



## Legislation Details (With Text)

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**In control:** Planning Commission and Board of Zoning Adjustments  
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**Title:** PLN20-0001; Consideration of a Conditional Use Permit for a Vehicle Storage Facility at 2539 Grant Avenue. A Conditional Use Permit is required to allow vehicle storage uses in the IG zoning district. Zoning District: IG (General Industrial District); Alameda County Assessor's Parcel Number (APN): 080G-0910-015-00; Applicant: Louis Rigaud; Property owner: MTLG, LLC.  
**Sponsors:** Tom Liao  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Vicinity Map, 2. Plan Exhibits A-G, 3. Applicant Statement

Date	Ver.	Action By	Action	Result
2/4/2021	1	Planning Commission and Board of Zoning Adjustments		

**PLN20-0001;** Consideration of a Conditional Use Permit for a Vehicle Storage Facility at 2539 Grant Avenue. A Conditional Use Permit is required to allow vehicle storage uses in the IG zoning district. Zoning District: IG (General Industrial District); Alameda County Assessor's Parcel Number (APN): 080G-0910-015-00; Applicant: Louis Rigaud; Property owner: MTLG, LLC.

### SUMMARY AND RECOMMENDATION

The applicant is requesting a Conditional Use Permit to establish a Vehicle Storage Facility for recreational vehicles as a secondary business at 2539 Grant Avenue. The proposal includes reallocating 47 parking spaces of the existing parking lot for the public storage of recreational vehicles. The existing wind turbine manufacturing and repair facility would remain, along with its required parking and loading. Staff has recommended conditions of approval to ensure the two uses are accommodated effectively and the property is maintained in good condition. Staff believes that, with the recommended Conditions of Approval, the proposed use would operate in an orderly manner on the property without detriment or burden to the mix of uses in the area and would be compatible with the purposes of the IG zoning district.

Staff recommends that the Board of Zoning Adjustments adopt Resolution 2021-001, approving a Conditional Use Permit (PLN20-0001) for 2539 Grant Ave based on the Findings of Fact and subject to the recommended Conditions of Approval.

### APPLICANT'S SUPPORTING STATEMENT

See attached applicant statement.

### SURROUNDING AREA & BACKGROUND

The subject parcel is at 2539 Grant Avenue, near the western terminus of Grant Avenue. The property is a flag-shaped lot with minimal frontage along Grant Avenue (approx. 52.5 feet) and a long driveway leading to the remainder of the lot. It is approximately 204,732 square feet in size and contains a manufacturing building (approx. 12,467 square feet), a parking lot, and an unpaved open space area at the rear of the property. To the north of the property is the San Lorenzo Creek channel and beyond that is the State Lands Commission marshland and the Heron Bay residential neighborhood. To the east, south, and west are industrial uses, ranging from warehouses to a PG&E substation and an Alameda County Flood

Control site with outdoor storage. The property sits at the southern boundary of the City. Across the street, immediately to the south, is an industrial portion of the unincorporated community of San Lorenzo under the jurisdiction of Alameda County.

The current property owner, agent and applicant, Louis Rigaud, owns and operates Halus Power Systems, a San Leandro "green technology" company and manufacturer and supplier of wind turbines that has operated without incident at the subject property since 2010. Prior to Halus, the property was a Frito Lay food processing and distribution facility. The parking lot for the original Frito Lay tenant was developed with larger parking spaces to accommodate their delivery vehicles.

In 2012, Halus filed an application (PLN2012-00006) to construct a wind turbine that was approved by the Board of Zoning Adjustments (BZA) on February 7, 2013. The Heron Bay Homeowners Association then appealed the Board's decision. The City Council affirmed the BZA's decision and denied the appeal on April 1, 2013 through Resolution No. 2013-042. Subsequently, a lawsuit was filed by the Heron Bay Homeowners Association, alleging the project failed to adequately consider the project's impacts under the California Environmental Quality Act. A trial court entered Judgment in favor of the Homeowner's Association. The Association and the City of San Leandro ultimately signed a settlement agreement resulting in an alternate resolution to the matter and on June 16, 2014 the City Council vacated their approval of prior Resolutions upholding the appeal and decision of the Board of Zoning Adjustments. Subsequently, the proposed wind turbine was not constructed.

