

RESOLUTION NO. 16-131

A RESOLUTION OF THE CITY OF CARSON, CALIFORNIA,
ALLOWING AN EXCEPTION TO THE APPLICATION OF
INTERIM URGENCY ORDINANCE NO. 16-1578U TO
ALLOW PROCESSING OF PLANS AND ALL RELATED
PERMITS FOR THE CONSTRUCTION OF A COFFEE
BEAN AND TEA LEAF WITH A DRIVE THRU LOCATED AT
21316 AVALON BOULEVARD.

WHEREAS, 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; and

WHEREAS, 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; and

WHEREAS, 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

WHEREAS, On January 19, 2016, the City Council adopted 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 for 10 months and 15 days. On February 2, 2016, the City Council ratified the ordinance; and

WHEREAS, A moratorium was 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; and

WHEREAS, During the effective period of the moratorium, 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; and

WHEREAS, The City Council may allow exceptions to the application of the moratorium, 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; and

WHEREAS, on August 15, 2016, Mr. Hassan Amirsadeghi of Habitat Commercial filed a request to make an exception to Interim Urgency Ordinance No. 15-1578U to allow processing of plans and all necessary permits for construction of a Coffee Bean and Tea Leaf with a drive-thru located at 21316 Avalon Boulevard.

WHEREAS, Staff has reviewed application and views this use consistent with "signature project" as defined in concept in the Land Use and Economic Development Elements of the City's General Plan because it is consistent with the existing and future vision for the area. The area is expected to remain commercial; however, the surrounding uses may introduce residential uses which would complement the proposed use.

WHEREAS, The small size of this parcel makes it very challenging to develop. The proposed conceptual site plan provides an efficient use of the property.

WHEREAS, The likelihood of combining this property with the property to the east is fairly low since the probability of the post office relocating is low.

WHEREAS, The said use has been determined to be consistent with the existing zoning and character of the area and would not pose an impediment to the establishment of a “signature project” as required by Section 6.D.

WHEREAS, If the City Council determines to allow an exception, 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.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON HEREBY MAKES THE FOLLOWING FINDINGS:

1. Section 6 of Interim Urgency Ordinance No. 16-1578U states that the City Council may allow exceptions to the application of this Ordinance, if the City Council determines any of the provisions included in Section 6, A through D apply to the request. Staff has determined that provisions of Section 6.D. apply to this request; and

2. The request is for an exception from the application of Interim Urgency Ordinance No. 16-1578U for construction of a Coffee Bean and Tea Leaf with a drive-thru 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. The “signature project” will be a regional retail destination and the proposed improvements do not compete with the “signature project”. In addition, the improvements would eventually compliment the “signature project”; and

3. Staff has determined the said improvements are generally consistent with the existing zoning and character of the area and would not pose an impediment to the establishment of a “signature project” as required by Section 6.D Interim Urgency Ordinance No. 16-1578U.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2016.

MAYOR ALBERT ROBLES

ATTEST:

DONESIA L. GAUSE, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY