



## Legislation Details (With Text)

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<b>On agenda:</b>	6/1/2017	<b>Final action:</b>	6/1/2017	<b>Enactment date:</b>	<b>Enactment #:</b>
<b>Title:</b>	PLN17-0009; Conditional Use Permit to allow for a Vehicle/Heavy Equipment Rentals and Vehicle/Equipment Repair, General use for a construction equipment dealer and rental company at 2091 West Avenue 140th. Vehicle/Heavy Equipment Rentals and Vehicle/Equipment Repair, General are a conditionally permitted uses on the subject property, which is in the IG - Industrial General District. Vehicle/Heavy Equipment Dealers, New is a permitted use on the subject property. Alameda County Assessor's Parcel Number 77B-853-38-1; Ahern Rentals, Inc. (applicant) and West 140th LLC (property owner).				
<b>Sponsors:</b>	Cynthia Battenberg				
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Vicinity Map, 2. Recommended Findings of Fact, 3. Recommended Conditions of Approval, 4. Exhibits A-K				

Date	Ver.	Action By	Action	Result
6/1/2017	1	Board of Zoning Adjustments	Received and Filed	Pass

**PLN17-0009;** Conditional Use Permit to allow for a Vehicle/Heavy Equipment Rentals and Vehicle/Equipment Repair, General use for a construction equipment dealer and rental company at 2091 West Avenue 140th. Vehicle/Heavy Equipment Rentals and Vehicle/Equipment Repair, General are a conditionally permitted uses on the subject property, which is in the IG - Industrial General District. Vehicle/Heavy Equipment Dealers, New is a permitted use on the subject property. Alameda County Assessor's Parcel Number 77B-853-38-1; Ahern Rentals, Inc. (applicant) and West 140th LLC (property owner).

### SUMMARY AND RECOMMENDATION

The applicant, Ahern Rentals, Inc., proposes to operate a construction equipment business at 2091 West Avenue 140th. The Zoning Code defines the proposed uses as "Vehicle/Heavy Equipment Dealer New and Rentals," and "Vehicle/Equipment Repair, General." The subject property is zoned IG - Industrial General District. In the IG zoning district, "Vehicle/Heavy Equipment Dealers, New" is a permitted use pursuant to Zoning Code Section 2-706.A.35. "Vehicle/Heavy Equipment Rentals" and "Vehicle/Equipment Repair, General" uses require a Conditional Use Permit in the IG District pursuant to Zoning Code Section 2-706.B.27 and 2-706.B.30.

Staff believes that, with the recommended Conditions of Approval, the proposed vehicle/heavy equipment dealer, rental and repair use would operate in an orderly manner on the property without detriment or burden to the immediate area and would be compatible with adjacent industrial uses along West Avenue 140th. Staff recommends that the Board of Zoning Adjustments:

A) Adopt the California Environmental Quality Act categorical exemption;

B) Adopt the recommended Findings of Fact; and

C) Approve Conditional Use Permit PLN17-0009 subject to the attached recommended Conditions of Approval.

## **APPLICANT'S SUPPORTING STATEMENT**

See business statement on Exhibit A.

## **RELATIONSHIP TO SURROUNDING AREA AND BACKGROUND**

The subject parcel is one lot with two addresses, 2062 and 2091 West Avenue 140th, located at the terminus of a cul-de-sac street. The parcel is approximately 8.17 acres in size and will be divided by fencing to serve two businesses. Currently, 2062 West Avenue 140th is vacant and a potential use/tenant is unknown. The portion of the property addressed as 2091 West Avenue 140th would be leased by Ahern Rentals, Inc. for the proposed construction equipment dealer and rental business. The proposed location at 2091 West Avenue 140th is fully developed with two existing buildings, a 31,833 square foot office/warehouse building and a 24,900 square foot storage shed. The entire lot was previously owned and used by Primesource Building Products, Inc. for the wholesale and distribution of building products.

The subject parcel and adjacent properties to the north, south, east and west are all similarly zoned IG - Industrial General District and contain a mix of general industrial uses such as manufacturing, wholesale, distribution, warehouse, contractors, and construction suppliers. Properties to the immediate north and east are developed with warehouse buildings and are separated from the project site by either fencing or buildings built on the property line. The adjacent properties located to the south and west of the subject site are separated from the subject property by a railroad line or railroad spur.

## **DETAILS OF PROPOSAL**

The applicant, Ahern Rentals, Inc. is proposing to operate a construction equipment dealer and rental company at 2091 West Avenue 140th. Ahern sells and rents heavy construction equipment and aerial lift equipment. Their business hours would be from 3:00 a.m. to 5:00 p.m. Monday through Friday and would employ approximately 30 employees. The equipment deliveries occur in the early morning hours to avoid traffic, rush hours on freeways, and to ensure that their clients are served before their construction workday begins. Ahern would use the existing 31,833± square foot building for office, warehouse, and vehicle maintenance space. The existing 24,900± square foot storage shed would be used for parking of equipment and a portion would be a wash bay and a space to store recycle and trash bins. Ahern is also proposing to have a fueling station onsite. There will be a total of 51 off-street parking spaces provided on-site for employee and customer parking. Improvements proposed to the subject site include new landscaping, parking areas restriping, and new wrought iron fences and gates. Exterior and interior improvements for the inside and outside of the existing building will be completed by the property owner for Ahern Rentals, Inc.

## **STAFF ANALYSIS**

Two of Ahern Rental's proposed uses, "Vehicle/Heavy Equipment Rentals" and "Vehicle/Equipment Repair, General," are conditionally permitted in the IG - Industrial General Zoning District. Conditionally permitted uses are those uses the City has deemed could be compatible with the surrounding area with appropriate conditions of approval. In this instance, the applicant's proposed uses have been analyzed by staff to be appropriate and compatible with the recommended conditions of approval.

The zoning code defines "Vehicle/Heavy Equipment Rentals" as the rental of automobiles, trucks, trailers, and heavy equipment, including storage and incidental maintenance, but excludes maintenance requiring pneumatic lifts. "Vehicle/Equipment Repair, General" in the zoning code is defined as the repair of large commercial trucks, mobile homes, recreational vehicles or boats, including the sale, installation, and servicing of related equipment and parts. Lastly, the zoning code defines "Vehicle/Heavy Equipment Dealers, New" as sale or leasing of new automobiles, motorcycles, boats, trucks, tractors, construction or agricultural equipment, mobile homes, and similar equipment, including storage and incidental maintenance. "Vehicle/Heavy Equipment Dealers, New" is a permitted use on the subject property. The operation of the proposed construction equipment dealer and rental company would be consistent and compatible with the other industrial uses located on West Avenue 140th.

No major changes to the site are necessary to accommodate Ahern Rental, Inc.'s construction equipment dealer and rental services. Ahern Rentals, Inc. will use the existing building and storage shed for operations and no expansion of

these building areas is proposed. Maintenance/repairs will take place inside the existing building and a new small fueling station will support the applicants operations. The days and hours of operation of the proposed use would be consistent with other industrial uses located along West Avenue 140th. The size of the approximately 8.17 acre site can easily accommodate the vehicles, heavy equipment, employees, and customers for the proposed business and the other potential industrial business to be located at 2062 West Avenue 140th. In addition, the proposed new landscaping and wrought iron fencing for the site will enhance the property frontage and fit in with similar landscape improvements that are proposed at the neighboring property 1980 West Avenue 140th.

Adequate on-site parking for customers and employees will be provided by the 51 parking spaces located on the property. The proposed on-site parking spaces satisfy the Zoning Code parking requirement of 51 parking spaces (Zoning Code Section 4-1704: Warehouse requires one parking space per 1,500 square feet; Vehicle/Equipment Repair requires one parking space per 400 square feet; Office requires one parking space per 300 square feet). Rental vehicles and equipment will be stored in the existing approximately 24,900 square foot storage shed. With the proposed 51 parking spaces and existing storage shed there is sufficient parking availability at the site. The proposed use is not a high traffic or parking generator due to the specialized nature of the business that will generate approximately 6 trips in the morning and 6 trips in the afternoon. Equipment deliveries occur in the early morning to avoid traffic and to ensure clients are served before their construction workday begins. Engineering & Transportation Department staff has reviewed the circulation and parking layout for the site and has found it adequate. The existing site is adequately served by streets, utilities and other public facilities and the proposed use at the existing industrial site will not increase the burden on existing public facilities, utilities, or infrastructure.

Recommended conditions of approval for the proposed project include:

- All vehicle parking on the site shall be undertaken in a neat and orderly manner at all times with limitations on idling;
- Employees and customers shall be instructed by the applicant and/or property owner to park in the internal parking area and not to park on the street in front of nearby businesses;
- No automotive repair, maintenance, servicing work, or use of pneumatic lifts shall be conducted outside the covered areas or the building;
- Fueling station is for the applicants use only and shall not be available or open to the public or outside entities for use;
- All landscaping shall be maintained in a healthy and growing condition at all times; and
- The conditional use permit conditions of approval shall be made accessible to all employees on the property.

The recommended conditions of approval will maintain the character of the industrial area, promote use of the existing site, and prevent impacts to the adjacent industrial uses. The noise impacts will be minimal as the proposed use will be subject to the City's noise ordinance. Staff has visited the site and surrounding area, reviewed exhibits and description of the proposed use which is similar to the prior primarily outdoor use of the site and believes that with the recommended conditions of approval the use will be compatible with the existing industrial uses on West Avenue 140th and the immediate industrial area.

## **GENERAL PLAN CONFORMITY**

The subject property is designated General Industrial in the City's General Plan Land Use Map. General Industrial areas are characterized by "a wide range of manufacturing, transportation, food and beverage processing, technology, warehousing, vehicle storage, office-flex, and distribution uses" (General Plan page 3-31), therefore, the provision of a construction equipment dealer and rental company will be consistent with the City of San Leandro's General Plan for this land use designation. In addition, the following General Plan goals and policies would apply:

**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-7.8 - Sense of Place.** Create a stronger sense of place and a more positive regional image in the industrial districts through improved site planning, landscaping, architecture, façade improvements, fencing and screening, and design, as well as investments in streetscape improvements.

**Goal LU-10 -** Ensure that commercial and industrial projects are attractively designed and are sensitive to surrounding areas.

**Policy LU-10.4 - Industrial Sanctuary.** Protect the City's major industrial areas from encroachment by uses that are potentially incompatible with existing viable industrial activities, or which may inhibit the ability of industry to operate effectively.

This proposed use, with the incorporation of the recommended conditions of approval, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the area, since the use would mainly be located in an existing building or storage shed on an industrial property.

## **PUBLIC OUTREACH**

This item received standard noticing for the June 1, 2017 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.

## **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**

The use as proposed conforms both to the City Zoning Code and to the General Plan. Any potential issues associated with this application will be addressed by the implementation of the recommended Conditions of Approval. Staff therefore recommends that the Board of Zoning Adjustments:

- A. Adopt the findings that this project is exempt under the California Environmental Quality Act (CEQA) per CEQA Guidelines, Article 19, Section 15301 for Existing Facilities that involves minor alterations and negligible expansion of use;
- B. Approve the attached Recommended Findings of Fact for a Conditional Use Permit for PLN17-0009; and
- C. Approve Conditional Use Permit PLN17-0009 subject to the Recommended Conditions of Approval.

## **ATTACHMENTS**

Vicinity Map  
Recommended Findings of Fact  
Recommended Conditions of Approval  
Exhibit A - Cover Sheet  
Exhibit B - Site Plan 2062 and 2091 W. Ave. 140th  
Exhibit C - Proposed Landscape Areas  
Exhibit D - Proposed Landscape Areas at Cul-De-Sac Entrance

Exhibit E - 2091 Warehouse and Office Floor Plan and Elevations  
Exhibit F - Existing Shed - Plan and Elevations  
Exhibit G - Fueling Station Plan, Section and Details  
Exhibit H - Fuel Dispensing Equipment  
Exhibit I - Wash Bay and Water Recycling System  
Exhibit J - Planting Plan  
Exhibit K - Topographic Survey, Property Lines

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