## **PROPOSAL**

The applicant is requesting approval of a Conditional Use Permit to establish a vehicle storage facility for recreational vehicles (RVs) as a secondary business at the subject property. The existing wind turbine manufacturing facility would remain. Specifically, the facility would continue to use the building for its manufacturing operations and office and continue to use the outdoor area north of the parking lot for outdoor storage of large equipment. Underutilized parking on the property would be shared with the proposed RV storage facility. The applicant proposes to share the existing office space, restrooms, and employees. As described by the applicant, the manufacturing facility only employs a handful of employees and the existing parking lot is largely underutilized. The RV storage facility would operate daily from 8:30 a.m. to 4:30 p.m., coinciding with the business hours for the manufacturing facility. The applicant further proposes to install a new sign at the front of the property facing Grant Avenue to identify the business.

## **STAFF ANALYSIS**

In the IG zoning district, vehicle storage is a conditionally permitted use, which is a use that the city has deemed to be conditionally compatible with the surrounding area with appropriate conditions of approval. The applicant's proposal has been analyzed by staff to be appropriate and compatible with the surrounding area with the implementation of the recommended conditions of approval.

## **Parking and Space Allocation**

The applicant proposes to share the existing parking lot between both the RV storage facility and the wind turbine manufacturing facility. The Zoning Code requires that parking and loading spaces be allocated based on specific formulas for each use. The existing parking lot complies with these formulas for each land use. There is adequate parking available for both the existing manufacturing and office uses and the storage of the recreational vehicles. Proposed driveways, aisles and turnaround areas within the parking lot have been reviewed to ensure there is enough space to accommodate the loading of hitched recreational vehicles.

The project would be required to reallocate and clearly identify those parking spaces necessary to separate, to the extent possible, the required parking for both land uses, by installing signage and adding paint markings on the pavement. The wind turbine manufacturing facility would allocate 20 parking spaces and 2 loading spaces for its office and manufacturing uses, while 25 parking spaces would be allocated for the RV storage use. General industrial uses require one space per 1000 square feet, general office uses require 1 space per 300 square feet, and the existing building is ±12,467 square feet in size. Most required parking spaces would be located on the west side of the building closed to the main driveway for the property and nearest to the public entrance to the building. Parking and loading spaces for the manufacturing facility would be sited strategically near the existing loading dock to meet its operational needs. Forty-seven parking spaces of varying lengths would be designated specifically for RV storage/parking throughout the site. This includes 21 parking spaces of 30-foot length for boats/RVs/trailers on hitches and 26 smaller parking spaces for smaller recreational vehicles.

As part of the recommended conditions of approval, the project has been conditioned to update ADA accessible parking spaces to current code requirements. The proposal was reviewed by the Environmental Services Division of Public Works, which has recommended conditions of approval that the applicant utilize Best Management Practices (BMPs) to limit the potential for runoff from the parking lot to contact pollutants in accord with current standards. The owner would be required to inform all users of limitations regarding vehicle storage and the disposal of vehicle fluids and wastewater. The property owner is further prohibited from storing inoperable and wrecked vehicles on the subject property. All vehicles and wheeled trailers stored on the property must be “highway ready” due to the property’s location within an AO flood zone so that they can be readily removed if conditions necessitate.

### **Security, Lighting and Fencing**

The property provides standard security measures that would also serve the new RV storage facility. There are three pole light fixtures along the first 400 linear feet along the west property line, providing lighting along the driveway leading to public entrance of the building and the rest of the lot. Additionally, there is a pole light fixture at the northern end of the parking lot, near the existing propane tank. The exterior walls of the building itself are also equipped with exterior light fixtures, which would remain. Security cameras are installed throughout the property.

Fencing comprises an existing wrought iron fence and at and 20 feet behind front property line, along Grant Avenue. A chain link with barded wires is installed as perimeter fence is also installed along the other property lines, including those shared with the San Lorenzo Creek channel and interior property lines shared with other industrial uses. Barbed wire is allowed in the IG zoning district, as long as it is behind the first 300 feet from any public street frontage or otherwise not visible from said frontage. At present landscaping largely obscures the barbed wire installed along the main driveway, which is approximately 400 linear feet.

