



Legislation Text

File #: 18-289, **Version:** 1

Staff Report for APL18-0002, Appeal of the Decision of the Board of Zoning Adjustments to deny a conditional use permit for warehouse-storage facilities and warehouse-wholesale/retail distribution facilities uses for PLN17-0020, for Alvarado Commerce Center, a new 159,450 square foot industrial building at 2756 Alvarado Street. Zoning District: Industrial General (IG); Alameda County Assessor's Parcel Number 77B-800-14; Paceline Investors (Applicant) and IPT Alvarado Commerce Center LP (Property Owner) (collectively the "Appellants").

SUMMARY AND RECOMMENDATIONS

The Appellants, Paceline Investors and IPT Alvarado Commerce Center LP, filed an appeal of the Board of Zoning Adjustments' (BZA) March 1, 2018 decision to deny a Conditional Use Permit for warehouse-storage facilities and warehouse-wholesale/retail distribution facilities uses for PLN17-0020 (Project), involving construction of a new 159,450 square foot industrial shell building. The Appellants submitted an appeal of the BZA decision to deny a Conditional Use Permit for warehouse storage and warehouse distribution uses.

The City Council held a public hearing regarding the appeal on May 7, 2018. At the public hearing, the City Council considered the appeal, the appellant's statement, staff report, public comments, and all other testimony and evidence presented. Following deliberation, the City Council voted 4-3 to grant the Appellants' request on appeal for a Conditional Use Permit for warehouse-storage facilities and warehouse-wholesale/retail distribution facilities and directed staff to draft a revised resolution, findings of fact and conditions of approval to support the Appellants' request and City Council action.

In accord with the City Council's decision and direction, staff has prepared a resolution with findings of fact to approve Conditional Use Permit PLN18-0020 subject to the recommended conditions of approval. The following conditions have been added as directed by the City Council:

- Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities shall be prohibited until 12 months have expired following issuance of a Certificate of Occupancy. After the 12 month period concludes, the Conditional Use Permit grants the use of Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities on the subject property, as defined by the City of San Leandro Zoning Code. Any other conditionally permitted uses shall require approval of an amended Conditional Use Permit, as identified in the San Leandro Zoning Code.
- Tenant leases shall contain provisions requiring tenant trucks to adhere to driving on designated truck routes pursuant to San Leandro Municipal Code Chapter 6-7, as may be amended from time to time.

Applicant proposed conditions unrelated to land use and land use entitlements such as: 1) assisting Mr. Plastics with relocation; 2) providing a grant to the City for traffic controls and/or signage; 3)

partnering with local labor; and 4) quarterly meetings during the initial 12-month period with staff, have not been included in the final conditions of approval. The City expects appellants will honor these four commitments that they presented during the public hearing at the May 7, 2018 City Council meeting.

BACKGROUND

Information regarding the project background and proposal can be found in the May 7, 2018 City Council Staff Report.

Environmental Review

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, prior to the filing of this Appeal.

Board/Commission Review and Actions

The BZA reviewed the Project at its regular meeting held on March 1, 2018. During the meeting, staff presented the Project to the BZA. The applicant also made a presentation to the BZA and sought a blanket Conditional Use Permit for warehouse-storage facilities and warehouse-wholesale/retail distribution facilities as permitted uses. The applicant requested that the BZA modify Condition of Approval II.B for a blanket Conditional Use Permit. No persons spoke during public comments. At the conclusion of the public hearing, the BZA approved the Project with no changes to Condition of Approval II.B by a 7-0 decision.

Summary of Public Outreach Efforts

The City Council appeal hearing on May 7, 2018 was noticed in the same manner as the prior BZA public hearings held on December 7, 2017 and March 1, 2018, including a legal advertisement in the East Bay Times - Daily Review newspaper, the posting of placards on the subject property, and mailing notifications to property owners and businesses within a 500-foot radius of the subject property.

Fiscal Impacts

The Appellants paid a deposit and filing fee to reimburse the cost of processing of this appeal. There are no fiscal impacts associated with this decision.

ATTACHMENTS

- Exhibit A - Site Plan (DAB-A1.1)
- Exhibit B - Floor Plans (DAB-A2.1)
- Exhibit C - Roof Plan (DAB-A2.10)
- Exhibit D - Elevations (DAB-A3.1)
- Exhibit E - Details (DAB-A4.1)
- Exhibit F - Colored Elevations & Material Board

- Exhibit G - Perspective 1
- Exhibit H - Perspective 2
- Exhibit I - West Elevation
- Exhibit J - Break Area Design
- Exhibit K - North & East & South Elevations - With Landscape
- Exhibit L - North & East & South Elevations - Without Landscape
- Exhibit M - Photometric Plan (P-SL-1)
- Exhibit N - Topographic Survey (C1)
- Exhibit O - Preliminary Grading and Drainage Plan (C2)
- Exhibit P - Preliminary Utility Plan (C3)
- Exhibit Q - Stormwater Quality Control Plan (C4)
- Exhibit R - Conceptual Landscape Plan (LC1.1)
- Exhibit S - Sign Program

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