



## Legislation Text

File #: 2016-041, Version: 1

### Report to Mayor and City Council

Tuesday, January 19, 2016

Special Orders of the Day

#### **SUBJECT:**

**A PUBLIC HEARING TO CONSIDER ADOPTING INTERIM URGENCY ORDINANCE NO. 16-1578U EXTENDING A MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX PLANNING AREAS WITHIN THE CITY FOR 10 MONTHS AND 15 DAYS (CITY COUNCIL)**

#### **I. SUMMARY**

On December 15, 2015, the City Council voted 5-0 to approve Interim Urgency Ordinance No. 15-1575U, to place a temporary 45-day moratorium on new development and expansion or modification of existing buildings or sites in six planning areas within the City (Exhibit Nos. 1 and 2). On January 5, 2016, a "10-day report" was issued by the City Council with a 5-0 vote (Exhibit No. 3). The City Council will consider the extension of the moratorium which is subject of this report (Exhibit No. 4).

#### **II. RECOMMENDATION**

WAIVE further reading and ADOPT Interim Urgency Ordinance No. 16-1578U, "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING A MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX PLANNING AREAS WITHIN THE CITY FOR 10 MONTHS AND 15 DAYS."

#### **III. ALTERNATIVES**

TAKE such other action as the City Council deems appropriate, consistent with the requirements of law.

#### **IV. BACKGROUND**

The City Council is required to conduct a noticed public hearing to extend the temporary 45-day moratorium by adopting a new interim urgency ordinance, which would be valid for an additional 10 months and 15 days (until December 15, 2016). A four-fifths vote of the City Council is required for the approval of any extension. At a public hearing and prior to December 15, 2016, the City Council has the option of extending the moratorium for an additional 12 months until December 15, 2017.

##### **History**

On December 15, 2015, the City Council voted 5-0 to approve Interim Urgency Ordinance No. 15-1575U, creating the moratorium currently under consideration. The City was concerned that, with the imminent announcement of the potential location of an NFL stadium in the Los Angeles area, the 157 acre site at the center of these areas would be the selected site and would be the catalyst for a significant development push in all of the surrounding areas. The City was further concerned that the obsolete zoning and general plan designations currently in place would do two things: (1) make it difficult for high quality development associated with a major real estate project to move forward in a timely manner; (2) create incentives through the zoning code to continue or even increase the amount of incompatible development.

It was also recommended at that meeting that the City adopt the moratorium even if the Stadium application was not approved by the NFL owners, as the alternative project discussed for the site would also be a transformative “Signature Project” for the City of Carson.

This moratorium was adopted and is being extended in order to provide the City with enough time to thoroughly and adequately review, study, and revise the City’s laws, rules, procedures, and fees related to new development in six planning areas, as well as to enable the City to adequately and appropriately balance the rights of existing property owners and future applicants who wish to establish, expand or modify existing buildings or sites in the six planning areas, on the one hand, with the preservation of the health, safety, and welfare of the community in the City of Carson, on the other hand.

New development and expansion or modification of existing buildings or sites in the six planning areas may create irreversible or costly negative impacts in the community which could be inconsistent with the City’s goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses. The City needs to study the particular type of uses which are more attractive and supplemental as ancillary developments to complement the “Signature Project” that will eventually be built at the 157-acre site.

It is now critical to determine the development capacity of the six planning areas in light of the capabilities of the areas’ infrastructure and public services and the market and to conduct comprehensive environmental analysis; and to determine which impacts that could result from the desired development can be mitigated or prevented altogether, and identify the necessary infrastructure and public services that can be developed in a timely and cost effective manner.

The City must conduct thorough analysis of opportunities and constraints, stakeholder

outreach, and planned development, and comprehensive environmental analysis including a review of public safety issues and public services.

The City must make certain that entitlement for new developments and expansion or modification of existing buildings or sites in the six planning areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of comprehensive studies and plans for the regulation of such activities.

Analysis is further required of the potential impacts on the City's residents, businesses, and visitors of new developments and expansion or modification of existing buildings or sites in the six planning areas, including air quality, noise, traffic, parking, public safety and other impacts, on the quality of life and the health, safety, and welfare of the community given potential development boosts in the area given the immanency development of a "Signature Project" on the 157-acre property.

Current regulations relating to development and expansion or modification of existing buildings or sites in the six planning areas may be in conflict with or frustrate the purposes of the City's General Plan.

### **Next Steps**

Although the NFL has announced that the 157-acre site will not be used as a stadium site, staff still believes it is essential for the City to conduct planning and marketing studies to determine the highest and best use of the properties identified in the six planning areas. Since the announcement of the stadium being located in Inglewood, the City of Carson has received substantial interest in development of the 157 acre site owned by the Carson Reclamation Authority, as well as the areas surrounding the site. Staff believes that the year-long effort by the NFL to decide on a location for the stadium resulted in nationwide and international attention being paid to the Carson site and the surrounding properties.

Staff recommends developing a Vision Plan for the areas which could be completed by end of April 2016. The property owners, business owners, various leaders of the community, and the community at large will participate in developing this plan. The Vision Plan is intended to be the basis for more detailed development standards in the future. In addition, through the visioning process, the City may determine that the planning areas should be reduced in size or eliminated from further studies and/or determine some areas should no longer be subject to the moratorium.

### **Issues**

Staff has had discussions with several property and business owners on how the moratorium will impact their properties. As a result of that feedback, staff suggests revisions to the moratorium language to exempt certain properties from the moratorium, or provide some other options if the City receives proposals that are beneficial to the community, the property owners, and the community. The following provides a closer look at how the extension of the moratorium will impact property and business owners and provides some solutions to lessen these impacts.

### Moratorium Language

Below is a portion of the actual language from the moratorium that explains what is subject to the moratorium:

“During the effective period of this ordinance, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately. “Expansion” means increasing the total size of the floor area of the building by 10% or more. “Modification” means making any modifications to an existing building or site that require permits.

“Permit” means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.”

### Impacts of Moratorium

These are several examples of how the moratorium will impact property and business owners:

- New tenants will not be able to move into a vacant space in an existing building in the moratorium area.
- If an existing business is sold to a new owner, a new business license will not be issued for the new owner.
- Planning applications will not be accepted, processed, or approved for development projects.
- Applications for building, grading, plumbing, electrical or mechanical permits will not be accepted, processed, or approved.
- The processing of all planning applications, building, grading, plumbing, electrical or mechanical permits currently submitted and in process will be suspended.
- Expansion of existing buildings will not be permitted if the expansion increases the total size of the floor area of the building by 10% or more.



- Modification of existing buildings will not be permitted if modifications require permits. "Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.

### Property Owner Concerns

Staff has reached out to as many property owners as possible to hear their concerns. Several property owners have expressed support for the intent of the moratorium, as they are also discontented with the quality of the surrounding development. However, the following provides a general summary of concerns from the property owners and their attorneys (Exhibit No. 5):

- The moratorium should not apply to leasing of tenant space and related tenant improvements in existing buildings if the tenant space was legally occupied within the past 12 months. For example, one property owner would like to fill a vacancy in an office building since the previous tenant just moved out. Another example is Kaiser Permanente, which would like to make interior improvements to their existing building to add a new ambulatory surgery unit; expand their conference center, imaging center, primary care center, comprehensive specialty center (diabetes center, woman's health center); and, add tele-health capabilities, solar canopies, more than 50 new provider offices, and over 200 additional staff. Kaiser expects these improvements to start later this year and be completed by 2018. A further example is Goodyear, which is proposing to increase their landing-pad area to accommodate their new airship which is currently being assembled. The expected completion date for this project is fall of 2017.
- Several property owners are working to assemble property and propose new significant projects that provide benefits to the community and the City. They feel their projects should not be subject to the moratorium. For example, one property owner would like to propose a large mixed use project on nearly 14 acres, while another would like to propose a major filming studio.
- A wireless carrier, AT&T, would like to upgrade their antennas with LTE dishes for one of their existing facilities. Currently, they are approved but the moratorium does not allow the City to issue permits for the work to be done. This would be considered a health and safety issue, as improved cell phone service contributes to public safety. The moratorium currently addresses this issue by a process that staff would request the City Council to make a health and safety exemption for this project. Staff does not believe the intent of the moratorium was to prevent the improvement of cell phone service and will be scheduling this exemption request for a future council meeting should the moratorium extension be approved.

Staff continues to communicate with property owners and will provide updates, if any, at

the meeting.

### Solutions/Escape Clauses

If the City Council would like to balance some of the impacts of the moratorium on property and business owners and address their above concerns, the City Council can incorporate some “escape clauses” into the moratorium. The following are some options for the City Council to consider:

- Provide for an exemption in the ordinance to allow property owners to lease vacant units in their existing buildings to new tenants. Furthermore, the City would issue business licenses to these new tenants.
- Provide an exemption in the ordinance to issue new business licenses to business owners who purchase or otherwise acquire existing businesses within the moratorium area.
- Provide for an exemption in the ordinance to allow tenant improvements to existing buildings.
- Provide an exemption for modification of existing buildings and sites that are less than \$50,000.00 in building valuation.
- Provide an exemption for modifications of existing buildings and sites that improve energy efficiency.
- Using the same process as the health and safety exemption, establish a process to allow property owners to request the City Council to approve an exemption from the moratorium to propose new projects, expansions to existing buildings, and modifications to existing buildings that are found to be consistent with the Vision Plan. After the City Council approves the exemption, the applicant may start the development review process with the City. If the applicant's project obtains approval, the project can be constructed.

The last point here would be reserved for major projects, and would not become available until at least a preliminary Vision Plan has been reviewed by the City Council, since the applicant

would need to make the case that the project is at least preliminarily consistent with the Vision Plan. Such an action by Council only allows the applicant to submit an application and commence the review process and does not convey any approval on the project or remove the site from the moratorium area. If the application is withdrawn or amended such that it is no longer consistent with the Vision Plan, and the moratorium is still in effect, the property would continue to be subject to the moratorium.

## **V. FISCAL IMPACT**

None.

## **VI. EXHIBITS**

1. December 15, 2015 City Council Staff Report. (pgs. 7-21)
2. Ordinance No. 15-1575U. (pgs. 22-30)
3. January 5, 2016 City Council Staff Report (pgs. 31-52)
4. Ordinance No. 16-1578U (pgs. 53-60)
5. Correspondence (pgs. 61-67)

Prepared by: Saied Naaseh, Planning Manager



File #: 2015-987, Version: 1

## Report to Mayor and City Council

Tuesday, December 15, 2015

Special Orders of the Day

### SUBJECT:

**A PUBLIC HEARING TO CONSIDER ADOPTING INTERIM URGENCY ORDINANCE NO. 15-1575U IMPLEMENTING A 45-DAY TEMPORARY MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX STADIUM PLANNING AREAS IN THE CITY OF CARSON PENDING A STUDY OF THE CITY'S REGULATIONS (CITY COUNCIL)**

### I. SUMMARY

Earlier this year, an aggressive citizen campaign obtained 16,000 signatures, twice the required number in less than 10 days, to sponsor an initiative measure to create an option for a 76,000 seat NFL Stadium on 157-acres of the Property to host 2 teams. The citizen measure utilized prior massive environmental reviews done for the Property for a mixed-use signature project to satisfy legal requirements. Carson Holdings representing the Chargers and Raiders have invested millions of dollars in studying the Property, negotiating development agreements with the City, and in developing the Stadium design and building plans.

Carson Holdings, LLC, representing the San Diego Chargers and the Oakland Raiders, are currently working with the NFL to relocate the teams to the 157-acre property and to construct a new stadium. According to the latest information, the National Football League (NFL) is scheduled to make a decision on the relocation of up to two NFL teams to the Los Angeles area at its January 12-13 owners' meeting. The 157-acre site in Carson stands a strong chance to be approved by the NFL as the future home of the Chargers and Raiders. The proposed stadium presents a unique opportunity for the development and redevelopment of the surrounding properties. The City would like to take advantage of this "once-in-a-lifetime" opportunity to transform Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses. As an example, Levi's Stadium, the home of the San Francisco 49ers, just opened in 2014 as the newest NFL stadium, and already a \$6.5 billion mixed use project is proposed on the 239-acre property adjacent to the stadium.

This effort will require careful planning of the certain areas surrounding the proposed stadium site (580.5-acre area, refer to Exhibit 2 or 610.9 acre area, refer to Exhibit 3). The

proposed moratorium would provide the time necessary for the City to thoroughly study the area, meet with property owners, the community, and other stakeholders, and develop plans for the area that would benefit all the parties involved. The final product of this effort will be specific plans, area wide urban design guidelines, environmental impacts reports, infrastructure plan, public safety & public services plans, financing plans, and implementation plans for the study areas to facilitate their development/redevelopment. One of the outcomes could be that all of the environmental analysis for such development could be completed through the Specific Plan process, reducing the entitlement processing time for developers looking to redevelop within the planning area. The stadium site and the properties around it enjoy great freeway access from the I-405, I-110, I-710, SR-91 freeways. In addition, the proposed mass transit plan for the City of Carson will provide additional access to this area as well.

II. RESOLUTION A

WAIVE further reading and ADOPT an Interim Urgency Ordinance No. 15-1575U, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX STADIUM PLANNING AREAS WITHIN THE JURISDICTION OF THE CITY OF CARSON AND DECLARING THE URGENCY THEREOF," to ensure the public health, safety, and welfare is protected for 45-day period, by 4/5ths vote.

III. ACTION A

TAKE such other action as the City Council deems appropriate consistent with the requirements of law.

IV. ANALYSIS AND RECOMMENDATION

On May 5, 2015 the Carson Successor Agency, the Carson Reclamation Authority ("CRA"), the City and Carson Marketplace LLC approved a settlement agreement to avoid delays and disputes regarding the remediation, disposition and future development of the former 157-acre Boulevards at South Bay project site. The settlement agreement included an updated financial plan which provided for a \$50.5 million bond issue to fund remediation and infrastructure on the site. The 157-acre site is on a former landfill. Clean-up of the Property and implementation of remediation systems are subject to oversight by the Department of Toxic Substance Control ("DTSC"). The remediation of the applicable portions of the Property is well underway and the Property is ready for development. Remediation, water and landfill gas systems are fully permitted and operational now. The Carson Reclamation Authority has also installed reclaimed water lines to serve the site for landscaping and construction.

