

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 imminent 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.

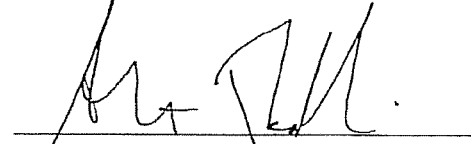
SECTION 10. PUBLICATION

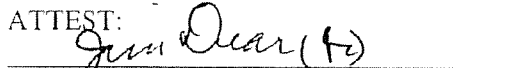
The City Clerk shall certify as to the passage and adoption of this Interim Urgency Ordinance and shall cause the same to be published in a manner prescribed by law.

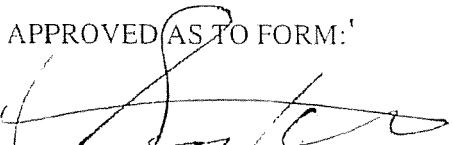
SECTION 11. EFFECTIVENESS OF ORDINANCE.

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 19th day of January, 2016.


Albert Robles, Mayor
City of Carson, California

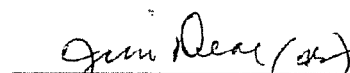
ATTEST:

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 19th 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