

RESOLUTION NO. 17-105

DENYING AN EXCEPTION REQUEST TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1618U TO ALLOW PROCESSING OF PLANS AND PERMITS NECESSARY TO CONSTRUCT TWO NEW LOGISTICS BUILDINGS TOTALING 236,541 SQUARE-FEET LOCATED AT 24700 S. MAIN STREET FOR BRIDGE DEVELOPMENT PARTNERS

WHEREAS, on March 21, 2017, the City Council of the City of Carson adopted Interim Urgency Ordinance No. 17-1615U by a 5-0 vote, pursuant its authority under Government Code Section 65858; 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 and hazardous waste facilities, container storage, and container parking (collectively, "Logistics Facilities") in the City of Carson; and

WHEREAS, on May 2, 2017, the City Council adopted Interim Urgency Ordinance No. 17-1618U by a 5-0 vote, pursuant to its authority under Government Code Section 65858; and

WHEREAS, Interim Urgency Ordinance No. 17-1618U enacted a 10-month and 15-day extension of the moratorium on the establishment, expansion, or modification of Logistics Facilities (the "Ordinance"); and

WHEREAS, during the effective period of the Ordinance, no application for permit is being accepted, no consideration of any application for permit is being made, and no permit is being issued by the City for the establishment, expansion, or modification of Logistics Facilities; and

WHEREAS, the City Council may, but is not required to, allow exceptions to the application of the Ordinance if, based on substantial evidence presented, it determines any or a combination of the following:

1. The City's approval of an application for a permit to establish, expand, or modify a Logistics Facility within the City's jurisdiction will not have a material negative impact upon the public health, safety, and welfare.
2. Application of the Ordinance would impose an undue financial hardship on a property or business owner;
3. Land controlled by the City or by any of its agencies and authorities including, transactions approved by the Department of Finance;
4. 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;

5. The developer or tenant enters into an agreement that guarantees the City the same financial assurances offered by a CFD;
6. The fiscal impact analysis for the business shows that the business will not, after taking into consideration all fiscal and employment benefits to the City and its residents, have material adverse negative fiscal impacts on the City;
7. The Logistics Facility will not generate additional materially adverse truck traffic impacts in excess of those generated by the use of the property as of the effective date of this Ordinance;
8. The facility enters into a development impact fees agreement with the City;
9. The use is permitted or conditionally permitted in the zone;
10. The use is consistent with the purposes of this Ordinance and the General Plan;
11. The use will not be in conflict with any contemplated general plan, specific plan, or zoning code update that the City Council is considering or studying or intends to study;
12. The use is not and will not become a hazardous materials facility, a truck yard, or a container storage facility;
13. The use will not abut a sensitive land use, or the impacts on an abutting sensitive land use can be adequately mitigated with reasonable conditions;
14. The use will not constitute a threat to the public health, safety, and welfare.

WHEREAS, Bridge Development Partners, LLC, is currently in escrow for the purchase of the property located at 24700 S. Main Street, in the City of Carson (the "Property"); and

WHEREAS, on May 3, 2017, May 23, 2017, and June 26, 2017, Mr. Brian Wilson, Principal for Bridge Development Partners, LLC (the "Applicant"), filed a request for an exception to the Ordinance to allow processing of all the necessary applications and/or permits to allow construction of two new logistics buildings totaling 236,541 square-feet at the Property (the "Project"), in the ML (Manufacturing Light) zone; and

WHEREAS, the Applicant has represented to City staff that they will not close on the Property if the exception request is not approved; and

WHEREAS, the proposed development would replace an existing 197,652 square-foot industrial building constructed in 1958; and

WHEREAS, in 2004, the current use, a logistics use, and the structure became legal non-conforming due to the change in the General Plan land use designation for the Property to Business Park (BP). The zoning code provides a 20-year amortization period for the structure from the date that became non-conforming. Therefore, the legal

non-conforming status will expire in 2024. The existing structure and use are subject to abatement by 2024; and

WHEREAS, the Applicant is proposing to build two 35' logistics buildings totaling 236,541 square feet, including 226,541 square feet of warehouse area and 10,000 square feet of office area with 28 truck doors, on a 13.1-acre parcel; and

WHEREAS, the uses for the proposed Project are speculative with no specific tenants; and

WHEREAS, the current building is located approximately 110' from residentially zoned properties. A 30' setback and two walls separate the logistics activities from residentially zoned properties. The wall along the east property line between the site and the residential areas is 7'4" high and the "sound wall" is 14' high. There is a 30' separation between the 7'4" high wall and the sound wall. Therefore, all industrial activities including truck activities, storage, and other activities associated with the current or future uses can occur within 30 feet of residentially zoned properties; and

WHEREAS, the proposed Project is subject to the Ordinance since it is proposing to build a new logistics facility abutting a residential zone. The project does not qualify for any of the exemptions articulated in Section 4 of the Ordinance.

WHEREAS, the proposed project is not consistent with the Property's Business Park General Plan land use designation; and

WHEREAS, the Business Park land use designations in the General Plan provides that:

"The Business Park designation is intended to provide an attractive, high quality industrial/business park primarily for offices, light manufacturing and assembly, and research and development. Warehousing of a small scale (for example, no more than one ground level loading door per x square feet of building) in conjunction with a permitted primary use will be allowed. It may contain a very limited amount of supportive retail and service uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These are two scales of Business Park designated in the General Plan: one for large properties that can be planned and constructed as planned industrial/business parks, and two, for small properties that can have adequate landscaping and small scale uses. The small scale BP could allow churches and other institutional uses with a conditional use permit.

Both scales of Business Park are intended to provide harmonious transition to residential development and neighborhoods by: 1)

conducting all business activities and essentially all storage inside buildings, 2) consisting of low profile, high quality, and attractive buildings that are compatible with existing and anticipated development in the area, 3) providing open space, quality landscaping, and berms that achieve a park-like setting, and 4) including buffering of parking, loading doors, and other similar functions. The maximum allowable FAR is 0.5, and the average FAR which will ultimately be built out for this land use is expected to be approximately 0.42. Two zoning designations will be developed to implement this new General Plan land use category. The Zoning Ordinance should provide parameters for the size and intensity of buildings and uses.”

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

1. Applicant is proposing to build two logistics buildings totaling 236,541 square feet, including 226,541 square feet of warehouse area and 10,000 square feet of office area with 28 truck doors, on a 13.1-acre parcel located at 24700 S. Main Street, in the City of Carson (the “Project”). The Project would replace an existing 197,652 square foot industrial building constructed in 1958 which is legal non-conforming use that is required to be removed or made conforming by 2024.

2. The Project is subject to the moratorium on the establishment, expansion, or modification of Logistics Facilities pursuant to Interim Urgency Ordinance No. 17-1618U.

3. The Project does not qualify for any of the exemptions articulated in Section 4 of the Ordinance.

4. Section 6 of Interim Urgency Ordinance No. 17-1618U provides that the City Council may, but is not required to, allow exceptions to the application of the Ordinance.

5. The Council makes the following findings relating to Section 6.A.1, 9, 10, 11, 13, and 14 of the Ordinance:

1. The City’s approval of an application for a permit to establish, expand, or modify a logistics facility within the City’s jurisdiction will have a material negative impact upon the public health, safety, and welfare since the potential users that will occupy the site will have heavy truck traffic as 28 truck doors are proposed and the applicant has stated will have a 24-hour operation and these users will cause noise, disturbance, and air quality issues for the existing residents adjacent to the site.

9. The use is not permitted or conditionally permitted in the zone as the proposed speculative building would not be permitted in the Business Park (BP) land use designation of the General Plan.
10. The use is not consistent with the purposes of this Ordinance and the General Plan as the intent of the BP land use designation in the General Plan is to provide a less intensive use than is being proposed. The General Plan states the BP land use designation is intended for attractive, high quality industrial/business park uses, primarily for offices, light manufacturing and assembly, and research and development, including small scale warehousing in conjunction with a permitted primary. Even though the proposed building is a speculative building with no particular slated use, the sheer size of the buildings, the small square footage of the office area (10,000 square feet), and number of truck doors (28) indicates a use not contemplated for the BP designation.

Furthermore, the General plan intended the BP designation to provide a harmonious transition to the residential areas, conduct all business activities and essentially all storage inside buildings. The 28 truck doors and the size of the proposed warehouse buildings all but ensure that the use will be industrial, with noise and emissions impacting the nearby residential areas. Based on the General Plan's description of the BP designation and the applicant's proposal, the Project cannot be approved without a General Plan Amendment from BP to Light Industrial (LI).

11. The proposed Project and its potential users will be in conflict with any contemplated general plan, specific plan, or zoning code update that the City Council is considering or studying or intends to study: the Project is not consistent with the current General Plan and will likely be inconsistent with the General Plan and zoning code update that the City has just initiated since the truck intensive industrial uses proposed for this site will still be incompatible with the adjacent residential areas.
13. The proposed Project and its potential users will abut a sensitive land use, and the impacts on the abutting residential land uses cannot be adequately mitigated with reasonable conditions; the applicant has attempted to make the Project compatible with the residential areas to provide a physical separation between the proposed buildings and the residential areas. However, this physical separation still does not create the compatibility with the existing residential areas as contemplated by the General Plan since the potential users that will occupy the site will have heavy truck traffic as 28 truck doors are proposed and the applicant has stated the Project will have a 24-hour operation.
14. The potential uses for the Project will constitute a threat to the public health, safety, and welfare since the potential users that will occupy the

site will have heavy truck traffic as 28 truck doors are proposed and the applicant has stated will have a 24-hour operation and these users will cause noise, disturbance, and air quality issues for the residents adjacent to the site.

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

MAYOR ALBERT ROBLES

ATTEST:

DONESIA L. GAUSE, CITY CLERK

APPROVED AS TO FORM:
