



## Legislation Details (With Text)

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**Title:** CONSIDER RESOLUTION NO. 17-105, DENYING AN EXCEPTION REQUEST BY BRIDGE DEVELOPMENT PARTNERS TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1618U TO ALLOW PROCESSING OF PLANS AND PERMITS NECESSARY TO CONSTRUCT TWO NEW LOGISTICS BUILDINGS TOTALING 236,541 SQUARE-FEET LOCATED AT 24700 S. MAIN STREET (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit No. 1 - Ord. No. 17-1618U Adopted Signed.pdf, 2. Exhibit No. 2 - Bridge Letters May and June 2017.pdf, 3. Exhibit No. 3 - Reso. No. 17-105.pdf, 4. Exhibit No. 4 - Existing Conditions.pdf, 5. Exhibit No. 5 -Proposed Plans .pdf, 6. Exhibit No. 6 -Aerial of the site .pdf, 7. Exhibit No. 7 - Older versions of site plans.pdf

Date	Ver.	Action By	Action	Result
8/15/2017	1	City Council		
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## Report to Mayor and City Council

Tuesday, August 15, 2017

Discussion

### SUBJECT:

**CONSIDER RESOLUTION NO. 17-105, DENYING AN EXCEPTION REQUEST BY BRIDGE DEVELOPMENT PARTNERS TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1618U TO ALLOW PROCESSING OF PLANS AND PERMITS NECESSARY TO CONSTRUCT TWO NEW LOGISTICS BUILDINGS TOTALING 236,541 SQUARE-FEET LOCATED AT 24700 S. MAIN STREET (CITY COUNCIL)**

### I. SUMMARY

On May 2, 2017, the City Council adopted Interim Urgency Ordinance No. 17-1618U, extending for 10 months and 15 days a 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 Ordinance No. 17-1618U states that the City Council may, but is not required to, allow exceptions to the application of this Ordinance. On May 3, 2017, May 23, 2017, and June 26, 2017, Mr. Brian Wilson, Principal for Bridge Development Partners, LLC., filed a request for an exception to

the Ordinance to allow processing of all the necessary applications and/or permits to allow construction of two new logistics buildings totaling 236,541 square-feet (Exhibit No. 2).

If the City Council denies a request for an exception, applications and/or permits may not be filed while the moratorium is in effect. Staff recommends adoption of Resolution No. 17-105 denying Bridge's request (Exhibit No. 3).

## **II. RECOMMENDATION**

1. WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 17-105, "DENYING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1618U TO ALLOW PROCESSING OF PLANS AND PERMITS NECESSARY TO CONSTRUCT TWO NEW LOGISTICS BUILDINGS TOTALING 236,541 SQUARE- FEET LOCATED AT 24700 S. MAIN STREET FOR BRIDGE DEVELOPMENT PARTNERS".

## **III. ALTERNATIVES**

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

## **IV. BACKGROUND**

### Existing Improvements

The proposed development will replace an existing 197,652 square foot industrial building constructed in 1958. The current building is located approximately 110 feet from residentially zoned properties (Exhibit No. 4). A 30' setback and two walls separate the logistics activities from residentially zoned properties. The wall along the east property line between the site and the residential areas is 7'4" high and the "sound wall" is 14' high. There is a 30' separation between the 7'4" high wall and the sound wall. Therefore, all industrial activities including truck activities, storage, and other activities associated with the current or future uses can occur within 30 feet of residentially zoned properties.

### Legal-Nonconforming Status

In 2004, the current logistics use and the structure became legal non-conforming due to the change in the General Plan land use designation to Business Park (BP). The City's zoning code provides a 20 year amortization period for the structure from the date it became non-conforming. Therefore, the legal non-conforming status will expire in 2024. The existing structure and use are subject to abatement by 2024 if not made conforming.

### Project Description

Bridge is proposing to build two logistics buildings totaling 236,541 square-feet including 226,541 square feet of warehouse area and 10,000 square feet of office area with 28 truck doors on a 13.1-acre parcel. The site is located east of Main Street, west of and abutting the Carousel neighborhood and north of and abutting the Monterey Pines subdivision (Exhibit No. 5). Similar to most other logistics facilities, the proposed buildings are speculative and no specific tenants have been identified by the applicant. As part of the project, the applicant is proposing to abandon an existing oil well on the site, which is approximately 400 feet from homes.

### *Proposed Buffering for the Carousel Neighborhood*

The proposed structure is set back 50 feet from the residentially zoned areas to the east (Carousel Tract) including a 20' landscaping buffer that will include trees to soften the view from the homes. The applicant has stated that the 50' setback area will only be used by emergency vehicles. In addition, no storage, parking, or industrial activities are proposed in this setback area. The existing 7'4" masonry wall will be preserved to separate the proposed project from the residential areas. Furthermore, the applicant is proposing a 35' building between the truck doors and the residents.

### *Proposed Buffering for the Monterey Pines Neighborhood*

The proposed structure is set back 60 feet from the residentially zoned areas to the south (Monterey Pines) including a 6' landscaping buffer which will include trees to soften the view from the homes. The applicant has stated that this 60' setback area will only be used by cars and emergency vehicles. In addition, no storage or industrial activities are proposed in this setback area. Furthermore, the applicant is proposing to shield the truck uses with the 35' high building in an attempt to provide maximum protection for the residents.

