

RESOLUTION NO. 18-114

APPROVING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 18-1805U AND TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE AS A LOGISTICS FACILITY INCLUDING A 158,450 SQUARE-FOOT BUILDING WITH 30 DOCK DOORS, AN ART WALK, AND APPROXIMATELY 200 TRUCK PARKING SPACES AND/OR CARGO CONTAINER PARKING/STORAGE SPACES ON A 16.6 ACRE SITE LOCATED AT 20881 S. MAIN STREET

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, on March 20, 2018, the City Council adopted Interim Urgency Ordinance No. 18-1805U by a 5-0 vote, pursuant to its authority under Government Code Section 65858; and

WHEREAS, Interim Urgency Ordinance No. 18-1805U enacted a 12-month 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.

EXHIBIT NO. 2

[MORE]

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, on May 8, 2018, Mr. Jeremy Mape with Western Realco, LLC filed a request to make an exception to Interim Urgency Ordinance No. 18-1805U (logistics moratorium) to allow filing and processing of all applicable entitlement applications necessary to process a logistics facility as a truck terminal with a 158,450 square-foot building with 30 dock doors and 200 truck parking spaces and/or cargo

container parking/storage spaces on a 16.6 acre site located at 20881 S. Main Street; and

WHEREAS, the applicant shall incorporate the following into the project design and operations. If the applicant fails to comply with these requirements, the Exception is null and void:

- A minimum of 25' "Art Walk" shall be provided along Main Street. The "Art Walk" shall be constructed as a linear open space with landscaping, walkways, lights, two (2) artistic features, and street furniture. The developer/owner shall dedicate the "Art Walk" area to the City to become part of the public right of way as long as the entire "Art Walk" area is not a former landfill area nor is contaminated. If the "Art Walk" area is contaminated or former landfill area, the City is not obligated to accept the dedication and the maintenance responsibility and other means of maintenance shall be approved by the Public Works and Community Development Directors. The applicant shall work with the City to determine the artistic features for the project. The developer has the option of utilizing works from the artists from the artist Colony project on Main Street. The developer shall work with the City to define up to three locations for other artistic feature within the "Art Walk" that will be provided by others. The artistic features shall be approved by the approving the body for the entire project (Planning Commission or City Council). The developer and the City will work together to ensure the "Art Walk" is in substantial compliance with the Town Center Specific Plan.
- The applicant shall ensure efficient egress and ingress for the trucks and shall:
 - Install a traffic light 100% at applicant's cost if required by a Traffic Study approved by the City's Traffic Engineer; and
 - Add a deceleration lane on Torrance Boulevard 100% at applicant's cost if required by a Traffic Study approved by the City's Traffic Engineer.
- No Truck access to Main Street shall be permitted.
 - If deemed appropriate by the City Attorney, City shall have access to all truck GPSes at all times to ensure trucks do not travel in on Main Street or other acceptable means accomplishing the same;
 - If deemed appropriate by the City Attorney, Staff and the City Attorney shall draft language that may levy fines of up to \$1,000 per occurrence if trucks originating or going to the site use Main Street;

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

WHEREAS, it is essential for this project to ensure compatibility of this project with the anticipated surrounding uses;

WHEREAS, the applicant agrees to cooperate in good faith with the City to determine the appropriate DIF and CFD for the project; and

WHEREAS, upon approval of the exception, the applicant will cooperate with the City to provide all studies, plans, and materials necessary to continue processing all required applications as deemed necessary by staff; and

WHEREAS, Applicant has agreed to comply with several of the following in exchange for being granted an exception under Ordinance No. 18-1805U:

a. The Applicant has agreed to enter into an Interim Development Impact Fee Agreement (“IDIF Agreement”). The IDIF amount shall be based on a minimum of \$2.00 per square foot of building area or other amount as determined by the City at the time of the approval of the entitlements which may be higher. Based on the current square footage of the project (158,450) is DIF fee would be \$316,900.00.

b. The Applicant has agreed to negotiate in good faith to form, fund, and/or participate in a Community Facilities District (CFD) and/or a Development Agreement to pay for on-going costs associated with their project relating to law enforcement, street maintenance, landscape maintenance, street sweeping, or any other impacts. The Applicant will be required to enter into a CFD agreement (“CFD Agreement”).

c. At the City’s discretion, the Applicant may be required to enter into a Development Agreement relating to the Project, if the City deems the IDIF and CFD Agreements do not adequately mitigate the Project’s impacts.

d. Applicant will enter into an agreement to reimburse the City for all its costs (the “Reimbursement Agreement”), including but not limited to all consultant costs (such as the CFD consultant work associated with the processing of the portion of the Applicant’s CFD assessment), and attorney fees associated with the Applicant’s exception application and finalizing of the CFD Agreement, IDIF Agreement, Reimbursement Agreement, and Development Agreement, if applicable, or other agreements and/or entitlement processes.

e. The IDIF/CFD Agreement and/or the Development Agreement shall be determined, finalized, agreed upon, and executed prior to the Planning Commission hearing for the Design Overlay Review and the Conditional Use Permit, and any other applications deemed appropriate by staff.

f. Development Impact Fees (DIF): The Applicant shall pay the one-time Interim Development Impact Fee (IDIF) as determined by the City. City is currently conducting a study to adopt DIF to pay for impacts of new projects to City’s infrastructure. We anticipate this new DIF to be adopted by end of the year. If the City’s DIF is adopted by the time your application is deemed complete, we would impose the newly adopted DIF which maybe higher than the \$2.00 per square foot. However, if the DIF is not adopted by the time your application is deemed complete, we would impose the \$2.00 per square foot DIF. In either scenario, the minimum amount of DIF paid by the project shall not be less than \$2.00 per square foot. The Applicant will be required to enter into an IDIF Agreement with the City. It should be noted DIF is a one-time fee imposed on projects. Based on the current square footage of the project (158,450) is DIF fee would be \$316,900.00.

