



CITY OF COMMERCE AGENDA REPORT

TO: Honorable City Council

Item No. _____

FROM: City Manager

SUBJECT: REQUEST FOR DIRECTION TO RESCIND THE CITY COUNCIL'S DECISION ON AN APPEAL OF THE PLANNING COMMISSION'S DECISION TO APPROVE PLOT PLAN NO. 992 AND CONDITIONAL USE PERMIT NO. 533 WHICH WOULD ALLOW FOR A SELF-STORAGE FACILITY MEASURING 213,640 SQUARE FEET WITHIN A 5.39 ACRE SITE IN THE CITY M-2 (HEAVY INDUSTRIAL) AND LOCATED AT 6210 GARFIELD AVENUE

MEETING DATE: MAY 5, 2020

RECOMMENDATION:

Review the information provided herein as it relates to the Planning Consideration for the property at 6210 Garfield Avenue in the City of Commerce; and

1. Provide direction to staff concerning Trojan Storage's ("Applicant") request, including consideration of a motion to rescind; or
2. Receive and File, thus denying the request to rescind the action; or
3. Provide staff with alternative direction.

EXECUTIVE SUMMARY:

On November 5, 2019, the City Council of the City of Commerce considered an appeal to an application made by a resident related to the approval by the City of Commerce's Planning Commission approval of a Plot Plan and Conditional Use Permit to allow for the construction and operation of a new 213,640 square-foot two story storage facility on a 5.39 acre site by Trojan Storage. Previously on July 30, 2019, the City's Planning Commission took up this matter and determined that the required findings under the Commerce Municipal Code to approve the CUP and a Plot Plan could be satisfied.

During its public hearing and after considering public testimony, the City Council took action to overturn the City's Planning Commission and disapproved the Plot Plan and Conditional Use Permit. Since then the Applicant has been in discussions with the City

about possible concessions in order to allow the City Council an opportunity to rescind and reconsider the action previously taken on this item.

DISCUSSION:

Since the November 5, 2019 consideration by the City Council, the Applicant has been working to address some of the concerns heard during that evening's meeting. In addition, the current situation as it relates to COVID-19 may present a very unique situation that was not present during the decision-making process that particular evening. As such, the Applicant recognizes the importance of including the City of Commerce as part of its future plans, as well as allow for a development project during a very uncertain time. Some of the major items that the Applicant *believes* merit consideration include the following:

- If granted an approval, the Applicant claims to have a shovel-ready project and will be positioned to develop as soon as plans are approved from Building and Safety;
- The Applicant believes the investment and redevelopment of the property has the potential to increase revenue in the City more than in its current existing configuration;
- Applicant states they are prepared to and committed to hiring local Commerce residents, including construction companies;
- Applicant also states that they are interested in committing to education and through its researched determined that supporting or creating a scholarship program for Commerce children will be pursued; and
- To offset any additional environmental impacts, Applicant is willing to plant an additional 70 trees.
- In light of concerns raised, the Applicant is also willing to consider foregoing the RV space which is a big revenue source for the project and replace it with a "future storage building".

The list above is a snapshot of some of the key points and concessions the Applicant is considering. A more expansive explanation is provided in the letter included as Attachment A to this report and would be fully vetted by the City Council during a duly noticed public hearing if the City Council so wishes.

The Applicant further elaborated to staff that they believe their business, along with others, can kick-start and greatly facilitate the healing process for the City by bringing jobs to the City of Commerce and that the Applicant is committed to encouraging the general contractor to select workers from the City. The Applicant also stated that based on community feedback, they will start a scholarship fund for children in Commerce, as this pandemic and economy could have a lasting impact on future generations – so they claim they would like to minimize any negative impact on the city's youth. Lastly, the applicant wants to assert that they will prioritize hiring Commerce employees when the site is open and ready to serve the community.

After reviewing the communication from the Applicant, a City Councilmember requested that staff add this item for discussion and/or action of the City Council.

MOTION TO RESCIND:

The City of Commerce's ("City") City Council meetings are governed by Robert's Rules of Order, 1915 revised edition ("Robert's Rules"). (Commerce Municipal Code Section 2.08.130.) Should the City Council wish to reconsider its decision to grant the appeal of the challenge to Trojan Storage's award of a CUP by the Planning Commission, the appropriate vehicle would be a Motion to Rescind. Unlike a Motion to Reconsider which includes restrictions regarding timing and the maker of the motion, a Motion to Rescind does not include such restrictions. Specifically, Robert's Rules (1915 revised edition) provides the following:

"Any vote taken by an assembly, except those mentioned further on, may be rescinded by a majority vote, provided notice of the motion has been given at the previous meeting or in the call for this meeting...It may be made by any member...The motion to rescind can be applied to votes on all main motions, including questions of privilege and orders of the day that have been acted upon, and to votes on an appeal, with the following exceptions: votes cannot be rescinded after something has been done as a result of that vote that the assembly cannot undo; or where it is in the nature of a contract and the other party is informed of the fact; or, where a resignation has been acted upon, or one has been elected to, or expelled from, membership or office, and was present or has been officially notified." (Robert's Rules of Order, 1915 revised edition, pg. 169-170, Section 37.)

If the City Council is interested in reconsidering its action, the City Attorney's office believes it would require a two-step process. The first step would be to agendize the item and allow the City Council to consider whether it would like to reconsider its action. This item is the first step. If a majority of the City Council votes to support the reconsideration via a Motion to Rescind, then staff would bring back the item at a subsequent meeting. The City would have to notice a public hearing to re-consider the appeal.

CITY COUNCIL OPTIONS:

Following the presentation of information to the City Council, staff is requesting that the Council consider the information discussed herein direct staff to the following options:

1. Provide direction to staff concerning Trojan Storage's request, including consideration of a motion to rescind which would include direction to staff to prepare a revised staff report to consider rescinding the City Council's decision on Conditional Use Permit ("CUP") No. 533 and Plot Plan No. 992 for the property at 6210 Garfield Avenue and return with a revised recommendation at a duly noticed public hearing with the City Council; or
2. Receive and File, thus denying the request to rescind the action; or
3. Provide staff with alternative direction.

FISCAL IMPACT:

The activity of requesting direction from the City Council can be carried out without additional impact on the current operating budget.

RELATIONSHIP TO STRATEGIC GOALS:

This item has the potential to relate to the Strategic Action Plan's Goal of: Economic Growth - Guiding Principles 1 to "Create and strengthen our identity, as a community that promotes opportunity and success for business that meets the strategic focus for economic growth, will have a positive impact on the quality of life and the City's financial sustainability," and 3 "Support a long-range planning vision through the City's General Plan, zoning ordinance, and related land use planning documents that incorporate community and stakeholder input and provide a compass for strategic economic growth, infrastructure investments and city fiscal planning."

Prepared and

Recommended by: Jose D. Jimenez, Director of Economic Development and Planning

Reviewed By: Vilko Domic, Assistant City Manager

Approved as to form: Noel Tapia, City Attorney

Respectfully submitted: Edgar P. Cisneros, City Manager

ATTACHMENTS:

1. Letter Requesting Reconsideration from Applicant Brett Henry