



City of Carson

April 3, 2017

Dear Applicant,

On March 21, 2017, the City Council approved Interim Urgency Ordinance No. 17-1615U, implementing a 45-day moratorium on logistics facilities. Logistics facilities include “any warehouse for storage and transportation of goods, distribution facilities, logistics services such as, but not limited to, material handling, production, packaging, inventory, transportation, storage, warehousing, freight forwarding, deposit, storage, safekeeping, or parts thereof, industrial wholesale, self-storage, portable storage rental facility, truck terminals, hazardous materials and/or hazardous waste facilities, truck yards, cargo container storage and cargo container parking, manufacturing uses with less than 50% of floor area devoted to manufacturing.” Additional definitions can be found in Section 2 of the Ordinance.

Your development project meets the classification of a logistics facility and, as such, staff must discontinue work on your project. The Ordinance provides for some exemptions from the moratorium, as well as some exceptions.

Exemptions

If your project qualifies for an exemption pursuant to Section 4 of the Ordinance, as determined by the Planning Division, you may proceed with your project. PLEASE NOTE: before proceeding with your project as exempt from the Ordinance, you must obtain approval by the Planning Division. To request approval of your project as exempt from the Ordinance, please email me as soon as possible with your request, including an explanation as to why you believe your project is exempt from the Ordinance, and provide all relevant information and documentation. If the project qualifies for an exemption, it will proceed through the normal City permit and entitlement procedures.

The following types of projects are not subject to the moratorium:

1. The annual renewal of an existing business license, any permits necessary for the routine maintenance of the buildings or sites, or any permits necessary for repairs required due to

an emergency or to protect the public health, safety, and welfare shall not be considered issuance of a permit.

2. Tenant improvements for current tenants within an existing building, provided the tenant improvements would not otherwise be considered an expansion or modification of the facility.
3. Any logistics facility that has obtained a vested property right in the use to which the moratorium applies.
4. Any logistics facility with 5 or fewer loading doors.
5. Any new or renewed lease agreement, provided that the term does not exceed 3 years.
6. Big box stores.

If your project does not qualify for one of the exemptions above, please read the Exceptions section below to determine whether your project qualifies for an exception as described below.

Exceptions

If you believe that your project qualifies for an exception pursuant to Section 6 of the Ordinance, as determined by the City Council, you may proceed with your project. In order to request City Council review of your project, please email me with your request, an explanation as to why you believe your project may qualify for an exception, and any supporting documentation as soon as possible. The request will be placed on the earliest City Council agenda.

The following may be subject to an exception to the Ordinance.

1. The City's receipt and consideration of an application for a permit to establish, expand, or modify a logistics facilities, within the City's jurisdiction is necessary for the preservation of the public health, safety, and welfare.
2. Application of the Ordinance would impose an undue financial hardship on a property or business owner.
3. If an existing building is empty on the effective date of this Ordinance, or a tenant moves out of an existing building during the effective period of this Ordinance, and the property or facility owner wishes to have a new tenant or new use, provided the Council makes the following findings: the new use is permitted or conditionally permitted in the zone; the City Council deems the proposed new use or new tenant to be consistent with the purposes of this Ordinance and the General Plan; and the proposed new use or new tenant will not be in conflict with the contemplated general plan update, any specific plan or zoning code update that the City Council is considering or studying or intends to study.

4. Land controlled by the City or by any of its agencies and authorities, including transactions approved by the Department of Finance.
5. 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.
6. The developer or tenant enters into a development agreement that guarantees the City the same financial assurances offered by a CFD.
7. The fiscal impact analysis for the business shows that the business will not have adverse negative fiscal impacts on the City.
8. The logistics facility will generate minimal or no truck traffic impacts.

The City is committed to working cooperatively and efficiently to achieve positive results for both its residents and its businesses. If you have any questions regarding any of the above, or would like further clarification regarding any of the exemptions or exceptions, please do not hesitate to contact me at (310) 952-1770 or snaaseh@carson.ca.us.

Thank you,



Saied Naaseh
Planning Manager
City of Carson