



Legislation Details (With Text)

File #: 15-220 **Version:** 1 **Name:** RES Comstock Appeal

Type: Resolution - Council **Status:** Passed

In control: City Council

On agenda: 4/20/2015 **Final action:** 4/20/2015

Enactment date: 4/20/2015 **Enactment #:** Reso 2015-079

Title: RESOLUTION to Deny an Appeal, APL15-0001, by Comstock Realty Partners, Inc. (Appellant appeals the Board of Zoning Adjustments Site Plan Review Approval Imposing Fees for Development Fee for Street Improvements and Underground Utilities Conversion Fee, PLN2014-00028)

Sponsors: Cynthia Battenberg

Indexes:

Code sections:

Attachments: 1. Exhibit 1 for Resolution.pdf

Date	Ver.	Action By	Action	Result
4/20/2015	1	City Council	Adopted as Amended	Pass

RESOLUTION to Deny an Appeal, APL15-0001, by Comstock Realty Partners, Inc. (Appellant appeals the Board of Zoning Adjustments Site Plan Review Approval Imposing Fees for Development Fee for Street Improvements and Underground Utilities Conversion Fee, PLN2014-00028)

WHEREAS, Comstock Realty Partners, Inc. (the “Applicant”) submitted an application to construct a new 161,200 square foot warehouse building on 1717 Doolittle Drive (PLN2014-00028) (“Project”). The Project includes loading docks, administrative offices and related landscaping and off-street parking; and

WHEREAS, the proposed Project site is zoned IG Industrial General and fronts on the northwest corner of Doolittle Drive and Williams Street, extending to Aurora Drive to the west. It comprises approximately 19 acres and is already developed with a two-story 421,500 square foot office and warehouse building. The area proposed for the new development is at the rear westerly portion of the property and accessible from the Aurora Drive frontage; and

WHEREAS, the purpose of a Site Plan Review is to assure that new development complies with applicable City development standards and that older sites are upgraded when land uses are expanded or intensified (Zoning Code Article 25 Site Plan Approval); and

WHEREAS, given the size and scope of the development project and its proximity to a residential neighborhood, the Zoning Enforcement Official referred the Site Plan Review application to the Board of Zoning Adjustments for review and action (Zoning Code Section 5-2506 B.); and

WHEREAS, after this matter was originally scheduled on the November 6, 2014 Board of Zoning Adjustments’ meeting agenda, the applicant requested that the meeting be postponed to have additional time to study the required fees and expenses of the proposed project; and

WHEREAS, after having time to assess costs and expenses, the applicant requested that the matter be re-noticed to the Board of Zoning Adjustments for its consideration; and

WHEREAS, a noticed Public Hearing regarding the proposed Project was scheduled on February 5, 2015 as requested by the applicant; and

WHEREAS, the Board of Zoning Adjustments convened on February 5, 2015 to conduct the Public Hearing; and

WHEREAS, the project is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 5, Section 15061 (b)(3) where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA; and

WHEREAS, the Board of Zoning Adjustments reviewed a staff report that reflects the City's independent judgment and analysis of the potential impacts from the Project; and

WHEREAS, the Board of Zoning Adjustments, after closing the public hearing, approved the proposed development proposal; and

WHEREAS, the Board of Zoning Adjustments desired to uphold General Plan Policy 44.05 Street Beautification - Upgrade the City's commercial thoroughfares by building upon their existing strengths and improving their aesthetic qualities. The City should implement programs to underground utilities, abate weeds and graffiti, eliminate litter, improve buffers to adjacent residential uses, prohibit excessive or out-of-scale signage, remove billboards, and provide streetscape amenities and landscaping along these thoroughfares; and

WHEREAS, the Board of Zoning Adjustments desired to uphold General Plan Policy 52.01 Development Impacts - Permit new development only when infrastructure and utilities can be provided to that development without diminishing the quality of service provided to the rest of the City; and

WHEREAS, the Board of Zoning Adjustments desired to uphold General Plan Policy 52.02 Fair Share Costs - Require future development to pay its fair share of the cost of improving the water, sewer, drainage, and other infrastructure systems needed to serve that development; and

WHEREAS, the Board of Zoning Adjustments approved the Site Plan Review subject to Conditions of Approval that included payment of \$329,487 in Development Fees for Street Improvements per Title 8, Chapter 10 of the City of San Leandro Administrative Code and Title 7, Chapter 11 of the City of San Leandro Municipal Code, and

WHEREAS, the Board of Zoning Adjustments approved the Site Plan Review subject to Conditions of Approval that included payment of \$264,880 for Undergrounding Utilities Conversion Fees per Title 5, Chapter 3 of the City of San Leandro Municipal Code; and

WHEREAS, the Board of Zoning Adjustments approval is final but can be appealed to the City Council within 15 calendars days of the Board of Zoning Adjustments action; and

WHEREAS, Comstock Realty Partners, Inc. filed a timely appeal, APL15-0001, with the City

Clerk's Office on February 20, 2015; and

WHEREAS, the matter of the appeal was scheduled and noticed for the April 20, 2015 City Council meeting; and

WHEREAS, the Project requires a Site Plan Review Approval, pursuant to 5-2512 of the Zoning Code, and it did satisfy all the requisite standards as further explained in the findings of fact as further set forth in Exhibit 1 associated with 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.

NOW, THEREFORE, the City Council of the City of San Leandro does RESOLVE as follows:

Section 1. Findings for the Site Plan Review. Based on the entirety of the record, as described above, and after a public hearing, the City Council finds and determines that the required impact fees described herein are in accord with the objectives of the Zoning Code; are consistent with the City of San Leandro General Plan; and the City Council denies the appeal and affirms the Board of Zoning Adjustments approval of the Site Plan Review, PLN2014-00028, subject to the conditions of approval.