



## Legislation Text

File #: 2017-283, Version: 1

### Report to Mayor and City Council

Tuesday, April 18, 2017

Discussion

#### SUBJECT:

**CONSIDER ISSUING THE "10-DAY REPORT," PURSUANT TO GOVERNMENT CODE SECTION 65858(D), REGARDING INTERIM URGENCY ORDINANCE NO. 17-1615U, ESTABLISHING 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 PENDING A STUDY OF THE CITY'S REGULATIONS; AND CONSIDER ORDERING THE HOLDING OF A PUBLIC HEARING TO DETERMINE WHETHER GROUNDS EXIST THAT WARRANT EXTENDING THE SAME (CITY COUNCIL)**

#### **I. SUMMARY**

On March 21, 2017, the City Council adopted Ordinance No. 17-1615U, 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).

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 45-day temporary moratorium.

#### **II. RECOMMENDATION**

1. ISSUE the "10-Day Report," pursuant to Government Code Section 65858(d), regarding Interim Urgency Ordinance No. 17-1615U establishing 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 within

the City; *and*

2. ORDER the holding of a PUBLIC HEARING on May 2, 2017, to determine whether grounds exist which warrant extending 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 within the City for a period not to exceed 10 months and 15 days.

### **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 May 5, 2017.

### **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.

#### **Formation of the Ad-Hoc Committee**

On March 21, 2017, the City Council formed an Ad-Hoc Committee (Committee) to discuss and provide input on the Moratorium. The City Council appointed the Mayor and Councilman Santarina, and chair and vice-chair of the Planning Commission, the Environmental Commission, and the Economic Development Commission to the Committee. In addition, the Mayor requested the industry to appoint two representatives to the Committee. The City Council further set the first meeting of the Committee for March 28, 2017.

The Committee has met three times (March 28<sup>th</sup>, April 4<sup>th</sup>, and April 11<sup>th</sup>) and is scheduled to meet again on April 25<sup>th</sup>. The Committee formed four subgroups to identify issues and to provide recommendations. The following describes the four subgroups, their members,

their discussions and recommendations:

**1. Lease Provisions:** Mayor Robles, Pilar Hoyos, Weston LaBar, Francisco Franco, Peter Herzog, Ramona Pimentel. This subgroup met twice and is scheduled to meet again on April 17, 2017. This subgroup recommended the following:

- The moratorium should not apply to extension of existing leases and new leases for existing buildings unless otherwise identified below:
  - Logistics businesses with storage of hazardous materials (use fire department classifications) should be subject to the moratorium (applies to existing buildings only).
  - Logistics businesses next to sensitive uses including residential, parks and schools should be subject to the moratorium. A map should be prepared to identify the areas of the City which this provision applies (applies to existing buildings only).
- Prepare a check list of items a business needs to do to complete in order to conduct business in the City and whether the business involves the storage and handling of hazardous materials.
- Adopt penalties for violators of City Codes.

**2. Land Use and Environmental:** Mayor Robles, Weston LaBar, Pilar Hoyos, Ramona Pimentel, Peter Herzog, Berwyn Salazar. This subgroup met twice and is scheduled to meet again on April 17, 2017. This subgroup recommended the following:

- Consider planting trees to help aesthetics and air quality and to some extent noise. This is especially important next to residential areas.
- Update City's codes to adopt standards for logistics businesses adjacent to residential:
  - Buffering standards to identify separation of residential uses from industrial uses such as setbacks, landscaping, walls, etc.
  - Limit the permitted uses to those consistent with residential.
  - Restrict hours of operation.
  - Other design and performance measures such as placing loading doors or employee break areas, loud speakers, etc. away from residential areas.
- Share truck route information with logistics companies and make them available through business license process.

**3. Road Maintenance and Economic Impacts/Benefits:** Councilmember Santarina, Alex Cherin, Francisco Franco, Ray Aldridge, Berwyn Salazar. This subgroup is the only subgroup that has not yet met. The additional time was necessary for this subgroup to allow its members to review the City's Pavement Management Report. They were tentatively scheduled to meet on April 18, 2017; however, two Committee members could not meet. Therefore the meeting is being scheduled for the week of April 24th.

**4. Truck Routes/Sheriff:** Councilmember Santarina, Alex Cherin, Ray Aldridge, Ramona Pimentel, Louie Diaz. This subgroup met once and is not scheduled to meet again. However, the subgroup recommended future regular meetings should be scheduled between the City and the industry to ensure proper coordination and communication takes place to address the following issues:

- Study current truck routes to determine whether some should be removed or others added.
- Explore technologies available to inform truckers about the latest truck routes.
- Explore available grant funding to assist in training Sheriff deputies for truck enforcement.
- Examine resident's quality of life issues related to truck route.
- Ensure adequate signage is posted for truck routes/not truck routes.
- Use collision, citation, and complaint data available to the Sheriff and Code Enforcement to refine truck routes and address quality of life and safety issues.
- Share truck route information with logistics companies and make them available through business license process

### **10-Day Report Requirement**

Ten days prior to the Moratorium expiring or the City extending the Moratorium (if sooner than the 45 days), 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 without notice and a hearing, the Moratorium may be extended upon notice and a public hearing for an additional 10 months and 15 days, 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.

However, if an interim ordinance is initially adopted with a notice and a public hearing, as was the case for this moratorium, the Moratorium may, upon notice and a public hearing, be extended up to a maximum of 22 months and 15 days.

The current Moratorium will expire on May 5, 2017, 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. Currently, staff anticipates the public hearing regarding the extension of the Moratorium to occur on May 2, 2017. The report must therefore be issued by the Council no later than April 22, 2017.

### **The 10-Day Report**

The 10-Day Report prepared for this moratorium is attached to this Staff Report as Exhibit "2." 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, the report identifies the tasks that still need to be completed. As is set forth in greater detail in the 10-Day Report, there is insufficient time within the initial 45 days of the Moratorium for staff and legal counsel to undertake the analysis necessary to thoughtfully address and make recommendations to the full City Council regarding the issues warranting study and as noted in the 10-Day Report.

## **V. FISCAL IMPACT**

There is no fiscal impact on the issuance of a 10-Day Report.

## **VI. EXHIBITS**

1. March 21, 2017 City Council Report. (pgs. 6-49)
2. 10-Day Report. (pgs. 50-101)

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