



PLANNING COMMISSION STAFF REPORT

PUBLIC HEARING: February 22, 2022

SUBJECT: Continued Public Hearing for: Site Plan and Design Review (DOR) No. 1865-21

APPLICANT: Herman Architecture and Design
16201 Scientific Way
Irvine, CA 92618

PROPERTY OWNER: LIT 9th Street 223rd LLP
P.O. Box 3388
Manhattan Beach, 90266

REQUEST: Consider approval of Site Plan and Design Review No. 1865-21 to demolish a former chemical manufacturing facility and associated ancillary structures and construct a new 124,324 square foot tilt-up warehouse building with 5,000 square feet of ground floor office space, an additional 5,000 square feet of mezzanine office space, 15 truck loading docks and surface parking

PROPERTY INVOLVED: 2104 East 223rd Street

COMMISSION ACTION

| AYE | NO | | AYE | NO | |
|-----|----|---------------------------|-----|----|---|
| | | Chairperson Thomas | | | Monteclaro |
| | | Vice Chair Palmer | | | D. Thomas |
| | | Diaz | | | Rashad |
| | | Guerra | | | Vacant |
| | | Huff | | | Alt. Docdocil Alt. Hernandez Alt. Wilson |

Item No. 5A

On the regularly scheduled Planning Commission meeting of January 25, 2022, the public hearing was opened, public comment was taken, and the item was continued to the Planning Commission's regularly scheduled meeting of February 22, 2022.

I. Introduction

Applicant

Herman Architecture and Design
16201 Scientific Way
Irvine, CA 92618

Property Owner

LIT 9th Street 223rd LLP
P.O. Box 3388
Manhattan Beach, 90266

II. Project Description

The applicant, Herman Architecture and Design on behalf of LIT 9th Street 223rd LLP, requests approval of DOR No. 1865-21 to demolish a former chemical manufacturing facility and associated ancillary structures and construct a new 124,324 square foot tilt-up warehouse building with 5,000 square feet of ground floor office space, an additional 5,000 square feet of mezzanine office space, 15 truck loading docks and surface parking.

Carson Municipal Code Section 9172.23 (Site Plan and Design Review) requires Planning Commission review of projects within the Design Overlay District having construction valuation of \$50,000 or more.

LIT 9th Street 223rd LLP is a Southern California based real estate investment and development firm specializing in logistics with their headquarters in El Segundo, CA. LIT 9th Street 223rd LLP was founded in 2019 and focuses exclusively on investing in industrial properties throughout Southern California.

III. Project Site and Surrounding Land Uses

The subject property site is located in the MH-D zone and is designated Heavy Industrial under the Land Use Element of the General Plan. The subject property is located on the south side of 223rd Street between Wilmington Avenue and Alameda Street.

Land uses surrounding the proposed project site are primarily light and heavy industrial uses.

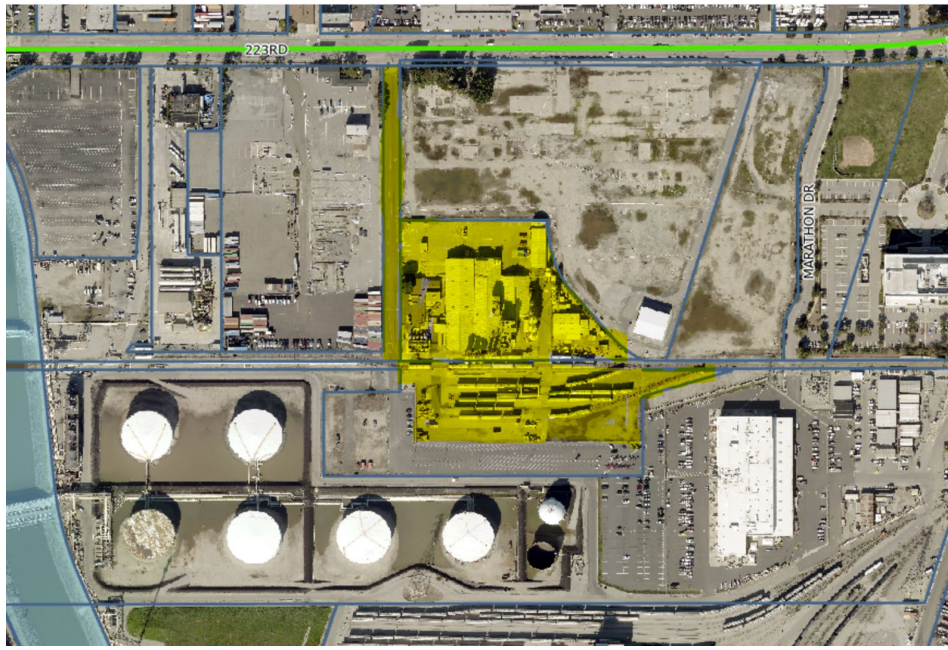


Figure (a) Project Site in context to surrounding zoning

The following table provides a summary of information regarding the project site:

| Site Information | |
|-----------------------------|--|
| General Plan Land Use | Heavy Industrial |
| Zone District | MH-D (Manufacturing, Heavy; Design Overlay) |
| Site Size | 9.5 acres |
| Present Use and Development | Formerly a chemical manufacturing facility (Polyone Corporation) |
| Surrounding Uses/Zoning | North: Light Industrial, ML-D South: Heavy Industrial, MH East: Light Industrial, ML-D; Heavy Industrial, MH-D West: Heavy Industrial; MH |
| Access | Ingress/Egress: 223 rd Street |

IV. Background and Analysis

On the regularly scheduled Planning Commission meeting of January 25, 2022, the public hearing was opened, public comment was taken, and the item was continued to the Planning Commission’s regularly scheduled meeting of February 22, 2022 with an 8-0 vote.

