full height curb and gutter and sidewalk per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
51. The applicant shall modify existing driveways within the public right-of-way along Sepulveda Blvd. abutting the 60 Acre Site per City of Carson PW Standard Drawings to comply with the ADA requirements and to the satisfaction of the City Engineer.
52. The applicant shall construct new driveway approaches per City of Carson PW Standard Drawings and in compliance with any applicable ADA requirements. The applicant shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 40 feet.
53. If necessary, modify the existing wheelchair ramp at the corner of Sepulveda Blvd. and Wilmington Ave. per City of Carson PW Standard Drawings, in compliance with ADA requirements.
54. Plant City-approved parkway trees on locations where trees in the public right-of-way along Sepulveda Blvd. and along Wilmington Avenue abutting the 60 Acre Site are missing per City of Carson PW Standard Drawings Nos. 117, 132, 133 and 134.
55. Install irrigation system for the purpose of maintaining the parkway trees to be planted within the public right of way along Sepulveda Blvd. and along Wilmington Ave. abutting the 60 Acre Site.



56. All new utility lines, servicing the proposed development on the applicant's property shall be underground in accordance with any requirements of Southern California Edison and to the satisfaction of the City Engineer.
57. Comply with any additional requirements, if any, as a means of mitigating any traffic impacts as identified in the traffic study approved by the City Traffic Engineer.
58. Install striping and pavement legend per City of Carson PW Standard Drawings.
59. Paint curbs red along Sepulveda Blvd. and along Wilmington Ave. within or abutting the 60 Acre Site. Plans showing the proposed red curbs shall be submitted to the Traffic Engineer for review and approval.
60. If needed, easements shall be granted to the City, appropriate agency, or entity for the purpose of ingress, egress, construction, and maintenance of all infrastructure constructed for the project as well as handicap access to the satisfaction of the City Engineer and or appropriate agency or entity.
61. Streets abutting the 60 Acre Site shall be repaved (grind and overlay) from median-to-curb when medians are existing to the satisfaction of the City Engineer.
62. All infrastructure necessary to serve the proposed development (water, sewer, storm drain, and street improvements) shall be in operation prior to finaling the building permit.

LA COUNTY FIRE DEPARTMENT

63. The proposed project shall comply with all Los Angeles County Fire Department requirements prior to finaling the building permit.

