



Legislation Details (With Text)

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Title: CONSIDER ISSUING THE “10-DAY REPORT,” PURSUANT TO GOVERNMENT CODE SECTION 65858(D), REGARDING INTERIM URGENCY ORDINANCE NO. 17-1618U, EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK YARDS, LOGISTICS FACILITIES, HAZARDOUS MATERIALS OR WASTE FACILITIES, CONTAINER STORAGE, AND CONTAINER PARKING IN THE CITY OF CARSON PENDING A STUDY OF THE CITY’S REGULATIONS; AND A PUBLIC HEARING TO CONSIDER ADOPTING INTERIM URGENCY ORDINANCE NO. 18-1805U EXTENDING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK YARDS, LOGISTICS FACILITIES, HAZARDOUS MATERIALS OR WASTE FACILITIES, CONTAINER STORAGE, AND CONTAINER PARKING WITHIN THE CITY FOR 12 MONTHS (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ex 1 Ord 17-1618U, 2. Ex 2 Public Hearing Notice, 10 Day Report, 3. Ex 3 Interim Urgency Ordinance No. 18-1805U, 4. File Summary

Date	Ver.	Action By	Action	Result
3/20/2018	1	City Council	approved	Pass

Report to Mayor and City Council

Tuesday, March 20, 2018

Special Orders of the Day

SUBJECT:

CONSIDER ISSUING THE “10-DAY REPORT,” PURSUANT TO GOVERNMENT CODE SECTION 65858(D), REGARDING INTERIM URGENCY ORDINANCE NO. 17-1618U, EXTENDING A TEMPORARY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK YARDS, LOGISTICS FACILITIES, HAZARDOUS MATERIALS OR WASTE FACILITIES, CONTAINER STORAGE, AND CONTAINER PARKING IN THE CITY OF CARSON PENDING A STUDY OF THE CITY’S REGULATIONS; AND A PUBLIC HEARING TO CONSIDER ADOPTING INTERIM URGENCY ORDINANCE NO. 18-1805U EXTENDING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK YARDS, LOGISTICS FACILITIES, HAZARDOUS MATERIALS OR WASTE FACILITIES, CONTAINER STORAGE, AND CONTAINER PARKING WITHIN THE CITY FOR 12 MONTHS (CITY COUNCIL)

I. SUMMARY

On May 2, 2017, the City Council adopted Ordinance 17-1618U, extending a temporary moratorium on the establishment, expansion, or modification of truck yards, logistics facilities, hazardous materials or waste facilities, container storage, and container parking. The said ordinance is set to expire on March 21, 2018 (Exhibit No. 1).

Pursuant to Government Code Section 65858(d), the City Council is required to issue a written report (commonly referred to as the “10-Day Report”) describing the measures taken to alleviate the conditions that led to the adoption of the ordinance 10 days prior to the expiration of the ordinance or the extension of the ordinance (Exhibit No. 2). This report also provides a progress report to the City Council on all the activities that have taken place since the adoption of the Ordinance 17-1618U. The proposed urgency ordinance continues to include exemptions and exceptions as adopted by Ordinance 17-1618U. These exemptions and exceptions have provided a process for projects to continue in the planning process if they meet certain standards.

II. RECOMMENDATION

1. ISSUE the “10-Day Report,” pursuant to Government Code Section 65858(d), regarding Interim Urgency Ordinance No. 18-1805U extending a temporary moratorium on the establishment, expansion, or modification of truck yards, logistics facilities, hazardous materials or waste facilities, container storage, and container parking within the City for 12 months; **and**
2. WAIVE further reading and ADOPT Interim Urgency Ordinance No. 18-1805U, “AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING A MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF TRUCK YARDS, LOGISTICS FACILITIES, HAZARDOUS MATERIALS OR WASTE FACILITIES, CONTAINER STORAGE, AND CONTAINER PARKING WITHIN THE CITY FOR 12 MONTHS.”

III. ALTERNATIVES

TAKE such other action as the City Council deems appropriate consistent with the requirements of law.

The City Council may decide not to issue the Ten-Day Report or to issue a revised Ten Day Report. However, the City Council must issue a Ten-Day Report at least ten (10) days before the expiration of the moratorium or the extension of the moratorium. Without further action by the City Council, the moratorium will expire on March 21, 2018.

