



## Legislation Details (With Text)

**File #:** 18-288      **Version:** 1      **Name:** RES Alvarado Commerce Center Appeal 6-18-18  
**Type:** Resolution - Council      **Status:** Passed  
**In control:** City Council  
**On agenda:** 6/18/2018      **Final action:** 6/18/2018  
**Enactment date:** 6/18/2018      **Enactment #:** Reso 2018-065

**Title:** RESOLUTION of the City Council of the City of San Leandro to Grant 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 Reversing the Decision of the Board of Zoning Adjustments to Deny the Conditional Use Permit for PLN17-0020.

**Sponsors:** Tom Liao

**Indexes:**

**Code sections:**

**Attachments:** 1. Exhibit A, 2. Exhibit B

Date	Ver.	Action By	Action	Result
6/18/2018	1	City Council	Adopted	Pass

RESOLUTION of the City Council of the City of San Leandro to Grant 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 Reversing the Decision of the Board of Zoning Adjustments to Deny the Conditional Use Permit 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 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**, during the public hearing for the Project on March 1, 2018, the BZA 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; and

**WHEREAS**, the BZA, 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 without a Conditional Use Permit to allow Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a permitted use, 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 to deny the Conditional Use Permit to allow Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a permitted use on March 16, 2018 (the “Appeal”); and

**WHEREAS**, the Appeal was scheduled and noticed pursuant to 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 grant 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, and reversed the decision of the BZA to deny the

Appellant's application for a Conditional Use Permit for the Project (PLN17-0020).

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

**Section 1.** That the City Council grants 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 conditions of approval to grant a Conditional Use Permit to allow Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities as a permitted use and adds conditions to prohibit such uses until 12 months have expired following issuance of a Certificate of Occupancy and to require that tenant leases contain provisions requiring tenant trucks to adhere to driving on designated truck routes, and adds findings of fact for approval related to granting a Conditional Use Permit for Warehouse-Storage Facilities and Warehouse-Wholesale/Retail Distribution Facilities, with findings of fact incorporated herein and attached to this Resolution as Exhibit "A" and with conditions of approval incorporated herein and attached to this Resolution as 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 Warehouse-Storage Facility and Warehouse-Wholesale/Retail Distribution Facility uses, as requested by the Appellant, is appropriate as the City Council makes all the necessary findings pursuant to SLZC Section 5-2212(A) to support granting a Conditional Use Permit.
- D. The City Council's grant of the Appeal and modification of the BZA's decision grants 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 after 12 months have expired following issuance of a certificate of occupancy and subject to the conditions of approval.

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

2970785.1