The City and the CRA have reached an agreement with the proposed professional football teams anticipated for the development of an NFL stadium at the Site. If the National Football League does not approve the move of the Chargers and the Raiders to the City, the Property is ready and can be used to build a major retail center per the originally

approved mixed-use retail project.

Staff recommends the adoption of an Urgency Ordinance implementing a moratorium on new development and expansion or modification of existing buildings or sites in six stadium planning areas (refer to Exhibits 2 and 3). Adoption of this urgency ordinance requires the 4/5th vote of the entire City Council. The Urgency Ordinance would provide City staff additional time to study and report back to the City Council regarding the full scope of the potential municipal regulatory changes over such activities.

The City Council has the legal authority to exercise its land use and police powers to adopt a moratorium on new development and expansion or modification of existing buildings or sites in six stadium planning areas in the City. This ordinance is being proposed in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures, and fees related to new development in six planning study areas to enable the City to adequately and appropriately balance the rights of existing operators, property owners, and future applicants who wish to build new development or modify existing development in these areas with the preservation of the health, safety and welfare of the community.

### **Lessons from Prior Stadium Development**

Several cities have used stadiums and arenas as a spark to rejuvenate neighborhoods, including Cleveland, Denver, Pittsburgh, Minneapolis, and Santa Clara. According to officials from the City of Santa Clara, while the City is already located in the heart of the Silicon Valley, the construction of the Levi's Stadium increased interest and demand for new development surrounding the stadium. Recently, The Related Companies announced that it is planning a \$6.5 billion mixed-use development on 239 acres across from Levi's Stadium, on land currently occupied with a golf course and BMX dirt track built over a landfill. According to plans submitted to the city, Related will spend about \$800 million just to build infrastructure and install utilities.

### **New Development Around the Stadium Project**

The proposed stadium in Carson would create a destination focal point and identity for the City. In addition, the project site is surrounded by low-intensity commercial, industrial and recreational areas within the six planning areas that present a unique development and redevelopment opportunity. If planned accordingly, together with the Porsche Driving Experience located on Main Street north of the stadium site, the entire area could be transformed into several vibrant districts designed to attract regional, national, and international visitors. The plan would identify all necessary infrastructure for the development and options to finance them, including the establishment of Enhanced Infrastructure Financing Districts and other available financing tools.

### **Applicability of the Urgency Ordinance**

During the effective period of this ordinance, no application for a permit will be accepted, no consideration of any application for a permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City. Further, all processing of existing applications for

permits will be suspended immediately. For purposes of this ordinance:

- "Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.
- "Expansion" means increasing the total size of the floor area of the building by 10% or more.
- "Modification" means making any modifications to an existing building or site that require permits. The following will be exempt from the prohibitions of this Ordinance.

### Planning Activities

It is critical that staff evaluate the potential cumulative impacts of new development in the six planning areas now, before new or continued development using the same outdated zoning and development standards creates irreversible or costly negative impacts in the community. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis, the impacts which could result from development can be mitigated or prevented altogether and the necessary infrastructure and public services can be developed in a timely and cost effective manner.

In addition, specific plans could be used to unify the areas and create a unique perceptual identity for the areas.

### V. SAIMA

None. Prior to commencement of the consultant work, the fiscal impact of the preparation of the specific plans, EIRs, and financial plans will be brought forward to City Council when the scope of the project is fully determined.

### VI. SSSSS

1. Ordinance No 15-1575U (pgs. 5-13)
2. Stadium Planning Areas. (pg. 14)
3. Expanded Stadium Planning Areas. (pg. 15)

Prepared by: Saied Naaseh, Planning Manager

**ORDINANCE NO. 15-1575 U**

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF  
CARSON, CALIFORNIA, ESTABLISHING A 45-DAY  
TEMPORARY MORATORIUM ON IMPLEMENTING A  
MORATORIUM ON NEW DEVELOPMENT AND  
EXPANSION OR MODIFICATION OF EXISTING  
BUILDINGS OR SITES IN SIX STADIUM PLANNING  
AREAS, AND DECLARING THE URGENCY THEREOF**

**WHEREAS**, the City of Carson desires to encourage the development of approximately 168-acre property ideally located on the 405 Freeway, near the 110 (Harbor) Freeway.(the “Property”) within the City, which is currently undeveloped, is identified in the City’s General Plan as a potential location for a “Signature Project” that would create a focal point and identity for the City with commercial recreational uses that would serve the entire region.

**WHEREAS**, 157 acres of the Property is on a former landfill. Clean-up of the Property and implementation of remediation systems are subject to oversight by the Department of Toxic Substance Control (“DTSC”).

**WHEREAS**, the remediation of the applicable portions of the Property is well underway and the Property is ready for development. Ground water remediation and landfill gas systems are fully permitted and operational. The Carson Reclamation Authority has also installed reclaimed water lines to serve the site for landscaping and construction purposes.

**WHEREAS**, during this year, an aggressive citizen campaign obtained 16,000 signatures, twice the required number in less than 10 days, to sponsor an initiative measure to create an option for a 76,000 seat NFL Stadium on 157-acres of the Property to host 2 teams (“Stadium Project”). The citizen measure utilized prior massive environmental reviews done for the Property for a mixed-use signature project to satisfy legal requirements. Carson Holdings representing the Chargers and Raiders have invested millions of dollars in studying the Property, negotiating development agreements with the City, and in developing the Stadium design and building plans.

**WHEREAS**, in connection with this, the City Council desires to consider and study the development of ancillary uses within the City on appropriate sites to assist in the successful development of this “Signature Project.”



**WHEREAS**, even if the National Football Leagues does not approve the move of the Chargers and the Raiders to the City, the Property is ready and can be used to build a major retail center per the originally approved mixed-use retail project.

**WHEREAS**, in connection with development of the Property, the City has gone to the South Bay Council of Governments and received approval for a rapid transit plan to serve the stadium or any other signature development on the Property.

**WHEREAS**, the Stadium Project will provide economic development opportunities associated with development of a "Signature Project" including creating 16,740 construction and 13,380 permanent jobs in the City and the surrounding area, generating new economic activity, including generating new business for local hotels and restaurants, and encouraging the creation of new businesses in the City and the surrounding area.

**WHEREAS**, several cities have used stadiums and arenas as a spark to rejuvenate neighborhoods, including Cleveland, Denver, Pittsburgh, Minneapolis, and Santa Clara. According to officials from the City of Santa Clara, the construction of the Levi's Stadium increased interest and demand for new development near the stadium. The Related Companies is planning a \$6.5 billion mixed-use development on 239 acres across from Levi's stadium, on land currently occupied with a golf course and BMX dirt track built over a landfill. According to plans submitted to the city, Related Companies will invest over \$800,000,000 to build infrastructure and install utilities.

**WHEREAS**, the stadium site is surrounded by over 580 acres of vacant and developed land with commercial, industrial and recreational uses within six planning areas that present a unique development and redevelopment opportunity as identified on Exhibit 1.

**WHEREAS**, the proposed stadium presents a unique opportunity for the development and redevelopment of the surrounding properties and in the recent months there has been tremendous speculation around the stadium, property values have increased substantially and the City is aware of interested parties in acquiring and developing these sites around the stadium.

**WHEREAS**, these sites were originally developed under L.A. County zoning and many of the sites are former land-fills or industrial brownfield uses and as a result are "distressed" properties.

**WHEREAS**, If planned accordingly, the entire area could be envisioned and transformed into vibrant districts designed to maximize the compatibility of the NFL stadium with new commercial businesses and nearby residences. This planning effort would assure that all new development can be accommodated by proper zoning, appropriate remediation measures and proper

infrastructure and public services and that an infrastructure financing plan is developed to identify the financing options for this infrastructure and public services.

**WHEREAS**, the City Council would like to take advantage of this “once-in-a-lifetime” opportunity to transform Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

**WHEREAS**, this effort will require careful planning of the area surrounding the proposed stadium site. The National Football League or the Chargers and Raiders might contemplate uses that would further enhance and complement the goals of the City. The proposed moratorium would provide the time necessary for the City to thoroughly study the area, meet with property owners, the community, and other stakeholders, and develop plans for the area that would benefit all the parties involved, such as potential development of hotels, restaurants, and other retail uses which would be complimentary to the Signature Project and the City’s goals of transforming Carson to a regional/national/international destination. The final product of this effort will be specific plans, area wide urban design guidelines, environmental impacts reports, infrastructure plan, financing plans, and implementation plans for the study areas to facilitate their development/redevelopment.

**WHEREAS**, the City also needs time to evaluate the potential cumulative impacts of new development in the six planning areas now, before continued development creates irreversible or costly negative impacts in the community. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas’ infrastructure and public services and the market . Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services can be developed in a timely and cost effective manner.

**WHEREAS**, the City Council desires to allow the City time to thoroughly review, study and revise the City’s laws, rules, procedures and fees related to new development and expansion or modification of existing buildings or sites in six stadium planning areas, to enable the City to adequately and appropriately balance the rights of existing land owners and future applicants who wish to propose new development in these study areas, with the preservation of the health, safety and welfare of the communities in the City of Carson.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA,  
DOES ORDAIN AS FOLLOWS:

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## **SECTION 1. ABOVE-RECITALS**

The above recitals are true and correct.

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## **SECTION 2. AUTHORITY AND EFFECT**

A. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

B. This interim urgency ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council as if, and to the same extent that, such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

## **SECTION 3. URGENCY FINDINGS**

In adopting this Interim Urgency Ordinance, the City Council finds and determines that the adoption of this Interim Urgency Ordinance is necessary to protect the public safety, health, and welfare, as those terms are defined in Government Code Section 65858(a), for the reasons set forth in the Recitals and in this Section 3.

The City Council finds that the current zoning regulations and land use plans relating to new development and expansion or modification of existing buildings or sites in the six planning study areas as identified on Exhibit 1 do not adequately protect the peace, health, safety and general welfare of the residents of the City or in communities around the City. They do not provide for a cohesive future development plan to assist with the City's general plan goal of development of the Property as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial, recreational, entertainment and lodging uses that would serve the entire region.

The City Council finds the urgency measure is necessary in order to ensure adequate regulation of new development and expansion or modification of existing buildings or sites in the six planning study areas, which regulations will serve to adequately and appropriately balance the rights of existing property owners and future applicants who wish to propose new development in the six planning study areas, with the preservation of the public health, safety and welfare of the surrounding communities to provide for the best development options possible. The facts constituting the urgency are:

A. New development and expansion or modification of existing buildings or sites in the six planning study areas may create irreversible or costly negative impacts in the community which will be inconsistent with the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses and in light of the immanent decision by the NFL on the possible relocation approval of a Los Angeles Stadium, the City needs to study the particular type of uses which are more attractive and supplemental as ancillary developments to create the "Signature Project" in Carson.

B. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market and to conduct comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services that can be developed in a timely and cost effective manner.

C. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis including a review of the Public Safety and Public Services, the impacts which could result from development can be mitigated or prevented altogether with a comprehensive financing plan.

D. Absent the adoption of this Interim Urgency Ordinance, new development and expansion or modification of existing buildings or sites in the six study areas could result in the negative and harmful secondary effects, as identified above;

E. As a result of the negative and harmful secondary effects associated with improperly planned and regulated new development in the six planning study areas, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by new development and expansion or modification of existing buildings or sites in the six planning study areas, it is necessary to adopt a temporary, forty-five (45) day moratorium on new development in the six planning study areas in the City.

F. A moratorium is necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning study areas, including air quality, noise, traffic, parking, public safety and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning study areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive studies and plans for the regulation of such activities. The absence of this Ordinance would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that new development and expansion or modification of existing buildings or sites in the six planning study areas under the Existing Regulations may be in conflict with or frustrate the purposes of the City's General Plan.

#### **SECTION 4. MORATORIUM**

During the effective period of this ordinance, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately. "Expansion" means increasing the total size of the floor area of the building by 10% or more. "Modification" means making any modifications to an existing building or site that require permits.

“Permit” means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.

## **SECTION 5. REVIEW AND STUDY**

During the period of this Ordinance, the Director of Community Development or his or her designee shall review, study and propose revisions as necessary to the City’s laws, rules, procedures and fees related new development in the six planning study areas, to enable the City to adequately and appropriately balance the rights of existing property owners and future applicants who wish to propose new development and expansion or modification of existing buildings or sites in the six planning study areas, with the preservation of the health, safety and welfare of the communities and furtherance of the City’s goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

## **SECTION 6. GRANDFATHERING**

This Interim Urgency Ordinance shall not apply to any project which has been previously approved by the City or its constituent boards, commissions or officials so long as such approvals remain valid. Any application for discretionary land use development entitlements, zoning variances which is being processed shall be subject to the requirements hereof.

## **SECTION 7. EXCEPTION**

If the City Council, based on substantial evidence presented in writing to the City Council at a duly noticed public meeting held no less than least 30 nor more than 90 City-working days after the City Clerk’s receipt of that evidence, determines the City’s receipt and consideration of an application for a permit for establishment, expansion, or modification of new development in six planning study areas within the City’s jurisdiction is necessary for the preservation of the public’s health and safety, then such application may be filed and processed in accordance with the City’s then current regulations and authority, subject to the California Environmental Quality Act (“CEQA”), CEQA Guidelines, and any other applicable requirements.

## **SECTION 8. SEVERABILITY**

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

## **SECTION 9. CEQA COMPLIANCE**

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this interim urgency ordinance is exempt from CEQA based on the following:

(a) This ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

(b) This ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an interim urgency ordinance establishing a 45-day temporary moratorium on new development and expansion or modification of existing buildings or sites in six planning study areas and does not have the potential to significantly impact the environment.

#### **SECTION 10. PUBLICATION**

The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

#### **SECTION 11. EFFECTIVENESS OF ORDINANCE.**

This Interim Urgency Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code Section 36937. This Ordinance shall be of no further force and effect forty-five (45) days following the date of its adoption unless extended in accordance with the provisions set forth in Government Code Section 65858. Not later than ten (10) days prior to the expiration of this interim urgency ordinance, the City Council shall issue a written report as required by applicable state law.

PASSED, APPROVED and ADOPTED as an URGENCY ORDINANCE this \_\_\_\_\_  
day of December, 2015.

\_\_\_\_\_  
Albert Robles, Mayor  
City of Carson, California

ATTEST:

\_\_\_\_\_  
Jim Dear, City Clerk  
City of Carson, California

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

I, JIM DEAR, City Clerk, of the City of Carson, California, do hereby certify that the foregoing Ordinance No. 1575-U was introduced, and adopted upon at a meeting of the City Council of the City of Carson, held on the \_\_\_\_\_ day of December 2015. Said Ordinance was duly passed, approved, and adopted by the following vote:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

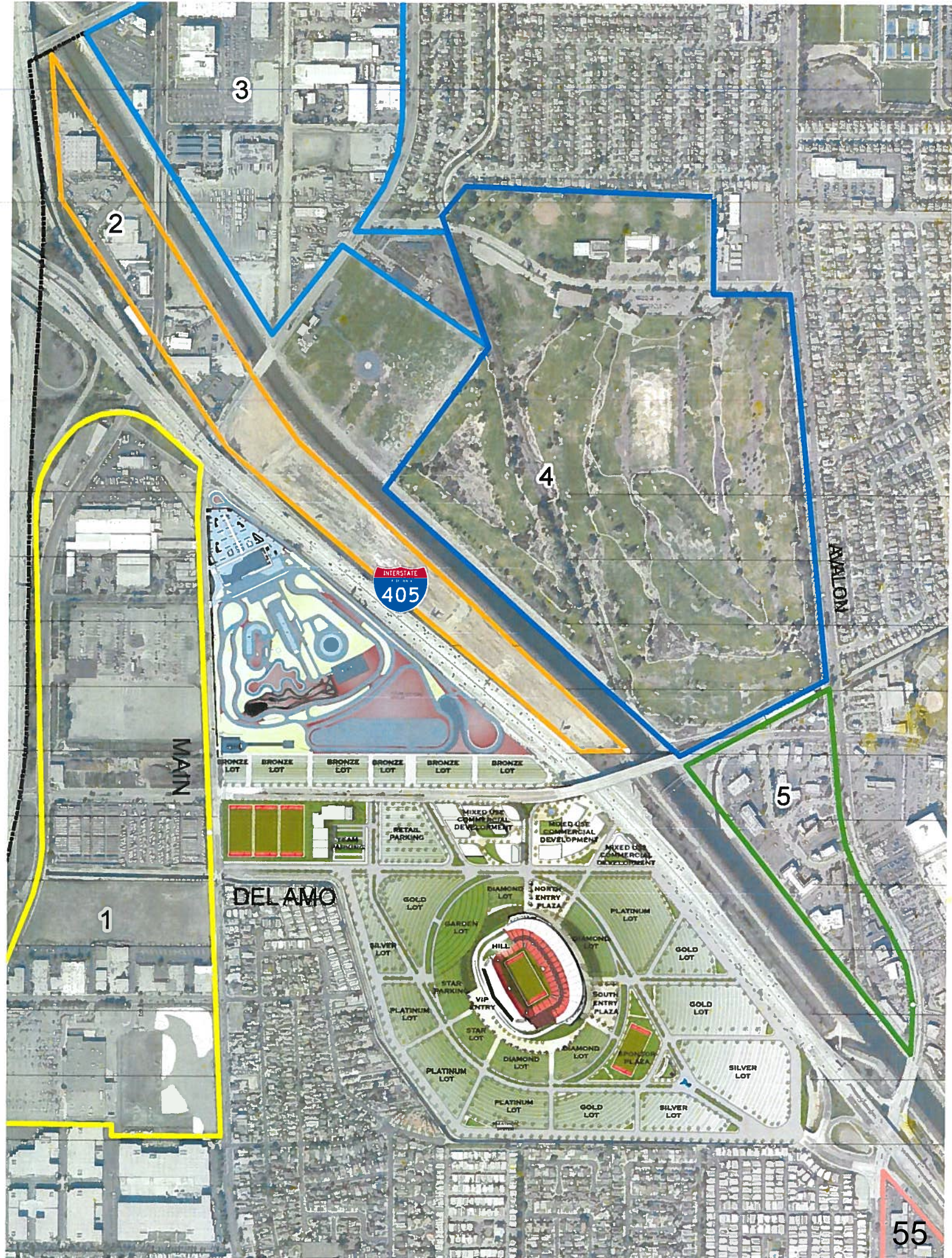
ABSENT:        COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

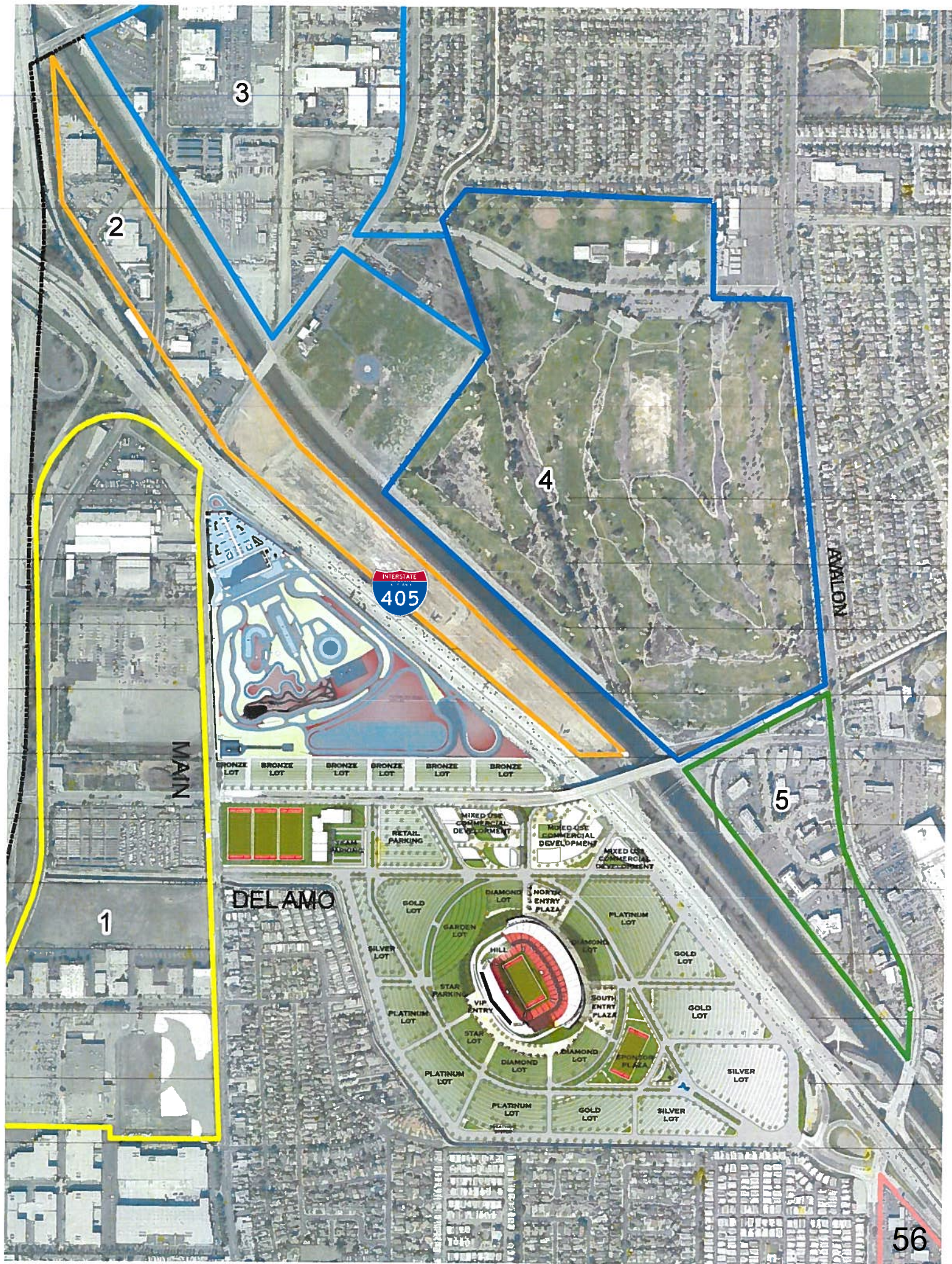
Dated this \_\_\_\_ day of December 2015.

\_\_\_\_\_  
Jim Dear, City Clerk  
City of Carson, California

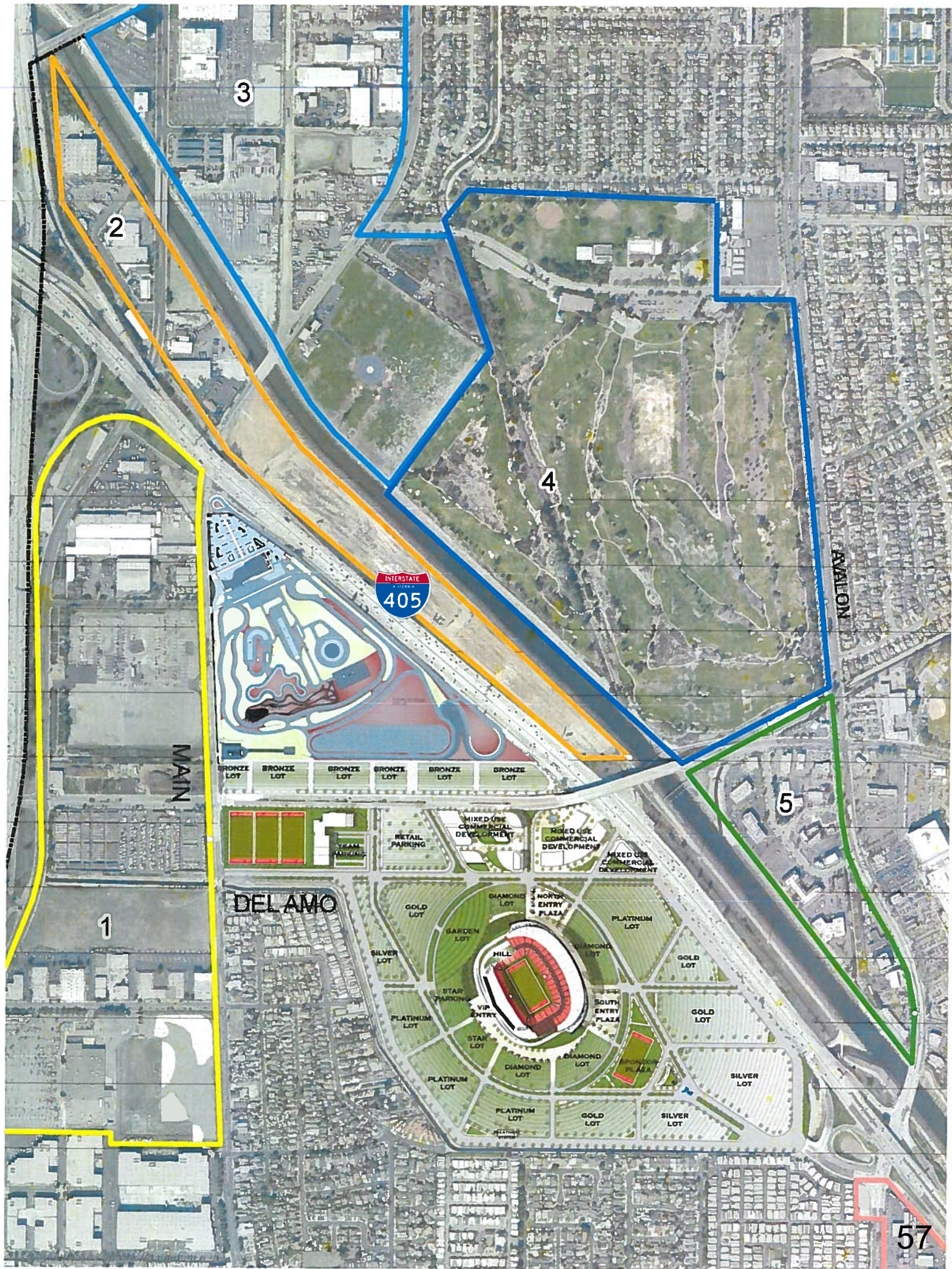














**ORDINANCE NO. 15-1575 U**

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF  
CARSON, CALIFORNIA, ESTABLISHING A 45-DAY  
TEMPORARY MORATORIUM ON IMPLEMENTING A  
MORATORIUM ON NEW DEVELOPMENT AND  
EXPANSION OR MODIFICATION OF EXISTING  
BUILDINGS OR SITES IN SIX STADIUM PLANNING  
AREAS, AND DECLARING THE URGENCY THEREOF**

**WHEREAS**, the City of Carson desires to encourage the development of approximately 168-acre property ideally located on the 405 Freeway, near the 110 (Harbor) Freeway.(the "Property") within the City, which is currently undeveloped, is identified in the City's General Plan as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial recreational uses that would serve the entire region.

**WHEREAS**, 157 acres of the Property is on a former landfill. Clean-up of the Property and implementation of remediation systems are subject to oversight by the Department of Toxic Substance Control ("DTSC").

**WHEREAS**, the remediation of the applicable portions of the Property is well underway and the Property is ready for development. Ground water remediation and landfill gas systems are fully permitted and operational. The Carson Reclamation Authority has also installed reclaimed water lines to serve the site for landscaping and construction purposes.

