

CITY OF CARSON
PLANNING COMMISSION
RESOLUTION NO. 24-XXXX

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF CARSON APPROVING SITE PLAN AND
DESIGN REVIEW NO. 1944-23 FOR THE DEVELOPMENT
OF A NEW MODULAR CONTROL BUILDING AT 2,625
SQUARE FEET AND ASSOCIATED IMPROVEMENTS
LOCATED AT 23300 ALAMEDA STREET**

WHEREAS, on June 30, 2023, the Department of Community Development received an application from Air Products and Chemicals Inc. for real property located at 23300 Alameda Street, legally described in Exhibit “A” attached hereto, requesting approval of Site Plan and Design Review No. 1944-23 for development of a new single-story modular control building that is 2,626 square feet and associated improvements including a new conduit power trench to connect the new building to the existing Power Distribution Center and addition of eight new parking spaces including one ADA-accessible space (for a total of 25 total parking spaces provided on site); 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 23rd day of July 2024, conduct a duly noticed public hearing as required by law to consider said application. Notice of the hearing was posted and mailed to property owners and properties within a 750-foot radius of the project site by July 10th, 2024; and

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 project is compatible with said designation and the surrounding uses, which are heavy industrial in nature. There is no applicable specific plan for the area.
- 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 a new modular control building at 2,626 square foot and associated improvements including a new conduit power trench to connect to the existing power distribution center.
- c) The architecture and design of the proposed project is compatible with existing and anticipated development in the vicinity. The project conforms to the site development

requirements of the Manufacturing, Heavy Zone and is consistent with the existing development of the project site.

- d) The proposed development provides for convenience and safety of circulation for pedestrians and vehicles. The proposed development will have adequate street access for pedestrians and vehicles, and adequate capacity for parking and traffic. The proposed modular control building will have vehicular access via the two existing driveways/access points for the subject property along Alameda Street. The proposed project will not change or impact the existing driveways/access points. The existing internal roadways will provide safe and convenient on-site access and circulation to the new modular control building and the rest of the facilities. The circulation layout is designed to meet Fire Department turning radius requirements. The proposed project is not expected to generate significant new traffic or truck trips to the property, as: (i) there is no increase in the maximum number of employees per shift, which is ten (10), due to adding the new modular control building; and (ii) the prior pipeline extension project for the existing facility, which was approved via Conditional Use Permit No. 1089-18 in 2020, eliminated the need for the five to seven daily tanker trucks that once delivered the produced hydrogen to the Paramount Refinery, and the proposed project does not affect that or create any new need for trucking activity or service.

Carson Municipal Code Section 9162.21 (Parking Spaces Required) requires 1 parking space for every 1,500 square feet of warehouse and 1 parking space for every 300 square feet of office area. However, per Carson Municipal Code Section 9162.24 (Automobile Parking Spaces Required for Mixed Uses), office space incidental to a manufacturing, warehouse or other industrial use shall have its required parking spaces computed at the same ratio as the industrial use, provided the office spaces does not exceed ten (10) percent of the total gross floor area. Because office space does not exceed 10 percent of the gross floor area in each of the buildings, 1 parking space is required for every 1,500 square feet of office space. The proposed modular control building and existing storage facility collectively require 25 parking spaces. The applicant proposes to add eight new parking spaces, including one ADA-accessible space, for a total of 25 parking spaces (including two ADA-accessible spaces) on-site, thereby meeting the requirements of the Carson Municipal Code.

- e) The project will not include any signage.
- f) The proposed development will be constructed in one single phase.
- g) The proposed landscape plan will comply with applicable water conservation requirements. Permanent irrigation utilizing best water conversation practices will be installed for both on and off-site landscaped areas.

SECTION 3. The proposed project is limited to Site Plan and Design Review pursuant to CMC Section 9172.23. CEQA applies only to discretionary projects proposed to be carried out or approved by public agencies, and the discretionary component of an action must give the agency the authority to consider a project's environmental consequences to trigger CEQA. Although Site Plan and Design Review approvals pursuant to CMC 9172.23(B)(1) involve discretion of the Planning Commission in applying the facts to determine if the required affirmative findings of CMC 9172.23(D) can be made, the Planning Commission's discretion is limited to the design-related issues included in the required findings. Accordingly, the City cannot impose conditions of approval that constitute environmental impact mitigation measures for DOR No. 1944-23 exceeding the scope of such design-related issues. Additionally, design-related issues such as those

found in CMC 9172.23 have been found not to require the separate invocation of CEQA, as it is common sense that such design-related issues do not relate to the potential for whether a project causes a significant effect on the environment. (Pub. Res. Code §21080; *McCorkle Eastside Neighborhood Group v. City of St. Helena*, 31 Cal.App.5th 80 (2018)).

In the alternative, the proposed project is categorically exempt from review under CEQA. Pursuant to State CEQA Guidelines Section 15301, the proposed project is covered by the Class 1 CEQA Categorical Exemption for Existing Facilities, as it involves negligible or no expansion of use, the added floor area is less than 10,000 sq. ft., and the project (i) is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan as a Heavy Industrial designation, and (ii) is not located in an environmentally sensitive area, as substantiated by the two above-referenced previous EIRs. Also, pursuant to State CEQA Guidelines Section 15303, the proposed project is covered by the Class 3 CEQA Categorical Exemption for Small Structures, which includes construction and location of limited numbers of new, small facilities or structures (up to the maximum allowable on any legal parcel) and installation of small new equipment and facilities in small structures. There is only one building being constructed, which is within the number allowable on the parcel, and it is small - just 2,626 square feet in floor area. Further, the site is zoned for the proposed use of the building, the building and its immediate surrounding site on the western portion of the subject parcel will not involve the use of significant amounts of hazardous substances, all necessary public services and facilities are available, and the surrounding area is not environmentally sensitive. No exception to the exemptions applies.

A Notice of Exemption shall be filed with the County Clerk of the County of Los Angeles pursuant to the California Environmental Quality Act.

SECTION 4. The Planning Commission of the City of Carson, pursuant to the findings noted above, does hereby approve Site Plan and Design Review No. 1944-23, 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 within that time 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 23rd day of July 2024.

CHAIRPERSON

ATTEST:

SECRETARY

EXHIBIT "A"

LEGAL DESCRIPTION

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

THAT PORTION OF LOT 1, TRACT NO. 10844, IN THE CITY OF CARSON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA, AS SHOWN ON MAP RECORDED IN BOOK 301, PAGES 37 TO 39 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHEASTERLY LINE OF SAID LOT 1 WITH THE EASTERLY LINE OF ALAMEDA STREET AS SAID LINE EXISTS PARALLEL WITH AND 65 FEET EASTERLY, MEASURED AT RIGHT ANGLES, FROM THE CENTERLINE OF ALAMEDA STREET, THENCE ALONG SAID EASTERLY LINE SOUTH 17° 09' 45" WEST 666.40 FEET TO THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED IN THE DEED TO TEXACO, INC. RECORDED IN BOOK D-6118, PAGE 298 OF OFFICIAL RECORDS, RECORDS OF SAID COUNTY, BEING THE TRUE POINT OF BEGINNING THENCE CONTINUING ALONG SAID EASTERLY LINE SOUTH 17° 09' 45" WEST 345.00 FEET, THENCE PARALLEL WITH SAID SOUTHWESTERLY LINE SOUTH 72° 50' 15" EAST 975.40 FEET TO A LINE PARALLEL WITH AND 73 FEET WESTERLY, MEASURED AT RIGHT ANGLES, FROM THE NORTHEASTERLY LINE OF SAID LOT 1, THENCE ALONG LAST SAID PARALLEL LINE NORTH 10° 40' 30" WEST 390.15 FEET TO SAID SOUTHWESTERLY LINE, THENCE ALONG SAID SOUTHWESTERLY LINE NORTH 72° 50' 15" WEST 793.21 FEET TO THE TRUE POINT OF BEGINNING.