### **Outdoor Storage**

Outdoor storage of materials and equipment is allowed in the IG district, subject to screening requirements. The proposed use of the of the lot as a vehicle storage area would comply with the required screening, as the storage is not visible from the right-of-way, approximately 400 linear feet away, at Grant Avenue. The recommended conditions of approval require that the applicant remove any outdoor storage along the main driveway that comprises this 400 linear foot area. Outdoor storage would further be required to meet all applicable codes, including any fire codes for the storage of hazardous materials.

### **Recommended Conditions**

As noted above, staff recommends certain conditions of approval to ensure that the applicant’s proposed vehicle storage use is appropriate and compatible with other uses at this location. The recommended conditions of approval include that the applicant:

- Provide storage/parking for only “highway ready” recreational vehicles (e.g., RVs, hitched boats, hitched trailers or campers), not including containers utilized for public storage, transportation or moving services (e.g. cargo containers), and not including the storage of inoperative vehicles;
- Repair all fencing throughout the property and along its perimeter;
- Obtain a sign permit for all new business signage;
- Maintain the building and keep the surrounding landscaping in a healthy and growing condition at all times, particularly at the main driveway along Grant Avenue;
- Add paint markings on the pavement and install signage to clearly identify designated storage/parking spaces throughout the parking lot; and
- Provide a copy of Best Management Practices (BMPs) for the storage of vehicles to the RV storage facility clients

to ensure that the patrons' use of the property remains compliant with water quality protections.

Staff recommends these conditions of approval in order to ensure the two business are compatible and provide the required infrastructure in accordance with the current Zoning Code. Staff has visited the site and surrounding area, reviewed exhibits and description of the proposed use and believes that, with the recommended conditions of approval, the use will be compatible with the surrounding neighborhood.

## GENERAL PLAN CONFORMITY

The subject property is designated General Industrial (IG) in the City's General Plan Land Use Map. Chapter 3 of the General Plan states that this designation permits "a wide range of manufacturing, transportation, food and beverage processing, technology, warehousing, vehicle storage, office-flex, and distribution uses," subject to performance standards to avoid adverse off-site effects. This permit approval would allow for the continued use of the property as an industrial manufacturing use, and also as a vehicle storage use, both consistent with the General Industrial land use. In addition, the following General Plan goals and policies would apply (note: ED-Economic Development; LU-Land Use):

**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-8.5 Commercial Uses with an Industrial Character.** Maintain areas in the City that are appropriate for lumberyards, construction suppliers, automotive repair shops, and other commercial uses that are industrial in character or that typically locate in industrial areas. While development standards in these areas should respect the operational characteristics of these uses, they should still promote aesthetic improvements, adequate buffering for nearby uses, traffic safety, and a more positive visual image.

**Goal ED-2 - Create an environment in which local businesses can prosper.**

## PUBLIC OUTREACH

This item received standard noticing for the February 4, 2021 Board of Zoning Adjustments hearing, including a legal advertisement in the East Bay Times Daily Review newspaper, the posting of notices at City Hall and on the property, and mailing notification to business and property owners within 500 feet of the subject property. Staff did not receive any public comments regarding this hearing item prior to the filing of this report.

## ENVIRONMENTAL REVIEW

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.

## RECOMMENDATION

With the recommended Conditions of Approval, Staff finds the proposed use would conform to the Zoning Code and General Plan and be compatible with the existing manufacturing use. Staff recommends that the Board of Zoning Adjustments adopt Resolution 2021-001, approving a Conditional Use Permit for 2539 Grant Avenue, PLN20-0001, based on the attached Findings of Fact and subject to the Conditions of Approval.

## ATTACHMENTS

Vicinity Map  
Applicant Statement  
Plan Exhibits A - G

Resolution 2021-001 (Legistar File 21-066)  
Exhibit A Recommended Findings of Fact  
Exhibit B Recommended Conditions of Approval

PREPARED BY:  
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