Site History

The site was historically used for agricultural purposes or vacant land from 1928 through 1952. Since 1960, the site was used as a polyvinyl chloride (PVC) manufacturing, compounding and distribution facility. The existing facility is composed of manufacturing buildings, a dryer building, several above ground storage tanks (ASTs), blending tanks, sumps, a vinyl production tower, and warehouse buildings. In 1987, the PVC manufacturing portion of the operation ceased, which led to the demolition of the PVC manufacturing area and removal of the 520,000-gallon vinyl chloride and 300,000-gallon fuel oil ASTs. The PVC compounding and distribution continued until late 2020.

A railroad right-of-way crosses from east to west through the approximate center of the site. An access road is located immediately west of the site. Demolition of the chemical manufacturing facility and associated ancillary structures will be required to construct the new proposed warehouse and amenities.

Phase I ESA and subsequent Phase II investigations have been conducted since 2020. DTSC has concluded that further response actions, including supplemental investigation and removal actions, are needed for the site, and has entered into an agreement with the applicant to address these issues.



Site Plan

The subject property measures approximately 9.5 acres. The proposed warehouse includes 124,324 square feet of warehouse space with 5,000 square feet of ground floor office space, an additional 5,000 square feet mezzanine office space, 15 truck loading docks and surface parking. A new parking lot will be installed that will include accessible American with Disabilities (ADA) parking. Landscape planters with permanent irrigation and a trash enclosure will also be installed. The project involves the complete demolition and removal of the existing chemical manufacturing facility including three associated structures and aboveground storage tanks .

The City has approved a Capital Improvement Project to replace the existing sidewalk, curb, and gutter along the project's frontage at 223rd Street that began September 2020. That portion of East 223rd Street along the project frontage will be subject to a 5-year moratorium pending completion of the CIP, prohibiting any excavation or disturbance within the roadway except as approved by the City Engineer. A bike lane will be implemented as part of 223rd street Improvements.

Access

The proposed warehouse facility will have two vehicular access points from the private driveway leading from 223rd Street. The internal driveways will provide full access to the warehouse facility and are designed to meet Fire Department turning radius requirements.

Fencing

An 8' foot high tubular steel fence will be installed along the northern, eastern, and southern perimeters of the property. Landscaping will be provided the entire perimeter of the property. Four metal gates will be provided on the western perimeter to allow pedestrian and vehicular access to the subject property.

Parking & Traffic

Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-feet of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. Carson Municipal Code Section 9162.24 (Automobile Parking Spaces requires for Mixed Uses) states that office space incidental to warehouse or other industrial uses shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed ten percent of the total gross floor area. The proposed warehouse and office facility require 86 parking spaces: 79 for warehouse ($119,324 \text{ sf}/1,500 = 79$) and 7 for office ($10,000 \text{ sf}/1,500 = 7$). The applicant proposes 128 parking spaces; 122 standard stalls and 6 ADA compliant parking stalls.

Building and Architecture

The project is designed in a modern architectural style combining painted concrete blocks, metal canopies, clear anodized mullions, and blue high-performance glazing. Large openings with reflective glass have been used along the front façade to create an office-like appearance. Articulation of the concrete panels interspersed with the use of different color tones effectively breaks-up the façade and creates an interesting design aesthetic. The project is compatible with the surrounding area in that it is in keeping with similar industrial uses.

Signage

Carson Municipal Code Section 9146.7 (Signs) allows two square feet of signage for every one linear foot of lot frontage for the first one hundred (100) feet, plus one-half (1/2) times the frontage in excess of one hundred (100) feet. The proposed warehouse facility does not have lot frontage but is accessed by a private street. The northern portion of the lot that meets lot frontage width and front yard setback requirements shall be considered the lot frontage. At 444 feet in length, 372 square feet of signage will be allowed. The applicant has not proposed signage at this time.

Landscaping

Carson Municipal Code Section 9162.52 (Landscaping Requirements) requires automobile parking facilities and any parking facilities visible from the public right-of-way to have interior landscaping with permanent irrigation of not less than 5%. The entire site is setback 495 feet from 223rd Street and will not be visible from any public right-of way. The project is proposing to install landscaping along the entire perimeter of the property. In addition, landscaping is provided along the majority of the building and of the parking areas. A total of 61,453 square feet of landscaping is provided which totals to about 21% of the land area.

V. CFD/DIF Discussion

1. ***Interim Development Impact Fee:*** In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code and the current

Fiscal Year 2021-2022 fees (effective July 1, 2021, through June 30, 2022) the applicant, property owner, and/or successor to whom these project entitlements are assigned (“Developer”) shall be responsible for payment of a one-time development impact fee at the rate of \$2.63 per square foot of industrial building constructed. The proposed development includes development impact fees estimated at \$340,122.12 [129,324 sq. ft. (Proposed Project) X \$2.63 per unit = \$340,122.12]. If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.

Funding Mechanism for Ongoing Services / Community Facilities District: The applicant, property owner, and/or successor to whom the project entitlements are assigned is responsible to establish a funding mechanism to provide an ongoing source of funds for City services including the maintenance of parks, roadways, and sidewalks. A uniformed-standardized rate for ongoing City services was adopted by the City pursuant to Resolution No. 19-009 and accompanying Fiscal Impact Analysis (“FIA”) report. Under the adopted Resolution and FIA report, the subject property falls under Industrial Zone 2. Based on a 9.49-acre development, the current estimated annual amount for ongoing services is \$58,104.42 subject to annual adjustments. Developer shall demonstrate compliance under this section either through: 1) Annexing into a City established Community Facilities District (CFD); or 2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City.

VI. Zoning and General Plan Consistency

The proposed project is consistent with the standards of the MH (Manufacturing, Heavy) zoning designation and Light Industrial General Plan land use designation and will remain consistent with the surrounding uses.

VII. Environmental Review

Design related issues such as those found in Site Plan and Design Review (DOR) No. 1865-21 have been found to be outside CEQA, as it is common sense that design related issues do not relate to the potential for whether a project causes a significant effect on the environment. (McCorkle Eastside Neighborhood Group v. City of St. Helena, 31 Cal.App.5th 80 (2018)). Toward that end, the City cannot impose conditions of approval that constitute environmental impact mitigation measures exceeding the scope of design review for Site Plan and Design Review (DOR) No. 1865-21.

VIII. Public Notice

Notices of public hearing were mailed to property owners and occupants within a 750’ radius and posted to the project site by January 13, 2021.

Re-noticing was not required as the public hearing was continued to the February 22, 2022 regularly scheduled meeting. The agendas were posted at City Hall no less than 72 hours prior to the January 25, 2022 and February 22, 2022 Planning Commission meetings.

IX. Recommendation

That the Planning Commission:

- **ADOPT** Resolution No. 22-____, entitled "A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARSON APPROVING SITE PLAN AND DESIGN OVERLAY REVIEW NO. 1865-21 FOR A PROPOSED TILT-UP WAREHOUSE FACILITY AT 2104 EAST 223RD STREET."

X. Exhibits

1. Draft Resolution
 - A. *Legal Description*
 - B. *Conditions of Approval*
2. Development Plans

Prepared by: Max Castillo, Assistant Planner

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 21-_____

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING SITE PLAN AND
DESIGN OVERLAY REVIEW NO. 1865-21 FOR A
PROPOSED TILT-UP WAREHOUSE FACILITY AT
2104 EAST 223RD STREET.**

WHEREAS, on December 1, 2021, the Department of Community Development received a complete application from Herman Architecture and Design on behalf of LIT 9th Street 223rd LLP for real property located at 2104 E. 223rd Street and legally described in Exhibit “A” attached hereto, requesting approval of Design Overlay Review No. 1865-21 to demolish a former chemical manufacturing facility and associated ancillary structures and construct a new 129,324 square foot tilt-up warehouse with 5,000 square feet of ground floor office space, an additional 5,000 square feet of mezzanine office space, 15 truck loading docks and surface parking; and

WHEREAS, studies and investigations were made and a staff report with recommendations was submitted, and the Planning Commission, upon giving the required notice, did on the 25th day of January 2022 and 22nd day of February 2022, conduct a duly noticed public hearing as required by law to consider said design overlay review application. Notice of the hearing was posted and mailed to property owners and properties within a 750-foot radius of the project site by January 13, 2022.

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

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

SECTION 2. The Planning Commission finds as follows:

- a) The proposed project is compatible with the General Plan of the City of Carson. The project site has a General Plan Land Use designation of Heavy Industrial, and the proposed tilt-up warehouse and associated offices are compatible with said designation and the surrounding uses.
- b) The proposed project is compatible in architecture and design with existing and anticipated development in the vicinity, including the aspects of site planning, land coverage, landscaping, appearance and scale of structures and open spaces, and other features relative to a harmonious and attractive development of the area. The proposed project consists of developing a 129,324 square foot warehouse with 5,000 square feet of ground floor office space, an additional 5,000 square feet of mezzanine office space. 15 truck loading docks and surface parking. The project is compatible with the surrounding area in that it is in keeping with other light and heavy industrial uses and will be a significant improvement to the overall area.

c) The proposed development will have adequate street access for pedestrian and vehicles, and also adequate capacity for parking and traffic. The project site will be accessed through an existing private driveway off of 223rd Street. Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square-feet of gross floor area for warehouse purposes and 1 space for every 300 square feet of office space. Carson Municipal Code Section 9162.24 (Automobile Parking Spaces requires for Mixed Uses) states that office space incidental to warehouse or other industrial uses shall have its required parking spaces computed at the same ratio as the industrial use, provided the office space does not exceed ten percent of the total gross floor area. The proposed warehouse and office facility require 86 parking spaces: 79 for warehouse (119,324 sf/1,500 = 79) and 7 for office (10,000 sf/1,500 = 7). The applicant proposes 128 parking spaces: 122 standard stalls and 6 ADA compliant parking stalls.

d) All signage associated with this project will be reviewed and approved as a separate application and will ensure that the signage complies with applicable Carson Municipal Code provisions, and will exhibit attractiveness, effectiveness and restraint in signing graphics and color.

e) The proposed development will be constructed in one single phase.

SECTION 3. Design related issues such as those found in Site Plan and Design Review (DOR) No. 1865-21 have been found to be outside CEQA, as it is common sense that design related issues do not relate to the potential for whether a project causes a significant effect on the environment. (McCorkle Eastside Neighborhood Group v. City of St. Helena, 31 Cal.App.5th 80 (2018)). Toward that end, the City cannot impose conditions of approval that constitute environmental impact mitigation measures exceeding the scope of design review for Site Plan and Design Review (DOR) No. 1865-21.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Design Overlay Review No. 1865-21 for the proposed demolition of a chemical manufacturing facility and associated ancillary structures and to construct a new 129,324 square foot tilt-up warehouse with surface parking, subject to the Conditions of Approval contained in Exhibit “B,” attached hereto.

