

IN THE BOARD OF ZONING ADJUSTMENTS FOR THE CITY OF SAN LEANDRO  
RESOLUTION NO. 2012-01

A RESOLUTION REVOKING CONDITIONAL USE PERMIT PLN2011-00021  
TO OPERATE A TRAILER RENTAL AND SALES BUSINESS AT 2661 ALVARADO  
STREET, UNIT 22, SAN LEANDRO, WHERE VEHICLE/HEAVY EQUIPMENT DEALERS,  
USED AND VEHICLE/HEAVY EQUIPMENT SALES ARE CONDITIONALLY  
PERMITTED USES IN THE IG INDUSTRIAL GENERAL DISTRICT;  
D. MCKINNEY, C&M TRAILER RENTAL (APPLICANT),  
R. LEGALLET, 2661 ALVARADO LLC (PROPERTY OWNER);  
ASSESSOR'S PARCEL NUMBER 77A-648-3-11

**RECITALS**

WHEREAS, on September 1, 2011, a Conditional Use Permit PLN2011-00021, was approved by the Board of Zoning Adjustments of the City of San Leandro (hereafter "Board") for C&M Trailer Rental ("C&M") and 2661 Alvarado LLC (Property Owner) permitting the operation of a trailer rental and sales business on a property zoned IG Industrial General District, known as 2661 Alvarado Street, Unit 22, San Leandro, Alameda County Assessor's Parcel Number 77A-648-3-11 (hereafter "CUP"); and

WHEREAS, the property referenced in the CUP was used for an unauthorized activity other than the operation of the trailer rental business through rental to an entity that conducted a public assembly in the trailer business location from Friday evening, September 30, 2011 to early Saturday morning, October 1, 2011; and

WHEREAS, the unauthorized occupancy violated Conditions of Approval, Section II. PERMITTED USES because it was not approved by the Board as a permitted use and it was not permitted by the Board as a modification to the use permit; and

WHEREAS, the City of San Leandro Police Department investigation and report stated that C&M advertised the space for rent for other activities other than a place for trailer rentals; and

WHEREAS, the advertisement shows that the business owner had intentions to use the property for purposes other than the proposed and conditionally approved use, the CUP was granted on erroneous information and was misrepresented to the Board; and

WHEREAS, a triple homicide occurred shortly after the unauthorized occupancy violating PLN2011-00021 in the immediate area; and

WHEREAS, on November 3, 2011, C&M and property owner were notified by City staff that C&M was in violation of its CUP, and regarding actions the City would take to revoke the CUP due to the violation of its terms and conditions; and

WHEREAS, the Director of the City of San Leandro Community Development Department set a public hearing before the Board to consider whether the CUP should be revoked; and

WHEREAS, said public hearing was duly noticed in the same manner required for public hearings to approve conditional use permit application; and

WHEREAS, the Board conducted said public hearing, and received written, and oral testimony from the permit holder, C&M, from City staff, and from the public; and

WHEREAS, the Board at its public hearing considered a resolution revoking the CUP; and

WHEREAS, the Board has fully considered the arguments made by and on behalf of C&M, and all other testimony and evidence presented at the public hearing.

NOW, THEREFORE, the Board of Zoning Adjustments of the City of San Leandro does resolve as follows:

### **FINDINGS**

1. C&M has violated the terms and conditions of the CUP by conducting an unauthorized activity other than the operation of the trailer rental business through rental to an entity that conducted a public assembly in the trailer business location from Friday evening, September 30, 2011 to early Saturday morning, October 1, 2011.
2. C&M provided the City and the Board erroneous information and misrepresented the proposed use as found by the City of San Leandro Police Department Report obtained evidence of an electronic advertisement that the place of business was available for rent for uses other than the operation of a trailer rental business.
3. C&M has failed to operate in compliance of its CUP and a triple homicide occurred shortly after the unauthorized occupancy in the immediate area.
4. Revocation of the CUP is categorically exempt from the California Environmental Quality Act (CEQA) per Section 15321 of the CEQA Guidelines.

### **ORDER**

Conditional Use Permit PLN2011-00021 previously granted to C&M Trailer Rental, applicant, and 2661 Alvarado LLC, property owner, for its operations at 2661 Alvarado Street, Unit 22, is hereby revoked, and C&M Trailer Rental is ordered to immediately suspend all operations pertaining to such permit. C&M Trailer Rental is further ordered to remove within thirty (30) days all equipment and materials previously brought to the site.

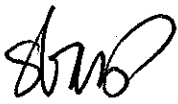
Introduced by Board Member Makin on this 5th day of January, 2012 and passed and adopted by the following called vote:

Members of the Board of Zoning Adjustments:

Ayes: (6) Abelee, Makin, Mendieta, Palma, Thomas, Houston

Noes: (0)

Absent: (1) Daly, recused

Attest:   
Sally Barros, Board Secretary