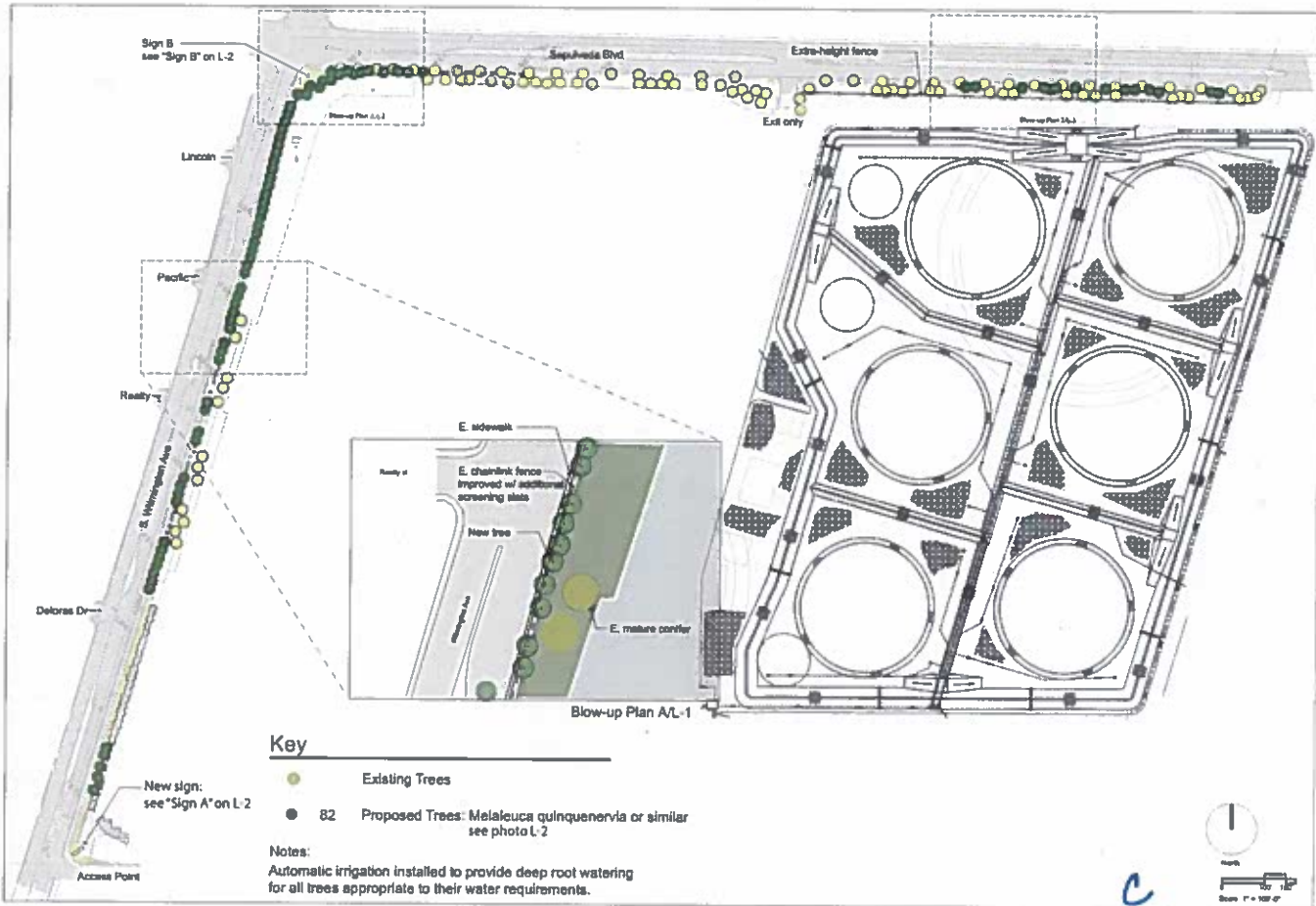
BUSINESS LICENSE

64. All parties involved in the subject project, including to but not limited to, contractors and subcontractors of the applicant or other parties, shall obtain and maintain a City business license per Section 6310 of the Carson Municipal Code.

STREET LIGHTING DISTRICT

65. A street lighting plan shall be submitted to the Traffic and Lighting Division showing the existing streetlights on Sepulveda Boulevard and proposed new streetlights on Wilmington Avenue for approval and for the annexation process. The applicant shall obtain approval of the lighting plan from Traffic and Lighting Division prior to issuance of any Building Permit.





Landscape Improvement for Carson Crude Terminal Efficiency Project

1188 E. Sepulveda Blvd
Compton, CA

Client: **Waste Logistics Operations LLC**

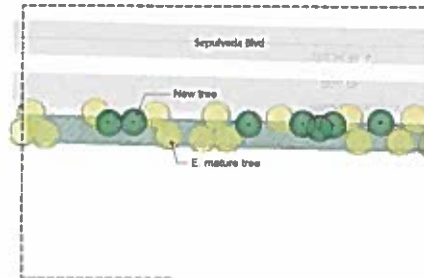
Landscape Architect:
Dennis Lurie
538 Duane Ave.
Los Angeles, CA 90018
(323) 825-6779
dlurie@earthlink.net
CA License: Landscape Architect
A#128

Conceptual Landscape Plan

L-1



Blow-up Plan A/L-2



Blow-up Plan B/L-2



Sign B



Sign A



Melaleuca quinquenervia, Paperbark Melaleuca
evergreen, drought-tolerant, 30' mature height

Landscape Improvement for Carson Crude Terminal Efficiency Project

1188 E. Sepulveda Blvd
Carson, CA

Client
Terra Logistics Operations LLC

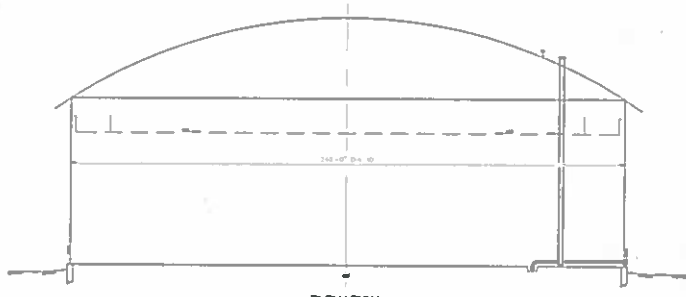
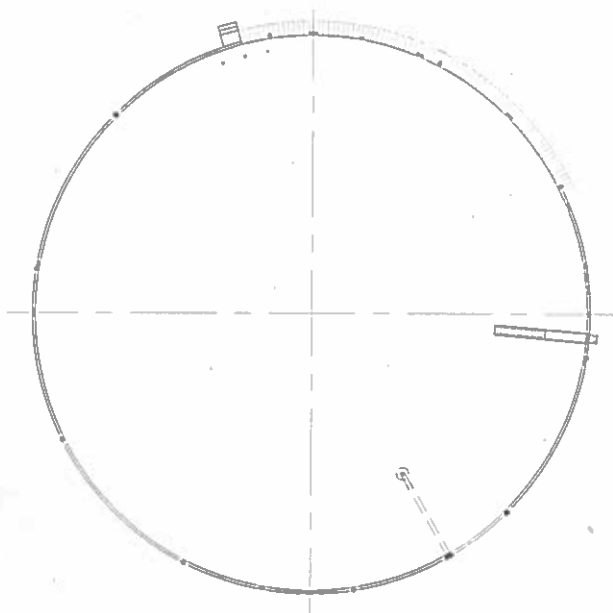
Landscape Architect
Landscape Architecture
635 E. 10th Ave
Los Angeles, CA 90012
(323) 528-4271
land@landscape.com
CA License Landscape Architect
44138

Conceptual Landscape Plan

Date: 10/20/18

L-2





REV	DATE	DESCRIPTION

**ISSUED FOR
AIR PERMIT
OCTOBER 10, 2017**

D



Small text: SPC logo and contact information.

REV	DATE	PROJ	REV NO	REVISION	DATE	BY	CHK	APP



CARSON CRUDE TERMINAL
STORAGE TANK EXPANSION PROJECT
CRUDE TANKS T-407, T-409, T-410 & T-411
ORIENTATION AND ELEVATION

7032-CC-101P A



Photo Exhibit

Key – Photos taken from the following locations:



E



1. Looking east at site from across Wilmington/Sepulveda



2. SE at site from across Wilmington/Lincoln



3. SE at site from across Wilmington/Pacific





4. SE at site from across Wilmington/Realty



5. SE at site from across Wilmington/Deloras





6. SE at site from across Wilmington at 24696 Wilmington Avenue



7. Looking down Sepulveda Blvd near the NW corner of the subject site. The subject site is on the right and northerly neighboring uses are on the left.

