



Legislation Details (With Text)

File #: 2017-303 **Version:** 1 **Name:**
Type: Special Order **Status:** Agenda Ready
File created: 4/20/2017 **In control:** City Council
On agenda: 5/2/2017 **Final action:**
Title: A PUBLIC HEARING TO CONSIDER ADOPTING INTERIM URGENCY ORDINANCE NO. 17-1618U EXTENDING A 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 FOR 10 MONTHS AND 15 DAYS (CITY COUNCIL)

Sponsors:

Indexes:

Code sections:

Attachments: 1. Exhibit No. 1 - Ordinance 17-1615U SIGNED, 2. Exhibit No. 2 - 10-Day Report, 3. Exhibit No. 4 - Subgroup Suggestions and Recommendations, 4. Exhibit No. 5 - Correspondence, 5. Exhibit No. 6 - L.A. County Cert Uni Prog Agency, 6. Exhibit No. 7 - State reg substances, 7. Exhibit No. 8 - EPA List, 8. Exhibit No. 9 - L.A. County Fire Code H Occ

Date	Ver.	Action By	Action	Result
5/2/2017	1	City Council		

Report to Mayor and City Council

Tuesday, May 02, 2017

Special Orders of the Day

SUBJECT:

A PUBLIC HEARING TO CONSIDER ADOPTING INTERIM URGENCY ORDINANCE NO. 17-1618U EXTENDING A 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 FOR 10 MONTHS AND 15 DAYS (CITY COUNCIL)

I. SUMMARY

On March 21, 2017, the City Council adopted Ordinance No. 17-1615U with a 5-0 vote, enacting an interim urgency ordinance to establish a 45-day 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 (Exhibit No. 1). On April 18, 2017, a "10-day report" was issued by the City Council with a 5-0 vote (Exhibit No. 2). The City Council will consider the extension of the moratorium

which is subject of this report (Exhibit No. 3). The City Council is required to conduct a noticed public hearing to extend the temporary 45-day moratorium by adopting a new interim urgency ordinance, which would be valid for an additional 10 months and 15 days (until March 21, 2018). A four-fifths vote of the City Council is required for the approval of any extension.

II. RECOMMENDATION

WAIVE further reading and ADOPT Interim Urgency Ordinance No. 17-1618U, "AN INTERIM URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, EXTENDING A MORATORIUM ON NEW DEVELOPMENT AND EXPANSION OR MODIFICATION OF TRUCK YARDS, LOGISTICS FACILITIES, HAZARDOUS MATERIALS OR WASTE FACILITIES, CONTAINER STORAGE, AND CONTAINER PARKING IN THE CITY OF CARSON FOR 10 MONTHS AND 15 DAYS."

III. ALTERNATIVES

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

IV. BACKGROUND

Notices

Staff provided notices to all property owners and business owners within industrial zones. Additional notices were sent to the residents of Carson residing within 300 feet of truck routes. A public hearing notice was also published as required by law.

City Webpage

A dedicated webpage has been created with most up-to-date information which can be accessed from the City's main webpage or

<http://ci.carson.ca.us/CommunityDevelopment/AdHocMoratorium.aspx>

Ad-Hoc Committee Meetings

Since the adoption of the Ordinance, the Ad-Hoc Committee (Committee) with the leadership of Mayor Robles and participation of Councilman Santarina, the subgroups of the Committee, industry representatives, staff, and other interested parties have met numerous times to discuss the provisions of the adopted ordinance and reach consensus on a revised Ordinance. Staff would like to thank all members of the Committee and others who were involved in this process for their contributions. The following provides information about these meetings:

- Ad-Hoc Committee Members Meetings: (March 28th, April 4th, April 11th, April 25th)
 - Council Members: Mayor Albert Robles and Councilman Elito Santarina
 - Planning Commission: Louie Diaz and Ramona Pimentel
 - Economic Development Commission: Ray Aldridge and Pilar Hoyos

- Environmental Commission: Berwyn Salazar and Rashina Young
- Industry representatives: Peter Herzog, Weston LaBar, Remington Moses, Alex Cherin, and Francisco Franco
- Lease Provisions Subgroup: (April 6th, April 17th, April 24th)
 - Mayor Albert Robles, Francisco Franco, Peter Herzog, Pilar Hoyos, Weston LaBar, and Ramona Pimentel
- Land Use and Environmental Issues (April 6th, April 17th)
 - Peter Herzog, Pilar Hoyos, Weston LaBar, Ramona Pimentel, Berwyn Salazar, and Rashina Young
- Truck Routes/Sheriff: (April 10th)
 - Councilman Elito Santarina, Ray Aldridge, Alex Cherin, Louie Diaz, Ramona Pimentel, and Captain Jason Skeen
- Road Maintenance and Economic Impacts/Benefits: (May 8th)
 - Councilman Elito Santarina Ray Aldridge, Alex Cherin, Francisco Franco, and Berwyn Salazar

Balanced Approach

Staff recognizes that logistics facilities are an integral part of the City of Carson, and also provide benefits to the City, such as jobs, development and impact fees, and tax revenue. Many developers and owners of logistics facilities are invested in the success of the City of Carson and have been partners with the City for decades. Staff also recognizes that the logistics facilities need to exist in harmony with the residents and reduce, manage, and/or mitigate their impacts to the community. This delicate balance needs to be further explored during the extension of the moratorium and during the General Plan and Zoning Code updates through a collaborative process between the industry leaders, the community, and the City.

Major Changes to the Moratorium

The biggest issue identified by the Ad-Hoc group is the wide scope of the moratorium. Therefore, most discussions focused around narrowing down the scope of the moratorium as it relates to lease provisions. The representatives from the industry felt the lease provisions severely restrict their ability to attract quality tenants, harm their investments, job attraction efforts, and generating revenues for the City. City's concerns included protection of the community, the residents, and sensitive uses from hazardous material facilities, truck yards, and cargo container storage. The Committee concluded that both the industry group and the City representatives benefited from the exchange of information between the groups to help them understand each other's positions.

The Committee, in a collaborative process, recommended changes to the Ordinance which have been incorporated into the proposed Ordinance. For the most part, staff believes the proposed ordinance is a compromise the parties can agree on, while recognizing there maybe areas of disagreement. It should be noted that most industry leaders felt the moratorium is not necessary.

- All lease extensions and new leases throughout the City are subject to the moratorium if the facility is a hazardous materials facility, a truck yard, cargo container storage, or abuts a sensitive use.
- All lease extensions and new leases proposed within all areas identified as “Planned Industrial Areas” are not subject to the moratorium unless the facility is a hazardous materials facility, a truck yard, cargo container storage, or abut a sensitive use.
- All lease extensions and new leases proposed outside “Planned Industrial Areas” with leases term of 7 years or less are not subject to the moratorium unless they a hazardous materials facility, a truck yard, a cargo container storage, or abut a sensitive use.
- All lease extensions and new leases proposed outside “Planned Industrial Areas” with leases terms over 7 years are subject to the moratorium and would need to obtain City Council approval to qualify for an exception to the moratorium.
- All lease extensions and new leases abutting sensitive uses would need to obtain City Council approval to qualify for an exception to the moratorium.
- All new development projects for “Logistics Facilities” are subject to the moratorium.

Suggestions by the Committee

If the City Council chooses to extend the moratorium, the Committee also had other suggestions the City should consider. Two of these suggestions, Development Impact Fee (DIF) and Community Facilities Districts (CFDs), are included in the proposed ordinance as exceptions:

- Consider updating certain zoning code standards (“Quick Fixes”) ahead of the General Plan and Zoning Code adoption to address glaring deficiencies in the Zoning Code.
- Consider sound walls and/or double pane window retrofits, where necessary, along Truck Routes to reduce impacts on sensitive uses along truck routes.
- Consider planting trees on streets and between industrial and residential areas to improve air quality and aesthetics.
- Consider keeping roads well maintained as it is the best way to reduce vibrations.

- Consider adopting a DIF.
- Consider using tools such as CFDs, Business Improvement Districts (BID), or Property owner Business Improvement Districts (PBID) to pay for on-going services such as road maintenance.

Future meetings

Some of the suggestions above such as DIF, CFD, PBID, and BID would have to be discussed by the Road Maintenance and Economic Impacts/Benefits Subgroup which was not able to convene because of scheduling conflicts. This Subgroup is scheduled to meet on May 8th.

In addition, the Subgroups had other suggestions. These suggestions were previously included as part of the 10-Day report. They have also been incorporated as Exhibit No. 4.

Next Steps

Staff recommends that the Committee reconvene to develop a work plan and recommend priorities to the City Council. It is suggested that the Committee recommend some short term and longer term tasks. The tasks could include, but not be limited to the following:

- “Quick Fixes” to the zoning code;
- General Plan and Zoning Code update;
- Improvements to City processes and inter departmental coordination;
- Adopt new policies regarding fines and penalties for code violations;
- Examining truck routes for possible changes and reviewing truck routes for potential impacts to residential areas such as noise;
- Gain a better understanding of land use economics and the City’s budget;
- Work with the L.A. County Sheriff on commercial truck enforcement options and funding for enforcement training;
- Set-up a compliant hotline for violations;
- Keep the lines of communication open between the industry, City, and Sheriff;
- Develop a better understanding of available financing tools such as DIF, CFD, PBID, and BID to address issues identified by the Committee,
- Engage professionals as deemed necessary to accomplish the above.

Correspondence

Staff has received numerous phone calls and some written correspondence regarding the moratorium. The written correspondence has been included as Exhibit No. 5.

Attachments

Exhibit No. 6, provides the list of exempt materials identified by the L.A. County Certified Unified Program Agency, Health and Hazardous Material Division. These substances are not considered a hazardous material. Exhibit Nos. 7 and 8 include the hazardous materials identified by the State and Federal regulations that are subject to this ordinance. Exhibit No. 9 includes the L.A. County Fire Code H Occupancy classifications. All facilities that require this classification are considered hazardous material facilities.

V. FISCAL IMPACT

None. **VI. EXHIBITS**

1. Interim Urgency Ordinance No. 17-1615U. (pgs. 7-18)
2. 10 Day Report. (pgs. 19-70)
3. Interim Urgency Ordinance No. 17-1618U. (pgs. 71-84)
4. Subgroup Suggestions and Recommendations. (pgs. 85-88)
5. Correspondence. (pgs. 89-110)
6. L.A. County Certified Unified Program Agency, Health and Hazardous Material Division Handout. (pgs. 111-113)
7. State regulated Substances. (pgs. 114-120)
8. EPA List. (pgs. 121-125)
9. L.A. County Fire Code, H Occupancy. (pgs. 126-128)

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