



## Legislation Text

File #: 2017-845, Version: 1

### Report to Mayor and City Council

Monday, November 06, 2017

Discussion

#### SUBJECT:

**CONSIDER RESOLUTION NO. 17-148 AN EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1618U TO ALLOW FILING OF PLANS AND PERMITS NECESSARY TO MODIFY AN EXISTING CONTAINER STORAGE FACILITY BY ADDING THREE MODULAR OFFICE UNITS AND TO CONSTRUCT A MAINTENANCE CANOPY FOR MOBILE MINI, LOCATED AT 22636 SOUTH ALAMEDA 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 this Ordinance allows the City Council to make exceptions to the application of this Ordinance. On October 24, 2017, Mr. Jacob Glaze, PE, Project Manager at Kimley-Horn, representing Mobile Mini, Inc., filed a request for an exception to the Ordinance to allow filing and processing of all the necessary applications and/or permits to allow modification to an existing container storage facility by adding three modular office units and a maintenance canopy (Exhibit No. 2). The modular offices will be used by sales, customer service and management staff, and the maintenance facility will be used to repair damaged containers. "Cargo container storage" is defined in Section 2, subsection E, of the Ordinance.

If the City Council determines to allow an exception pursuant to Section 6, such applications and/or permits may continue to be processed in accordance with the City's regulations and authority, and any other applicable laws, ordinances, and regulations. The exception does not mean final approval of the project. Staff recommends adoption of Resolution No. 17-148 approving Mobile Mini Inc.'s request (Exhibit No. 3).

#### II. RECOMMENDATION

1. WAIVE FURTHER READING AND ADOPT RESOLUTION NO. 17-148, "AN

EXCEPTION TO THE APPLICATION OF INTERIM URGENCY ORDINANCE NO. 17-1618U TO ALLOW FILING OF PLANS AND PERMITS NECESSARY TO MODIFY AN EXISTING CONTAINER STORAGE FACILITY BY ADDING THREE MODULAR OFFICE UNITS AND A MAINTENANCE CANOPY FOR MOBILE MINI INC. 22636 ALAMEDA STREET.”

2. DIRECT THE CITY MANAGER, PLANNING MANAGER, AND CITY ATTORNEY TO ENTER INTO THE AGREEMENTS ARTICULATED IN RESOLUTION NO. 17-148, IN ACCORDANCE WITH THE TERMS STATED THEREIN.

### **III. ALTERNATIVES**

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

### **IV. BACKGROUND**

#### Proposed Project and Existing Buildings

On July 1, 2016, Mobile Mini, Inc. moved their container storage business to this location. Approximately 3,500 storage/container units can be stored at the site. Prior to Mobile Mini, OffDock operated a container storage yard at the site. On March 21, 2017, Mobile Mini filed for a Conditional Use Permit to place three modular office units totaling 6,480 square feet and a 25,000 square-foot, 35’ high maintenance canopy structure. The zoning for the site is Manufacturing Heavy. The site is located adjacent to the Alameda Corridor and surrounded by heavy industrial uses. The site is a former landfill and a Conditional Use Permit is required to place the structures on the former landfill site. The addition of the modular offices for staff and the maintenance canopy for repairing containers allows the complete operation of the facility.

The applicant has agreed to cooperate with the City and enter into agreements for the payment of a one-time Interim Development Impact Fee (IDIF) and participation in a Community Facilities District (CFD) to pay for on-going costs associated with their project relating to law enforcement, street maintenance, landscape maintenance, street sweeping, and any other impacts. Staff will work with the City’s consultant and the developer to determine the amount of the CFD assessment. The developer will be required to enter into a Reimbursement Agreement, Development Agreement, CFD, and/or an Interim Development Impact Fee Agreement as determined by the City to accomplish these tasks.

#### Exception Qualifications

The proposed project is within a Planned Industrial Area; however, provisions of Ordinance No. 17-1618U apply to this project since it is establishing a new container storage facility with all its associated improvements. Section 6 of Ordinance No. 17-1618U 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 14 apply to the request. Staff has determined that provisions of Section 6.A.1, 4, 5, 8, 9, 10, 11, 13, and 14. apply to this request. These Sections of Interim Urgency Ordinance 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;
4. 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;
5. The developer or tenant enters into an agreement that guarantees the City the same financial assurances offered by the CFD;
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;
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**

The applicant will be making an undetermined one-time payment to satisfy their DIF obligation. In addition, they will be paying a yet-to-be-finalized annual assessment to pay for City services. As a good faith effort, Mobile Mini has already deposited \$50,000.00 towards their CFD/DIF contributions which will be applied towards their obligations.

## **VI. EXHIBITS**

1. Ordinance No. 17-1618U. (pgs. 4-17)
2. October 24, 2017 Letter, Mr. Jacob Glaze, Project Manager, Kimley-Horn representing Mobile Mini, Inc. (pgs. 18-19)
3. Resolution No. 17-148. (pgs. 20-23)

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