APN: 7315-020-021 (PORTION)

**CITY OF CARSON
COMMUNITY DEVELOPMENT DEPARTMENT
PLANNING DIVISION
CONDITIONS OF APPROVAL
EXHIBIT "B"**

SITE PLAN AND DESIGN REVIEW NO. 1944-23

I. GENERAL CONDITIONS

1. Interim Development Impact Fee: In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code (“CMC”), the applicant, property owner, and/or successor to whom this project approval is assigned (“Developer”) shall be responsible for payment of one-time interim development impact fees (“IDIF”) at the applicable rate detailed below for each square foot of industrial development constructed for the project. If the project increases or decreases in regard to the number of square footage constructed, the total IDIF amount will be adjusted accordingly at the applicable rate.

Per CMC 11504, the IDIF shall be paid prior to issuance of the building permit(s), and the applicable IDIF rate (detailed below) shall be that in effect at the time of such payment. No building permit shall be issued prior to the full payment of the required IDIF amount, which payment shall be made in one lump sum installment. IDIF amounts/rates are subject to adjustment every July 1st based on State of California Construction Cost Index (Prior March to Current March Adjustment), per CMC Section 11500.

IDIF amounts/rates for industrial development have been set at \$3.56 per square foot for Fiscal Year 2024-25, effective July 1, 2024, through June 30, 2025. Based on these rates, the Developer would be responsible for a total payment of IDIF in the amount of \$9,348.56 for the proposed project, calculated as follows: 2,626 sq. ft. X \$3.56 per sq. ft. = \$9,348.56

However, if the IDIF for the project is not paid in 2024-25 fiscal year (i.e., by June 30, 2025), a new IDIF rate/amount will apply for the period of July 1, 2025, through June 30, 2026, based on the IDIF rate for Fiscal Year 2025-26, and so on for subsequent fiscal year(s). The fee for Fiscal Year 2025-2026 IDIF has not yet been determined.

To understand the requirements in more detail, please visit the City’s IDIF webpage at: <https://ci.carson.ca.us/communitydevelopment/IDIFProgram.aspx> and/or contact James Nguyen at jnguyen@carsonca.gov or 310-952-1700 ext. 1310.

Notice of Imposition of Interim Development Impact Fees; Right to Protest

Pursuant to CMC Section 11503, Developer is hereby notified of the IDIF imposed on the project, as described and in the amount stated above. In accordance with Government Code Section 66020, Developer may protest the imposition of the IDIF on the project by complying with the requirements set forth in CMC 11900. Any such protest shall be filed within ninety (90) days after the effective date of the City’s approval/conditional approval of the project.

If you have any questions or comments regarding this notice, please contact James Nguyen at jnguyen@carsonca.gov or (310) 952-1700 ext. 1310.

2. Pursuant to Section 9172.23(I) of the Carson Zoning Ordinance, if a building permit for Site Plan and Design Review (DOR) No. 1944-23 is not issued within two years of the effective date of DOR No. 1944-23, said entitlement shall become automatically null and void unless an extension of time is previously approved by the Planning Commission.
3. The approved Resolution, including the Conditions of Approval contained herein, and signed

Affidavit of Acceptance, shall be copied in their entirety, and placed directly onto a separate plan sheet behind the cover sheet of the development plans prior to Building and Safety plan check submittal. Said copies shall be included in all development plan submittals, including any revisions and the final working drawings.

4. The applicant, property owner, and/or successor to whom these project entitlements are assigned (“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.
 5. The applicant shall comply with all city, county, state and federal regulations applicable to this project.
 6. Any substantial project revisions that do not require any entitlements except for a further DOR will require review and approval only at the Director’s level unless a decision is made by the Director for a required further DOR approval to be considered by the Planning Commission, or unless otherwise required by applicable law. Any revisions shall be approved by the Planning Division prior to Building and Safety plan check submittal.
 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 the Planning Commission Resolution.
 8. 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.
 9. If any of these conditions is violated or if any applicable law is violated, DOR No. 1944-23 may be revoked by the Planning Commission, or City Council on appeal, pursuant to Section 9172.28 of the Carson Zoning Ordinance.
 10. Precedence of Conditions. If any of these Conditions of Approval alter 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.
 11. 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.
 12. Indemnification. The applicant, 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
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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. Any roof-mounted or ground mounted equipment shall be screened to the satisfaction of the Planning Division.
3. The modular control building, power distribution center and storage building shall be maintained in good condition at all times, subject to the satisfaction of the Community Development Director. Accumulation of rust or deterioration shall be eliminated in a timely manner.
4. 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.

