

**RECOMMENDED
FINDINGS OF FACT**

PLN2022-0032

2010 and 2020 Williams Street

(north side of Williams Street between Doolittle Drive and Westgate Parkway)

Patrick Le, Cuberg, Inc. (applicant)

Peter Lennon, B3 Westgate Manager LLC (property owner)

The Board of Zoning Adjustments hereby approves the Conditional Use Permit and Categorical Exemption from CEQA for the storage and use of certain specified hazardous materials in quantities requiring special handling in accordance with the Fire Code at 2010 and 2020 Williams Street, subject to the following findings, in accordance with Section 5.08.124.A of the Zoning Code:

Conditional Use Permit Findings

- 1. That the proposed location of the use is in accord with the objectives of this Code and the purposes of the district in which the site is located.**

The proposal includes the increased storage and use of hazardous materials to support research and development and manufacturing activities inside the existing buildings at 2010 and 2020 Williams Street, which are located in the IG, General Industrial, Zoning District. The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the IG District, which includes “to provide and protect existing industrial sites and allow for continued operation of existing general industry, subject to performance standards and buffering requirements to minimize potential environmental impacts.” The use will continue to be compatible with the surrounding area. There will be adequate access from Williams Street and adequate onsite circulation, loading, and off-street parking on the property to serve the proposed activities and existing uses. Recommended Conditions of Approval include full compliance with Building and Fire Code requirements and registering a Hazardous Materials Business Plan (HMBP) with the City’s Environmental Services Division for required monitoring of the business operations, and specific chemicals and quantities on the property.

- 2. That the proposed location of the use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing, or working in, or adjacent to, the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity, or to the general welfare of the city.**

This Conditional Use Permit application for the storage and use of hazardous chemicals is consistent with the IG, General Industrial, General Plan Land Use Designation and conforms to the following General Plan Policies and Actions:

- A. Policy ED-3.3 Leading Edge Economic Sectors. Continue efforts to attract businesses on the leading edge of the Bay Area economy, including advanced fabrication, clean tech, information services, advanced transportation, and maker businesses.

- B. Policy ED-3.6 Energy Innovation. Support new and innovative energy technology, with the objective of reducing dependence on fossil fuels, reducing greenhouse gas emissions, and using energy more efficiently.
- C. Policy EH-5.3 – Design of Storage and Handling Areas. Require that all hazardous material storage and handling areas are designed to minimize the possibility of environmental contamination and adverse off-site impacts. Enforce and implement relevant state and federal codes regarding spill containment facilities around storage tanks.
- D. Action EH-5.3.A – Implement Codes and Regulations. Ensure enforcement of, and compliance with, all adopted hazardous materials regulations.
- E. Policy EH-5.4 – Separation from Sensitive Uses. Provide adequate and safe separation between areas where hazardous materials are present and sensitive uses such as schools, residences, and public facilities. Zoning and other development regulations should include performance standards to avoid safety hazards and achieve compatibility between uses.
- F. Policy EH-9.6 – Airport Safety Zones. Regulate land uses within designated airport safety zones, height referral areas, and noise compatibility zones to minimize the possibility of future noise conflicts and accident hazards.

The recommended conditions of approval for strict compliance to the Building and Fire Codes and registering with the City’s Environmental Services Division for regular monitoring by the City and the State of California EPA would ensure that the use will not be detrimental to the public health, safety or welfare of persons residing, or working in, or adjacent to, the neighborhood and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city. The use is surrounded by other industrial sites and will be required to comply with all applicable codes and regulations that are intended to protect life safety and limit any off-site impacts. . The recommended conditions of approval include compliance with conditions imposed by the Airport Land Use Commission.

3. That the proposed use will comply with the provisions of the Zoning Code, including any specific condition required for the proposed use in the district in which it would be located.

The proposed use is storage and handling of hazardous materials within an existing building. The use will comply with the provisions of the Zoning Code and the IG District and there will be no significant physical change to the site and the building. The setbacks and landscaped areas will be maintained. There will be no enlargement or expansion of the building footprint or building height. The off-street parking will exceed the number required for the businesses that use the site. Thus the project will be in compliance to the IG District’s setback, coverage, height and off-street parking requirements. The business operations will be conducted entirely inside the building. Recommended conditions of approval require improvements that create an environment for the storage and handling of hazardous materials that complies with the required Building and Fire Codes and registering with the City’s Environmental Services Division.

4. That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated.

The area is served with adequate street improvements for access to the property and the property will have adequate area for off-street parking, loading and circulation. The storage and handling of hazardous materials will not create an adverse impact on traffic or parking supply in the area and is expected to have no impact on other public services.