

**RECOMMENDED
FINDINGS OF FACT FOR APPROVAL**

**PLN16-0025
1965 Marina Boulevard
Alameda County Assessor's Parcel Number 077A-0646-27-00
Harborside San Leandro (applicant) and A. Lopez (property owner)**

The Board of Zoning Adjustments hereby approves the Conditional Use Permit and Categorical Exemption from CEQA for the medical marijuana dispensary use for Harborside San Leandro at 1965 Marina Boulevard, subject to the following findings:

Conditional Use Permit Findings

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

The subject parcel is located on the south side of Marina Boulevard, one block to the west of Merced Street on the corner of Verna Court. The subject site is zoned IG (S) Industrial General District (Special Review Overlay District), as are some of the immediate surrounding properties which are developed with multi-tenanted industrial park buildings. The subject site has been used for a variety of mixed commercial and industrial uses and currently houses a uniform warehouse and wholesale/retail distribution (Workwear & Beyond) and the property owner's stone and tile warehouse distribution business (Direct Stone Importers Kitchen & Bath/Construction).

A medical marijuana dispensary is defined in the zoning code as "a collective or cooperative that distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits and/or gives away marijuana for medicinal purposes to four or more qualified patients and/or primary caregivers pursuant to California Health and Safety Code Sections 11362.5 and 11362.7 et seq."

The medical marijuana dispensary use is permitted in the IG – Industrial General Zoning District with a Conditional Use Permit (Section 2-706.B.16). With the recommended Conditions of Approval that mitigate potential parking and site maintenance issues, the proposed use will be compatible with the adjacent industrial office park uses to the west and south and the commercial-industrial uses to the north and east and would be subject to certain limitations through the conditions of approval to avoid adverse effects on adjacent uses and properties. The proposed use is in accordance with the purposes of the Industrial zoning districts which is to encourage adaptive reuse of existing industrial buildings and the specific purpose of the Industrial General District to allow for certain retail under specified conditions.

- 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 in or working in or adjacent to the neighborhood of such uses; and will not be detrimental to such properties or improvements in the vicinity or to the general welfare of the City.**

In the specific proposal by Harborside San Leandro, this dispensary has features of a medical office or pharmacy both considered commercial uses. The proposed medical marijuana dispensary use conforms to the General Plan, which designates the property as Light Industrial, “characterized by wholesale activities, distribution facilities, research and development or e-commerce uses, business services, and manufacturing.” (General Plan, page 3-16) The Light Industrial category goes on to state that “Allowances for retail stores within these areas is guided by General Plan policy.” Further, Harborside San Leandro would operate similar to a retail store. Any potential impacts and conflicts will be mitigated through the recommended Conditions of Approval, thus the conversion of space in this older industrial building to accommodate the proposed medical marijuana dispensary is conditionally compatible at this site.

The proposed medical marijuana dispensary at this site ensures that the following General Plan goals and policies are achieved: Goal 7.02 Economic Diversity; Goal 7.06 Adaptive Reuse; Goal 8.03 Aesthetics; and Goal 10.01 Reuse of Older Buildings.

With the incorporation of the recommended Conditions of Approval and adherence to the California Health and Safety Code regulations, California Attorney General Guidelines, and San Leandro Municipal Code the use will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the area.

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

Tenant improvements are proposed to the building, which will renew the occupancy of this older industrial building and will ensure that the building is maintained and revitalized. Building signage, and other on-site improvements, such as new parking lot striping, improved landscaping and façade work for Harborside San Leandro, will ensure compatibility with its immediate neighbors. With the required conditional use permit and any necessary permits per State and local laws, policies, rules, and regulations, the medical marijuana dispensary use will comply with City and State requirements.

- 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 existing site is adequately served by streets, utilities and other public facilities. The City's Engineering and Transportation Department and Alameda County Fire Department staff have reviewed the existing parking lot and find it acceptable for both emergency vehicle and regular traffic access and transit requirements.

Robust security measures utilizing the latest in technology are planned for Harborside San Leandro. High definition security cameras or other technology that produces high resolution video and recording capabilities will be installed at the site. The cameras will be in use twenty-four hours a day, seven days per week, and will cover the marijuana dispensing areas, storage areas, all doors and windows to the dispensary, and parking areas. Harborside San Leandro will work closely with the San Leandro Police Department on a security plan.

California Environmental Quality Act Categorical Exemption Findings

This project is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to Section 15301 (a) of the State CEQA Guidelines as interior and exterior improvements to an Existing Facility. Further, the use does not involve hazardous substances and the site is adequately served by public services and facilities.