III. FENCE/LANDSCAPING

1. Developer shall remove existing chain-link fencing, including barbed and concertina wire, and replace it with decorative wrought iron fencing all along their front property line on Alameda St. prior to final planning inspection and building certificate of occupancy for the modular control building.
2. Developer shall replace any dead vegetation with new vegetation of the same type and similar size and ensure that the other landscaping areas are properly maintained.

IV. LIGHTING

1. Developer shall provide adequate lighting for the parking areas.
2. Developer shall provide all exterior lighting in compliance with the standards pursuant to Section 9147.1 of the Zoning Ordinance.

V. FIRE DEPARTMENT

1. The proposed development shall obtain approval and comply with all applicable Los Angeles County Fire Department requirements (e.g., fire hydrant installations and fire flow
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requirements).

VI. BUILDING AND SAFETY

1. The second sheet of building plans is to list all conditions of approval and to include a copy of the Planning Commission Decision letter. This information shall be incorporated into the plans prior to the first submittal for plan check.
 2. Plans prepared in compliance with the current Building Code shall be submitted to Building Division for review prior to permit issuance.
 3. An application to assign unit numbers shall be filed with the City prior to plan check submittal.
 4. In accordance with paragraph 5538(b) of the California Business and Professions Code, plans are to be prepared and stamped by a licensed architect.
 5. Structural calculations prepared under the direction of an architect, civil engineer or structural engineer shall be provided.
 6. A geotechnical and soils investigation report is required, the duties of the soils engineer of record, as indicated on the first sheet of the approved plans, shall include the following:
 - a) Observation of cleared areas and benches prepared to receive fill;
 - b) Observation of the removal of all unsuitable soils and other materials;
 - c) The approval of soils to be used as fill material;
 - d) Inspection of compaction and placement of fill;
 - e) The testing of compacted fills; and
 - f) The inspection of review of drainage devices.
 7. The owner shall retain the soils engineer preparing the Preliminary Soils and/or Geotechnical Investigation accepted by the City for observation of all grading, site preparation, and compaction testing. Observation and testing shall not be performed by other soils and/or geotechnical engineer unless the subsequent soils and/or geotechnical engineer submits, and has accepted by the City, a new Preliminary Soils and/or Geotechnical Investigation.
 8. Developer shall submit a grading and drainage plan and obtain City approval of such plan prior to issuance of the building permit. The grading and drainage plan shall indicate how all storm drainage including contributory drainage from adjacent lots is carried to the public way or drainage structure approved to receive storm water.
 9. Stormwater Planning Program LID Plan Checklist (MS4-1 FORM) completed by Engineer of Record shall be copied on the first sheet of Building Plans and on the first sheet of Grading Plans. The form can be found at the following link: <https://www.dropbox.com/scl/fi/up1jbcg2e9sv4i0t6vrp3/CARSON-LID-PLAN-CHECKLIST-MS4-1-FORM.pdf?rlkey=1y5bsf2iladt6mzv56qgyz7cj&dl=0>
 10. Developer shall comply with all State of California disability access regulations for accessibility.
 11. The property shall be surveyed, and the boundaries marked by a land surveyor licensed by the State of California.
 12. Foundation inspection will not be made until the excavation has been surveyed and the setbacks determined to be in accordance with the approved plans by a land surveyor licensed by the State of California. THIS NOTE IS TO BE PLACED ON THE FOUNDATION PLAN IN A PROMINENT LOCATION.
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13. Separate application and plan review is required for Electrical plans.
14. Separate application and plan review is required for Mechanical plans.
15. Separate application and plan review is required for Plumbing plans.
16. Project shall comply with the CalGreen Non-Residential mandatory requirements.
17. All fire sprinkler hangers must be designed, and their location approved by an engineer or an architect. Calculations must be provided indicating that the hangers are designed to carry the tributary weight of the water filled pipe plus a 250-pound point load. A plan indicating this information must be stamped by the engineer or the architect and submitted for approval prior to issuance of the building permit.
18. Separate permit is required for Fire Sprinklers.

VII. 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.
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