

**RECOMMENDED  
FINDINGS OF FACT FOR APPROVAL**

**PLN17-0009**

**2091 West Avenue 140th**

**Alameda County Assessor's Parcel Number 77B-853-38-1**

**Ahern Rentals, Inc. (applicant) and West 140th LLC (property owner)**

The Board of Zoning Adjustments hereby approves the Conditional Use Permit to allow Vehicle/Heavy Equipment Rentals, Vehicle/Equipment Repair (General), and Vehicle/Heavy Equipment Dealers (New) for the operation of a construction equipment dealer and rental company at 2091 West Avenue 140th, and finds the project categorically exempt from CEQA subject to the following findings:

The Board of Zoning Adjustments hereby approves the Conditional Use Permit, subject to the following findings:

- 1. 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 Zoning Code requires that Vehicle/Heavy Equipment Rentals and Vehicle/Equipment Repair, General in the IG Industrial General District obtain a conditional use permit (Sections 2-706.B.27 and 2-706.B.30). Vehicle/Heavy Equipment Dealers, New is a permitted use on the subject property (Section 2-706.A.35). The proposed use is in accord with the purposes of the IG District which are to provide and protect existing industrial sites and to allow for continued operation of existing general industry.

The proposed use would be subject to certain limitations through the recommended conditions of approval to avoid adverse effects on adjacent uses and properties. The proposed use is conditioned to operate in an orderly manner within the site and noise impacts would be minimal as the use would be subject to the City's noise ordinance. Outdoor storage on the property is conditioned to be screened or to be located in the storage shed or building. Vehicle idling has been conditioned to be limited to less than two minutes to avoid the effects of noise and air pollution. In addition, there are conditions that prohibit the display of for rent or for sale vehicles/equipment on the public street. The recommended conditions of approval will maintain the character of the industrial area, promote the use of the existing industrial area, and prevent impacts to the adjacent industrial uses.

- 2. 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.**

The subject property is designated General Industrial in the City's General Plan Land Use Map. General Industrial areas are characterized by "a wide range of manufacturing, transportation, food and beverage processing, technology, warehousing, vehicle storage, office-flex, and distribution uses" (General Plan page 3-31), therefore, the provision of a construction equipment dealer and rental company will be consistent with the City of San Leandro's General Plan for this land use designation. In addition, the following General Plan goals and policies would apply:

**Policy LU-7.2 - Adaptive Reuse.** Encourage private reinvestment in vacant or underutilized industrial and commercial real estate to adapt such property to changing economic needs, including the creation of flex/office space and space for technology-driven businesses.

**Policy LU-7.8 - Sense of Place.** Create a stronger sense of place and a more positive regional image in the industrial districts through improved site planning, landscaping, architecture, façade improvements, fencing and screening, and design, as well as investments in streetscape improvements.

**Goal LU-10 -** Ensure that commercial and industrial projects are attractively designed and are sensitive to surrounding areas.

**Policy LU-10.4 - Industrial Sanctuary.** Protect the City's major industrial areas from encroachment by uses that are potentially incompatible with existing viable industrial activities, or which may inhibit the ability of industry to operate effectively.

This proposed use, with the incorporation of the recommended conditions of approval, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the area, since the use would similar to the prior primarily outdoor use of the site and would use the existing building and storage shed on the industrial property.

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

Vehicle\Heavy Equipment Rentals and Vehicle/Equipment Repair, General is a conditionally permitted use in the IG Industrial General District. The Board of Zoning Adjustments, in considering the conditional use application, will require specific conditions of approval (i.e., orderly use of the property, site maintenance, attractive landscaping and fencing, adherence to proposed plans) to ensure the proposed

use will be compatible with the existing site improvements and the immediate industrial neighborhood. Further, Vehicle/Heavy Equipment Dealers, New is a permitted use on the subject property and complies with the zoning code.

4. **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.**

No expansion of the existing building area or storage shed is proposed. The property has adequate off-street parking and employee/customer parking, with the proposed 51 on-site parking spaces. The existing property is adequately served by streets, utilities and other public facilities without detriment to the immediate area. The use has been determined that it will not generate a measurable change in traffic volumes on city streets. The proposal will not significantly affect the public utilities and facilities already serving the existing immediate industrial area as it involves reuse of an existing building and industrial site.

#### **California Environmental Quality Act Categorical Exemption Findings**

This item is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 as it is an Existing Facility that involves minor alterations and negligible expansion of use; is in an area where all public services and facilities are available to allow for maximum development; and is not located in an environmentally sensitive area.