

RESOLUTION NO. 17-047

ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE A NEW LOGISTICS FACILITY ON SITE LOCATED AT 23610 BANNING BOULEVARD.

WHEREAS, On March 21, 2017, Interim Urgency Ordinance No. 17-1615U 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. 17-1615U enacted a 45-day moratorium on the establishment, expansion, or modification of truck yards, logistics facilities, hazardous materials or waste facilities, container storage, and container parking; and

WHEREAS, 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 logistics businesses 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 the urgency measure is necessary in order to ensure adequate regulation of logistics businesses, which regulations will serve to adequately and appropriately balance the rights of existing property owners and future applicants who wish to propose new logistics businesses in the City, with the preservation of the public health, safety, and welfare of the surrounding communities; 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expansion, or modification of logistics facilities within the City until this ordinance has expired or has been repealed according to applicable law; and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 a logistics facilities, within the City's jurisdiction is necessary for the preservation of the public health, safety, and welfare.
- B. Application of the Ordinance would impose an undue financial hardship on a property or business owner.

- C. If an existing building is empty on the effective date of this Ordinance, or a tenant moves out of an existing building during the effective period of this Ordinance, and the property or facility owner wishes to have a new tenant or new use, provided the Council makes the following findings: the new use is permitted or conditionally permitted in the zone; the City Council deems the proposed new use or new tenant to be consistent with the purposes of this Ordinance and the General Plan; and the proposed new use or new tenant will not be in conflict with the contemplated general plan update, any specific plan or zoning code update that the City Council is considering or studying or intends to study.
- D. Land controlled by the City or by any of its agencies and authorities including, transactions approved by the Department of Finance.
- E. The developer or tenant agrees to form or to participate in a Community Financing District (CFD) to pay for ongoing City services, including but not limited to, road maintenance, landscape maintenance, lighting, public safety, storm water management, etc., to the satisfaction of the City Council.
- F. The developer or tenant enters into a development agreement that guarantees the City the same financial assurances offered by a CFD.
- G. The fiscal impact analysis for the business shows that the business will not have adverse negative fiscal impacts on the City.
- H. The logistics facility will generate minimal or no truck traffic impacts.

WHEREAS, on March 23, 2017, Mr. Lance Ryan of Watson Land Company filed a request to make an exception to this ordinance to allow filing and processing of all applicable applications and/or permits necessary to allow a new tenant to move into the building on site located at 23610 Banning Boulevard.

WHEREAS, Staff has reviewed application and views this proposal to be a permitted use in the Manufacturing Heavy (MH) zone;

WHEREAS, Staff has reviewed application and views this proposal to be consistent with the purposes of this Ordinance and the General Plan as the area is an existing industrial park and the property is zoned MH;

WHEREAS, Staff has reviewed application and views this proposal to not to be in conflict with the contemplated general plan update, any specific plan or zoning code update that the City Council is considering or studying or intends to study.

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. 17-1615U 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, 1 through 8 apply to the request. Staff has determined that provisions the proposed project meets Section 6.A.3 as staff has reviewed application and views this proposal to be a permitted use in the Manufacturing Heavy (MH) zone; staff has reviewed application and views this proposal to be consistent with the purposes of this Ordinance and the General Plan as the area is an existing industrial park and the property is zoned MH; staff has reviewed application and views this proposal to not to be in conflict with the contemplated general plan update, any specific plan or zoning code update that the City Council is considering or studying or intends to study.

**PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

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**MAYOR ALBERT ROBLES**

**ATTEST:**

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**DONESIA L. GAUSE, CITY CLERK**

**APPROVED AS TO FORM:**

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**CITY ATTORNEY**