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

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

PASSED, APPROVED and ADOPTED this 22nd day of February 2022.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT "A"

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF CARSON, IN THE COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1: (APN 7315-008-022 PORTION)

THAT PORTION OF THE 398.11 ACRE TRACT, IN THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GUYER BY THE FINAL DECREE OF PARTITION OF A PORTION OF SAID RANCHO HAD IN LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 3284, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN 10 ACRE PARCEL OF LAND CONVEYED TO AMERICAN CHEMICAL CORPORATION, BY DEED RECORDED IN BOOK D533, PAGE 307 OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG THE EASTERLY BOUNDARY OF SAID 10 ACRE PARCEL NORTH 0°14' 35" WEST 259.91 FEET; THENCE NORTH 19° 29' 45" WEST 90.98 FEET; THENCE NORTH 0° 14' 35" WEST 88.20 FEET; THENCE NORTH 89° 45' 25" EAST 5.00 FEET; THENCE SOUTH 0° 14' 35" EAST 42.50 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE EAST HAVING A RADIUS OF 296.84 FEET; THENCE SOUTHERLY ALONG SAID CURVE 178.22 FEET (THROUGH AN ANGLE OF 34° 24' 00") TO A POINT; THENCE SOUTH 37° 29' 07" EAST 87.14 FEET; THENCE SOUTH 42° 44' 35" EAST 112.75 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEAST HAVING A RADIUS OF 296.84 FEET; THENCE EASTERLY ALONG SAID CURVE 123.38 FEET (THROUGH AN ANGLE OF 23° 48' 56") TO A POINT; THENCE SOUTH 89° 45' 25" WEST 255.44 FEET TO THE POINT OF BEGINNING.

EXCEPTING ALL OIL, GAS AND OTHER HYDROCARBONS AND ALL OTHER MINERALS IN, UNDER OR RECOVERABLE FROM SAID REAL PROPERTY HEREINABOVE DESCRIBED AND THE RIGHT TO EXPLORE, MINE, DRILL AND OPERATE FOR THE SAME AND TO PRODUCE AND REMOVE THE SAME BUT WITHOUT THE RIGHT TO ENTER UPON THE SURFACE OF SAID REAL PROPERTY HEREINABOVE DESCRIBED FOR SAID PURPOSES, AS EXCEPTED BY RICHFIELD OIL CORPORATION, A CORPORATION, IN DEED RECORDED JULY 10, 1959 AS INSTRUMENT NO. 1959-4139 IN BOOK D533, PAGE 307 OFFICIAL RECORDS, AND IN DEED RECORDED JUNE 14, 1962 AS INSTRUMENT NO. 1962-4764 IN BOOK D1649, PAGE 371 OFFICIAL RECORDS.

PARCEL 2: (APN 7315-008-022 PORTION)

THAT PORTION OF THE 398.11 ACRE TRACT, ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GEYER, BY THE DECREE OF PARTITION OF A PORTION OF THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, IN CASE NO. 3284, OF THE SUPERIOR COURT OF SAID COUNTY, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THAT CERTAIN 10-ACRE PARCEL OF LAND CONVEYED TO AMERICAN CHEMICAL CORPORATION BY DEED RECORDED IN BOOK D533, PAGE 307 OFFICIAL RECORDS, OF SAID COUNTY; THENCE ALONG THE SOUTH LINE OF SAID 10 ACRE PARCEL SOUTH 89° 45' 25" WEST 469.06 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL; THENCE NORTH 0° 14' 35" WEST, 434.00 FEET; THENCE NORTH 89° 45' 25" EAST, 439.06 FEET; THENCE SOUTH 0° 14' 35" EAST, 88.20 FEET; THENCE SOUTH 19° 29' 45" EAST, 90.98 FEET TO THE EAST LINE OF SAID 10-ACRE PARCEL; THENCE ALONG SAID EAST LINE SOUTH 0° 14' 35" EAST, 259.91 FEET TO THE POINT OF BEGINNING.

EXCEPTING ALL OIL, GAS AND OTHER HYDROCARBONS AND ALL OTHER MINERALS, IN, UNDER OR RECOVERABLE FROM SAID REAL PROPERTY, HEREINABOVE DESCRIBED AND THE RIGHT TO EXPLORE MINE, DRILL AND OPERATE FOR THE SAME AND TO PRODUCE AND REMOVE THE SAME BUT WITHOUT THE RIGHT TO ENTER UPON THE SURFACE OF SAID REAL PROPERTY HEREINABOVE DESCRIBED FOR SAID PURPOSES, AS EXCEPTED BY RICHFIELD OIL CORPORATION, A CORPORATION, IN DEED RECORDED JULY 10, 1959 AS INSTRUMENT NO. 1959-4139 IN BOOK D533, PAGE 307 OFFICIAL RECORDS.

PARCEL 3: (APN 7315-008-054)

THAT PORTION OF THE 398.11 ACRE TRACT, IN THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GUYER, BY THE FINAL DECREE OF PARTITION OF A PORTION OF SAID RANCHO HAD IN LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 3284, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THAT CERTAIN 10-ACRE PARCEL OF LAND CONVEYED TO AMERICAN CHEMICAL CORPORATION BY DEED RECORDED IN BOOK D533, PAGE 307 OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 0° 06' 37" EAST, 30.00 FEET, THENCE, NORTH 89° 53' 23" EAST, PARALLEL WITH THE SOUTH LINE OF THE SAID 10-ACRE PARCEL, 724.50 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION, SAID POINT BEING THE NORTHEAST CORNER OF THAT CERTAIN 1.778 ACRE PARCEL OF LAND CONVEYED TO THE B. F. GOODRICH COMPANY BY DEED DATED FEBRUARY 26, 1971, RECORDED IN BOOK D5120, PAGE 1 OFFICIAL RECORDS; THENCE CONTINUING NORTH 89° 53' 23" EAST, 446.00 FEET; THENCE, SOUTH 73° 23' 07" WEST, 465.17 FEET, MORE OR LESS, TO A POINT IN THE EAST LINE OF SAID 1.778 ACRE PARCEL, DISTANT SOUTH 0° 06' 37" EAST ALONG SAID LINE 132.15 FEET FROM SAID NORTHEAST CORNER; THENCE ALONG SAID EAST LINE NORTH 0° 06' 37" WEST, 132.15 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND IS ALSO SHOWN AS LOT B OF LOT LINE ADJUSTMENT NO. 212-06 RECORDED DECEMBER 24, 2007 AS INSTRUMENT NO. 20072824658 OFFICIAL RECORDS.

ALSO EXCEPT THEREFROM ALL OIL, GAS, HYDROCARBONS AND OTHER MINERALS AND RIGHTS IN SAID REAL PROPERTY AS RESERVED BY DOMINGUEZ ESTATE COMPANY, A CORPORATION, IN DEED RECORDED JANUARY 8, 1957 AS INSTRUMENT NO. 1957-2030 IN BOOK 53297, PAGE 140 OFFICIAL RECORDS.

PARCEL 4: (APN 7315-008-051)

THAT PORTION OF THE 398.11 ACRE TRACT, IN THE RANCHO SAN PEDRO, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, ALLOTTED TO ANA JOSEFA DOMINGUEZ DE GUYER, BY THE FINAL DECREE OF PARTITION OF A PORTION OF SAID RANCHO HAD IN LOS ANGELES COUNTY SUPERIOR COURT CASE NO. 3284, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THAT CERTAIN 10-ACRE PARCEL OF LAND CONVEYED TO AMERICAN CHEMICAL CORPORATION BY DEED RECORDED IN BOOK D533, PAGE 307 OFFICIAL RECORDS OF SAID COUNTY; THENCE SOUTH 0° 06' 37" EAST, 30.00 FEET TO THE TRUE POINT OF BEGINNING FOR THIS DESCRIPTION, THENCE, NORTH 89° 53' 23" EAST, PARALLEL WITH THE SOUTH LINE OF THE SAID 10-ACRE PARCEL, 724.50 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN 1.778 ACRE PARCEL OF LAND CONVEYED TO THE B. F. GOODRICH COMPANY BY DEED DATED FEBRUARY 26, 1971, RECORDED IN BOOK D5120, PAGE 1 OFFICIAL RECORDS; THENCE SOUTH 0° 06' 37" EAST, 225.00 FEET; THENCE, SOUTH 89° 53' 23" WEST, 679.50 FEET; THENCE NORTH 0° 06' 37" WEST, 160.00 FEET; THENCE SOUTH 89° 53' 23" WEST, 45.00 FEET; THENCE NORTH 0° 06' 37" WEST, 65.00 FEET TO THE TRUE POINT OF BEGINNING.

SAID LAND IS ALSO SHOWN AS LOT A OF LOT LINE ADJUSTMENT NO. 212-06 AMENDED DECEMBER 24, 2007 AS INSTRUMENT NO. 20072824658 OFFICIAL RECORDS.

EXCEPT THEREFROM ALL OIL, GAS AND OTHER HYDROCARBONS AND OTHER MINERALS IN AND UNDER SAID REAL PROPERTY, TOGETHER WITH THE SOLE AND EXCLUSIVE RIGHT AS HEREINAFTER LIMITED, TO DRILL, RE-DRILL, DEEPEN, COMPLETE AND MAINTAIN WELLS AND WELL HOLES, UNDER, THROUGH AND BEYOND AND TO DRILL FOR, PRODUCE, EXTRACT, TAKE, AND REMOVE OIL, GAS AND OTHER HYDROCARBONS AND OTHER MINERALS FROM AND BEYOND AND TO DRILL FOR, PRODUCE, EXTRACT, TAKE AND REMOVE OIL, GAS, AND OTHER HYDRO SUBSTANCES AND OTHER MINERALS FROM AND THROUGH SAID REAL PROPERTY; PROVIDED HOWEVER, THE FOREGOING RIGHTS AND THE EXERCISE THEREOF ARE AND SHALL BE SUBJECT TO THE FOLLOWING LIMITATIONS, TO-WIT:

NEITHER THE GRANTOR NOR ANYONE CLAIMING UNDER OR THROUGH THE GRANTOR SHALL HAVE OR EXERCISE ANY RIGHT OF ENTRY UPON OR THROUGH SAID REAL PROPERTY EXCEPT BENEATH A DEPTH OF 200 FEET BELOW THE PRESENT SURFACE OF SAID REAL PROPERTY, NOR TO IN ANY WAY AFFECT THE SURFACE OF SAID REAL PROPERTY BY THE GRANTEE, ITS SUCCESSORS OR ASSIGNS, AS RESERVED BY DOMINGUEZ ESTATE COMPANY, A CORPORATION, IN DEED RECORDED JANUARY 8, 1957 AS INSTRUMENT NO. 1957-2030 IN BOOK 53297, PAGE 140 OFFICIAL RECORDS.

PARCEL 5:

A RIGHT OF WAY AND EASEMENT FOR INGRESS AND EGRESS AND OTHER PURPOSES AS

CONVEYED IN THE "RIGHT OF WAY AGREEMENT" DATED MAY 20, 1963 AND RECORDED MAY 22, 1963 IN BOOK 2038, PAGE 635 OFFICIAL RECORDS, AND AMENDED BY THE "RIGHT OF WAY AGREEMENT" RECORDED APRIL 4, 1967 IN BOOK 3603, PAGE 263 OFFICIAL RECORDS.

