

RESOLUTION NO. 17-046

DENYING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NOS. 16-1758U AND 17-1615U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE FOR LOGISTICS FACILITY WITH A 2,500 SQUARE-FOOT OFFICE AND 219 TRUCK/TRAILER PARKING/STORAGE SPACES FOR A 5-7 YEAR PERIOD ON A 6.4 ACRE SITE LOCATED AT 18620 BROADWAY

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

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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 December 29, 2016, Mr. John Lowe of Prologis filed a request to make an exception to this ordinance to allow filing and processing of plans and permits necessary to operate for logistics facility with a 2,500 square-foot office and 219 truck/trailer parking/storage spaces for a 5-7 year period on a 6.4 acre site located at 18620 Broadway.

WHEREAS, Staff has reviewed application and views this proposal to be inconsistent with "signature project" as defined in concept in the Land Use and Economic Development Elements of the City's General Plan because it is inconsistent with the Vision Plan the and future vision for the area. The area is expected to transition to office, lighter industrial uses, and possibly residential uses.

WHEREAS, This use is inconsistent with the Vision Plan which proposes "Flex Industrial" for this area. The plan for this area is to support medical office uses such as Kaiser, allow industrial uses (including "makers"), and also allow medium- and high-residential uses, especially as a transition to single family homes along Main Street as the environmental condition of the properties allow.

WHEREAS, The subject site has a 330' frontage along Main Street which includes single family homes across the street. In addition, the portion of Main Street adjacent to this site is not a truck route and this use will attract additional trucks to the area.

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.

WHEREAS, On March 21, 2017, the City Council adopted Interim Urgency Ordinance No. 17-1615U for 45 days on the establishment, expansion, or modification of truck yards, logistics facilities, hazardous materials or waste facilities, container storage, and container parking; and

WHEREAS, A moratorium was necessary in order to protect the City and its residents, businesses and visitors from the potential impacts of logistics facilities including air quality, noise, traffic, and other impacts, and to preserve the quality of life and protect the health, safety and welfare of the community; 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.

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

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 none of the following sections:

1. The City's receipt and consideration of an application for a permit to establish, expand, or modify logistics facilities, within the City's jurisdiction is necessary for the preservation of the public health, safety, and welfare. The applicant has not demonstrated that the project is necessary for the preservation of the public health, safety and welfare.

2. Application of the Ordinance would impose an undue financial hardship on a property or business owner. The applicant has not demonstrated that they have suffered an undue financial hardship on a property or business owner.

3. 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. The proposed use is not consistent with the Vision Plan and the future plans for the area. The City is in the process of initiating a General Plan update to further refine the vision for the area.

4. Land controlled by the City or by any of its agencies and authorities including, transactions approved by the Department of Finance. The property is not land owned by the City nor by any of its agencies and authorities including, transactions approved by the Department of Finance.

5. 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. The developer is not proposing a CFD.

6. The developer or tenant enters into a development agreement that guarantees the City the same financial assurances offered by a CFD. The developer is not proposing a development agreement.

7. The fiscal impact analysis for the business shows that the business will not have adverse negative fiscal impacts on the City. The developer has not submitted a fiscal impact report.

8. The logistics facility will generate minimal or no truck traffic impacts. The logistics facility includes 219 parking/storage spaces therefore is expected create substantial truck traffic.

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 the proposed project meets none of the following sections:

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. The applicant has not demonstrated that the project 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. The applicant has not demonstrated that the project 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. The proposed project is not consistent with the "signature project" and the Vision 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. The proposed project will

be an impediment to the establishment of a “signature project” as it is not consistent with the Vision Plan; and

2. The request is for an exception from the application of Interim Urgency Ordinance No. 16-1578U AND 17-1615U to allow filing and processing of plans and permits necessary to operate for logistics facility with a 2,500 square-foot office and 219 truck/trailer parking/storage spaces for a 5-7 year period on a 6.4 acre site located at 18620 Broadway does not meet the required findings to grant an exception to Interim Urgency Ordinance No. 16-1578U AND 17-1615U.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2017.

MAYOR ALBERT ROBLES

ATTEST:

DONESIA L. GAUSE, CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY