



Legislation Details (With Text)

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**Title:** RESOLUTION of the City Council of the City of San Leandro to Deny an Appeal and Request for a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a Permitted Use, APL18-002, and Modifying the Decision of the Board of Zoning Adjustments for PLN17-0020.

**Sponsors:** Tom Liao

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Exhibit B, 3. 050718 APL18-0002 PowerPoint\_Final

Date	Ver.	Action By	Action	Result
5/7/2018	1	City Council	Continued	Pass

RESOLUTION of the City Council of the City of San Leandro to Deny an Appeal and Request for a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a Permitted Use, APL18-002, and Modifying the Decision of the Board of Zoning Adjustments for PLN17-0020.

**WHEREAS**, Paceline Investors, (the “Applicant”); and IPT Alvarado Commerce Center LP (the “Property Owner”) (collectively the “Appellants”) submitted an application to the City of San Leandro (the City”) for Alvarado Commerce Center, a new 159,450 square foot industrial building at 2756 Alvarado Street (PLN17-0020) (“Project”); and

**WHEREAS**, 2756 Alvarado Street (the “Property”) is comprised of a 6.9± acre parcel. The corner lot is developed with existing industrial buildings that would be demolished and removed as part of the Project; and

**WHEREAS**, the Property is located at the southeast corner of Alvarado Street and Aladdin Avenue; and

**WHEREAS**, the Property is designated Light Industrial in the City’s General Plan and zoned IG Industrial General (“IG”) District in the San Leandro Zoning Code (the “SLZC”). The SLZC requires a Conditional Use Permit for any proposal for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities in the IG District that propose to expand an existing building ten thousand (10,000) square feet or more to accommodate the use or propose a new building of any size to accommodate the use. (SLZC §§ 2-706.B.34 and 35.); and

**WHEREAS**, any new industrial development structure exceeding 5,000 square feet in size requires Site Plan Approval. (SLZC § 5-2502.B.4.a); and

**WHEREAS**, a height exception is required for any buildings proposed in the IG District between 35 and 50 feet. (SLZC § 2-734.C.); and

**WHEREAS**, Conditional Use Permits are required for uses typically resulting in unusual site development features or operating characteristics that require special consideration, so that they may be designed, located, and operated compatibly with other uses on adjoining properties and in the surrounding area, to ensure that the use will not be detrimental to the public health, safety, and welfare and will not impair the integrity and character of the zoned district (SLZC § 5-2200(B).); and

**WHEREAS**, a duly noticed public hearing regarding the Project was scheduled to be held before the Board of Zoning Adjustments (the “BZA”) on December 7, 2017 and the public hearing was continued to March 1, 2018 at the request of the Appellants; and

**WHEREAS**, the BZA held a duly noticed public hearing regarding the Project on March 1, 2018, at which time all interested parties had the opportunity to be heard regarding the Project; and

**WHEREAS**, the staff report presented to the BZA dated March 1, 2018, on file with the City and incorporated herein by reference, reflects the City’s independent judgment and analysis of the potential impacts from the Project; and

**WHEREAS**, the Project presented during the public hearing before the BZA on March 1, 2018 did not identify details such as a tenant or operational plan for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities, conditionally permitted uses which require special consideration under the SLZC; and

**WHEREAS**, the BZA found that the Project conformed to the development standards of the IG District, including setbacks, landscaping, lot coverage, and parking requirements; and

**WHEREAS**, the BZA adopted an Initial Study-Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the Project on March 1, 2018. A Notice of Determination was filed with the Alameda County Recorder’s Office on March 6, 2018; and

**WHEREAS**, the BZA, during the public hearing for the Project on March 1, 2018, considered and denied the Appellant’s request for a Conditional Use Permit to allow Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a permitted use, but made findings of fact for approval to allow Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as accessory to other permitted uses and to approve the Site Plan for the Project; and

**WHEREAS**, after considering the Project and entitlements, the staff report and all public comments and testimony provided at or prior to the hearing, adopted findings of fact for approval and approved the Project subject to the conditions of approval on March 1, 2018 by a 7-0 decision; and

**WHEREAS**, following the March 1, 2018 decision of the BZA, the Appellant, filed a timely appeal of the BZA’s decision on March 16, 2018 (the “Appeal”); and

**WHEREAS**, the Appeal was scheduled and noticed in accord with Article 28 of the SLZC; and

**WHEREAS**, the City Council held a duly noticed public hearing on May 7, 2018, regarding the Project; and

**WHEREAS**, on May 7, 2018, the City Council, after consideration of all arguments made by and on behalf of the Appellant, the staff report, and all other testimony and evidence presented at the public hearing, declared its intent to deny the Appeal and the Appellant's application for a Conditional Use Permit for the Project for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a permitted use, affirmed the decision of the BZA to deny the Appellant's application for a Conditional Use Permit for the Project, and modified the decision of the BZA pertaining to Condition of Approval II.A and II.B. and findings of fact for approval related to granting a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities, as the SLZC already enables Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as accessory to permitted uses (PLN17-0020).

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

**Section 1.** That the City Council denies the Appeal and the Appellant's request for a Conditional Use Permit to allow Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a permitted use, modifies PLN17-0020 Condition of Approval II.A to remove reference to a Conditional Use Permit and deletes Condition of Approval II.B. in its entirety, and removes findings of fact for approval related to granting a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities in their entirety, as adopted by the BZA on March 1, 2018, incorporated herein and attached to this Resolution as Exhibit "A" and Exhibit "B," based upon the following findings:

- A. The forgoing recitals are true and correct and made part of this resolution.
- B. The City Council has reviewed, considered and evaluated this Appeal based on the entirety of the record and following consideration of all materials and public comments received at the hearing.
- C. The City Council finds that providing a blanket Conditional Use Permit for undetermined future Warehouse-Storage Facility and Warehouse-Wholesale/Retail Distribution Facility uses, as requested by the Appellant, effectively removes the City's ability to address and resolve potential adverse impacts to traffic, infrastructure and adjacent properties, as well as other undetermined potential impacts to the public health, safety, and welfare of the community.
- D. The City Council finds that the grounds for the Appeal are without merit, in that the current General Plan Policy discourages large parcels and buildings from being developed purely as passive storage warehouses and low intensity uses, which tend to have lower employment rates than other types of industrial land uses. The City's goals and policies for new industrial development is to attract advanced manufacturing and related industrial uses, and higher employment densities and high-quality jobs.
- E. The City Council finds and determines that Condition of Approval II.A and II.B and findings of fact for approval related to granting a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities (PLN17-0020, Exhibit "A" and Exhibit "B") are necessary for modification because the decision of the Board of Zoning Adjustments denied the Appellant's requested Conditional Use Permit and the SLZC already enables

warehouse and distribution as accessory uses to other permitted uses.

- F. The City Council's denial of the Appeal and modification of the BZA's decision denies the Appellant's request for a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a permitted use for PLN17-0020.
- G. The City Council issues this denial without prejudice because it is in the interest of the City of San Leandro to adequately evaluate conditionally permitted land uses prior to their establishment in order to ensure that they will not be detrimental to the public health, safety, and welfare, will not impair the integrity and character of the zoned district, and to ensure that they will be compatible with adjacent uses and properties. The Appellant may reapply with a new application for a Conditional Use Permit once the details of the proposed uses are known and it can be demonstrated that the proposed uses are in conformance with the SLZC and can meet the required findings for approval.

**Section 2.** This resolution shall become effective immediately upon its passage and adoption.