**WHEREAS**, during this year, an aggressive citizen campaign obtained 16,000 signatures, twice the required number in less than 10 days, to sponsor an initiative measure to create an option for a 76,000 seat NFL Stadium on 157-acres of the Property to host 2 teams ("Stadium Project"). The citizen measure utilized prior massive environmental reviews done for the Property for a mixed-use signature project to satisfy legal requirements. Carson Holdings representing the Chargers and Raiders have invested millions of dollars in studying the Property, negotiating development agreements with the City, and in developing the Stadium design and building plans.

**WHEREAS**, in connection with this, the City Council desires to consider and study the development of ancillary uses within the City on appropriate sites to assist in the successful development of this "Signature Project."

**WHEREAS**, even if the National Football Leagues does not approve the move of the Chargers and the Raiders to the City, the Property is ready and can be used to build a major retail center per the originally approved mixed-use retail project.

**WHEREAS**, in connection with development of the Property, the City has gone to the South Bay Council of Governments and received approval for a rapid transit plan to serve the stadium or any other signature development on the Property.

**WHEREAS**, the Stadium Project will provide economic development opportunities associated with development of a "Signature Project" including creating 16,740 construction and 13,380 permanent jobs in the City and the surrounding area, generating new economic activity, including generating new business for local hotels and restaurants, and encouraging the creation of new businesses in the City and the surrounding area.

**WHEREAS**, several cities have used stadiums and arenas as a spark to rejuvenate neighborhoods, including Cleveland, Denver, Pittsburgh, Minneapolis, and Santa Clara. According to officials from the City of Santa Clara, the construction of the Levi's Stadium increased interest and demand for new development near the stadium. The Related Companies is planning a \$6.5 billion mixed-use development on 239 acres across from Levi's stadium, on land currently occupied with a golf course and BMX dirt track built over a landfill. According to plans submitted to the city, Related Companies will invest over \$800,000,000 to build infrastructure and install utilities.

**WHEREAS**, the stadium site is surrounded by over 580 acres of vacant and developed land with commercial, industrial and recreational uses within six planning areas that present a unique development and redevelopment opportunity as identified on Exhibit 1.

**WHEREAS**, the proposed stadium presents a unique opportunity for the development and redevelopment of the surrounding properties and in the recent months there has been tremendous speculation around the stadium, property values have increased substantially and the City is aware of interested parties in acquiring and developing these sites around the stadium.

**WHEREAS**, these sites were originally developed under L.A. County zoning and many of the sites are former land-fills or industrial brownfield uses and as a result are "distressed" properties.

**WHEREAS**, If planned accordingly, the entire area could be envisioned and transformed into vibrant districts designed to maximize the compatibility of the NFL stadium with new commercial businesses and nearby residences. This planning effort would assure that all new development can be accommodated by proper zoning, appropriate remediation measures and proper

infrastructure and public services and that an infrastructure financing plan is developed to identify the financing options for this infrastructure and public services.

**WHEREAS**, the City Council would like to take advantage of this “once-in-a-lifetime” opportunity to transform Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

**WHEREAS**, this effort will require careful planning of the area surrounding the proposed stadium site. The National Football League or the Chargers and Raiders might contemplate uses that would further enhance and complement the goals of the City. The proposed moratorium would provide the time necessary for the City to thoroughly study the area, meet with property owners, the community, and other stakeholders, and develop plans for the area that would benefit all the parties involved, such as potential development of hotels, restaurants, and other retail uses which would be complimentary to the Signature Project and the City’s goals of transforming Carson to a regional/national/international destination. The final product of this effort will be specific plans, area wide urban design guidelines, environmental impacts reports, infrastructure plan, financing plans, and implementation plans for the study areas to facilitate their development/redevelopment.

**WHEREAS**, the City also needs time to evaluate the potential cumulative impacts of new development in the six planning areas now, before continued development creates irreversible or costly negative impacts in the community. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas’ infrastructure and public services and the market . Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services can be developed in a timely and cost effective manner.

**WHEREAS**, the City Council desires to allow the City time to thoroughly review, study and revise the City’s laws, rules, procedures and fees related to new development and expansion or modification of existing buildings or sites in six stadium planning areas, to enable the City to adequately and appropriately balance the rights of existing land owners and future applicants who wish to propose new development in these study areas, with the preservation of the health, safety and welfare of the communities in the City of Carson.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA,  
DOES ORDAIN AS FOLLOWS:

## **SECTION 1. ABOVE-RECITALS**

The above recitals are true and correct.

## **SECTION 2. AUTHORITY AND EFFECT**

A. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

B. This interim urgency ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council as if, and to the same extent that, such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

## **SECTION 3. URGENCY FINDINGS**

In adopting this Interim Urgency Ordinance, the City Council finds and determines that the adoption of this Interim Urgency Ordinance is necessary to protect the public safety, health, and welfare, as those terms are defined in Government Code Section 65858(a), for the reasons set forth in the Recitals and in this Section 3.

The City Council finds that the current zoning regulations and land use plans relating to new development and expansion or modification of existing buildings or sites in the six planning study areas as identified on Exhibit 1 do not adequately protect the peace, health, safety and general welfare of the residents of the City or in communities around the City. They do not provide for a cohesive future development plan to assist with the City's general plan goal of development of the Property as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial, recreational, entertainment and lodging uses that would serve the entire region.

The City Council finds the urgency measure is necessary in order to ensure adequate regulation of new development and expansion or modification of existing buildings or sites in the six planning study areas, which regulations will serve to adequately and appropriately balance the rights of existing property owners and future applicants who wish to propose new development in the six planning study areas, with the preservation of the public health, safety and welfare of the surrounding communities to provide for the best development options possible. The facts constituting the urgency are:

A. New development and expansion or modification of existing buildings or sites in the six planning study areas may create irreversible or costly negative impacts in the community which will be inconsistent with the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses and in light of the immanent decision by the NFL on the possible relocation approval of a Los Angeles Stadium, the City needs to study the particular type of uses which are more attractive and supplemental as ancillary developments to create the "Signature Project" in Carson.

B. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market and to conduct comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services that can be developed in a timely and cost effective manner.

C. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis including a review of the Public Safety and Public Services, the impacts which could result from development can be mitigated or prevented altogether with a comprehensive financing plan.

D. Absent the adoption of this Interim Urgency Ordinance, new development and expansion or modification of existing buildings or sites in the six study areas could result in the negative and harmful secondary effects, as identified above;

E. As a result of the negative and harmful secondary effects associated with improperly planned and regulated new development in the six planning study areas, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by new development and expansion or modification of existing buildings or sites in the six planning study areas, it is necessary to adopt a temporary, forty-five (45) day moratorium on new development in the six planning study areas in the City.

F. A moratorium is necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning study areas, including air quality, noise, traffic, parking, public safety and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning study areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive studies and plans for the regulation of such activities. The absence of this Ordinance would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that new development and expansion or modification of existing buildings or sites in the six planning study areas under the Existing Regulations may be in conflict with or frustrate the purposes of the City's General Plan.

#### **SECTION 4. MORATORIUM**

During the effective period of this ordinance, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately. "Expansion" means increasing the total size of the floor area of the building by 10% or more. "Modification" means making any modifications to an existing building or site that require permits.

"Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.

## **SECTION 5. REVIEW AND STUDY**

During the period of this Ordinance, the Director of Community Development or his or her designee shall review, study and propose revisions as necessary to the City's laws, rules, procedures and fees related new development in the six planning study areas, to enable the City to adequately and appropriately balance the rights of existing property owners and future applicants who wish to propose new development and expansion or modification of existing buildings or sites in the six planning study areas, with the preservation of the health, safety and welfare of the communities and furtherance of the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

## **SECTION 6. GRANDFATHERING**

This Interim Urgency Ordinance shall not apply to any project which has been previously approved by the City or its constituent boards, commissions or officials so long as such approvals remain valid. Any application for discretionary land use development entitlements, zoning variances which is being processed shall be subject to the requirements hereof.

## **SECTION 7. EXCEPTION**

If the City Council, based on substantial evidence presented in writing to the City Council at a duly noticed public meeting held no less than least 30 nor more than 90 City-working days after the City Clerk's receipt of that evidence, determines the City's receipt and consideration of an application for a permit for establishment, expansion, or modification of new development in six planning study areas within the City's jurisdiction is necessary for the preservation of the public's health and safety, then such application may be filed and processed in accordance with the City's then current regulations and authority, subject to the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and any other applicable requirements.

## **SECTION 8. SEVERABILITY**

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

## **SECTION 9. CEQA COMPLIANCE**

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this interim urgency ordinance is exempt from CEQA based on the following:



(a) This ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

(b) This ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an interim urgency ordinance establishing a 45-day temporary moratorium on new development and expansion or modification of existing buildings or sites in six planning study areas and does not have the potential to significantly impact the environment.

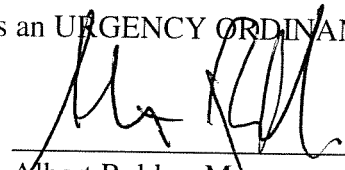
#### **SECTION 10. PUBLICATION**


The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

#### **SECTION 11. EFFECTIVENESS OF ORDINANCE.**

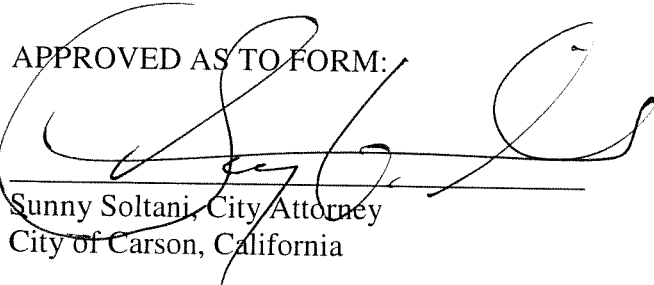
This Interim Urgency Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code Section 36937. This Ordinance shall be of no further force and effect forty-five (45) days following the date of its adoption unless extended in accordance with the provisions set forth in Government Code Section 65858. Not later than ten (10) days prior to the expiration of this interim urgency ordinance, the City Council shall issue a written report as required by applicable state law.

**PASSED, APPROVED and ADOPTED** as an **URGENCY ORDINANCE** this 15<sup>th</sup> day of December, 2015.

  
\_\_\_\_\_  
Albert Robles, Mayor  
City of Carson, California

ATTEST:  
  
\_\_\_\_\_  
Jim Dear, City Clerk  
City of Carson, California


APPROVED AS TO FORM:

  
\_\_\_\_\_  
Sunny Soltani, City Attorney  
City of Carson, California

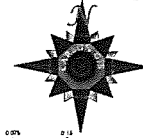
STATE OF CALIFORNIA       )  
COUNTY OF LOS ANGELES   ) ss.  
CITY OF CARSON             )

I, Jim Dear, City Clerk of the City of Carson, California, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing ordinance, being Ordinance No. 15-1575U was duly and regularly adopted by the City Council of said City on an urgency basis at a meeting of said Council, duly and regularly held on the 15<sup>th</sup> day of December, 2015, and that the same was passed and adopted by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Santarina, Davis-Holmes, Hilton, and Gause-Aldana
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	None
ABSENT:	COUNCIL MEMBERS:	None

  
\_\_\_\_\_  
City Clerk Jim Dear

# City of Carson Extended Stadium Planning Areas



0 0.5 1 1.5 2 Miles

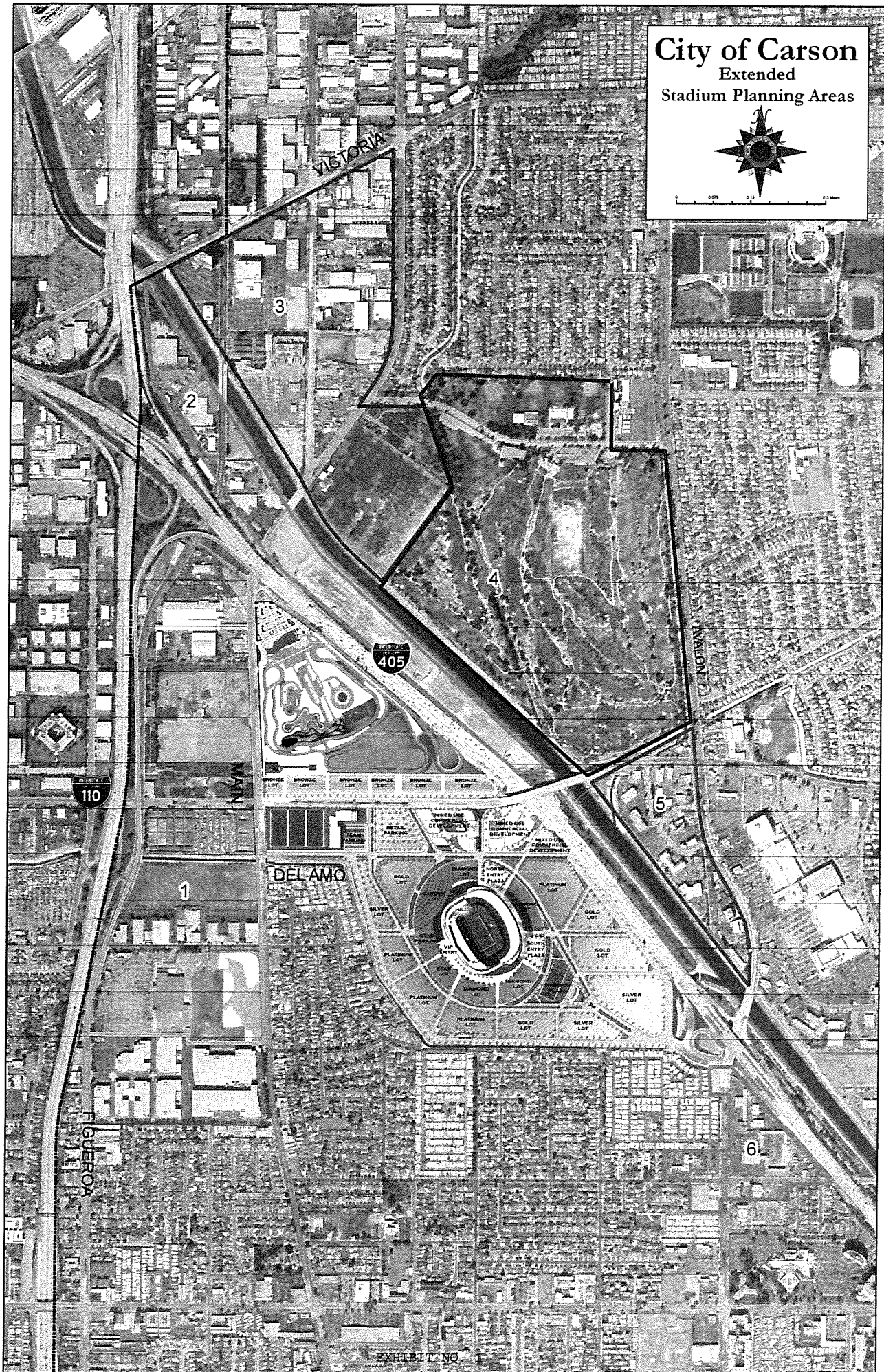


EXHIBIT NO. 1



File #: 2016-010, Version: 1

## Report to Mayor and City Council

Tuesday, January 05, 2016

Consent

### SUBJECT:

CONSIDER ISSUING THE "10-DAY REPORT," PURSUANT TO GOVERNMENT CODE SECTION 65858(D), REGARDING INTERIM URGENCY ORDINANCE NO. 15-1575U, ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX PLANNING AREAS WITHIN THE CITY OF CARSON PENDING A STUDY OF THE CITY'S REGULATIONS; AND CONSIDER ORDERING THE HOLDING OF A PUBLIC HEARING TO DETERMINE WHETHER GROUNDS EXIST THAT WARRANT EXTENDING THE SAME (CITY COUNCIL)