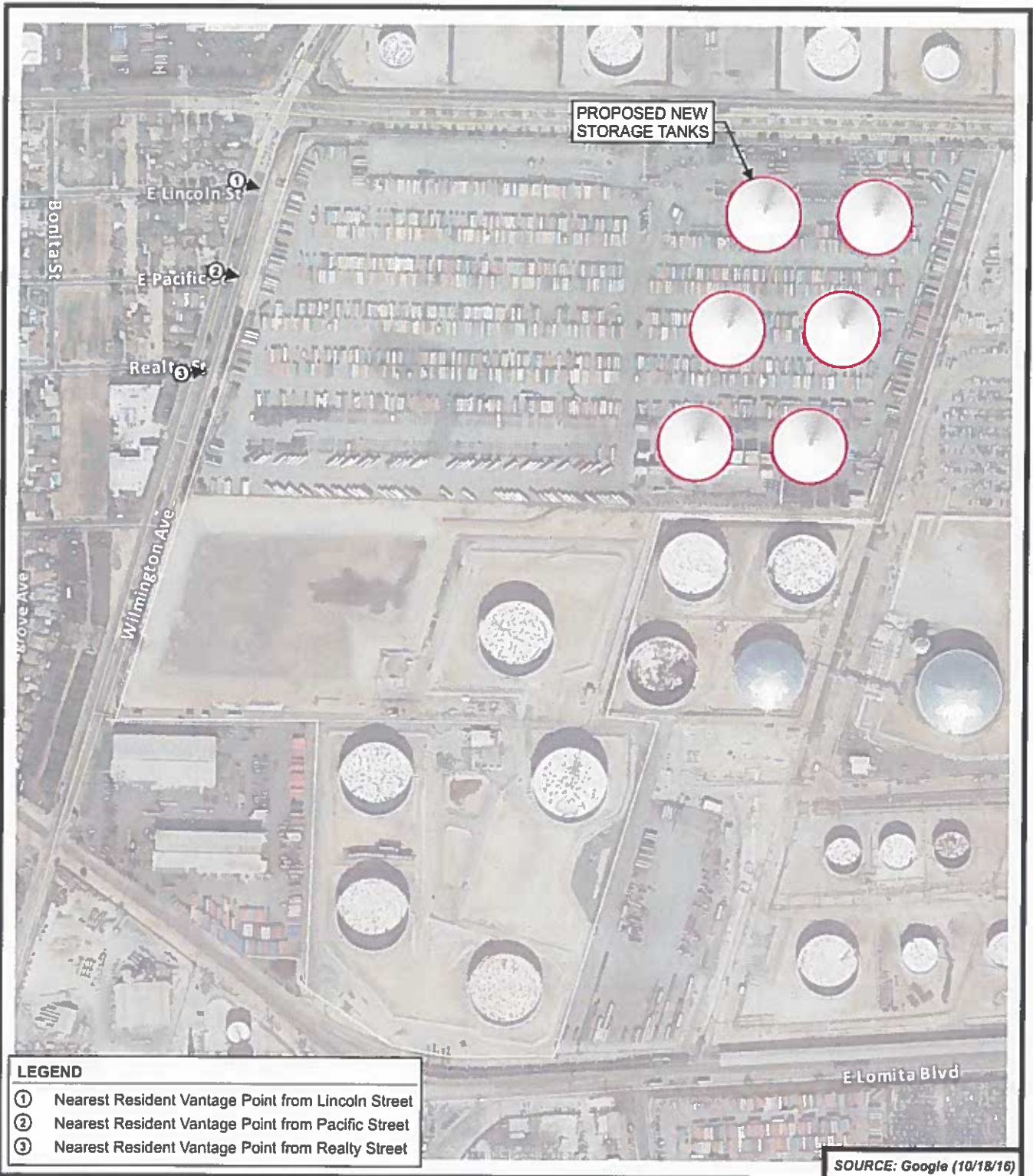


8. Looking S at subject site (driveway) from across Sepulveda



9. Looking south at subject site on Sepulveda E of driveway.





LEGEND

- ① Nearest Resident Vantage Point from Lincoln Street
- ② Nearest Resident Vantage Point from Pacific Street
- ③ Nearest Resident Vantage Point from Realty Street

SOURCE: Google (10/18/16)

EAI Environmental Audit, Inc.

**LOCAL RESIDENT VIEW LOCATIONS MAP
ANDEAVOR CARSON CRUDE TERMINAL
CARSON, CA**

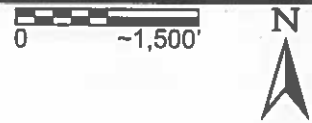


37



EAI Environmental Audit, Inc.

**FREWAY VIEW LOCATIONS MAP
ANDEAVOR CARSON CRUDE TERMINAL
CARSON, CA**



Project No. 2844CCT

Figure 2

N:\2844CCT\ViewLocationMap 2.cdr



Photographs Taken By Allen Kim



Photograph 1
Date: 12/04/17

Current View from Lincoln Street at Wilmington Avenue



Rendering 1

Rendering of Expected View from Lincoln Street at Wilmington Avenue

Photographs Taken By Allen Kim



Photograph 2
Date: 12/04/17

Current View from Pacific Street at Wilmington Avenue



Rendering 2

Rendering of Expected View from Pacific Street at Wilmington Avenue

Photographs Taken By Allen Kim



Photograph 3
Date: 12/04/17

Current View from Realty Street at Wilmington Avenue



Rendering 3

Rendering of Expected View from Realty Street at Wilmington Avenue

Photographs Taken By Brett Sinclair



Photograph 4
Date: 03/26/18

Current View from the Southbound Lane of the 405 Freeway Near the Intersection of E. Jay Street and 220th Street Looking South



Rendering 4

Rendering of Expected View as in Photograph 4
Tanks are Expected to be Obscured by Intervening Structures and Landscaping