PARCEL 6:

TWO NONEXCLUSIVE EASEMENTS FOR UTILITIES, ROADWAY, AND PIPELINE PURPOSES, EACH 50 FEET IN WIDTH, ACROSS THE 30 FOOT RAILROAD STRIP AS CONVEYED AND DEFINED IN THE GRANT DEED RECORDED NOVEMBER 28, 1966 AS INSTRUMENT NO. 1966-591 IN BOOK D3491, PAGE 990 OFFICIAL RECORDS, AND AMENDED BY THE "AGREEMENT" RECORDED APRIL 4, 1967 AS INSTRUMENT NO. 1967-1664 OFFICIAL RECORDS.

APN: 7315-008-022, 051 & 054

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

**EXHIBIT "B"
CONDITIONS OF APPROVAL
DESIGN OVERLAY REVIEW NO. 1865-21**

I. GENERAL CONDITIONS

1. ***Interim Development Impact Fee:*** In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code and the current Fiscal Year 2021-2022 fees (effective July 1, 2021 through June 30, 2022) the applicant, property owner, and/or successor to whom these project entitlements are assigned (“Developer”) shall be responsible for payment of a one-time development impact fee at the rate of \$2.63 per square foot of industrial building constructed. The proposed development includes development impact fees estimated at \$340,122.12 [129,324 sq. ft. (Proposed Project) X \$2.63 per unit = \$340,122.12]. If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.

Additionally, subject to the review, verification, and approval of the Community Development Director, the applicant may be eligible for development impact fee credits for demolition of an existing permitted structure or structures. Awarded fee credits shall reduce the final development impact fee amount and are applied when development impact fees are due. To be eligible for credits, prior to demolition, provide building volume (average building height and footprint, usable areas) of all existing permitted structures and the new proposed structure. Please contact Project Manager at 310-952-1700 for additional info.

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

2. ***Funding Mechanism for Ongoing Services/Community Facilities District:*** The proposed development is required to mitigate its impacts on City services. City adopted Community Facilities District (CFD No. 2018-01) and may adopt a similar community facilities district in the future to use instead of CFD No. 2018-01 (collectively referred to herein as the “CFD”) to fund the ongoing costs of City services permitted by the CFD, including the maintenance of parks, roadways, and sidewalks and other eligible impacts of the Project within the CFD (the CFD Services). The City has used this mechanism for projects wanting to join the CFD as a means to satisfy the condition to mitigate impacts on services.

In 2019, the City undertook a Fiscal Impact Analysis by NBS, dated (“FIA”). City Staff have been using this analysis generally to determine the impacts in CFD No. 2018-01. Based on the FIA, the subject property falls under the “Industrial Zone 2” category. Based on a 9.49-acre development, the current estimated annual amount for ongoing services is \$58,104.42 subject to annual adjustments. Prior to recordation of final tract map or permit issuance, whichever comes first, Developer shall demonstrate compliance under this section either through: 1) Annexing into a City CFD or 2) Establishing a funding mechanism to provide an ongoing source of funds for ongoing services, acceptable to the City.

In summary, the Developer/Property Owner shall be responsible to establish a funding mechanism to provide an ongoing source of funds for the ongoing services to mitigate the

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

To understand the requirements in more detail, please contact Project Manager at 310-952-1700.

3. If a building permit for Site Plan and Design Review No. 1865-21 is not issued within **two years** of the effective date of the approved Planning Commission Resolution, the entitlement shall be declared null and void unless an extension of time is previously approved by the Planning Commission.
4. The approved Resolution, including these Conditions of Approval, and signed Affidavit of Acceptance, shall be copied in their entirety and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.
5. Developer shall submit two complete sets of plans that conform to all the Conditions of Approval, to be reviewed and approved by the Planning Division prior to the issuance of a building permit.
6. Developer shall comply with all city, county, state and federal regulations applicable to this project.
7. Any substantial project revisions will require review and approval by the Planning Commission. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
8. The applicant and property owner shall sign an Affidavit of Acceptance of these conditions of approval, in a form approved by the Director, and shall submit the signed Affidavit of Acceptance to the Planning Division within 30 days of receipt of the Planning Commission Resolution.
9. A modification of these conditions, including additions or deletions, may be considered upon filing of an application by the owner of the subject property or his/her authorized representative in accordance with Section 9173.1 of the Zoning Ordinance.
10. It is further made a condition of this approval that if any condition is violated or if any law, statute, or ordinance is violated, this permit may be revoked by the Planning Commission or City Council, as may be applicable; provided the Developer 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 these Conditions of Approval conflict with a commitment made by the Developer in another document, the conditions enumerated herein shall take precedence unless superseded by a Development Agreement, which shall govern over any conflicting provisions of any other approval.
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 Developer 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 in all applicable conditions of approval of the project. The trust deposit shall be maintained with no deficits. The trust deposit shall be governed by a deposit agreement. The trust deposit account shall be maintained separate from other City funds and shall be non-interest bearing. City may make demands for additional deposits to cover all expenses over a period of 60 days and funds shall be deposited within 10 days of the request therefor, or work may cease on the Project.
14. Indemnification. The applicant, property owner, and tenant(s), for themselves and their successors in interest (“Indemnitors”), agree to defend, indemnify and hold harmless the City of Carson, its agents, officers and employees, and each of them (“Indemnitees”) from and against any and all claims, liabilities, damages, losses, costs, fees, expenses, penalties, errors, omissions, forfeitures, actions, and proceedings (collectively, “Claims”) against Indemnitees to attack, set aside, void, or annul any of the project entitlements or approvals that are the subject of these conditions, and any Claims against Indemnitees which are in any way related to Indemnitees’ review of or decision upon the project that is the subject of these conditions (including without limitation any Claims related to any finding, determination, or claim of exemption made by Indemnitees pursuant to the requirements of the California Environmental Quality Act), and any Claims against Indemnitees which are in any way related to any damage or harm to people or property, real or personal, arising from Indemnitors’ operations or any of the project entitlements or approvals that are the subject of these conditions. The City will promptly notify Indemnitors of any such claim, action or proceeding against Indemnitees, and, at the option of the City, Indemnitors shall either undertake the defense of the matter or pay Indemnitees’ associated legal costs or shall advance funds assessed by the City to pay for the defense of the matter by the City Attorney. In the event the City opts for Indemnitors to undertake defense of the matter, the City will cooperate reasonably in the defense, but retains the right to settle or abandon the matter without Indemnitors’ consent. Indemnitors shall provide a deposit to the City in the amount of 100% of the City’s estimate, in its sole and absolute discretion, of the cost of litigation, including the cost of any award of attorneys’ fees, and shall make additional deposits as requested by the City to keep the deposit at such level. If Indemnitors fail to provide or maintain the deposit, Indemnitees may abandon the action and Indemnitors shall pay all costs resulting therefrom and Indemnitees shall have no liability to Indemnitors.