IV. BACKGROUND

March 21, 2017, Adoption of Interim Urgency Ordinance

In response to concerns raised by the community to the City Council concerning truck yards, truck routes, container storage facilities, storage of hazardous materials and logistics facilities, over the impacts these facilities have on the community, staff recommended adoption of a 45-day temporary moratorium. The City Council adopted interim urgency Ordinance No. 17-1615U by a vote of 5-0 to impose 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 within the City, (the “Moratorium”). The Moratorium was consistent with the provisions set forth in Section 65858 of the Government Code. On March 21, 2017, the City Council formed an Ad-Hoc Committee (Committee) to discuss and provide input on the Moratorium. The Committee formed four subgroups Lease Provisions, Land Use and Environmental, Road Maintenance and Economic Impacts/Benefits, and Truck Routes/Sheriff. Subsequently, the City Council adopted Ordinance 17-16_18U by a vote of 5-0, extending the moratorium to March 21, 2018.

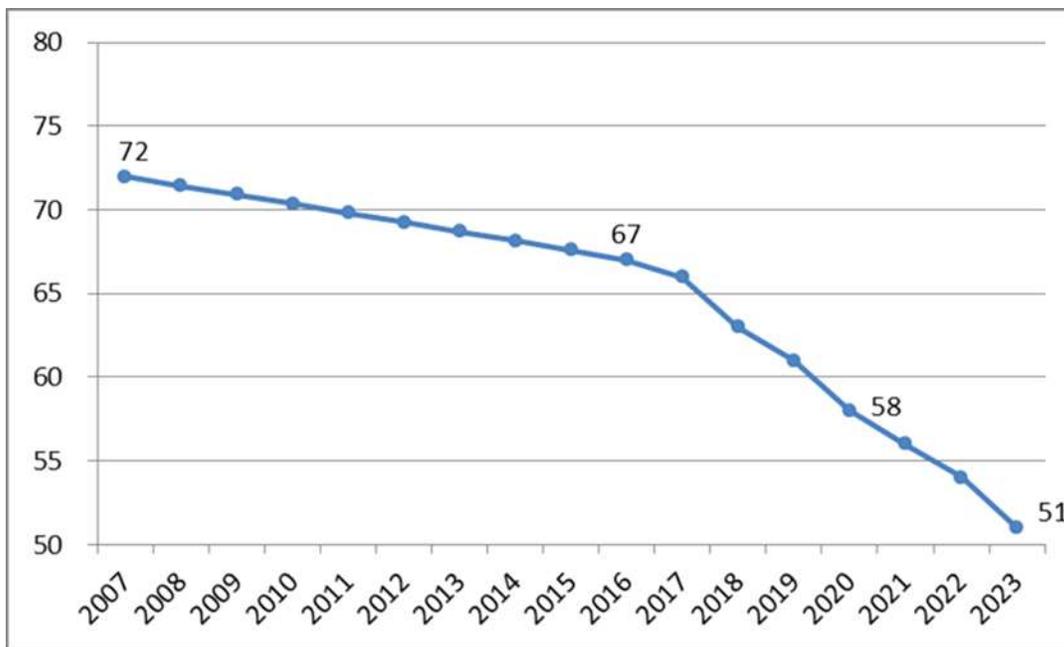
State of City’s Infrastructure

A recent survey of the condition of Carson’s streets has revealed that \$8 million in annual investments will be need in the next decade to maintain streets in their current condition, including the overweight corridor. The survey revealed that over \$6 million in annual investment will be needed to improve Carson’s truck routes and truck impacted streets alone. The pavement management engineers recommend that Carson invest \$9 million annually to begin to improve our street conditions. The City has identified only \$3.8 million in annual street repair funds and the streets will continue to deteriorate without major investments during the next decade.

The pavement engineer’s estimates Carson’s pavement condition to be 72 and will deteriorate to 51 by 2023, without significant new investment from the City.

Survey of the Pavement Condition of Carson’s Streets

January 2017



The City also surveyed lifted, cracked and damaged sidewalks. This survey revealed over \$11 million in critical repairs that are unfunded. The City staff has been working with an industry group to identify additional opportunities for grants at the State level. Funding may be available in the State’s Trade Corridor Enhancement Account and the Local Partnership Program. However, these efforts are in their early stages and many grants require local matching funds. The City has been working on alternative funding sources to assist the City to improve street conditions and capacity, including the use of Community Facilities Districts (CFD) and Development Impact Fees (DIF).