Photographs Taken By Brett Sinclair



Photograph 5
Date: 03/20/18

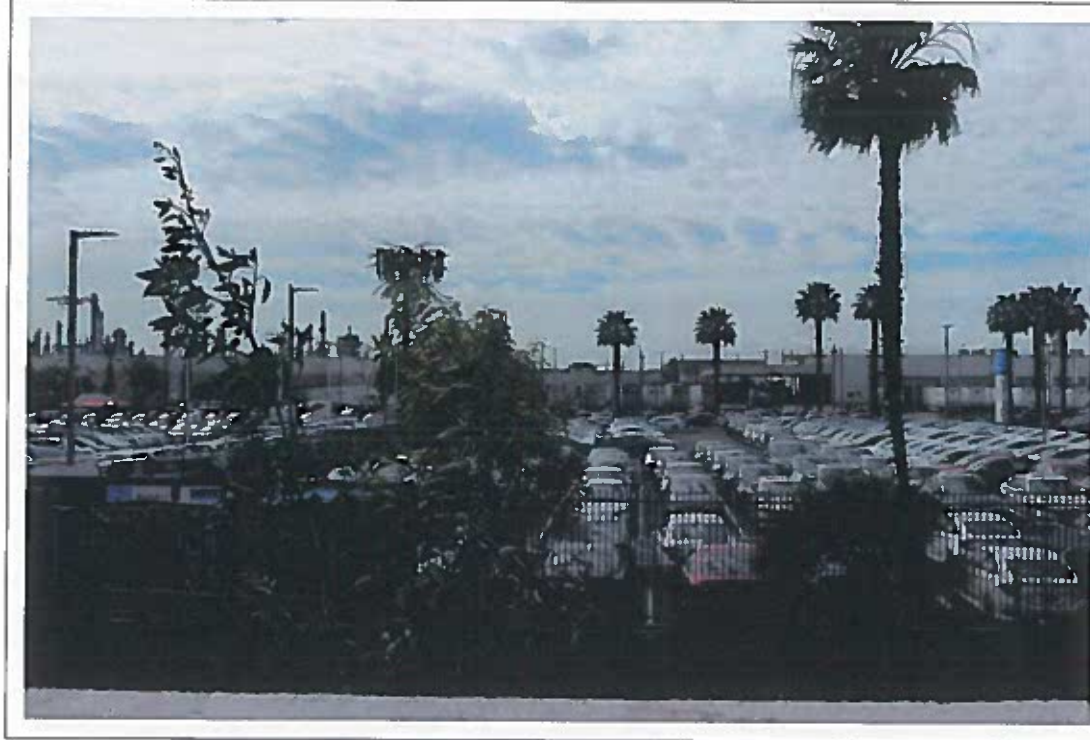
Current View from the Southbound Lane of the 405 Freeway Near the Intersection of E. Renton Street and Lucerne Street Looking South



Rendering 5

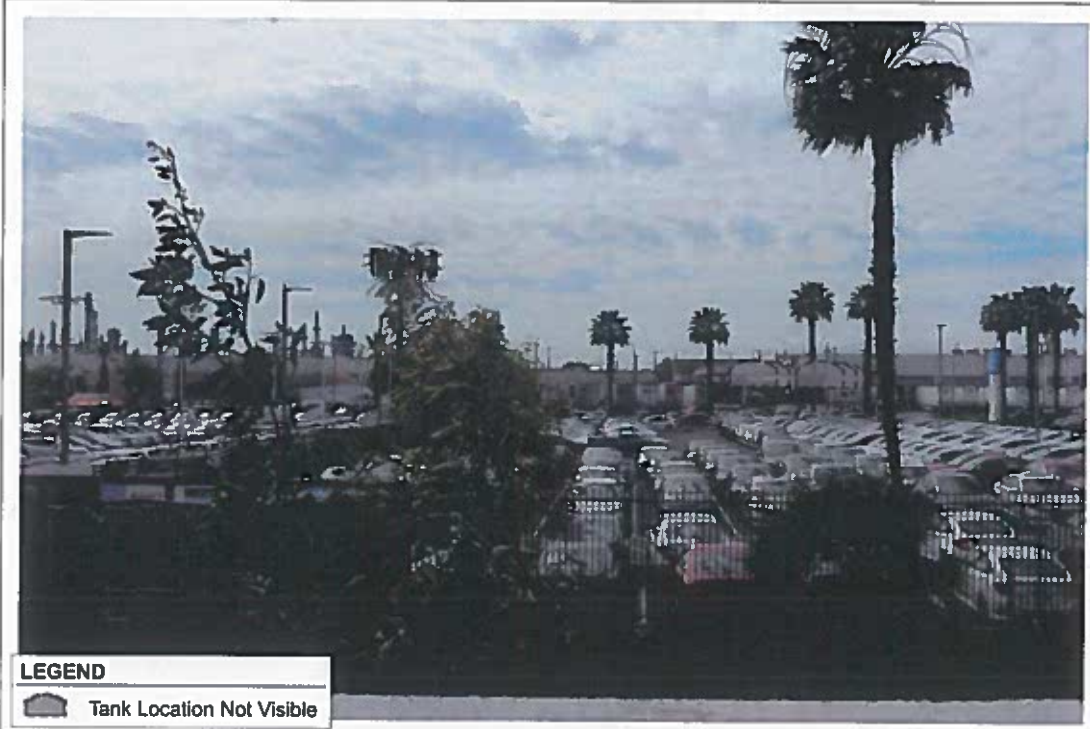
Rendering of Expected View as in Photograph 5
Tanks are Expected to be Mostly Obscured by Intervening Structures and Landscaping