II. AESTHETICS

1. There shall be no deviation of architectural design or details from the approved set of plans. Any alteration shall be first approved by the Planning Division.
2. Down spouts shall be interior to the structure or architecturally integrated into the structure to the satisfaction of the Planning Division.
3. Any roof-mounted equipment shall be screened to the satisfaction of the Planning Division.
4. Graffiti shall be removed from all areas within twenty-four (24) hours of written notification by the City of Carson, including graffiti found on perimeter walls and fences. 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 modification (i.e. fencing, landscaping, chemical treatment, etc.).

5. The proposed project site shall be maintained free of debris, litter and inoperable vehicles at all times. The subject property shall be maintained to present an attractive appearance to the satisfaction of the Planning Division.
6. No outdoor storage of materials shall be permitted on the property at any time.

III. FENCES/WALLS

1. Perimeter walls and fences shall be architecturally coordinated with the project building and subject to the approval of the Planning Division.
2. **An 8-foot-high tubular steel fence shall be installed along the north property line, to the satisfaction of the Planning Division.**
3. **An 8-foot-high tubular steel fence shall be installed along the south property line, to the satisfaction of the Planning Division.**
4. **An 8-foot-high tubular steel fence shall be installed along the east property line, to the satisfaction of the Planning Division.**

IV. LANDSCAPE/IRRIGATION

1. 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.
2. Installation of 6" x 6" concrete curbs is required around all landscaped planter areas, except for areas determined by National Pollutant Discharge Elimination System (NPDES) permit or other applicable condition of approval that requires certain landscaped areas to remain clear of concrete curbs for more efficient storm water runoff flow and percolation. Revised landscaping and irrigation plans shall be reviewed and approved by the Planning Division should subsequent modifications be required by other concerned agencies regarding the removal of concrete curbs.
3. The proposed irrigation system shall include best water conservation practices.
4. Installation, maintenance, and repair of all landscaping shall be the responsibility of the property owner.
5. **All new and retrofitted landscape area of 500 square feet or greater (in the aggregate) is subject to the Model Water Efficient Landscape Ordinance (MWELO) per Department of Water Resources (Chapter 2.7 of Division 2 of Title 23 of the California Code of Regulations).**
6. **Landscaping shall be installed along the entire perimeter of the property, to the satisfaction of the Planning Division**
7. Maintenance and repair of all landscaping shall be the responsibility of Developer.
8. Prior to Issuance of Building Permit, the Developer shall submit two sets of landscape and irrigation plans drawn, stamped, and signed by a licensed landscape architect. Such plans are to be approved by the Planning Division.

V. LIGHTING

1. Developer shall provide adequate lighting for the parking areas to the satisfaction of the Director.
2. All exterior lighting shall be provided in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.
3. Such lights are to be directed on-site in such a manner as to not create a nuisance or hazard to adjacent street and properties, subject to the approval of the Planning Division.

VI. PARKING/TRAFFIC

1. All driveways shall remain clear. No encroachment into driveways shall be permitted.
2. All areas used for movement, parking, loading, or storage of vehicles shall be paved and in accordance with Section 9162.0 of the Zoning Ordinance.
3. **Any work that takes place within the public right-of-way shall obtain a City-approved traffic control plan prior to the beginning of work.**

VII. TRASH

1. Trash collection from the project site shall comply with the requirements of the City's trash collection company.

VIII. UTILITIES

1. All utilities and aboveground equipment shall be constructed and located pursuant to Section 9146.8 of the Zoning Ordinance, unless otherwise provided for in these conditions.
2. Any aboveground utility cabinet or equipment cabinet shall be screened from the public right-of-way by a decorative block wall or landscaping, to the satisfaction of the Planning Division.

IX. BUILDING AND SAFETY DIVISION

1. Applicant shall submit development plans for plan check review and approval.
2. Developer shall obtain all appropriate building permits and an approved final inspection for the proposed project.
3. Prior to issuance of building permit, proof of worker's compensation and liability insurance for Developer must be on file with the Los Angeles County Building and Safety Division.

X. FIRE DEPARTMENT

Developer shall obtain approval and comply with all Los Angeles County Fire Department requirements for the proposed development.

XI. ENGINEERING SERVICES DEPARTMENT – CITY OF CARSON

1. The Developer shall submit an electronic copy of approved plans (*such as, Sewer, Street and/or Storm Drain Improvements, Grading, etc., whichever applies*), to the City of Carson – Engineering Division, prior to issuance of any permit by Engineering Division.
2. Any existing off-site improvements damaged and/or damaged during the construction shall be removed and reconstructed per City of Carson PW Standard Drawings and to the satisfaction of the City Engineer.
3. A construction permit is required for any work to be done within the public right-of-way.