### I. SUMMARY

On December 15, 2015, the City Council adopted Ordinance No. 15-1575U, enacting an interim urgency ordinance to establish a 45-day temporary moratorium on new development and expansion or modification of existing buildings or sites in six planning areas within the City (Exhibit No. 1).

Pursuant to Government Code Section 65858(d), the City Council is required to issue a written report (commonly referred to as the "10 Day-Report") describing the measures taken to alleviate the conditions that led to the adoption of the ordinance 10 days prior to the expiration of the ordinance or the extension of the ordinance (Exhibit No. 2).

### II. RECOMMENDATION

1. ISSUE the "10-Day Report," pursuant to Government Code Section 65858(d), regarding Interim Urgency Ordinance No. 15-1575U establishing a 45-day temporary moratorium on new development and expansion or modification of existing buildings or sites in six planning areas within the City; **and**

2. ORDER the holding of a PUBLIC HEARING on January 19, 2016, to determine

whether grounds exist which warrant extending a 45-day temporary moratorium on new development and expansion or modification of existing buildings or sites in six planning areas within the City for a period not to exceed 22 months and 15 days.

---

### **III. ALTERNATIVES**

TAKE such other action as the City Council deems appropriate consistent with the requirements of law.

The City Council may decide not to issue the Ten Day Report or to issue a revised Ten Day Report. However, the City Council must issue a Ten Day Report at least ten (10) days before the expiration of the moratorium or the extension of the moratorium. Without further action by the City Council, the moratorium will expire on January 29, 2016.

### **IV. BACKGROUND**

#### **A. December 15, 2015, Adoption of Interim Urgency Ordinance**

In response to concerns raised regarding the public health risks posed by new development and expansion or modification of existing buildings or sites in six planning areas, the City Council, at the December 15, 2015 Council Meeting, adopted an interim urgency ordinance No. 15-1575U by a vote of 5-0 to impose a 45-day moratorium on issuing new permits for new development in six planning areas within in the City, as well as for the expansion or modification of existing buildings or sites in six planning areas (the "Moratorium"). The 45-day ordinance was consistent with the provisions set forth in Section 65858 of the Government Code.

Section 3 of Ordinance No. 15-1575U provides the following:

*A moratorium is necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning study areas, including air quality, noise, traffic, parking, public safety and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning study areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to*

*conclude the preparation of a comprehensive studies and plans for the regulation of such activities.*

## **B. 10-Day Report Requirement**

Ten days prior to the Moratorium expiring or the City extending the Moratorium (if sooner than the 45 days), the City Council is required to issue a written report “describing the measures taken to alleviate the condition that led to the adoption of the ordinance.” Government Code § 65858(d).

If an interim ordinance is initially adopted without notice and a hearing, the Moratorium may be extended upon notice and a public hearing for an additional 10 months and 15 days, and then a second time upon notice and a public hearing for up to 12 additional months. Like the ordinance itself, any extension of the moratorium requires a four-fifths vote and requires findings justifying the same. These findings *must also include specific articulable facts* to support them. The maximum total time for the Moratorium, as extended, to be in place is **two years**.

However, if an interim ordinance is initially adopted with a notice and public a hearing, as was the case for this moratorium, the Moratorium may, upon notice and a public hearing, be extended up to a maximum of 22 months and 15 days.

The current Moratorium will expire on January 29, 2016, if it is not extended by Council on or before that date. In order for the City Council to consider whether the facts and circumstances warrant extension of the moratorium the City Council is required to hold a noticed public hearing. Currently, staff anticipates the public hearing for the extension of the Moratorium to occur on January 19, 2015. The report must therefore be issued by the Council no later than January 9, 2016.

## **C. Summary of the City’s 10-Day Report**

The 10-Day Report prepared is attached to this Staff Report as Exhibit “2.” To comply with City Council direction to *review, study and revise the City’s laws, rules, procedures and fees related to new development and expansion or modification of existing buildings or sites in six planning areas*, the report identifies the following issues that warrant study and legal analysis, and possible recommendations for new or additional legislative action:

1. What are the risks of new development and expansion or modification of existing buildings or sites in six planning areas to the public health and safety?
2. What are the activities involved in new development and expansion or modification of existing buildings or sites in six planning areas that create those risks?
3. What is the development capacity of the six planning areas in light of the capabilities of the areas’ infrastructure and public services?
4. What are the environmental impacts of new development and expansion or modification of existing buildings or sites in six planning areas and how can they be mitigated or prevented altogether with a comprehensive financing



plan?

To address those issues, staff has taken the following actions:

- Contacted representatives of property owners of existing buildings or sites in the six planning areas.
- Researched effective processes for collaborating with stakeholders to develop a new vision and plan for the six planning areas.

The following additional actions need to be taken:

- Prepare an inventory of existing uses and infrastructure in the six planning areas.
- Document existing plans
- Prepare an opportunity and constraints map
- Analyze market demand for new development
- Conduct outreach with community stakeholders
- Develop a new vision
- Prepare a new land use plan
- Produce a new infrastructure plan
- Prepare environmental analysis
- Develop a cost-effective plan implementation plan
- Provide recommendation to the Planning Commission and City Council.

As is set forth in greater detail in the 10-Day Report (See Part IV), there is insufficient time within the initial 45 days of the Moratorium for staff, and legal counsel to undertake the analysis necessary to thoughtfully address and make recommendations to the full City Council regarding the issues warranting study and as noted in the 10-Day Report.

Therefore, it is Staff's recommendation that the Moratorium be extended for 22 months and 15 days.

## **V. FISCAL IMPACT**

There is no fiscal impact on the issuance of a 10-Day Report.

## **VI. EXHIBITS**

1. December 15, 2015 City Council Report. (pgs. 5-19)
2. 10-Day Report. (pgs. 20-22)

Prepared by: Saied Naaseh, Planning Manager



## Legislation Text

File #: 2015-987, Version: 1

### Report to Mayor and City Council

Tuesday, December 15, 2015

Special Orders of the Day

#### **SUBJECT:**

**A PUBLIC HEARING TO CONSIDER ADOPTING INTERIM URGENCY ORDINANCE NO. 15-1575U IMPLEMENTING A 45-DAY TEMPORARY MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX STADIUM PLANNING AREAS IN THE CITY OF CARSON PENDING A STUDY OF THE CITY'S REGULATIONS (CITY COUNCIL)**

#### **I. SUMMARY**

Earlier this year, an aggressive citizen campaign obtained 16,000 signatures, twice the required number in less than 10 days, to sponsor an initiative measure to create an option for a 76,000 seat NFL Stadium on 157-acres of the Property to host 2 teams. The citizen measure utilized prior massive environmental reviews done for the Property for a mixed-use signature project to satisfy legal requirements. Carson Holdings representing the Chargers and Raiders have invested millions of dollars in studying the Property, negotiating development agreements with the City, and in developing the Stadium design and building plans.

Carson Holdings, LLC, representing the San Diego Chargers and the Oakland Raiders, are currently working with the NFL to relocate the teams to the 157-acre property and to construct a new stadium. According to the latest information, the National Football League (NFL) is scheduled to make a decision on the relocation of up to two NFL teams to the Los Angeles area at its January 12-13 owners' meeting. The 157-acre site in Carson stands a strong chance to be approved by the NFL as the future home of the Chargers and Raiders. The proposed stadium presents a unique opportunity for the development and redevelopment of the surrounding properties. The City would like to take advantage of this "once-in-a-lifetime" opportunity to transform Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses. As an example, Levi's Stadium, the home of the San Francisco 49ers, just opened in 2014 as the newest NFL stadium, and already a \$6.5 billion mixed use project is proposed on the 239-acre property adjacent to the stadium.

This effort will require careful planning of the certain areas surrounding the proposed stadium site (580.5-acre area, refer to Exhibit 2 or 610.9 acre area, refer to Exhibit 3). The



proposed moratorium would provide the time necessary for the City to thoroughly study the area, meet with property owners, the community, and other stakeholders, and develop plans for the area that would benefit all the parties involved. The final product of this effort will be specific plans, area wide urban design guidelines, environmental impacts reports, infrastructure plan, public safety & public services plans, financing plans, and implementation plans for the study areas to facilitate their development/redevelopment. One of the outcomes could be that all of the environmental analysis for such development could be completed through the Specific Plan process, reducing the entitlement processing time for developers looking to redevelop within the planning area. The stadium site and the properties around it enjoy great freeway access from the I-405, I-110, I-710, SR-91 freeways. In addition, the proposed mass transit plan for the City of Carson will provide additional access to this area as well.

## **II. RECOMMENDATION**

WAIVE further reading and ADOPT an Interim Urgency Ordinance No. 15-1575U, "AN INTERIM URGENCY ORDINANCE OF THE CITY OF CARSON, CALIFORNIA, ESTABLISHING A 45-DAY TEMPORARY MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX STADIUM PLANNING AREAS WITHIN THE JURISDICTION OF THE CITY OF CARSON AND DECLARING THE URGENCY THEREOF," to ensure the public health, safety, and welfare is protected for 45-day period, by 4/5ths vote.

### **III. ALTERNATIVES**

TAKE such other action as the City Council deems appropriate consistent with the requirements of law.

#### **IV. BACKGROUND**

On May 5, 2015 the Carson Successor Agency, the Carson Reclamation Authority ("CRA"), the City and Carson Marketplace LLC approved a settlement agreement to avoid delays and disputes regarding the remediation, disposition and future development of the former 157-acre Boulevards at South Bay project site. The settlement agreement included an updated financial plan which provided for a \$50.5 million bond issue to fund remediation and infrastructure on the site. The 157-acre site is on a former landfill. Clean-up of the Property and implementation of remediation systems are subject to oversight by the Department of Toxic Substance Control ("DTSC"). The remediation of the applicable portions of the Property is well underway and the Property is ready for development. Remediation, water and landfill gas systems are fully permitted and operational now. The Carson Reclamation Authority has also installed reclaimed water lines to serve the site for landscaping and construction.

The City and the CRA have reached an agreement with the proposed professional football teams anticipated for the development of an NFL stadium at the Site. If the National Football League does not approve the move of the Chargers and the Raiders to the City, the Property is ready and can be used to build a major retail center per the originally

approved mixed-use retail project.

Staff recommends the adoption of an Urgency Ordinance implementing a moratorium on new development and expansion or modification of existing buildings or sites in six stadium planning areas (refer to Exhibits 2 and 3). Adoption of this urgency ordinance requires the 4/5th vote of the entire City Council. The Urgency Ordinance would provide City staff additional time to study and report back to the City Council regarding the full scope of the potential municipal regulatory changes over such activities.

The City Council has the legal authority to exercise its land use and police powers to adopt a moratorium on new development and expansion or modification of existing buildings or sites in six stadium planning areas in the City. This ordinance is being proposed in order to allow the City time to thoroughly review, study and revise the City's laws, rules, procedures, and fees related to new development in six planning study areas to enable the City to adequately and appropriately balance the rights of existing operators, property owners, and future applicants who wish to build new development or modify existing development in these areas with the preservation of the health, safety and welfare of the community.

### **Lessons from Prior Stadium Development**

Several cities have used stadiums and arenas as a spark to rejuvenate neighborhoods, including Cleveland, Denver, Pittsburgh, Minneapolis, and Santa Clara. According to officials from the City of Santa Clara, while the City is already located in the heart of the Silicon Valley, the construction of the Levi's Stadium increased interest and demand for new development surrounding the stadium. Recently, The Related Companies announced that it is planning a \$6.5 billion mixed-use development on 239 acres across from Levi's Stadium, on land currently occupied with a golf course and BMX dirt track built over a landfill. According to plans submitted to the city, Related will spend about \$800 million just to build infrastructure and install utilities.

### **New Development Around the Stadium Project**

The proposed stadium in Carson would create a destination focal point and identity for the City. In addition, the project site is surrounded by low-intensity commercial, industrial and recreational areas within the six planning areas that present a unique development and redevelopment opportunity. If planned accordingly, together with the Porsche Driving Experience located on Main Street north of the stadium site, the entire area could be transformed into several vibrant districts designed to attract regional, national, and international visitors. The plan would identify all necessary infrastructure for the development and options to finance them, including the establishment of Enhanced Infrastructure Financing Districts and other available financing tools.

### **Applicability of the Urgency Ordinance**

During the effective period of this ordinance, no application for a permit will be accepted, no consideration of any application for a permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City. Further, all processing of existing applications for

permits will be suspended immediately. For purposes of this ordinance:

- "Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.
- "Expansion" means increasing the total size of the floor area of the building by 10% or more.
- "Modification" means making any modifications to an existing building or site that require permits. The following will be exempt from the prohibitions of this Ordinance.

### **Planning Activities**

It is critical that staff evaluate the potential cumulative impacts of new development in the six planning areas now, before new or continued development using the same outdated zoning and development standards creates irreversible or costly negative impacts in the community. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis, the impacts which could result from development can be mitigated or prevented altogether and the necessary infrastructure and public services can be developed in a timely and cost effective manner.

In addition, specific plans could be used to unify the areas and create a unique perceptual identity for the areas.

### **V. FISCAL IMPACT**

None. Prior to commencement of the consultant work, the fiscal impact of the preparation of the specific plans, EIRs, and financial plans will be brought forward to City Council when the scope of the project is fully determined.

### **VI. EXHIBITS**

1. Ordinance No 15-1575U (pgs. 5-13)
2. Stadium Planning Areas. (pg. 14)
3. Expanded Stadium Planning Areas. (pg. 15)

Prepared by: Saied Naaseh, Planning Manager

**ORDINANCE NO. 15-1575 U**

**AN INTERIM URGENCY ORDINANCE OF THE CITY OF  
CARSON, CALIFORNIA, ESTABLISHING A 45-DAY  
TEMPORARY MORATORIUM ON IMPLEMENTING A  
MORATORIUM ON NEW DEVELOPMENT AND  
EXPANSION OR MODIFICATION OF EXISTING  
BUILDINGS OR SITES IN SIX STADIUM PLANNING  
AREAS, AND DECLARING THE URGENCY THEREOF**

**WHEREAS**, the City of Carson desires to encourage the development of approximately 168-acre property ideally located on the 405 Freeway, near the 110 (Harbor) Freeway.(the "Property") within the City, which is currently undeveloped, is identified in the City's General Plan as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial recreational uses that would serve the entire region.

**WHEREAS**, 157 acres of the Property is on a former landfill. Clean-up of the Property and implementation of remediation systems are subject to oversight by the Department of Toxic Substance Control ("DTSC").

**WHEREAS**, the remediation of the applicable portions of the Property is well underway and the Property is ready for development. Ground water remediation and landfill gas systems are fully permitted and operational. The Carson Reclamation Authority has also installed reclaimed water lines to serve the site for landscaping and construction purposes.

**WHEREAS**, during this year, an aggressive citizen campaign obtained 16,000 signatures, twice the required number in less than 10 days, to sponsor an initiative measure to create an option for a 76,000 seat NFL Stadium on 157-acres of the Property to host 2 teams ("Stadium Project"). The citizen measure utilized prior massive environmental reviews done for the Property for a mixed-use signature project to satisfy legal requirements. Carson Holdings representing the Chargers and Raiders have invested millions of dollars in studying the Property, negotiating development agreements with the City, and in developing the Stadium design and building plans.

**WHEREAS**, in connection with this, the City Council desires to consider and study the development of ancillary uses within the City on appropriate sites to assist in the successful development of this "Signature Project."

**WHEREAS**, even if the National Football Leagues does not approve the move of the Chargers and the Raiders to the City, the Property is ready and can be used to build a major retail center per the originally approved mixed-use retail project.

**WHEREAS**, in connection with development of the Property, the City has gone to the South Bay Council of Governments and received approval for a rapid transit plan to serve the stadium or any other signature development on the Property.

**WHEREAS**, the Stadium Project will provide economic development opportunities associated with development of a "Signature Project" including creating 16,740 construction and 13,380 permanent jobs in the City and the surrounding area, generating new economic activity, including generating new business for local hotels and restaurants, and encouraging the creation of new businesses in the City and the surrounding area.

**WHEREAS**, several cities have used stadiums and arenas as a spark to rejuvenate neighborhoods, including Cleveland, Denver, Pittsburgh, Minneapolis, and Santa Clara. According to officials from the City of Santa Clara, the construction of the Levi's Stadium increased interest and demand for new development near the stadium. The Related Companies is planning a \$6.5 billion mixed-use development on 239 acres across from Levi's stadium, on land currently occupied with a golf course and BMX dirt track built over a landfill. According to plans submitted to the city, Related Companies will invest over \$800,000,000 to build infrastructure and install utilities.

**WHEREAS**, the stadium site is surrounded by over 580 acres of vacant and developed land with commercial, industrial and recreational uses within six planning areas that present a unique development and redevelopment opportunity as identified on Exhibit 1.

**WHEREAS**, the proposed stadium presents a unique opportunity for the development and redevelopment of the surrounding properties and in the recent months there has been tremendous speculation around the stadium, property values have increased substantially and the City is aware of interested parties in acquiring and developing these sites around the stadium.

**WHEREAS**, these sites were originally developed under L.A. County zoning and many of the sites are former land-fills or industrial brownfield uses and as a result are "distressed" properties.

**WHEREAS**, If planned accordingly, the entire area could be envisioned and transformed into vibrant districts designed to maximize the compatibility of the NFL stadium with new commercial businesses and nearby residences. This planning effort would assure that all new development can be accommodated by proper zoning, appropriate remediation measures and proper

infrastructure and public services and that an infrastructure financing plan is developed to identify the financing options for this infrastructure and public services.

**WHEREAS**, the City Council would like to take advantage of this “once-in-a-lifetime” opportunity to transform Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

**WHEREAS**, this effort will require careful planning of the area surrounding the proposed stadium site. The National Football League or the Chargers and Raiders might contemplate uses that would further enhance and complement the goals of the City. The proposed moratorium would provide the time necessary for the City to thoroughly study the area, meet with property owners, the community, and other stakeholders, and develop plans for the area that would benefit all the parties involved, such as potential development of hotels, restaurants, and other retail uses which would be complimentary to the Signature Project and the City’s goals of transforming Carson to a regional/national/international destination. The final product of this effort will be specific plans, area wide urban design guidelines, environmental impacts reports, infrastructure plan, financing plans, and implementation plans for the study areas to facilitate their development/redevelopment.

**WHEREAS**, the City also needs time to evaluate the potential cumulative impacts of new development in the six planning areas now, before continued development creates irreversible or costly negative impacts in the community. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas’ infrastructure and public services and the market . Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services can be developed in a timely and cost effective manner.

**WHEREAS**, the City Council desires to allow the City time to thoroughly review, study and revise the City’s laws, rules, procedures and fees related to new development and expansion or modification of existing buildings or sites in six stadium planning areas, to enable the City to adequately and appropriately balance the rights of existing land owners and future applicants who wish to propose new development in these study areas, with the preservation of the health, safety and welfare of the communities in the City of Carson.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

## **SECTION 1. ABOVE-RECITALS**

The above recitals are true and correct.

## **SECTION 2. AUTHORITY AND EFFECT**

A. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

B. This interim urgency ordinance is enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 and shall be in full force and effect immediately upon its adoption by a four-fifths (4/5) vote of the City Council as if, and to the same extent that, such ordinance had been adopted pursuant to each of the individual sections set forth hereinabove.

## **SECTION 3. URGENCY FINDINGS**

In adopting this Interim Urgency Ordinance, the City Council finds and determines that the adoption of this Interim Urgency Ordinance is necessary to protect the public safety, health, and welfare, as those terms are defined in Government Code Section 65858(a), for the reasons set forth in the Recitals and in this Section 3.

The City Council finds that the current zoning regulations and land use plans relating to new development and expansion or modification of existing buildings or sites in the six planning study areas as identified on Exhibit 1 do not adequately protect the peace, health, safety and general welfare of the residents of the City or in communities around the City. They do not provide for a cohesive future development plan to assist with the City's general plan goal of development of the Property as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial, recreational, entertainment and lodging uses that would serve the entire region.

The City Council finds the urgency measure is necessary in order to ensure adequate regulation of new development and expansion or modification of existing buildings or sites in the six planning study areas, which regulations will serve to adequately and appropriately balance the rights of existing property owners and future applicants who wish to propose new development in the six planning study areas, with the preservation of the public health, safety and welfare of the surrounding communities to provide for the best development options possible. The facts constituting the urgency are:

A. New development and expansion or modification of existing buildings or sites in the six planning study areas may create irreversible or costly negative impacts in the community which will be inconsistent with the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses and in light of the immanent decision by the NFL on the possible relocation approval of a Los Angeles Stadium, the City needs to study the particular type of uses which are more attractive and supplemental as ancillary developments to create the "Signature Project" in Carson.

B. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market and to conduct comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services that can be developed in a timely and cost effective manner.

C. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis including a review of the Public Safety and Public Services, the impacts which could result from development can be mitigated or prevented altogether with a comprehensive financing plan.

D. Absent the adoption of this Interim Urgency Ordinance, new development and expansion or modification of existing buildings or sites in the six study areas could result in the negative and harmful secondary effects, as identified above;

E. As a result of the negative and harmful secondary effects associated with improperly planned and regulated new development in the six planning study areas, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by new development and expansion or modification of existing buildings or sites in the six planning study areas, it is necessary to adopt a temporary, forty-five (45) day moratorium on new development in the six planning study areas in the City.

F. A moratorium is necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning study areas, including air quality, noise, traffic, parking, public safety and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning study areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive studies and plans for the regulation of such activities. The absence of this Ordinance would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that new development and expansion or modification of existing buildings or sites in the six planning study areas under the Existing Regulations may be in conflict with or frustrate the purposes of the City's General Plan.

#### **SECTION 4. MORATORIUM**

During the effective period of this ordinance, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately. "Expansion" means increasing the total size of the floor area of the building by 10% or more. "Modification" means making any modifications to an existing building or site that require permits.



"Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit.

## **SECTION 5. REVIEW AND STUDY**

During the period of this Ordinance, the Director of Community Development or his or her designee shall review, study and propose revisions as necessary to the City's laws, rules, procedures and fees related new development in the six planning study areas, to enable the City to adequately and appropriately balance the rights of existing property owners and future applicants who wish to propose new development and expansion or modification of existing buildings or sites in the six planning study areas, with the preservation of the health, safety and welfare of the communities and furtherance of the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

## **SECTION 6. GRANDFATHERING**

This Interim Urgency Ordinance shall not apply to any project which has been previously approved by the City or its constituent boards, commissions or officials so long as such approvals remain valid. Any application for discretionary land use development entitlements, zoning variances which is being processed shall be subject to the requirements hereof.

## **SECTION 7. EXCEPTION**

If the City Council, based on substantial evidence presented in writing to the City Council at a duly noticed public meeting held no less than least 30 nor more than 90 City-working days after the City Clerk's receipt of that evidence, determines the City's receipt and consideration of an application for a permit for establishment, expansion, or modification of new development in six planning study areas within the City's jurisdiction is necessary for the preservation of the public's health and safety, then such application may be filed and processed in accordance with the City's then current regulations and authority, subject to the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and any other applicable requirements.

## **SECTION 8. SEVERABILITY**

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

## **SECTION 9. CEQA COMPLIANCE**

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this interim urgency ordinance is exempt from CEQA based on the following:

(a) This ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

(b) This ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an interim urgency ordinance establishing a 45-day temporary moratorium on new development and expansion or modification of existing buildings or sites in six planning study areas and does not have the potential to significantly impact the environment.

**SECTION 10. PUBLICATION**

The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

**SECTION 11. EFFECTIVENESS OF ORDINANCE.**

This Interim Urgency Ordinance shall take effect immediately, pursuant to the authority conferred upon the City Council by Government Code Section 36937. This Ordinance shall be of no further force and effect forty-five (45) days following the date of its adoption unless extended in accordance with the provisions set forth in Government Code Section 65858. Not later than ten (10) days prior to the expiration of this interim urgency ordinance, the City Council shall issue a written report as required by applicable state law.

PASSED, APPROVED and ADOPTED as an URGENCY ORDINANCE this \_\_\_\_\_  
day of December, 2015.

\_\_\_\_\_  
Albert Robles, Mayor  
City of Carson, California

ATTEST:

\_\_\_\_\_  
Jim Dear, City Clerk  
City of Carson, California

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

I, JIM DEAR, City Clerk, of the City of Carson, California, do hereby certify that the foregoing Ordinance No. 1575-U was introduced, and adopted upon at a meeting of the City Council of the City of Carson, held on the \_\_\_\_\_ day of December 2015. Said Ordinance was duly passed, approved, and adopted by the following vote:

AYES:           COUNCIL MEMBERS:

NOES:           COUNCIL MEMBERS:

ABSENT:        COUNCIL MEMBERS:

ABSTAIN:       COUNCIL MEMBERS:

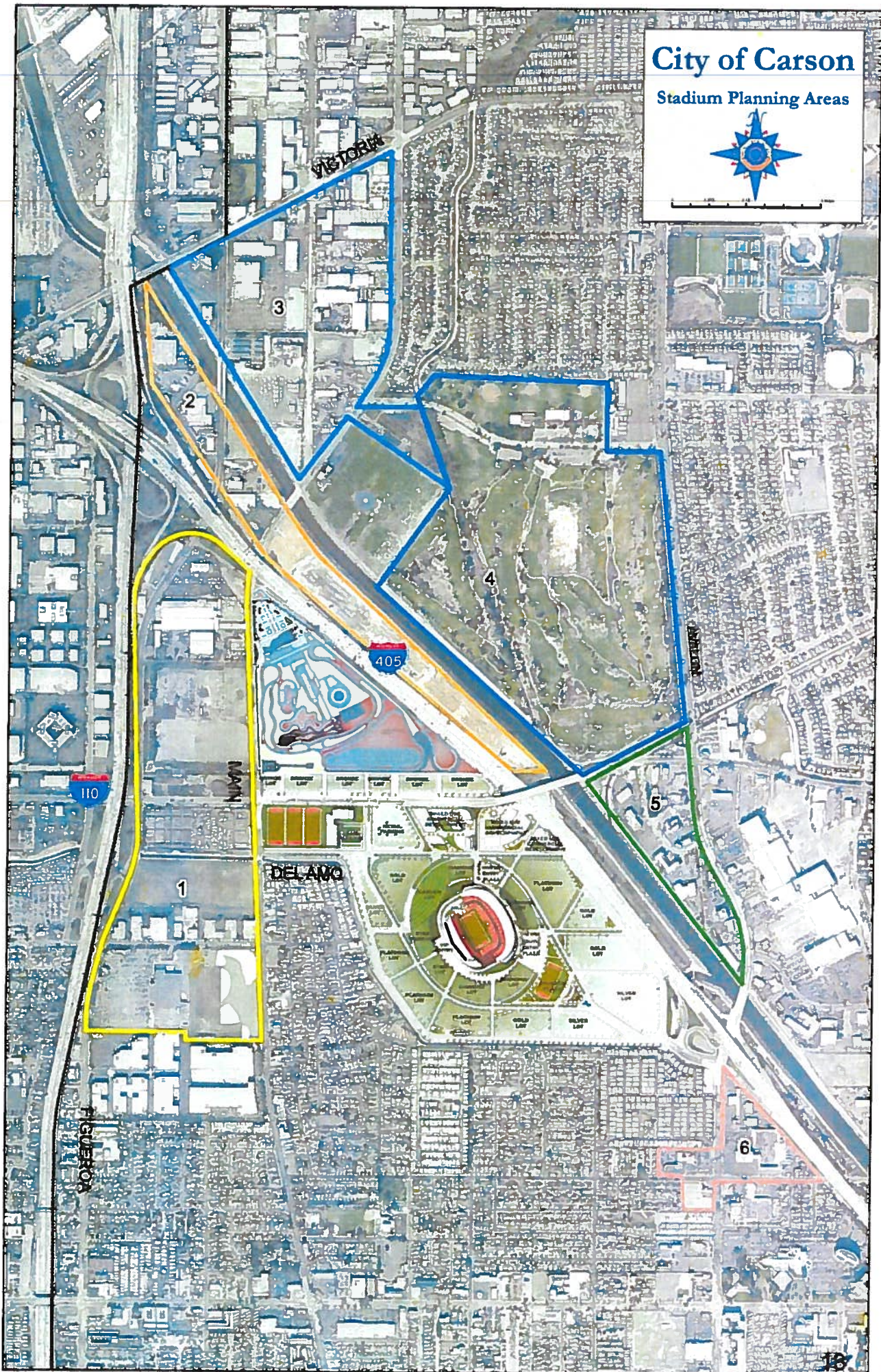
Dated this \_\_\_\_ day of December 2015.

\_\_\_\_\_  
Jim Dear, City Clerk  
City of Carson, California



# City of Carson

## Stadium Planning Areas





# City of Carson

## Stadium Planning Areas





City of Carson  
Extended  
Stadium Planning Areas





# CITY OF CARSON

## 10-Day Report on Interim Ordinance No. 15-1575U

January 5, 2016

On December 15, 2015, the City Council of the City of Carson adopted Interim Urgency Ordinance No. 1575U, enacting a moratorium on new development and expansion or modification of existing buildings or sites in six stadium planning areas within the City, as defined in Ordinance No. 1575U.

The purpose of the moratorium is to allow the City time to study the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning areas, and develop a vision and plan for future development. The moratorium was enacted pursuant to Section 65858 of the California Government Code, took effect immediately, and will expire on January 29, 2016 unless extended by the Council.

Subdivision (d) of Section 65858 of the Government Code provides that "[t]en days prior to the expiration of that interim ordinance or any extension, the legislative body shall issue a written report describing the measures taken to alleviate the condition which led to the adoption of the ordinance."

This report complies with the requirements of Government Code section 65858(d). During the period the moratorium has been in place, the City has conducted the following initial analyses regarding the adverse impacts of new development and expansion or modification of existing buildings or sites in the six planning areas:

- New development and expansion or modification of existing buildings or sites in the six planning areas may create irreversible or costly negative impacts in the community which will be inconsistent with the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses and in light of the immanent decision by the NFL on the possible relocation approval of a Los Angeles Stadium, the City needs to study the particular type of uses which are more attractive and supplemental as ancillary developments to create the "Signature Project" in Carson.
- It is now critical to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market and to conduct comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services that can be developed in a timely and cost effective manner.
- Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis including a review of the Public Safety and Public Services, the impacts which could result from development can be mitigated or prevented altogether with a comprehensive financing plan.
- The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning areas are issued only under adequate regulations and to study cumulative impacts of developments in the



area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive studies and plans for the regulation of such activities.

- Analysis of the potential impacts on the City's residents, businesses and visitors of new development and expansion or modification of existing buildings or sites in the six planning areas, including air quality, noise, traffic, parking, public safety and other impacts on the the quality of life and the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well.
- Current regulations relating to development and expansion or modification of existing buildings or sites in the six planning areas under may be in conflict with or frustrate the purposes of the City's General Plan.

Completing the required analysis to determine the specific scope and extent of the anticipated adverse impacts, as well as developing and obtaining the appropriate modifications and other changes, is anticipated to take at least 18 to 22 months, thus the initial 45 days moratorium enacted by Ordinance No. 1575U provides an insufficient amount of time to fully study and consider all the above, and any other impacts and relevant proposals.

During the period of the moratorium City staff will continue to perform the following tasks and analyses:

- Prepare an inventory of existing uses and infrastructure in the six planning areas.
- Document existing plans
- Prepare an opportunity and constraints map
- Analyze market demand for new development
- Conduct outreach with community stakeholders
- Develop a new vision
- Prepare a new land use plan
- Produce a new infrastructure plan
- Prepare environmental analyses
- Develop a cost-effective implementation plan
- Provide recommendations to the Planning Commission and City Council

The new vision and plans will seek to further implement the goals of the General Plan and to support the best and highest use of properties within the six planning areas, while also promoting economic development, and providing services and access to businesses desired by the residents of the City.

## **ORDINANCE NO. 16-1578U**

### **AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING A CITYWIDE MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF EXISTING BUILDINGS OR SITES IN SIX PLANNING AREAS WITHIN THE CITY OF CARSON FOR A PERIOD OF TEN MONTHS AND FIFTEEN DAYS**

The City Council of the City of Carson hereby ordains as follows:

#### **SECTION 1. AUTHORITY AND EFFECT**

R. The State Planning and Zoning Law (Cal. Gov't Code Sections 65000, et seq.) broadly empowers the City to plan for and regulate the use of land in order to provide for orderly development, the public health safety and welfare, and a balancing of property rights and the desires of the community and how its citizens envisions their city.

S. On December 15, 2015, Interim Urgency Ordinance No. 15-1575U was enacted pursuant to the authority conferred upon the City Council of the City of Carson by Government Code Section 65858 by a 5-0 vote.

T. Interim Urgency Ordinance No. 15-1575U enacted a 45-day moratorium on new development and expansion or modification of existing buildings or sites in six planning areas.

U. On January 5, 2016, the City issued a "10-day report" describing the measures taken to alleviate the conditions that led to the adoption of Interim Urgency Ordinance No. 15-1575U, which date was at least ten (10) days prior to the adoption of this extension, as required by State law; and

V. Based on the foregoing, the City Council finds that there continues to be a current and immediate threat to the public health, safety, and welfare from the issuance of permits, business licenses, or other applicable approvals and entitlements for new development and expansion or modification of existing buildings or sites in six planning areas prior to the City's completion of its study. Therefore, an extension of the temporary moratorium on the issuance of such permits, licenses, and entitlements is necessary to protect the public health, safety, and welfare.

W. In accordance with the authority granted to the City of Carson under Government Code Section 65858, subdivision (b), the City Council hereby extends the moratorium on the approval of use permits, variances, building permits, business licenses or other applicable approvals, licenses, permits, or other entitlements for new development and expansion or modification of existing buildings or sites in six planning areas for an additional 10 months and 15 days following the original 45 day period of Ordinance No. 15-1575U.

#### **SECTION 2. FINDINGS**

This Ordinance is an extension of Interim Urgency Ordinance No. 15-1575U, and is adopted pursuant to the authority granted to the City of Carson by California Government Code Section

65858, and is for the immediate preservation of the public health, safety and welfare. The facts constituting the urgency of this Ordinance are as follows; therefore, the City Council of the City of Carson hereby finds, determines, and declares that:

A. This moratorium is being extended in order to provide the City with enough time to thoroughly and adequately review, study, and revise the City's laws, rules, procedures, and fees related to new development and expansion or modification of existing buildings or sites in six planning areas as identified on Exhibit 1, as well as to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to on new development and expansion or modification of existing buildings or sites in six planning areas on the one hand, with the preservation of the health, safety, and welfare of the communities in the City of Carson on the other hand.

B. The existing rules do not provide for a cohesive future development plan to assist with the City's general plan goal of development of the 157-acre site as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial, recreational, entertainment and lodging uses that would serve the entire region.

C. New development and expansion or modification of existing buildings or sites in the six planning study areas may create irreversible or costly negative impacts in the community which will be inconsistent with the City's goals of transforming Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses and in light of the immanent decision by the NFL on the possible relocation approval of a Los Angeles Stadium, the City needs to study the particular type of uses which are more attractive and supplemental as ancillary developments to create the "Signature Project" in Carson.

D. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market and to conduct comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services that can be developed in a timely and cost effective manner.

E. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis including a review of the Public Safety and Public Services, the impacts which could result from development can be mitigated or prevented altogether with a comprehensive financing plan.

F. Absent the adoption of this Interim Urgency Ordinance, new development and expansion or modification of existing buildings or sites in the six study areas could result in the negative and harmful secondary effects, as identified above;

G. As a result of the negative and harmful secondary effects associated with improperly planned and regulated new development in the six planning study areas, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by new development and expansion or modification of existing buildings or sites in the six planning study areas, it is necessary to adopt a temporary, forty-five (45) day moratorium on new development in the six planning study areas in the City.

H. A moratorium is necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of new development and expansion or modification of existing buildings or sites in the six planning study areas, including air quality, noise, traffic, parking, public safety and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community given potential development boosts in the area given the immanency in approval and development of a "Signature Project" on the Property. The City must make certain that new development and expansion or modification of existing buildings or sites in the six planning study areas are issued only under adequate regulations and to study cumulative impacts of developments in the area as well. Imposition of a moratorium will allow the City sufficient time to conclude the preparation of a comprehensive studies and plans for the regulation of such activities. The absence of this Ordinance would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that new development and expansion or modification of existing buildings or sites in the six planning study areas under the Existing Regulations may be in conflict with or frustrate the purposes of the City's General Plan.

I. The revisions described in Paragraph H, above, and the nature of the land use will likely result in the City amending, repealing, and/or adding provisions to the Carson Municipal Code, including the Zoning Code.

### **SECTION 3. MORATORIUM**

During the effective period of this ordinance, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately. "Expansion" means increasing the total size of the floor area of the building by 10% or more. "Modification" means making any modifications to an existing building or site that require permits.

The provisions of this ordinance shall not apply to the leasing of tenant space within an existing building or structure if the term of the lease or rental agreement is three (3) years or less from the date of adoption of this ordinance with no further renewal options and it does not involve an Expansion of the total size of the floor area of the building by 10% or more. For such circumstances, the following may be issued by the City:

A. Business license; and

B. Permits for interior modifications or tenant improvements

"Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building, grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license, any permits necessary for the routine maintenance of the buildings or sites, or any permits necessary for repairs required due to an emergency or to protect the public health, safety and welfare, shall not be considered issuance of a permit.



#### **SECTION 4. REVIEW AND STUDY**

During the period of this Ordinance, the Director of Community Development or his or her designee shall review, study and propose revisions as necessary to the City's laws, rules, procedures and fees related to the establishment, expansion, or modification of new development in six planning study areas, to enable the City to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish, expand, or modify new development in six planning study areas in the City, with the preservation of the health, safety and welfare of the communities surrounding planning areas.

#### **SECTION 5. GRANDFATHERING**

This Interim Urgency Ordinance shall not apply to any project which has been previously approved by the City or its constituent boards, commissions or officials so long as such approvals remain valid. Any application for discretionary land use development entitlements, zoning variances which is being processed shall be subject to the requirements hereof.

#### **SECTION 6. EXCEPTION**

The City Council may allow exceptions to the application of this Ordinance, if, based on substantial evidence presented in writing to the City Council at a Council meeting held no less than 30 nor more than 90 City- calendar days after the Planning Manager's receipt of that evidence, it determines any of the following:

- A. The City's receipt and consideration of an application for a permit to establish, expand, or modify development in six planning study areas within the City's jurisdiction is necessary for the preservation of the public health, safety and welfare; or
- B. The City's receipt and consideration of an application for a permit to expand, or modify development in six planning study areas within the City's jurisdiction will result in a project which will improve energy or water efficiency; or
- C. The request is for an exception from the application of this Ordinance for the leasing and tenant improvements of tenant space within an existing building or structure and either (1) the use proposed under the lease is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan; or
- D. The request is for an exception from the application of this Ordinance for permits for development of new projects or expansion and modification of existing buildings and sites and the use proposed is consistent with and will not pose an impediment to the establishment of a "signature project" as that concept is described in the Land Use and Economic Development Elements of the City's General Plan.

If the City Council determines to allow an exception pursuant to this section, then such applications and/or permits may be filed and processed in accordance with the City's then current regulations and authority, subject to the California Environmental Quality Act ("CEQA"), CEQA Guidelines, and any other applicable laws, ordinances and regulations.

## **SECTION 7. URGENCY MEASURE**

It is hereby declared this Ordinance is necessary as an urgency measure for the preservation of the public health, safety and welfare. The City Council finds that the current zoning regulations and land use plans relating to the establishment, expansion, or modification of new development in six planning study areas do not adequately protect the peace, health, safety, and general welfare of the residents of the City or in communities around the City. The City Council finds that this interim urgency ordinance is necessary in order to ensure adequate regulation of the establishment, expansion, or modification of new development in six planning study areas, which regulations will serve to adequately and appropriately balance the rights of existing operators and future applicants who wish to establish, expand, or modify of new development in six planning study areas on the one hand, with the preservation of the public health, safety, and welfare of the surrounding communities on the other hand. The facts constituting the urgency are:

A. The City of Carson desires to encourage the development of approximately 157-acre property ideally located on the 405 Freeway, near the 110 (Harbor) Freeway.(the "Property") within the City, which is currently undeveloped, is identified in the City's General Plan as a potential location for a "Signature Project" that would create a focal point and identity for the City with commercial recreational uses that would serve the entire region.

B. The Property is on a former landfill. Clean-up of the Property and implementation of remediation systems are subject to oversight by the Department of Toxic Substance Control ("DTSC").

C. The remediation of the applicable portions of the Property is well underway and the Property is ready for development. Ground water remediation and landfill gas systems are fully permitted and operational. The Carson Reclamation Authority has also installed reclaimed water lines to serve the site for landscaping and construction purposes.

D. In connection with this, the City Council desires to consider and study the development of ancillary uses within the City on appropriate sites to assist in the successful development of this "Signature Project."

E. The Property is ready and can be used to build a major retail center per the originally approved mixed-use retail project.

F. In connection with development of the Property, the City has gone to the South Bay Council of Governments and received approval for a rapid transit plan to serve the signature development on the property.

G. The "Signature Project" will provide economic development opportunities associated with its development creating construction and permanent jobs in the City and the surrounding area, generating new economic activity, including generating new business for local hotels and restaurants, and encouraging the creation of new businesses in the City and the surrounding area.

H. The site is surrounded by over 600 acres of vacant and developed land with commercial, industrial and recreational uses within six planning areas that present a unique development and redevelopment opportunity as identified on Exhibit 1.

I. The proposed "Signature Project" provides a unique opportunity for the development and redevelopment of the surrounding properties within the planning areas and the City is aware of interested parties in acquiring and developing in the six planning areas.

J. The properties within the six planning areas were originally developed under L.A. County zoning and many of the sites are former land-fills or industrial brownfield uses and as a result are "distressed" properties.

K. If planned accordingly, the entire area could be envisioned and transformed into vibrant districts designed to maximize the compatibility with the "Signature Project" with new commercial businesses and nearby residences. This planning effort would assure that all new development can be accommodated by proper zoning, appropriate remediation measures and proper infrastructure and public services and that an infrastructure financing plan is developed to identify the financing options for this infrastructure and public services.

L. The City Council would like to take advantage of this opportunity to transform Carson to a regional/national/international destination with hotels, entertainment uses, restaurants, commercial centers, and a variety of other uses.

M. This effort will require careful planning of the area surrounding the proposed "Signature Project". The proposed moratorium would provide the time necessary for the City to thoroughly study the area, meet with property owners, the community, and other stakeholders, and develop plans for the area that would benefit all the parties involved, such as potential development of hotels, restaurants, and other retail uses which would be complimentary to the Signature Project and the City's goals of transforming Carson to a regional/national/international destination. The final product of this effort could include specific plans, area wide urban design guidelines, environmental impacts reports, infrastructure plan, financing plans, and implementation plans for the study areas to facilitate their development/redevelopment.

N. The City also needs time to evaluate the potential cumulative impacts of new development in the six planning areas now, before continued development creates irreversible or costly negative impacts in the community. It is now essential to determine the development capacity of the six planning areas in light of the capabilities of the areas' infrastructure and public services and the market. Through analysis of opportunities and constraints, stakeholder outreach and planned development, and comprehensive environmental analysis, the impacts which could result from the desired development can be mitigated or prevented altogether and identify the necessary infrastructure and public services can be developed in a timely and cost effective manner.

O. To permit development in the six planning areas to continue without being subject to regulations that are consistent with the General Plan, and that take into account the impacts that such developments have, constitutes a threat to the health, safety, and welfare.

P. Undesirable developments are likely to seek to located in the City of Carson based on the lack of regulations, which will further exacerbate the impacts of such developments.

Q. Absent the adoption of this Interim Urgency Ordinance, the development in the six planning areas is likely to result in the negative and harmful secondary effects described above;

R. Based on the negative and harmful secondary effects associated with improperly regulated development within the six planning areas, the current and immediate threat such secondary effects pose to the public health, safety and welfare, and the potential zoning conflicts that would be created by this development, it is necessary to extend the moratorium for the six planning areas for a period of 10 months and 15 days.

S. This extension is necessary in order to continue to protect the City and its residents, businesses, and visitors from the potential health and safety impacts of establishment, expansion, or modification of new development in six planning study areas, including air quality, noise, traffic, parking, and other impacts, and to preserve the quality of life and protect the health, safety, and welfare of the surrounding communities.

T. This extension is immediately required to preserve the public health, safety, and welfare, to make certain that permits for establishment, expansion, or modification of new development in six planning study areas are issued only under adequate regulations. The extension of the moratorium will allow the City sufficient time to conclude the preparation of a comprehensive ordinance for the regulation of such activities. Allowing the moratorium to expire would create a serious threat to the orderly and effective implementation of any amendments to the Carson Municipal Code, which may be adopted by the City Council as a result of studying this issue, in that establishment, expansion, or modification of new development in six planning study areas under the existing regulations may be in conflict with or frustrate the purposes of the City's General Plan.

## **SECTION 8. SEVERABILITY**

The City Council hereby declares, if any provision, section, subsection, paragraph, sentence, phrase or word of this ordinance is rendered or declared invalid or unconstitutional by any final action in a court of competent jurisdiction or by reason of any preemptive legislation, then the City Council would have independently adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases or words of this ordinance and as such they shall remain in full force and effect.

## **SECTION 9. CEQA COMPLIANCE**

Pursuant to Section 15001 of the California Environmental Quality Act ("CEQA") Guidelines, this interim urgency ordinance is exempt from CEQA based on the following:

(a) This ordinance is not a project within the meaning of CEQA Section 15378 because it has no potential for resulting in physical change to the environment, either directly or indirectly.

(b) This ordinance is also exempt pursuant to CEQA Section 15061(b)(3) since the proposed ordinance involves an interim urgency ordinance extending a 45-day temporary moratorium on establishment, expansion, or modification of new development in six planning study areas by 10 months and 15 days and does not have the potential to significantly impact the environment.

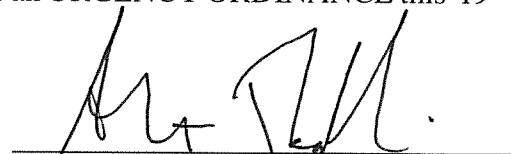
## **SECTION 10. PUBLICATION**

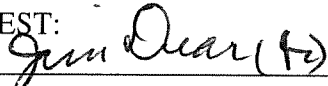
The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

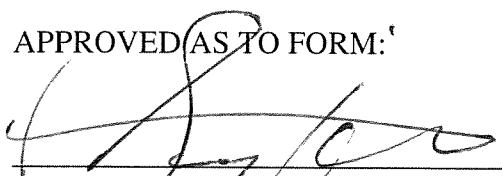
**SECTION 11. EFFECTIVENESS OF ORDINANCE.**

This Interim Urgency Ordinance shall become effective immediately upon adoption if adopted by at least four-fifths (4/5) vote of the City Council and shall be in effect for an additional 10 months and 15 days from the date of the expiration of the original 45-day Interim Urgency Ordinance, and shall expire on December 15, 2016.

**PASSED, APPROVED and ADOPTED** as an URGENCY ORDINANCE this 19<sup>th</sup> day of January, 2016.

  
Albert Robles, Mayor  
City of Carson, California

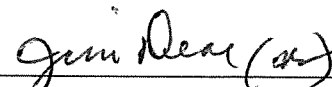
ATTEST:  
  
Jim Dear, City Clerk  
City of Carson, California

APPROVED AS TO FORM:  
  
City Attorney Sunny K. Soltani

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

I, Jim Dear, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing ordinance, being Ordinance No. 16-1578U was adopted by the City Council on an urgency basis at a meeting of said Council, held on the 19<sup>th</sup> day of January, 2016, by the following roll call vote:

AYES:	COUNCIL MEMBERS:	Mayor Robles, Davis-Holmes, Hilton, and Gause-Aldana
NOES:	COUNCIL MEMBERS:	None
ABSTAIN:	COUNCIL MEMBERS:	Santarina
ABSENT:	COUNCIL MEMBERS:	None

  
City Clerk Jim Dear





Joseph Tak  
16825 Opal Dr.  
Chino Hills, CA 91709

January 12, 2016

Carson City Government  
701 E Carson Street,  
Carson, California 90745

Dear Carson City Council, City Manager, and City Attorney:

My name is Joseph Tak, the owner of Avalon Plaza, located on Avalon Blvd. and Dominguez Street. My concern is that during the scheduled January 19<sup>th</sup> meeting a vote will be made to extend the moratorium already affecting my family's property, resulting in increased hardship.

After the convenience store moratorium took effect during last year, 7-11, new anchor tenant, waited so long and terminated their lease end of last year. As result, we were left with debt to make loan repayments to update the building and upgrade the power supply to meet their requirements. And as result, during the last two years, tenancy in our shopping center has been brought in half. We are not a large corporation but a family investment which my elderly parents have invested their entire life savings into this single property.

And as we are trying to replace anchor space with Furniture and Uniform stores, we found out that another moratorium was in place which will block their business license. The new tenants, Furniture Store supplying bedding to the community and Uniform store supplying protective gear to the law enforcement agency do not require much parking nor cause any heavy traffic but provide comforts and safety of our community directly.

I am requesting an exemption for an existing shopping center, Avalon Plaza, to be able to bring in new businesses to the city. While we too are excited about the prospect of a new stadium to be located in Carson, all we are asking the city is to be reasonable to permit new business licenses to existing buildings to allow new tenant to be operated and pay taxes to the city.

Sincerely,

  
Joseph Tak,  
Avalon Plaza

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**From:** Alan Seltzer [mailto:[alan@alanseltzerlaw.com](mailto:alan@alanseltzerlaw.com)]  
**Sent:** Monday, January 11, 2016 6:05 PM  
**To:** Richard Rojas  
**Cc:** John Raymond; Ken Farfsing  
**Subject:** Urgency Ordinance No. 15-1575U

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This follows our conversation this afternoon. Thank you for considering my concerns about Urgency Ordinance No. 15-1575U (the "Interim Ordinance") on the continued operation of existing commercial buildings. As we discussed, I retired after 28 years of public law practice, including serving as the Chief Assistant County Counsel for Santa Barbara County and, more recently, as the Chief Deputy City Attorney for Santa Monica. I am representing the owners of 20715 Avalon Boulevard, whose existing commercial building is within the Stadium Planning Areas impacted by the Interim Ordinance.

As drafted, the Interim Ordinance's prohibition on the modification of existing buildings prevents the re-leasing of previously occupied tenant space in existing commercial buildings, requiring legal tenant spaces to sit empty, which in turn deprives owners of the economically viable use of their property and subjects the City to liability for temporary takings. I believe this is an unintended consequence as there is nothing in the Ordinance findings seeking to justify this result.

The problem is that Section 4 of the Ordinance defines the prohibited "modifications to an existing building" by reference to its following definition of "permit." Although the Interim Ordinance does not regulate lease agreements between private parties on its face, the Ordinance's definition of "permit" in Section 4 includes the issuance of any business license tax permit. This provision prevents the making of a new lease, since any new tenant in a legally existing building cannot legally conduct business without a business license. Similarly, the Ordinance's prohibition on the issuance of ministerial permits to implement tenant improvements of existing leasehold space is just as problematic as it prevents making reasonable changes to accommodate new lessees.

We suggests that the Interim Ordinance be amended by adding text similar to that underlined below in Section 4. This language would make clear that re-leasing legally existing tenant space, where no discretionary permit is required to change use, is not a modification to an existing building that is subject to the development moratorium. By limiting this exemption to tenant spaces that have been occupied within the last twelve month, the provision deters speculation and does not allow abandoned spaces to brought back into play.

#### SECTION 4. MORATORIUM

During the effective period of this ordinance, no application for permit will be accepted, no consideration of any application for permit will be made, and no permit will be issued by the City for the establishment, expansion, or modification of new development in six planning study areas within the City until this ordinance has expired or has been repealed according to applicable law. Further, all processing of existing applications for permits shall be suspended immediately. "Expansion" means increasing the total size of the floor area of the building by 10% or more. "Modification" means making any modifications to an existing building or site that require permits. "Permit" means any City planning land use approvals, issuance of any business license tax permit including the transfer of a business license from one owner to another, and any building,

grading, plumbing, electrical or mechanical permit issued by the City, whether the approval or issuance is discretionary or ministerial. The annual renewal of an existing business license and/or any permits necessary for the routine maintenance the buildings or sites shall not be considered issuance of a permit. This Interim Emergency Ordinance shall not apply to the leasing of tenant space within an existing commercial building or structure if, within the twelve months before January 19, 2016, that tenant space has been legally used by a prior lessee or sublessee. In such cases, the leasing of tenant space, the issuance of a business license tax permit to the lessee or sublessee of tenant space, and the issuance of ministerial permits for tenant improvements required by the lease or sublease for that tenant space shall not be considered a modification to an existing building that require permits within the meaning of this Interim Emergency Ordinance.



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- Sterile Processing

### **Expanded Conference Center**

### **Expanded Imaging**

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### **Expanded Primary Care**

### **Comprehensive Specialty Center**

- Diabetes Center
- Women's Health Center
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### **Solar Canopies**

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