



## Legislation Text

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**File #:** 23-556, **Version:** 1

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Adopt a Resolution to Approve a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve Site Plan Review, a Conditional Use Permit, and an Administrative Exception (Height) to Allow the Construction and Operation of a New One-story, 47 Foot Tall, Approximately 52,269 Square Foot Warehouse Structure that Includes up to 5,000 Square feet of Office Space, Associated Site Improvements, and Landscaping on an Approximately 3.45-acre site at 14143-14273 Washington Street; and

Introduction and First Reading of an Ordinance for a Zoning Map Amendment to Rezone the Subject Site from Commercial Community with an Assembly Use Overlay (CC(AU)), to Industrial General (IG). Zoning District: Commercial Community with an Assembly Use Overlay (CC(AU)); Alameda County Assessor's Parcel Numbers 77B-1222-3-3, 77B-1222-4-3, 77B-1222-5-3, 77B-1222-6-15, 77B-1222-6-17, 77B-1222-6-18, and 77B-1222-6-19; Richard Poolis (applicant); First Industrial Realty Trust, Inc. (property owner) **PLN21-0031**

### **COUNCIL PRIORITY**

- Community & Business Development

### **SUMMARY & RECOMMENDATIONS**

The applicant requests approval of a Zoning Map Amendment to rezone a 3.45-acre property at 14143-14273 Washington Avenue from Commercial Community with an Assembly Use Overlay (CC (AU)), to Industrial General (IG), to facilitate the construction of a 52,269 square foot speculative warehouse development. A "speculative" development is a development project that is undertaken without a commitment from a tenant. In conjunction with the rezoning request, the applicant is also requesting Site Plan Review to allow the development of the proposed warehouse structure, associated site improvements, and landscaping, an Administrative Exception (Height) to allow the warehouse structure to be up to 47 feet in height, and a Conditional Use Permit to authorize Warehouse - Storage Facilities, and Warehouse - Wholesale/Retail Distribution uses on site, which are conditionally permitted uses in the IG Zoning District.

On November 2, 2023, the Planning Commission, by a vote of 4-2-1 (Boldt and Mendoza dissenting; Solis absent), recommended that the City Council:

- 1) Adopt a resolution to adopt an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, and approve PLN21-0031, Site Plan Review, Conditional Use Permit, and an Administrative Exception (Height) for the construction and operation of a new warehouse development at 14143-14273 Washington Avenue, based on the recommended Findings of Fact and subject to the recommended Conditions of Approval; and
- 2) Introduce an ordinance to rezone the property from CC(AU) to IG.

### **BACKGROUND**

The project site is a vacant 3.45-acre lot located in the “Mid-Washington Business District,” which is identified in the General Plan Land Use Element as a mixed-industrial and commercial district. The Mid-Washington Business District is comprised of mainly industrial uses.

## **PROJECT PROPOSAL**

The applicant proposes to construct a 52,269 square foot, 47 feet tall speculative warehouse structure with up to 5,000 square feet of office space. The proposal would include the construction of a surface parking lot with 64 vehicle parking spaces, 14 bicycle parking spaces, and on-site landscaping.

## **ANALYSIS**

### Rezoning/General Plan Conformity

The General Plan Designation for the property is Industrial-Transition, which is intended to support a diverse mix of industrial uses and commercial activities. The proposed IG zoning designation is conditionally compatible with the Industrial-Transition General Plan Land Use designation and can be adopted if the City Council finds that the types of development allowed in IG districts are compatible with General Plan goals and policies. Staff has identified various General Plan goals and policies which support this finding, as detailed in Attachment F.

### Site Plan Review / Conformance with Development Standards

Site Plan Review is required for the proposed warehouse building and associated development. The proposed warehouse is designed to be compatible with its surroundings, and the loading facilities will be screened from public view as they are proposed behind the building. The proposed project includes adequate parking and has been evaluated for conformity with the development standards for the proposed IG District zoning. With the approval of the requested Administrative Exception (Height), the project would meet or exceed all applicable development and performance standards in the Zoning Code for the IG Zoning District as shown in Attachment C.

### Administrative Exception (Height)

The Zoning Code allows buildings in the IG district up to a maximum height of 50 feet subject to Administrative Exception approval. The site is not in an airport safety zone and the structure is well articulated on all sides and is adequately setback, which helps to reduce the appearance of mass and bulk. As such, the proposed height of the building would not impact surrounding properties.

### Conditional Use Permit

The proposed “Warehouse - Storage Facilities” and “Warehouse - Wholesale/Retail Distribution” uses would be compatible with existing industrial uses in the area. Washington Avenue is a designated truck route and the project site is located between Interstates 580 and 880. With the proposed conditions of approval, the project would not have a negative impact on neighboring properties or surrounding businesses.

### Findings of Fact

To approve the proposed Zoning Map Amendment, Site Plan Review, Conditional Use Permit and Administrative Exception (Height) the City Council must make certain findings of fact and/or

determinations pursuant to Zoning Code Sections 5.16.116, 5.08.124 and 4.08.116. Staff analyzed the proposal and determined that the required findings can be made, as detailed in Attachment E.

### **Environmental Review**

Pursuant to the California Environmental Quality Act (CEQA), an Initial Study and Mitigated Negative Declaration (IS/MND) (Exhibit A to Attachment A) were prepared for the project, which conclude that with mitigation, any potential environmental impacts would be less than significant. The IS/MND was circulated to various agencies for a 20-day public review period (October 6, 2023, through October 27, 2023), and the document was posted on the City's website. During the public review period, staff received comments from East Bay Municipal Utility District, which provided requirements for water service, and the Confederated Villages of Lisjan Nation, which requested copies of the research records for cultural resources (Attachment D).

### **Planning Commission Review and Actions**

The Planning Commission held a public hearing on the proposed project on November 2, 2023. The Commission requested clarifications from staff and the applicant on various topics, including the IS/MND, provision of outdoor space for office users, and potential future uses of the building. One public comment was made by a representative of the carpenters labor union. The Commission inquired whether skilled labor would be utilized for the project. The applicant clarified that a determination had not been made and a contractor would be selected following preparation of the construction drawings. Following questions and deliberation, the Planning Commission ultimately voted 4-2-1 (Boldt and Mendoza dissenting; Solis absent) to recommend City Council approval of the project with slight modifications to the conditions of approval.

### **Summary of Public Outreach Efforts**

Notice for Planning Commission and City Council hearings on this item included legal advertisement in the East Bay Times Daily Review newspaper, a 500-foot radius mailer to property owners, and postings on site and at City Hall. At the time of publication of this report no comments were received.

### **Financial Impacts**

This project would generate development fees and taxes.

## **ATTACHMENTS**

***Attachment A: Resolution Adopting an Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program and Approving Site Plan Review, Conditional Use Permit, and Administrative Exception (Height) for PLN21-0031.***

*Exhibit A: Initial Study/Mitigated Negative Declaration*

*Exhibit B: Mitigation Monitoring and Reporting Program*

*Exhibit C: Project Plans*

***Attachment B: Draft Ordinance Amending the City of San Leandro Zoning Map***

*Exhibit A: Zoning Map Amendment (clean)*

***Attachment C: Development Standards Table***

***Attachment D: Written Comments***

***Attachment E: Findings of Fact***

***Attachment F: General Plan Goals and Policies***

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