4. Proof of Worker's Compensation and Liability Insurance shall be submitted to the City prior to issuance of any permit by Engineering Division.
5. Construction bond for all work to be done within the public right of way shall be submitted and approved by Engineering Division prior to the issuance of any encroachment permits.
6. The Developer shall provide recorded covenant to address drainage maintenance/responsibilities.
7. If required by the Engineering Division, soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved by Engineering Division.
8. Per a planned city Capital Improvement Project, 223rd Street, directly abutting the development, will be subject to a 5-year moratorium pending completion of a planned city Capital Improvement Project. At which point, no excavation or disturbance within the roadway will be permitted except as approved by the City Engineer.
 - a. For any right-of-way landscape improvements, the developer shall be responsible for relocating conflicting trees/structures for any proposed driveway curb cuts

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

9. Per City of Carson ordinance 5809 developer shall comply with all applicable Low Impact Development (LID) requirements and shall include Best Management Practices necessary to control storm water pollution from construction activities and facility operations to the satisfaction of the City Engineer.
10. Per City of Carson ordinance 5809 d(2) developer shall comply with all street and road construction of 10,000 S.F. or more of impervious surface, shall manage wet weather with Green Infrastructure: Greens Streets
11. Developer shall provide contact information of the Qualified Storm Water Developer (QSD) and/or Qualified SWPPP (Storm Water Pollution Prevention Plan) Developer (QSP) of the site to the Sustainability Administrator at 310-952-1795.
12. Developer shall submit digital copies of the LID/NPDES/Grading Plans, hydrology and Hydraulic analysis concurrently to City of Carson, Engineering Services Department and Los Angeles County Building & Safety Division. Deliver copy to the Senior Civil Engineer at 310-952-1795.
13. Developer shall complete, sign and return the Stormwater Planning Program LID Plan Checklist form and return to City of Carson Engineering Services Division.
14. Drainage/Grading plan shall be submitted for approval of the Building and Safety Division. The Developer shall submit a copy of approved Drainage/Grading plans on bond paper to the City of Carson – Engineering Division.
15. If or when required, as determined by the City Engineer, provide CC&R's (covenants, conditions, and restrictions) to address drainage responsibilities.
16. A soils report, sewer area study, drainage concept, hydrology study and stormwater quality plan shall be reviewed and approved. Building Permit issuance will not be granted until

the required soils, sewer, drainage concept, hydrology study and stormwater information have been received and found satisfactory. Developer shall comply with mitigation measures recommended in the approved soils, sewer area study, drainage concept, hydrology study and stormwater quality plan.

17. Quitclaim or relocate any easements interfering with building locations to the satisfaction of the City or other appropriate agency or entity.
18. The Developer shall submit improvement plans to the Engineering Division showing all the required improvements in the public right of way for review and approval of the City Engineer. A copy of approved conditions of approval shall be attached to the plans when submitted. The following are required as a part of the project's improvement plans:
 - a. Remove unused driveway approach if any, along 223rd Street abutting this proposed development 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.
 - b. If required, the developer shall construct new driveway approaches per City of Carson PW Standard Drawings and in compliance with the ADA requirements. The Developer shall protect or relocate any facilities to accommodate the proposed driveway approach. The maximum driveway approach width allowed for the site is 40 feet, unless approved by the City Traffic Engineer and City Engineer.
 - c. If required, install striping and pavement legend per City of Carson PW Standard Drawings.
 - d. Storm Drain Improvements (if any) along 223rd Street as determined by the aforementioned requirement.
19. Off-site improvements (e.g. driveways, sidewalk, parkway drains, trees, curb/gutter etc.) shown on the grading plans must provide a concurrent submittal to City of Carson Engineering Division. Off-site improvements may be shown on a separate set of street improvement plans. Prior to issuance of grading permit, Developer shall obtain clearance from City of Carson Engineering Division.
20. Comply with the street lighting requirements if required by the LA County Public Works, Traffic Safety and Mobility Division, Street Lighting Section and any City Street Lighting requirements.

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

21. For any structural and/or treatment control device installed. Developer shall record a maintenance covenant pursuant to Section 106.4.3 of the County of Los Angeles Building Code and title 12, Chapter 12.80 of the Los Angeles County Code relating to the control of pollutants carried by storm water runoff. In addition, an exhibit shall be attached to identify the location and maintenance information for any structural and/or treatment control device installed.
22. Developer shall complete and submit digital BMP Reporting Template Spreadsheet to Sustainability Administrator at 310-952-1795.
23. Covenant shall be reviewed and approved by the City Engineer prior to recordation with the Los Angeles County Registers Recorder/County Clerk.

24. RECORDATION is the responsibility of the Developer. Provide a copy of the recorded covenant agreement to City Engineer
25. Inspection will be conducted once a year after all Post Construction Best Management Practices (BMP) are constructed.
26. The Developer shall comply with all requirements from L.A. County Sewer Maintenance Division for maintenance of new and/or existing sewer main, relating to this development, prior to release of all improvement bonds.
27. The Developer shall construct and guarantee the construction of all required drainage infrastructures in accordance with the requirements and recommendations of the hydrology study, subject to the approval of the City Engineer.
28. All street cuts for utility construction purposes shall be repaired by the Developer per the City's utility trench repair standard.
29. All new utility lines servicing the proposed development shall be underground to the satisfaction of the City Engineer.
30. 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.
31. The Developer shall pay any applicable Public Works/Engineering fees prior to the issuance of the Certificate of Occupancy.

XII. BUSINESS LICENSE

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