Photographs Taken By Brett Sinclair



Photograph 6
Date: 03/20/18

Current View from the Southbound Lane of the 405 Freeway
Between Lucerne Street and Wilmington Avenue Looking South



Rendering 6

LEGEND
[Dark shape icon] Tank Location Not Visible

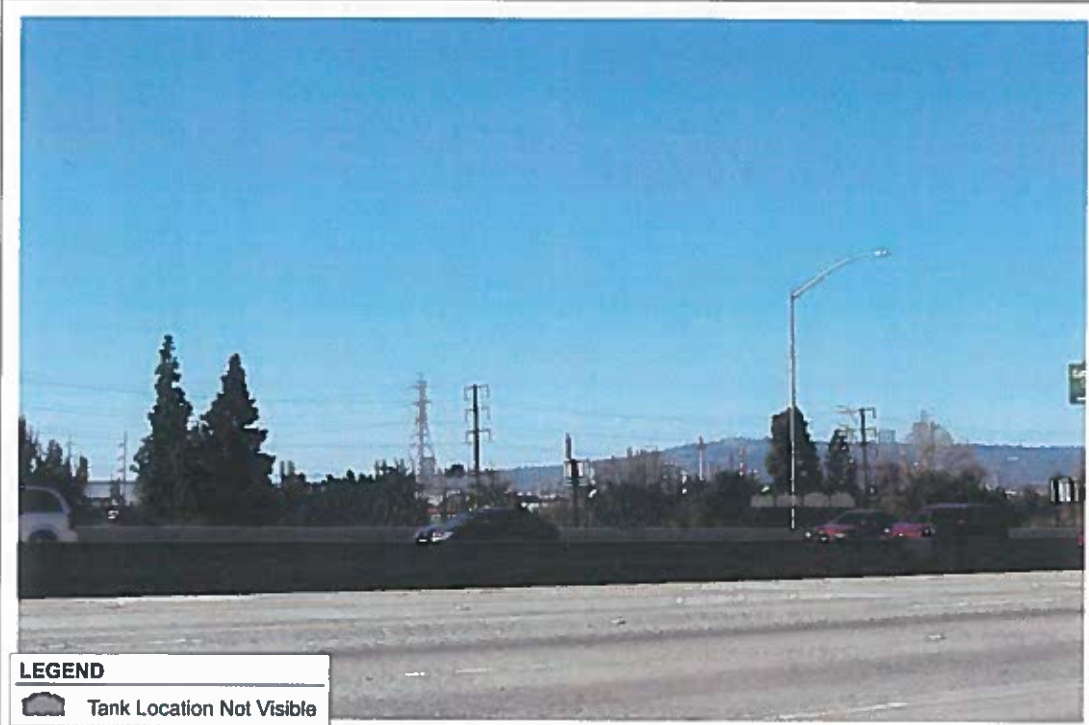
Rendering of Expected View as in Photograph 6
Tanks are Expected to be Obscured by Intervening Structures and Landscaping

Photographs Taken By Brett Sinclair



Photograph 7
Date: 03/26/18

Current View from the Northbound Lane of the 405 Freeway Near the Intersection of W. Wardlow Road and Webster Avenue Looking Southwest



Rendering 7

Rendering of Expected View as in Photograph 7
Tanks are Expected to be Obscured by Intervening Structures and Landscaping