10-Day Report Requirement

Ten days prior to the City extending the Moratorium, the City Council is required to issue a written report “describing the measures taken to alleviate the condition that led to the adoption of the ordinance.” Government Code § 65858(d).

If an interim ordinance is initially adopted with a notice and a hearing, the Moratorium may be extended upon notice and a public hearing for an additional 12 months, and then a second time upon notice and a public hearing for up to 12 additional months. Like the ordinance itself, any extension of the moratorium requires a four-fifths vote and requires findings justifying the same. These findings must also include specific articulable facts to support them. The maximum total time for the Moratorium, as extended, to be in place is two years.

The current Moratorium will expire on March 21, 2018, if it is not extended by Council on or before that date. In order for the City Council to consider whether the facts and circumstances warrant extension of the moratorium the City Council is required to hold a noticed public hearing.

10-Day Report

The following 10-Day report was published on March 8, 2018 (Exhibit No. 2):

The City has initiated several efforts to address logistics businesses such as initiating the General Plan and Zoning Code Update, adoption of Development Impact Fees, and Establishment of Community Facilities Districts, and Enhanced Improvement Financing Districts. However, additional time is needed to complete these tasks. Furthermore, additional tasks such as improvements to City processes, adoption of fines for code violations, and gaining a better understanding of land use economics need to be completed. Consequently, City staff believe that additional time is required to adequately address the many issues that originally led to the adoption of the moratorium and recommend that the Interim Urgency Ordinance be extended for another year.

As stated above and in more detail as provided below, to comply with City Council direction to review, study and revise the City’s laws, rules, procedures and fees related to new development and expansion or modification of logistics facilities, additional tasks still need to be completed.

Task	Status
“Quick Fixes” to the zoning code.	Since updating a zoning code is a long term task, staff applied interim standards to adequately buffer residential uses from new projects. Additional time is needed to adopt standards.
General Plan and Zoning Code update.	The General Plan update is underway. Additional time is needed to complete this process and start the zoning code update.
Improvements to City processes and inter departmental coordination.	City staff is continually improving City processes and inter departmental coordination. However, additional time is needed to update the processes, for staff training, and implementation of the Citywide software to allow departments to communicate and complete tasks more efficiently.
Consider planting trees on streets and between industrial and residential areas to improve air quality and aesthetics.	This has been implemented for projects that have received approval. In addition, City has applied and received grants to plant new trees. However, additional time is needed to adopt standards.
Consider keeping roads well maintained as it is the best way to reduce vibrations.	City continues efforts to keep the street maintained. Even though new funding sources have been explored, no new sources have been identified that would provide the funding the City needs.

Adopt new policies regarding fines and penalties for code violations;	This task has not been completed. Additional time is needed.
Examining truck routes for possible changes and reviewing truck routes for potential impacts to residential areas such as noise.	Truck routes will be examined through the update of the General Plan. Additional time is needed.
Gain a better understanding of land use economics and the City's budget.	Staff has been meeting with several property owners or potential developers. Through these meetings staff has gained a better understanding of the relationship between development and City budget. However, this is a very complex issue and staff needs time to obtain proper training to complete this task.
Work with the L.A. County Sheriff on commercial truck enforcement options and funding for enforcement training.	Staff has met with the Sherriff to understand the demand for this task. Additional time is needed to secure funding and training.
Set-up a compliant hotline for violations.	This task has not been completed. Additional time is needed to complete this task.
Keep the lines of communication open between the industry, City, and Sheriff.	This task is ongoing.
Develop a better understanding of available financing tools such as DIF, CFD, PBID, and BID to address issues identified by the Committee.	Staff has initiated the ground work to move forward with adoption of DIF, CFD, and EIFD to create more funding opportunities for the City to provide necessary infrastructure and services for existing and future needs of the City. However, additional time is necessary to complete these tasks.
Engage professionals as deemed necessary to accomplish the above.	This is an ongoing task.

Therefore, staff needs to additional time to complete these tasks, hence requesting a 12-month extension to the moratorium (Exhibit No. 3).

V. FISCAL IMPACT

None.

VI. EXHIBITS

1. Interim Urgency Ordinance No. 17-1618U. (pgs. 7-20)
2. Public Hearing Notice, 10-Day Report. (pgs. 21-22)

3. Interim Urgency Ordinance No. 18-1805U. (pgs. 23-39)

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