

RESOLUTION NO. 17-152

**DENYING AN EXCEPTION TO THE APPLICATION OF INTERIM
URGENCY ORDINANCE NO. 17-1618U TO ALLOW CONTINUED
PROCESSING OF ALL APPLICATIONS NECESSARY TO
CONSTRUCT A 438,000 SQUARE-FOOT LOGISTICS FACILITY ON A
22 ACRE SITE AS REQUESTED BY PROLOGIS, LLC. LOCATED AT
THE NORTHWEST CORNER WILMINGTON AVENUE AND
UNIVERSITY DRIVE WITHIN THE DOMINGUEZ TECHNOLOGY
CENTER**

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;

EXHIBIT NO. 4

[MORE]

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, on November 7, 2017, Mr. John Low, Investment Officer for Prologis, LLC. (the "Applicant") filed a request on for an exemption to allow continued processing of all applications necessary to construct a 438,000 square-foot logistics facility on a 22 acre site located at the northwest corner Wilmington Avenue and University Drive within the Dominguez Technology Center; and

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

WHEREAS, the City has just started the General Plan and Zoning Code updates and is prudent to wait for completion of this process to determine whether the Specific Plan zoning should be changed from Office to Light Industrial; and

WHEREAS, since the proposed project is such an intensive use, the City deems it necessary to wait until the adoption of the General Plan and Zoning Code updates; and

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

1. Applicant is proposing to construct a 438,000 square-foot logistics facility on a 22 acre site located at the northwest corner Wilmington Avenue and University Drive within the Dominguez Technology Center (the "Project").

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, 4, 5, 6, 7, 8, 11, 12, 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.

7. The Logistics Facility will 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;

9. The use is not permitted or conditionally permitted by the Specific Plan;

10. The use is not consistent with the purposes of this Ordinance and the General Plan;
11. The use 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;
13. The use will not abut a sensitive land use but will be adjacent to residential areas that cannot be adequately mitigated with reasonable conditions;
14. The use will constitute a threat to the public health, safety, and welfare.

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

MAYOR ALBERT ROBLES

ATTEST:

DONESIA L. GAUSE, CITY CLERK

APPROVED AS TO FORM:
