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**Title:** A PUBLIC HEARING TO CONSIDER APPEAL OF PLANNING COMMISSION DECISION TO APPROVE DESIGN OVERLAY REVIEW NO. 1748-18 AND CONDITIONAL USE PERMIT NO. 1077-18 TO RENOVATE AN INDUSTRIAL SITE TO OPERATE A NEW TRUCK YARD FACILITY FOR FEDEX, LOCATED AT 2315 EAST DOMINGUEZ STREET (CITY COUNCIL)

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**Report to Mayor and City Council**

Tuesday, October 15, 2019

Special Orders of the Day

**SUBJECT:**

**A PUBLIC HEARING TO CONSIDER APPEAL OF PLANNING COMMISSION DECISION TO APPROVE DESIGN OVERLAY REVIEW NO. 1748-18 AND CONDITIONAL USE PERMIT NO. 1077-18 TO RENOVATE AN INDUSTRIAL SITE TO OPERATE A NEW TRUCK YARD FACILITY FOR FEDEX, LOCATED AT 2315 EAST DOMINGUEZ STREET (CITY COUNCIL)**

**I. SUMMARY**

On August 27, 2019, the Planning Commission by a 6-0 vote approved Design Overlay Review No. 1748-18 and Conditional Use Permit No. 1077-18 to renovate an industrial site to operate a new truck yard facility located at 2315 East Dominguez Street (Exhibit Nos. 1, 2, 3).

Once site renovations are complete, the site is expected to be occupied by FedEx, which currently operates two warehouse facilities in the City of Carson, located at 1725 Charles Willard Street and 17210 South Main Street. FedEx is proposing to use the site at 2315 East Dominguez Street for overflow parking and storage of empty truck trailers. All traffic from and to this site would be from and to the two existing FedEx facilities in Carson

mentioned above. The site will include 177 spaces for vans, trailers, or trucks onsite (including 152 for truck trailers). The peak trips to and from the site would be during a 6-week period during the November/December holiday season. Up to 100 trips per day (200 trips in and out) is expected during this time. Sixty-five percent of the trips will be between 10 PM and 6 AM during this peak period. Outside the holiday peak season, there would be 20-30 trips per day (40-60 trips in and out). Most of this traffic would be between 11 AM to 9 PM. Fifteen percent of these trips will be from cars and the rest would be from trucks.

On September 5, 2019, Council Member Lula Davis-Holmes filed an appeal of the Planning Commission's decision. (Exhibit No. 4). Carson Municipal Code Section 9173.4, Appeals, states appeal applications by a member of City Council should not provide a statement of the grounds for the appeal. This Section further provides that the City Council may take one of the actions described below within 60 days of filing an appeal. In addition, this Section states that unless the item is referred back to the Planning Commission, the City Council's decision shall be supported by written findings.

1. Affirm Planning Commission's Decision. The City Council can make this affirmation and uphold the Planning Commission's decision to approve the project by relying on the same findings the Planning Commission made. A proposed resolution to this effect is attached as Exhibit 5. The City Council could add additional conditions of approval or make other relatively minor changes to the approval, but this would constitute a modification (see item no. 3, below); or
  
2. Refer the Matter Back to the Planning Commission with Instructions. This is the most viable option to the City Council if the City Council has significant issues with the project and would like the Planning Commission to reconsider this project. It would be necessary for the City Council to provide specific direction to staff and the Planning Commission if this option is preferred by the City Council; or
  
3. Modify Planning Commission's Decision. Since staff is not aware of the City Council's concerns regarding this project, it would be very difficult, if not impossible, for staff to predict the nature of the modification and make the findings for a resolution that could be presented at the appeal hearing to modify Planning Commission's decision; instead, it would be necessary for staff to bring back a resolution, with appropriate findings based on the appeal hearing, for subsequent Council approval. Since the 60 day period will expire prior to the next regularly scheduled Council meeting, the only way the Council can use this option is to have a special meeting within 60 days of September 5, 2019 (i.e. prior to November 5), to allow staff time to prepare the resolution and appropriate findings for adoption; or
  
4. Reverse the Planning Commission's Decision. Since staff is not aware of the City Council's concern's regarding this project, it would be very difficult if not impossible to make the findings for resolutions to reverse the Planning Commission's decision, as stated above. Since the 60 day period will expire prior to the next regularly scheduled

Council meeting, the only way the Council can use this option is to have a special meeting to allow staff time to prepare the resolution and appropriate findings.

In order to facilitate the City Council's discussion, staff recommends a discussion on the following topics:

1. Ensure the project includes design features that would prevent trailer parking along Maciel Avenue;
2. Consider a term limit for the use;
3. Identify the routes from and to the facility with least impact to City streets and residents, i.e. Brant Avenue to Fordyce Avenue to Del Amo to I-710;
4. Identify ways to ensure the FedEx uses the preferred routes;
5. Ensure the number of truck trips identified by FedEx are not exceeded and if they are, what are the consequences;
6. Identify who is responsible to ensure FedEx uses the preferred routes;
7. Identify how to fund the enforcement effort;
8. Discuss fines for violations of prescribed routes and maximum number of truck trips;
9. Identify other issues related to truck traffic and truck/trailer parking in the City that need enforcement attention;
10. Direct staff to work with the trucking industry to ensure the needs of the City and the residents is balanced with the needs of the industry to deliver goods throughout the City and the region.

Staff believes the discussion on the above items would greatly assist both staff and developers to address important future issues to the City Council in a consistent manner. However, the applicant has stated that FedEx will abandon the project if it is not approved by end of October.

## **II. RECOMMENDATION**

TAKE the following actions:

1. OPEN the Public Hearing, TAKE public testimony, CLOSE the Public Hearing.
2. TAKE one of the following actions:

A. WAIVE FURTHER READING and ADOPT RESOLUTION NO. 19-165, "A

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, AFFIRMING, PURSUANT TO CARSON MUNICIPAL CODE SECTION 9173.4(C)(2)(a), THE DECISION OF THE CARSON PLANNING COMMISSION TO ADOPT PLANNING COMMISSION RESOLUTION NO. 19-2674 APPROVING DESIGN OVERLAY REVIEW NO. 1748-18 AND CONDITIONAL USE PERMIT NO. 1077-18 FOR A PROPOSED BUILDING AND SITE REMODEL OF A NEW TRUCK YARD FACILITY LOCATED AT 2315 EAST DOMINGUEZ STREET” (the “Planning Commission Decision”); or

- B. DIRECT staff to bring back a proposed resolution modifying the Planning Commission Decision in accordance with Council direction provided at or upon the conclusion of the appeal hearing, and based on appropriate supporting written findings as discussed or considered at the appeal hearing, for Council approval at a special meeting on or before November 4, 2019; or
  
- C. REFER the matter back to the Planning Commission for further consideration with instructions; or
  
- D. DIRECT staff to bring back a proposed resolution reversing the Planning Commission Decision, based on appropriate supporting written findings as discussed or considered at the appeal hearing, for Council approval at a special meeting on or before November 4, 2019.

### **III. ALTERNATIVES**

TAKE another action the City Council deems appropriate.

### **IV. BACKGROUND**

On August 27, 2019, the Planning Commission considered Conditional Use Permit No. 1077-18 and Design Overlay Review No. 1748-18 to renovate an industrial site and install and operate a new truck yard facility with a staff recommendation for approval. At the conclusion of the public hearing, the Planning Commission adopted Resolution No. 19-2674, approving the requested entitlements subject to the conditions of approval attached to the resolution.

The trailers are expected to be 28 and 53 feet long. No stacking of trailers or containers will occur on site. The existing 13,545-square-foot (footprint) office/warehouse building onsite is expected to be used for office and warehousing needs. The site is expected to have one guard on duty 24 hours a day, seven days a week. Drivers are expected to access the site to bring and take trailers, but will not be at the site on a daily basis.

#### **Site History**

The site is located in a heavy industrial area, surrounded on all sides by industrial buildings. The site has been used by Distribution NOW/Carson Pipe since approximately 1994 as a pipe storage and distribution facility. Since this time, no significant improvements to the site and the surrounding area have been made.

### Site Improvements

The following improvements will be completed prior to operation of the FedEx facility:

- New curb and gutter within the public right of way along Maciel Avenue;
- New 8-foot high chain link high fencing & gates along the northern and eastern property lines;
- New 8-foot high concrete block wall behind a 25-foot landscaped setback along Maciel Avenue;
- New 8-foot high wrought iron fence and gates along Dominguez Street;
- New landscaping for the 13-foot wide landscaping strip within the front yard setback;
- Patch and repair the parking lot;
- Update the building interior;
- Repaint the main building;
- Demo of an existing storage shed structure;
- Improve the façade along Dominguez Street (removing the air conditioning units along the front elevation);
- New trash enclosure is proposed for the property;
- Remove the unused driveway approaches along Dominguez Street and 209th Street and replace with full height curb and gutter, and sidewalk or landscaping.

## **V. FISCAL IMPACT**

The City adopted Ordinance No. 19-1931 to implement the City's Interim Development Impact Fee ("IDIF") Program. In accordance with this IDIF program, the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible. Based on the proposed 152 truck spaces, the developer will be responsible for development impact fees in the amount for payment of one-time impact fees at the rate of \$694.78 per truck space, or \$105,606.56 (DIF Amount), provided that if the project increases or decreases in size, the DIF Amount will be adjusted accordingly at the same rate. No building permits shall be issued prior to the full payment of the DIF Amount.

The City adopted CFD 2018-01 to finance the ongoing costs of the following: law enforcement, street and sidewalk maintenance, landscape maintenance, street sweeping and sidewalk cleaning, and other eligible impacts of the Project within the CFD (the CFD

Services). Based on the adopted CFD, the subject property falls under Industrial Zone 1 and will be charged accordingly. The base year CFD fee has been established at \$2,616.10 per acre. Calculated CFD for this site up to June 2020 is \$14,126.94 annually.

## **VI. EXHIBITS**

1. Planning Commission Staff Report (pgs. 7-23)
2. Excerpt Draft Minutes from August 27, 2019 (pgs. 24-25)
3. Planning Commission Resolution No. 19-2674 (pgs. 26-36)
4. Appeal Application from Council Member Davis-Holmes (pg. 37)
5. Draft City Council Resolution No. 19-165 Upholding PC Decision (pgs. 38-41)

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