



## Legislation Details (With Text)

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**Title:** CONSIDER RESOLUTION NO. 18-035, APPROVING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO AND 18-1805U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE A LOGISTICS FACILITY WITH A 2,500-SQUARE-FOOT OFFICE AND 219 TRUCK/TRAILER PARKING/STORAGE SPACES FOR A 7-YEAR PERIOD AND A 5-YEAR EXTENSION ON A 6.4-ACRE SITE LOCATED AT 18620 BROADWAY (CITY COUNCIL)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ex 1, Reso.3rd, 2. Ex 2 Truck Routes, 3. Ex 3 A, 4. Exhibit No. 4 - Vision Plan Area 3, 5. Ex 5, Condition of Approval No. 21, 6. Ex. 6 18-1805U Interim Urgency Ordinance, 7. Ex 7, State of City's Infrastructure

| Date     | Ver. | Action By    | Action | Result |
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| 4/3/2018 | 1    | City Council |        |        |

## Report to Mayor and City Council

Tuesday, April 03, 2018

Discussion

### SUBJECT:

**CONSIDER RESOLUTION NO. 18-035, APPROVING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO AND 18-1805U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE A LOGISTICS FACILITY WITH A 2,500-SQUARE-FOOT OFFICE AND 219 TRUCK/TRAILER PARKING/STORAGE SPACES FOR A 7-YEAR PERIOD AND A 5-YEAR EXTENSION ON A 6.4-ACRE SITE LOCATED AT 18620 BROADWAY (CITY COUNCIL)**

### I. SUMMARY

On April 4, 2017, this item was scheduled for City Council's consideration with a staff recommendation for denial. The City Council continued the item to allow staff and the applicant to continue discussions on the proposed project. Staff and applicant have met a number of times and have discussed the incompatibility of the proposed use with the General Plan and zoning, hours of operation, limiting noise generating activities adjacent to residential areas east of Main Street, and addition of large landscaped setbacks along the

streets. The temporary nature of the project, together with the revisions to the project have resulted in a project that staff can support (Exhibit No. 1).

Meanwhile, the City's efforts on updating the General Plan have also progressed since April 2017 and in fact, the working General Plan identifies this site and several other properties in its vicinity as potential development opportunity sites. The findings of the General Plan consultant have been consistent with the conclusions of the Vision Plan process, in that this area has the potential to transition to less intensive light industrial uses. In addition, limited commercial uses and even introduction of residential uses is also possible in this area.

## **II. RECOMMENDATION**

WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 18-035, "APPROVING AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 18-1805U TO ALLOW FILING AND PROCESSING OF PLANS AND PERMITS NECESSARY TO OPERATE A LOGISTICS FACILITY WITH A 2,500-SQUARE-FOOT OFFICE AND 219 TRUCK/TRAILER PARKING/STORAGE SPACES FOR A 7-YEAR PERIOD AND A 5-YEAR EXTENSION ON A 6.4-ACRE SITE LOCATED AT 18620 BROADWAY."

## **III. ALTERNATIVES**

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

## **IV. BACKGROUND**

### Existing and Proposed Uses

The site is currently occupied by several buildings that were built in the late 1970's and, according to the applicant, because of their age and configuration, can no longer attract quality tenants. The total area of the current buildings on the site is approximately 100,000 square feet. The subject site has a 330-foot frontage along Main Street which faces single-family homes on the east side of the street. The portion of Main Street adjacent to the site is not a designated as a truck route; however, Broadway is (Exhibit No. 2).

On February 20, 2018, Mr. John Low of Prologis filed the latest request for an exception to allow them to construct and operate a truck yard with a 2,500-square-foot office along and 219 truck parking/storage spaces. The applicant's proposal is temporary for a period of 7 years with a 5-year extension (Exhibit No. 3).

### Vision Plan

The proposed project site is located within the boundaries of the Vision Plan, which was approved in 2016. The Vision Plan proposes "Flex Industrial" for this area (Exhibit No. 4). The plan for this area is to support medical office uses such as Kaiser Permanente; industrial uses; and medium and high density residential uses, especially as a transition to the single family homes along Main Street, as the environmental condition of the properties allow.

#### Compatibility with the Surrounding Uses:

The applicant has revised their proposal to be more compatible with the residential areas on east side of Main Street. The following measures are proposed:

- No truck access to Main Street (emergency vehicle access only);
- 30' landscaped setback including trees on both Main Street and Broadway;
- 10' high split face screen walls along Broadway and Main;
- Prohibiting "beeping of trucks" from 8:00 PM to 7:00 AM; and
- Prohibiting moving trucks and trailers on the 17 spaces directly adjacent to Main Street from 8:00 PM to 7:00 AM.

#### Zoning and General Plan Consistency

The zoning of the property is Light Manufacturing (ML) which does not permit the proposed truck yard. A Specific Plan will be required to allow the proposed use and the standards described above. The current General Plan Land Use Designation is Light Industrial. The City's General Plan consultant, Dyett & Bhatia, has identified this site and several other sites in the immediate vicinity as potential redevelopment sites. In addition, the City's General Plan Advisory Committee (GPAC) has identified the potential for this area to transition to less intense uses such as light industrial uses and commercial and residential uses. The area could provide support commercial uses to the existing and future residential uses in the vicinity.

Staff agrees with the potential of this area to transition to less intense uses. In October of 2015, KL Fenix Corporation requested to change the hours of operation for their CUP (Modification No. 2 to Conditional Use Permit No. 877-11) for a truck yard from 8:00 a.m. to 6:00 p.m., Monday to Friday, to a 24-hour operation. Planning staff recommended to the Planning Commission to limit the applicant's request to three years; however, the Planning Commission approved the applicant's request for 5 years. Therefore, the 24-hour operation expires in October of 2020 for this Manufacturing Heavy (MH) zoned property; however, additional time could be granted (Exhibit No. 5).

Therefore, it is essential to allow the proposed use on a limited basis as proposed by the applicant. The 5-year extension may be granted if it is determined the area has not initiated the process of going through a transformation of land uses into lighter industrial, commercial, and residential uses. This limited term would allow the General Plan process to be completed setting the land use expectations for the area. A Development Agreement, or other method as determined by the City, will be required to ensure these time limits are enforced.

#### Background on the Moratorium

On March 20, 2018, the City Council adopted Interim Urgency Ordinance No. 18-1805U, extending for 12 months 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. 6). One of the principal reasons for the adoption of the Moratorium is to allow the City to time address the City's infrastructure (Exhibit No. 7).

Section 6 of this Ordinance allows the City Council to grant exceptions. If the City Council grants this exception, pursuant to Section 6, the applicant will be able to file for the

Development Agreement, General Plan Amendment, Specific Plan, Conditional Use Permit, and other required applications as deemed necessary by staff. The grant of the exception is not the final approval of the project.

#### Exception Qualifications

The City Council may, but is not required to, allow exceptions to the application of Interim Urgency Ordinance No. 18-1805U if the City Council determines any or a combination of the following:

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.
2. Application of the Ordinance would impose an undue financial hardship on a property or business owner;
3. Land controlled by the City or by any of its agencies and authorities including, transactions approved by the Department of Finance;
4. The developer or tenant agrees to form or to participate in a 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;
5. The developer or tenant enters into an agreement that guarantees the City the same financial assurances offered by a CFD;
6. The fiscal impact analysis for the business shows that the business will not, after taking into consideration all fiscal and employment benefits to the City and its residents, have material adverse negative fiscal impacts on the City;
7. The Logistics Facility will not generate additional materially adverse truck traffic impacts in excess of those generated by the use of the property as of the effective date of this Ordinance;
8. The facility enters into a development impact fees agreement with the City;
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;
12. The use is not and will not become a hazardous materials facility, a truck yard, or a container storage facility;
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.

The proposed project meets five of the above criteria (1, 4, 5, 8, 13, and 14). Therefore, staff recommends approval. The amount of the DIF and CFD will be determined as the project progresses through the approval process. The CFD amount for previously considered projects was based on \$0.50 per daily truck trip generated by the project. The IDIF amount for previously approved projects was based on \$2.00 per square foot of building area. These are the minimum amounts applicable to this project. However, the City is currently conducting studies to adopt citywide districts that may change amounts that may be higher.

## **V. FISCAL IMPACT**

None.

## **VI. EXHIBITS**

1. Resolution No. 18-035. (pgs. 6-11)
2. Truck Route Map. (pg. 12)
3. February 20, 2018 Letter from Mr. John Low, Site Plan, and Elevations. (pgs. 13-17)
4. Vision Plan, Area 3. (pgs. 18-19)
5. Modification No. 2 to CUP No. 877-11, Condition No. 21. (pg. 20)
6. Ordinance No. 18-1805U. (pgs. 21-37)
7. State of City's infrastructure. (pg. 38)

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