



## Legislation Details (With Text)

**File #:** 2017-337      **Version:** 1      **Name:**  
**Type:** Consent      **Status:** Agenda Ready  
**File created:** 4/26/2017      **In control:** City Council  
**On agenda:** 5/2/2017      **Final action:**  
**Title:** CONSIDER RESOLUTION NO. 17-061, AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE A NEW 146,936 LOGISTICS FACILITY ON SITE LOCATED AT 200 AND 230 E ALONDRA BOULEVARD (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit No. 1 - Ordinance 17-1615U Executed, 2. Exhibit No. 2 - C. Neuhoﬀ ALERE letter, 3. Exhibit No. 3 - RESO 17-061

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

## Report to Mayor and City Council

Tuesday, May 02, 2017

Consent

### SUBJECT:

CONSIDER RESOLUTION NO. 17-061, AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE A NEW 146,936 LOGISTICS FACILITY ON SITE LOCATED AT 200 AND 230 E ALONDRA BOULEVARD (CITY COUNCIL)

### I. SUMMARY

On March 21, 2017, the City Council adopted Interim Urgency Ordinance No. 17-1615U for 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 (Exhibit No. 1). Section 6 of this Ordinance allows the City Council to make exceptions to the application of this Ordinance. On April 27, 2017, Mr. Clark Neuhoﬀ with Alere Property Group filed a request to make an exception to this ordinance to allow filing and processing of all applicable applications and/or permits necessary to allow

construction of the said structure (Exhibit No. 2).

If the City Council determines to allow an exception pursuant to Section 6, such applications and/or permits may be filed and processed in accordance with the City's regulations and authority, and any other applicable laws, ordinances and regulations. Staff recommends adoption of Resolution No. 17-061 approving Alere's request (Exhibit No. 3).

## **II. RECOMMENDATION**

WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 17-061, "ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U ALLOWING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1615U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE A NEW 146,936 LOGISTICS FACILITY ON SITE LOCATED AT 200 AND 230 E ALONDRA BOULEVARD."

## **III. ALTERNATIVES**

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

## **IV. BACKGROUND**

Section 6 of Ordinance No. 17-1615U states that the City Council may allow exceptions to the application of this Ordinance, if the City Council determines any of the provisions included in Section 6.A. 1 through 8 apply to the request. Staff has determined that provisions of Section 6.A.2 applies to this request. Section 6.A.2. of Interim Urgency Ordinance states:

"Application of the Ordinance would impose an undue financial hardship on a property or business owner."

The applicant has submitted sufficient information to staff and the City Attorney's office to justify this hardship. The applicant has invested approximately \$12,000,000 in land purchase, entitlements, demolition, and soft costs.

In addition, the applicant has agreed to pay the City a one time "Interim Development Impact Fee" of \$2 per square foot for a total of \$293,872.00. This amount replaces the \$150,000.00 amount that the applicant had already agreed to pay the City in accordance to the conditions of approval. Staff is proposing payment of this "Interim DIF" as a new exception if the City Council extends this moratorium and adopts staff's proposed exception. The following is the proposed language for this exception:

"The facility enters into a development impact fees agreement with the City."

## **V. FISCAL IMPACT**

The applicant will be making a one-time payment of \$293,872.00 to the City.

**VI. EXHIBITS**

1. Ordinance No. 17-1615U. (pgs. 3-14)
2. April 27, 2017 Letter, Mr. Clark Neuhoff, Alere Property Group. (pgs. 15-16)
3. Resolution No. 17-061. (pgs. 17-19)

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