

CITY OF PARAMOUNT
LOS ANGELES COUNTY, CALIFORNIA

RESOLUTION NO. 22:022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PARAMOUNT SETTING FORTH ITS FINDINGS OF FACT AND DECISION RELATIVE TO ZONE VARIANCE NO. 409, A REQUEST BY ALTAIR PARAMOUNT, LLC FOR A VARIANCE TO EXCEED THE 55-FOOT HEIGHT LIMIT IN THE M-2 (HEAVY MANUFACTURING) ZONE TO ALLOW THE INSTALLATION OF VARIOUS PIECES OF EQUIPMENT RELATED TO THE ALTAIR PARAMOUNT, LLC REFINERY CONVERSION PROJECT AT 14700 DOWNEY AVENUE

WHEREAS, the City Council of the City of Paramount has received an application from AltAir Paramount, LLC for a zone variance to exceed the 55-foot height limit in the M-2 (Heavy Manufacturing) zone to allow the installation of various pieces of equipment related to the AltAir Paramount, LLC refinery conversion project at 14700 Downey Avenue; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PARAMOUNT AS FOLLOWS:

SECTION 1. The above recitations are true and correct.

SECTION 2. The City Council finds that it has conducted all the public hearings necessary and in compliance with State Law and the Municipal Code of the City of Paramount.

SECTION 3. The City Council finds that all requirements of notice have been complied with pursuant to State Law and the Municipal Code.

SECTION 4. The City Council finds that the evidence presented does justify approval of this zone variance for the following reasons:

1. The requested use at the location proposed will not:
 - a. Adversely affect the health, peace, safety or welfare of persons residing or working in the surrounding area;
 - b. Be materially detrimental to the use, enjoyment or valuation of property of other persons located in the vicinity of the site; nor
 - c. Jeopardize, endanger or otherwise constitute a menace to the public health, safety or general welfare; and
2. The proposed site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping and other development features prescribed in this chapter, or as is otherwise required in order to integrate such use with the uses in the surrounding area; and
3. That the proposed site is adequately served:
 - a. By highways or streets of sufficient width and improved as necessary to carry the kind and quantity of traffic such use would generate, and
 - b. By other public or private service facilities as are required.

SECTION 5. The City Council hereby approves this zone variance to the City Council, subject to the following conditions:

1. Except as set forth in conditions, development shall take place substantially as shown on the approved site plans and elevations. Any material deviation must be approved by the Planning Department before construction.
2. It is hereby declared to be the intent that if any provision of this Conditional Use Permit is held or declared to be invalid, the exception shall be void and the privileges granted hereunder shall lapse.
3. The applicant understands that an Unclassified Use Permit, Conditional Use Permit, and/or Variance granted under the Zoning Ordinance, or any section thereof, is granted and accepted by all parties with the express understanding that the Planning Commission may hold a public hearing, notice of time and place of which shall be given to the applicant, if one or more of the following conditions exists:
 - a. That the approval was obtained by fraud;
 - b. That the need for which such approval was granted has ceased to exist or has been suspended for one year or more;
 - c. That the Unclassified Use Permit, Conditional Use Permit, and/or Variance is being, or recently has been, exercised contrary to the terms or conditions of such approval or in violation of any statute, provision of the Code, ordinance, law or regulation;
 - d. That the need for which the approval was granted was so exercised as to be detrimental to the public health or safety or so as to constitute a nuisance (Section 17.48.070, Paramount Municipal Code).

If after such hearing, the Planning Commission finds that any grounds of modification, suspension, or revocation exist, the Planning Commission may modify, suspend, or revoke or suspend such Unclassified Use Permit, Conditional Use Permit, and/or Variance.

4. Any future tenant improvements require permits from the Building and Safety Division of the Planning Department.
5. No exterior structural alteration or building color change shall be permitted without the prior approval of the Planning Department.
6. Rail deliveries and pick-ups shall be limited to Monday through Saturday, from 9:00 a.m. to 6:00 p.m. Rail deliveries and pick-ups shall be further limited to the non-peak hour traffic periods after 9:00 a.m. and before 6:00 p.m., and times when students are not going to or leaving school. The applicant currently receives rail deliveries and pick-ups of up to 25 railcars once a day, Monday through Friday.

The authorization for an increase in railcar deliveries and pick-ups over what the applicant currently receives or is be provided for in this Conditional Use Permit is expressly contingent upon applicant's demonstration of its reasonable best efforts, including coordinating with third parties (including property owners, the Joint Ports of Long Beach and Los Angeles, Union Pacific, Metro) regarding real property rights and/or agency approvals, in coordination with the City of Paramount, to construct a sound wall on or adjacent to the eastern edge of the rear yards of the homes on the east side of Façade Avenue, north of Rosecrans Avenue as contemplated by the Metro EIS/EIR for the West Santa Ana Branch Transit Corridor (WSAB) project, as described below. With City approval, Applicant shall contract with (a) consultant(s) to develop a report analyzing and identifying the

reasonable best efforts for the construction of a sound wall, inclusive of 3rd party coordination, planning, and design work that would be needed. Such report shall be approved by the Planning Department prior to implementation, which approval shall not be unreasonably withheld.

At such time as the Applicant has completed mechanical construction of the Project and seeks to increase its railcar deliveries, the Applicant shall notify the City in writing that mechanical construction has been completed and the City's Building and Safety Division has confirmed, in writing, that mechanical construction has been completed. At that time, increased rail deliveries will commence, having already been analyzed in the Final SEIR, and not be opposed by the City. For purposes of this condition, mechanical construction is defined as "when all mechanical and physical aspects of a project, except for punch list items, have been constructed and installed in accordance with the specifications set out in the construction contract. Once the project is mechanically complete it can be safely started and tested under actual conditions." However, Applicant shall be required to continue to use its reasonable best efforts to construct a sound wall subsequent to the completed mechanical construction of the Project and written confirmation by the City thereof. If the Applicant is legally unable to secure the necessary property rights, permits, or approvals from private property owners, or governing or coordinating agencies, within five (5) years from the approval of this Conditional Use Permit, Applicant shall notify the City that it has exhausted its reasonable best efforts to construct the sound wall, and City will deem Applicant to have satisfied this condition; provided, however, that to ensure Applicant is making every reasonable best efforts to secure the necessary property rights, permits, or approvals from private property owners, or governing or coordinating agencies, Applicant will be required to submit a progress report to Paramount Planning Department Staff on a quarterly basis detailing Applicant's efforts to construct the wall. The Planning Commission will review all quarterly reports. Costs incurred by Applicant associated with compliance with this condition, including preliminary investigatory work, will be netted from a portion of the proceeds of the Community Benefits Agreement, as described in Condition #19 of this Conditional Use Permit (below). The sound wall shall be both constructed in accordance with City of Paramount specifications and the specifications contemplated in the Metro WSAB EIS/EIR.

Applicant shall commence efforts in compliance with this condition within sixty (60) days of the approval date.

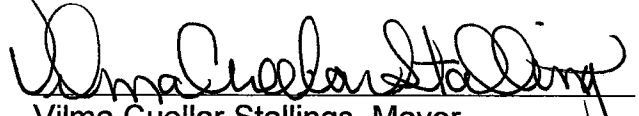
7. The length of an individual train will generally be limited to not more than 25 railcars. In the event more cars are required, the Planning Department must be notified 24 hours in advance. The refinery operators will also be required to notify the Paramount Sheriff's station of the approximate delivery time. Work undertaken to exercise the zone variance approval must commence within one year of the effective date unless otherwise specified. If work has not commenced within one year of the effective date of the zone variance approval, the zone variance approval shall expire. Requests for an extension of one additional year to commence work must be submitted in writing 30 days before the expiration of the zone variance approval.
8. A sound wall shall be constructed at the north end of the refinery plant, adjacent to the Cinderella Mobile Home Park. Planning Department approval shall be obtained for the exact location, materials, and height prior to construction of the sound wall.
9. The landscaping along Lakewood Boulevard shall be refurbished to include drought tolerant planting material in compliance with Chapter 17.96 (Water-Efficient Landscape Provisions) of the Paramount Municipal Code. A landscape plan shall be approved by the Planning Department prior to installation of the landscaping.

10. To the greatest extent possible, the applicant shall divert diesel trucks away from the Paramount facility to pick-up finished product from other locations outside of the City of Paramount. On an annual basis, the applicant shall check on the loading capabilities at the City of Carson loading and tank facility to determine if loading capabilities are available, and if so, the applicant shall utilize the capacity that is available at this facility.
11. To the greatest extent possible, all material, including finished product, for which it is operationally, legally and economically feasible to transport by pipeline to off-site locations, shall be transported by pipeline. All finished product that can be delivered by underground pipeline shall be delivered by underground pipeline. To the greatest extent possible, the applicant shall utilize underground pipelines to deliver finished product to off-site locations, thus reducing the dependency on diesel trucks to deliver finished product.
12. The applicant shall work with the Union Pacific Railroad to encourage implementation of tier 4 locomotive engines for all rail deliveries to and from the Applicant's property.
13. The applicant shall work with the Union Pacific Railroad to encourage the installation of continuously welded tracks in the neighborhood on the east side of Façade Avenue, north of Rosecrans Avenue, and along the rail connection, in connection with the West Santa Ana Branch light rail project. This requirement is conditioned upon the commencement of construction of the light rail project.
14. The applicant shall work with the Union Pacific Railroad to encourage the installation of "under ballast mats" in the neighborhood on the east side of Façade Avenue, north of Rosecrans Avenue, and along the rail connection, in connection with the West Santa Ana Branch light rail project. This requirement is conditioned upon the commencement of construction of the light rail project.
15. This application is subject to the Mitigation Monitoring and Reporting Program for the AltAir Refinery Conversion Project, as provided for in the Final Subsequent Environmental Impact Report. The Construction Management Program detailed in Mitigation Measure AQ-1a shall be produced and submitted for City review and approval prior to the start of construction. The NOx Reduction Program detailed in Mitigation Measure AQ-2b shall be developed, submitted for City review and approval, implemented, and monitored prior to the start of expanded operations. The Noise Monitoring and Management Plan detailed in Mitigation Measure N-1b shall be produced and submitted for City review and approval prior to construction. The Traffic Management Plan – Construction – detailed in Mitigation Measure T-3a shall be prepared, submitted for City review and approval prior to construction. The Traffic Management Plan – Operations – detailed in Mitigation Measure T-3a shall be prepared, submitted for City review and approval prior to operations.
16. Construction may take place between the hours of 7:00 a.m. and 8:00 p.m., Monday through Saturday. Construction is prohibited on Sunday.
17. Applicant must enter into a separate Community Benefits Agreement (CBA) with City within one year of approval of this Conditional Use Permit. The terms of the CBA, including payment amounts, shall be fairly and duly negotiated between applicant and City. Failure to come to terms on the CBA by the prescribed deadline shall necessitate a review of this Conditional Use Permit by the Planning Commission. It shall be noted that the CBA may include a provision that would allow Applicant to offset the payment terms of the CBA with equal amounts of sales and use tax received by City, as a direct result of Applicant designating the City of Paramount as the Applicant's point of sale. The CBA shall last five to seven years, and shall not exceed \$1,000,000 per year.

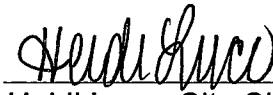
18. The refinery shall operate at a maximum of an average of 300 one-way truck trips (600 total trips) per day, on a 60-day running average.
19. The applicant, together with the City of Bellflower and the City of Paramount, shall share the cost of installing asphalt to the approaches and intersection of Lakewood Boulevard and Somerset Boulevard. Applicant's share is 46% of the cost; the City of Bellflower's share is 42% of the cost, and the City of Paramount's share is 12% of the cost.
20. At no time may traffic on Downey Avenue be halted more than 5 minutes during any single delivery or pick-up. In the event of a longer train (a train consisting of more than 25 cars), multiple maneuvers by the train operators may be required to stay under the 5-minute limit.
21. This Zone Variance shall not be effective for any purposes until the applicant has first filed at the office of the Planning Commission a sworn affidavit acknowledging and accepting all conditions of this Conditional Use Permit. The affidavit shall be submitted by Friday, April 29, 2022. Failure to provide the City of Paramount with the requisite affidavit within the stated here in above shall render the Conditional Use Permit void.

SECTION 6. This Resolution shall take effect immediately upon its adoption.

PASSED, APPROVED and ADOPTED by the City Council of the City of Paramount this 11th day of April 2022.


Vilma Cuellar Stallings, Mayor

ATTEST:


Heidi Luce, City Clerk

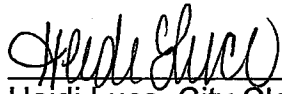
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STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF PARAMOUNT)

I, Heidi Luce, City Clerk of the City of Paramount, California, DO HEREBY CERTIFY that the foregoing **RESOLUTION NO. 22:022** was duly approved and adopted by the City Council of the City of Paramount at a meeting held on **April 11, 2022**, and said resolution has been signed by the Mayor and attested by the City Clerk, and that the same was approved and adopted by the following vote, to wit:

AYES: COUNCILMEMBERS: Olmos
 Vice Mayor Aguayo, Mayor Cuellar Stallings
NOES: COUNCILMEMBERS: Guillen
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: Lemons (Recused)

Dated: April 27, 2022



Heidi Luce, City Clerk

(SEAL)