



# CITY OF CARSON

## Legislation Text

File #: 2022-413, Version: 1

### Report to Mayor and City Council

Tuesday, May 17, 2022

Special Orders of the Day

#### SUBJECT:

**A PUBLIC HEARING TO CONSIDER APPEAL OF THE PLANNING COMMISSION DECISION TO APPROVE DESIGN OVERLAY REVIEW NO. 1831-20 FOR A PROPOSED TILT-UP WAREHOUSE FACILITY LOCATED AT 1055 E. SANDHILL AVENUE (CITY COUNCIL)**

#### I. SUMMARY

On January 11, 2022, with an administrative review and approval process permitted under the Carson Municipal Code, the Community Development Director conditionally approved Design Overlay Review (DOR) No.1831-20 for a proposed tilt-up warehouse facility located at 1055 E. Sandhill Avenue. On February 14, 2022, Mr. Andy Lee on behalf of Teamsters 396 filed an appeal of the Director's decision arguing that the matter was subject to discretionary review by the Planning Commission and consequently requires California Environmental Quality Act (CEQA) compliance. Staff determined that CEQA review is not applicable to the proposed development because it is not a discretionary project within the meaning of CEQA, as no discretionary City entitlement is required for approval of the project. (See, e.g., Cal. Pub. Res. Code §21080(a)-(b)). On April 12, 2022, the Planning Commission by a 9-0 vote affirmed the Director's approval of Design Overlay Review No. 1831-20.

On April 27, 2022, Mayor 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 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 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 No. 5. The City Council could include 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 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 expires on Monday, June 27, 2022, staff shall bring back a resolution before June 27, 2022 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 concerns 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. At the Council's discretion, staff shall bring back a resolution before June 27, 2022 to allow staff time to prepare the resolution and appropriate findings for adoption. Two possible Council meetings would be June 7<sup>th</sup> or June 21<sup>st</sup>.

## **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. 22-092, "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 COMMUNITY DEVELOPMENT DIRECTOR TO ADOPT PLANNING COMMISSION RESOLUTION NO. 22-2832 APPROVING DESIGN OVERLAY REVIEW NO. 1831-20 FOR A PROPOSED TILT-UP WAREHOUSE FACILITY AT 1055 E. SANDHILL AVENUE (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 before June 27, 2022; 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 the appeal meeting prior to June 27, 2022.

### **III. ALTERNATIVES**

**TAKE** another action the City Council deems appropriate.

### **IV. BACKGROUND**

On January 11, 2022, with an administrative review and approval process the Community Development Director conditionally approved Design Overlay Review (DOR) No.1831-20 subject to the plan check process from the various City departments. DOR No. 1831-20 is a request by the applicant, Rexford Industrial, to demolish a former General Mills industrial facility and associated ancillary structures and to construct a new 126,013 square foot, tilt-up warehouse building with included 6,512 mezzanine office space with surface parking: including 20 truck loading docks and 2 truck/forklift doors.

On February 14, 2022, Mr. Andy Lee on behalf of Teamsters 396, filed an appeal of the Director's decision arguing that the matter was subject to discretionary review by the Planning Commission and consequently requires California Environmental Quality Act (CEQA) compliance. Staff determined that CEQA review is not applicable to the proposed development because it is not a discretionary project within the meaning of CEQA, as no discretionary City entitlement is required for approval of the project. (See, e.g., Cal. Pub. Res. Code §21080(a)-(b)).

On April 12, 2022, the Planning Commission by a 9-0 vote affirmed the Director's approval of Design Overlay Review No. 1831-20 for the proposed warehouse at 1055 E. Sandhill Avenue. (Exhibit No. 1)

On April 26, 2022 the Planning Commission adopted Resolution No. 22-2832, approving the requested entitlements subject to the conditions of approval attached to the resolution. (Exhibit No. 2 and 3)

### Site History

The subject property has historically been an industrial property. General Mills used the property from 1978 until March 2020 as a refrigerated yogurt production plant. Along with the food processing facility, there are seven existing structures that will also be demolished as part of the project.

### Site Improvements

- The warehouse building as approved by the Director includes approximately 119,500 square feet of warehouse space with 6,512 square feet of office space.
- A new parking lot will be installed that will include American with Disabilities Act (ADA)-accessible parking.
- Landscape planters with permanent irrigation and a trash enclosure will also be installed.
- The project involves the complete demolition and removal of the existing food processing facility and seven other associated structures currently existing on the site.

### Access

The warehouse and office facility will have pedestrian and two vehicular access points from Sandhill Avenue.

### Parking & Traffic

The applicant proposes 130 parking spaces: 94 standard stalls, 30 compact stalls and 6 ADA compliant parking stalls.

## **V. FISCAL IMPACT**

In accordance with Article XI (Interim Development Impact Fee Program) of the Carson Municipal Code, the applicant, property owner, and/or successor to whom these project entitlements are assigned ("Developer") shall be responsible for payment of a one-time development impact fee at the rate in effect at the time of issuance of building permits, currently (for Fiscal Year 2021-2022, effective July 1, 2021, through June 30, 2022) set at \$2.63 per square foot of industrial building constructed. Based on the current rates, the interim development impact fees for the proposed development are estimated at \$331,411.56 [126,013 sq. ft. (Proposed Project) X \$2.63 per unit = \$331,414.19). If the Project increases or decreases in size, the development impact fee amount will be adjusted accordingly at the same rate.

In 2018, City adopted Community Facilities District (CFD) No. 2018-01, and City may adopt a similar community facilities district in the future to use instead of CFD No. 2018-01 (collectively referred to herein as the "CFD"), to fund the ongoing costs of City services permitted by the CFD, including the maintenance of parks, roadways, and sidewalks and other eligible impacts of the Project within the CFD (the CFD Services). The City uses this

mechanism for projects wanting to join the CFD as a means to satisfy the condition to mitigate impacts on services. In 2019, the City undertook a Fiscal Impact Analysis ("FIA") and uses the analysis generally to determine the impacts in CFD No. 2018-01.

Based on the FIA, the subject property falls under the "Industrial Zone 1" category. Based on a 5.79-acre development, the current estimated annual amount for ongoing services is \$17,342, subject to annual adjustments every July 1st.

## **VI. EXHIBITS**

1. Planning Commission Staff Report from April 12, 2022 (pgs. 6-46)
2. Planning Commission Staff Report from April 26, 2022 (pgs. 47-68)
3. Planning Commission Resolution from April 26, 2022 No. 22-2832 (pgs. 69-86)
4. Appeal Application from Councilmember Mayor Lula Davis-Holmes (pg. 87)
5. Draft City Council Resolution No. 22-092 Upholding PC Decision (pgs. 88-110)

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