### Status of Entitlements

The applicant has stated that they are currently in escrow to purchase the property and has verbally communicated to staff that they will not purchase the property if the Exception request is not granted.

### Application of Ordinance 17-1618U

According to the provisions of Ordinance 17-1618U, the proposed project is subject to the moratorium since it is proposing to build a new logistics facility abutting a residential zone. The project does not qualify for the Section 4 Exemptions of the Ordinance. Therefore, in order for staff to accept development applications for the project, the applicant has filed for an Exception. Section 6 of Ordinance No. 17-1618U states that the City Council may, but is not required to, allow exceptions to the application of this Ordinance.

### Need for New Standards

The Logistics Facilities Moratorium subcommittees identified the need to develop new standards for logistics facilities that are proposed adjacent to residential areas (Exhibit No.

6). The subcommittees concurred that preserving the quality of life of the residents should be an important consideration when reviewing such projects. The subcommittees, the Land Use Subgroup in particular, identified setbacks, landscaping, light and noise impacts, and hours of operation as possible issues that should be considered when reviewing logistics facilities abutting residential areas. Although the subcommittees did not discuss specific standards to address these issues, they agreed on the need to draft new standards.

### General Plan Consistency

The proposed project is not consistent with the Business Park General Plan designation of the site, which states:

“The Business Park designation is intended to provide an attractive, high quality industrial/business park primarily for offices, light manufacturing and assembly, and research and development. Warehousing of a small scale (for example, no more than one ground level loading door per x square feet of building) in conjunction with a permitted primary use will be allowed. It may contain a very limited amount of supportive retail and service uses, when those uses are of a scale and design providing support only to the needs of businesses and their employees in the immediate industrial area. These are two scales of Business Park designated in the General Plan: one for large properties that can be planned and constructed as planned industrial/business parks, and two, for small properties that can have adequate landscaping and small scale uses. The small scale BP could allow churches and other institutional uses with a conditional use permit.

Both scales of Business Park are intended to provide harmonious transition to residential development and neighborhoods by: 1) conducting all business activities and essentially all storage inside buildings, 2) consisting of low profile, high quality, and attractive buildings that are compatible with existing and anticipated development in the area, 3) providing open space, quality landscaping, and berms that achieve a park-like setting, and 4) including buffering of parking, loading doors, and other similar functions. The maximum allowable FAR is 0.5, and the average FAR which will ultimately be built out for this land use is expected to be approximately 0.42. Two zoning designations will be developed to implement this new General Plan land use category. The Zoning Ordinance should provide parameters for the size and intensity of buildings and uses.”

*NOTE: The above definition is verbatim from the General Plan; therefore, the phrase: “(for example, no more than one ground level loading door per x square feet of building)” does not identify x.*

Based on the above, the intent of the General Plan was to provide a less intensive use than what is currently there or what is being proposed. The General Plan states the BP is intended for attractive, high quality industrial/business park primarily for offices, light manufacturing and assembly, and research and development. Warehousing of a small scale in conjunction with a permitted primary use would be appropriate. The BP designation further contemplates “small scale” uses for the smaller properties. Even though the proposed building is a speculative building with no particular use, the sheer size of the

buildings, the small square footage of the office area (10,000 square feet), and the number of truck doors (28) indicates a likely use not contemplated for the BP designation.

Furthermore, the General plan intended the BP designation to provide a harmonious transition to the residential areas, for uses which conduct all business activities and essentially all storage inside buildings. Major components of the proposed project are the truck doors which make it very likely that the uses at the property will cause impacts detrimental to the nearby residences, such as noise and emissions from trucks. Therefore, based on the General Plan's description of the BP designation and the applicant's proposal, the project would require a General Plan Amendment from BP to Light Industrial (LI).

In an attempt to make the project compatible with the residential areas, the applicant has revised its plans a number of times to provide a physical separation between the proposed buildings and the residential areas. However, this physical separation still does not create the compatibility with the existing residential areas contemplated by the General Plan. (Exhibit No. 7)

#### Grounds for Denial of the Exception

In denying the Exception request, the Council finds the project does not meet the provisions of Section 6.A.1, 9, 10, 11, 13, and 14; therefore, the City Council is not able to make the required findings to grant the exception. These Sections state:

1. The City's approval of an application for a permit to establish, expand, or modify a logistics facility within the City's jurisdiction will not have a material negative impact upon the public health, safety, and welfare.
9. The use is permitted or conditionally permitted in the zone;
10. The use is consistent with the purposes of this Ordinance and the General Plan;
11. The use will not be in conflict with any contemplated general plan, specific plan, or zoning code update that the City Council is considering or studying or intends to study;
13. The use will not abut a sensitive land use, or the impacts on an abutting sensitive land use can be adequately mitigated with reasonable conditions;
14. The use will not constitute a threat to the public health, safety, and welfare.

#### **V. FISCAL IMPACT**

None

#### **VI. EXHIBITS**

1. Ordinance No. 17-1618U. (pgs. 6-19)
2. May 3, 2017, May 23, 2017, and June 26, 2017, Mr. Brian Wilson, Principal for Bridge Development Partners, LLC. (pgs. 20-43)

3. Resolution No. 17-105. (pgs. 44-49)
4. Existing conditions (pg. 50)
5. Proposed Plans (pgs. 51-53)
6. Aerial of the site (pg. 54)
7. Older versions of site plans (pgs. 55-56)

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