g. Community Facilities District (CFD): The Applicant shall form, fund, and participate in a Community Facilities District (CFD) to pay for on-going costs associated with their project relating to law enforcement, street maintenance, landscape maintenance, street sweeping, and all other impacts of its project on an annual basis. Currently, the City has a policy of charging \$0.50 per truck trip per day as CFD amount for truck yards and container yards. Applicant shall enter into a CFD or Development Agreement with the City. At the discretion of City, Applicant may be required to enter into a Development Agreement, to mitigate any impacts that are not mitigated by the

IDIF or the CFD Agreements. City is in process of forming a Citywide CFD to pay for impacts of new projects on City's services which may be higher than the current \$0.50 per truck trip per day assessment. We anticipate this new DIF to be adopted by end of the year. If the Citywide CFD is adopted by the time your application is deemed complete, we would impose the newly adopted Citywide CFD. However, if the Citywide CFD is not adopted by the time your application is deemed complete, we would impose the \$0.50 per truck trip per day for your specific project. It should be noted the Citywide CFD is an annual tax imposed on projects.

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

1. Applicant is proposing to construct a logistics facility with a 158,450 square-foot building with 30 dock doors and 200 truck parking spaces and/or cargo container parking/storage spaces on a 16.6 acre site located at 20881 S. Main Street, (the "Project"). The applicant shall incorporate the following into the project design and operations. If the applicant fails to comply with these requirements, the Exception is null and avoid:

- A minimum of 25' "Art Walk" shall be provided along Main Street. The "Art Walk" shall be constructed as a linear open space with landscaping, walkways, lights, two (2) artistic features, and street furniture. The developer/owner shall dedicate the "Art Walk" area to the City to become part of the public right of way as long as the entire "Art Walk" area is not a former landfill area nor is contaminated. If the "Art Walk" area is contaminated or former landfill area, the City is not obligated to accept the dedication and the maintenance responsibility and other means of maintenance shall be approved by the Public Works and Community Development Directors. The applicant shall work with the City to determine the artistic features for the project. The developer has the option of utilizing works from the artists from the artist Colony project on Main Street. The developer shall work with the City to define up to three locations for other artistic feature within the "Art Walk" that will be provided by others. The artistic features shall be approved by the approving the body for the entire project (Planning Commission or City Council). The developer and the City will work together to ensure the "Art Walk" is in substantial compliance with the Town Center Specific Plan.
- The applicant shall ensure efficient egress and ingress for the trucks and shall:
 - Install a traffic light 100% at applicant's cost if required by a Traffic Study approved by the City's Traffic Engineer; and
 - Add a deceleration lane on Torrance Boulevard 100% at applicant's cost if required by a Traffic Study approved by the City's Traffic Engineer.
- No Truck access to Main Street shall be permitted.
 - If deemed appropriate by the City Attorney, City shall have access to all truck GPSes at all times to ensure trucks do not travel in on Main Street or other acceptable means accomplishing the same;

- If deemed appropriate by the City Attorney, Staff and the City Attorney shall draft language that may levy fines of up to \$1,000 per occurrence if trucks originating or going to the site use Main Street;

2. The Project is subject to the moratorium on the establishment, expansion, or modification of Logistics Facilities pursuant to Interim Urgency Ordinance No. 18-1805U.

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. 17-1805U provides that the City Council may, but is not required to, allow exceptions to the application of the Ordinance.

5. Applicant shall enter into a Reimbursement Agreement to reimburse the City for all its fees and costs, including attorney and consultant fees, for all agreements and entitlements necessary pursuant to this Resolution and the City's Zoning Ordinance.

6. The IDIF Agreement, CFD Agreement, Development Agreement (if applicable) and Reimbursement Agreement are conditions precedent to the validity of this exception.

7. If within ninety (90) days of adoption of this Resolution, the IDIF Agreement, CFD Agreement, Development Agreement (if applicable) and Reimbursement Agreement have not been finalized, then the Council has the right to rescind this Resolution in its sole discretion and the Applicant will be subject to the Ordinance.

8. Applicant's failure to enter into the IDIF Agreement, the CFD Agreement, the Reimbursement Agreement, and the Development Agreement may be grounds for the City to deny the Applicant's permits to construct the Project, and all of Applicant's land use applications and entitlements being null and void.

9. The IDIF/CFD Agreement and/or the Development Agreement including the amounts for the IDIF and CFD shall be determined, finalized, agreed upon, and executed prior to the Planning Commission hearing for the project. The CFD amount for previously considered projects was based on the project's share of impacts on the City's services and infrastructure and will be determined at the time of the approval of the entitlements which may be higher.

10. The City is currently conducting studies to adopt citywide studies that may increase the CFD and IDIF amounts.

11. It is essential for this project to continue to work with staff to ensure compatibility of this project with the anticipated surrounding uses.

12. The City Council has determined that it is to the best interest of the City to develop the site as proposed since in its current condition it is not aesthetically attractive.

13. The Council makes the following findings relating to Section 6.A. 4, 5, and 8 of the Ordinance:

- 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;
8. The facility enters into a development impact fees agreement with the City. The IDIF Agreement, CFD Agreement, Development Agreement (if applicable) and Reimbursement Agreement are conditions precedent to the validity of this exception.

PASSED, APPROVED AND ADOPTED THIS ____ DAY OF _____, 2018.

MAYOR ALBERT ROBLES

ATTEST:

DONESIA L. GAUSE, CITY CLERK

APPROVED AS TO FORM:
