

City of San Leandro Board of Zoning Adjustments

RESOLUTION NO. 2023-001

**A RESOLUTION OF THE BOARD OF ZONING ADJUSTMENTS
OF THE CITY OF SAN LEANDRO**

**A RESOLUTION APPROVING A CONDITIONAL USE PERMIT
PLN22-0032
2010 AND 2020 WILLIAMS STREET**

WHEREAS, Cuberg, Inc. ("Applicant") and B3 Westgate Manager LLC ("Property Owner") submitted an application for a Conditional Use Permit for the expansion of research and development and manufacturing involving the use of hazardous materials in regulated quantities in a portion of existing industrial buildings located on two lots of 463,000 and 503,000 square feet located at 2010 and 2020 Williams Street, zoned IG, Industrial General, (PLN22-0032) ("Project"); and

WHEREAS, the Project proposal is described in "Exhibits C, D, and E," attached hereto and incorporated herein by reference; and

WHEREAS, 2010 and 2020 Williams Street ("Property"), comprises two parcels, one of approximately 463,000 square feet (2010 Williams Street, APN 79A-375-7-51) and one of approximately 503,000 square feet (2020 Williams Street, APN 77A-644-1) that contains one industrial building each; and

WHEREAS, the Property is zoned IG, Industrial General, and is designated IG, Industrial General, in the General Plan; and

WHEREAS, a Conditional Use Permit is required for the use of hazardous materials in quantities that require permits in Section 105 of the California Fire Code in accordance with Sections 2.12.200.B and 4.04.212.B.3 of the Zoning Code; and

WHEREAS, the Project is categorically exempt from the California Environmental Quality Act (CEQA) in accordance with California Code of Regulations, Section 15301, Existing Facilities; and

WHEREAS, the portion of the Property leased by the Applicant is located in Safety Zone 4 of the Oakland Airport Land Use Compatibility Plan and therefore subject to review by the Airport Land Use Commission; and

WHEREAS, the Airport Land Use Commission held a duly noticed public hearing on January 25, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Airport Land Use Commission fully considered the Project application, staff report, and resolution, applicant's statement, and all other testimony and evidence presented at the at the public hearing; and

WHEREAS, the Airport Land Use Commission found the Project consistent with the Airport Land Use Compatibility Plan; and

WHEREAS, the Board of Zoning Adjustments held a duly noticed public hearing regarding the proposed Project on February 2, 2023, at which time all interested parties had the opportunity to be heard; and

WHEREAS, the Board of Zoning Adjustments fully considered the Project application and entitlements, applicant's statements, staff report, findings of fact, conditions of approval, public comments, and all other testimony and evidence presented at the public hearing; and

WHEREAS, the Board of Zoning Adjustments finds that the staff report, Categorical Exemption from CEQA, and standards for approval reflects the City's independent judgement and analysis of the Project; and

WHEREAS, the Board of Zoning Adjustments finds that the proposed Project satisfies the requisite findings of fact necessary for approval as further explained in the staff report and the findings of fact associated with this Resolution, as described in "Exhibit A" attached to this Resolution; and

WHEREAS, the City's General Plan and the Zoning Code are incorporated herein by reference and are available for review at City Hall during normal business hours and on the City's website.

NOW, THEREFORE, BE IT RESOLVED THAT: The foregoing recitals are true and correct and made part of this resolution.

BE IT FURTHER RESOLVED THAT: The Board of Zoning Adjustments of the City of San Leandro does hereby make the following findings and determinations regarding the proposed Project PLN22-0032:

1. The proposed Project is categorically exempt from further environmental review pursuant to the California Code of Regulations Section 15301 - Existing Facilities.
2. The Board of Zoning Adjustments of the City of San Leandro does hereby make the necessary findings and determinations required by Section 5.08.124.A of the City of San Leandro Zoning Code to approve a

Conditional Use Permit for the expansion of research and development and manufacturing involving the use of hazardous materials in regulated quantities in a portion of existing industrial buildings, as further described in the staff report and findings of fact for approval as set forth in "Exhibit A" attached hereto and incorporated herein by this reference.

3. Based on the findings and determinations, the Board of Zoning Adjustments of the City of San Leandro does hereby approve a Conditional Use Permit to expand research and development and manufacturing activities involving the use of hazardous materials in regulated quantities in a portion of existing industrial buildings (PLN22-0032) located at 2010 and 2020 Williams Street subject to the Conditions of Approval, as further set forth in "Exhibit B" attached hereto and incorporated herein by this reference.

PASSED, CONDITIONALLY APPROVED, AND ADOPTED, on this 2nd day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Dylan Boldt,
Chair of the Board of Zoning Adjustments

ATTEST:

Avalon Schultz, AICP
Secretary to the Board of Zoning Adjustments