



Legislation Text

File #: 22-706, **Version:** 1

PLN22-0032; Consideration of a Conditional Use Permit to allow the storage and use of certain specified hazardous materials in quantities requiring special handling in accordance with the Fire Code in existing buildings located at 2010 and 2020 Williams Drive. Zoning District: IG, Industrial General; Alameda County Assessor's Parcel Numbers 079A-0375-007-51 and 077A-0644-001-06; Patrick Le, Cuberg, Inc. (applicant); Peter Lennon, B3 Westgate Manager LLC (property owner).

SUMMARY AND RECOMMENDATION

The applicant, Cuberg, is requesting a Conditional Use Permit to utilize greater quantities of hazardous materials to support expansion of its lithium battery research and development use located at 2010 and 2020 Davis Street in the IG, Industrial General, Zoning District.

Staff recommends that the Board of Zoning Adjustments adopt Resolution 2023-001, approving the Conditional Use Permit for 2010 and 2020 Williams Street, PLN22-0032, based on the Findings of Fact and subject to the recommended Conditions of Approval.

RELATIONSHIP TO SURROUNDING AREA AND BACKGROUND

The subject property is located at 2010 and 2020 Williams Street, between Doolittle Drive and Westgate Parkway. The industrial complex occupies two parcels, which together comprise 943,924 square feet, or 21.67 acres. Buildings on the property total 480,716 square feet in several large suites. Most of the building space on the two lots is used for manufacturing or warehousing purposes.

The subject parcel and the adjacent properties are all zoned IG, Industrial General, with the exceptions of two properties to the north, which are zoned IT, Industrial Transition.

The site is located in Airport Safety Zone 4, which is the Outer Approach/Departure Zone for Oakland Airport. In this safety zone, the Airport Land Use Commission evaluates development proposals and entitlements for compatibility with airport activities.

PROPOSAL

The applicant operates an advanced battery technology company with headquarters at 2020 Williams Street. Their technology combines a non-flammable electrolyte with lithium metal anode, with the goal of creating commercially viable lightweight batteries which may be used in larger vehicles and aircraft, resulting in reduced carbon emissions. Cuberg is proposing to expand its research and development operations, which will increase the amounts of hazardous materials stored on site, requiring permits pursuant to Section 105 of the California Fire Code.

Handling will conform to Fire Code requirements to ensure safety. All other hazardous materials used on site will be below regulated quantities at this time.

The IG zone permits research and development uses by right but requires approval of a Conditional Use Permit for uses that manufacture, store, handle, or process quantities of hazardous materials that trigger the requirement for permits in Section 105 of the California Fire Code, as specified in Zoning Code Section 2.12.200.B and 4.04.212.B.3

Operations are proposed to expand from Building E into Building F for research and development and into Building G for office space. Expansion will occur in phases intended to ensure that hazardous materials stay below the threshold for each control area. The applicant is considering expansion into Building H across the parking lot at 2010 Williams Street for the purpose of commercial battery manufacture and this Conditional Use Permit would apply to 2010 Williams, as well. Applying this Conditional Use Permit to both addresses will provide the applicant with maximum flexibility to expand operations and make San Leandro their national headquarters going forward.

STAFF ANALYSIS

The handling of hazardous materials is an expected occurrence in industrial zones. The purpose of a Conditional Use Permit for hazardous materials is to ensure adequate review of a new use, or the alteration or addition of an existing use that would require permits for hazardous materials under Section 105 of the California Fire Code, so that such materials are handled in accordance with relevant safety regulations.

Cuberg currently handles hazardous materials on site in quantities below the Maximum Allowable Quantities (MAQ) and quantities that require a permit according to Section 105 of the California Fire Code. The Building Division, Environmental Services Division, and Fire Marshal have reviewed the proposal and are satisfied that the project, as conditioned, is consistent with Fire and Building Codes. Should any issues arise in the future, this Conditional Use Permit can return for further administrative or Board of Zoning Adjustments review.

On January 25, 2023, the Airport Land Use Commission held a public hearing and considered the application of Cuberg, Inc., to use and store hazardous materials for the purpose of battery research and potential commercial manufacture in Safety Zone 4. Commission members encouraged the City to confirm with the Alameda County Fire Department whether any special fire suppression systems would be required on site as a result of the application. A condition of approval has been included to require the applicant to supply necessary on-site fire suppression systems to the satisfaction of the Alameda County Fire Department. The Airport Land Use Commission found the project to be compatible with the Oakland Airport Land Use Compatibility Plan and voted in favor of the proposal.

In order to approve the proposed Conditional Use Permit, the Board of Zoning Adjustments must make certain findings of fact pursuant to Zoning Code Section 5.08.124. Staff has analyzed the proposal and determined that the required findings can be made as detailed in Exhibit A to the attached Resolution.

The proposed use, as conditioned, would conform to the stated purpose of the IG District, which includes “to provide and protect existing industrial sites and allow for continued operation of existing general industry, subject to performance standards and buffering requirements to minimize potential

environmental impacts.” The proposed use, as conditioned, would also comply with the General Plan, which encourages “leading edge” businesses and energy innovation and requires appropriate regulations to minimize risks associated with hazardous materials. The proposed use, as conditioned, would also work towards the goals and strategies of the 2021 San Leandro Climate Action Plan, which encourages “work to replace environmentally harmful industries with green jobs in a manner that benefits the health and well-being of workers from these industries.” Further, the project will comply with all applicable code provisions and will not create adverse traffic impacts.

GENERAL PLAN CONFORMANCE

The proposal is consistent with the IG, General Industrial, General Plan Land Use Designation and General Plan goals, policies, and actions that are intended to protect and retain industrial uses within City limits. The following General Plan goals, policies, and actions will apply (note: ED- Economic Development and EH-Environmental Hazards):

Policy ED-3.3 - Leading Edge Economic Sectors. Continue efforts to attract businesses on the leading edge of the Bay Area economy, including advanced fabrication, clean tech, information services, advanced transportation, and maker businesses.

Policy ED-3.6 - Energy Innovation. Support new and innovative energy technology, with the objective of reducing dependence on fossil fuels, reducing greenhouse gas emissions, and using energy more efficiently.

Policy EH-5.3 - Design of Storage and Handling Areas. Require that all hazardous material storage and handling areas are designed to minimize the possibility of environmental contamination and adverse off-site impacts. Enforce and implement relevant state and federal codes regarding spill containment facilities around storage tanks.

Action EH-5.3.A - Implement Codes and Regulations. Ensure enforcement of, and compliance with, all adopted hazardous materials regulations.

Policy EH-5.4 - Separation from Sensitive Uses. Provide adequate and safe separation between areas where hazardous materials are present and sensitive uses such as schools, residences, and public facilities. Zoning and other development regulations should include performance standards to avoid safety hazards and achieve compatibility between uses.

Policy EH-9.6 - Airport Safety Zones. Regulate land uses within designated airport safety zones, height referral areas, and noise compatibility zones to minimize the possibility of future noise conflicts and accident hazards.

ENVIRONMENTAL REVIEW

The purpose of a Conditional Use Permit for hazardous materials is solely to ensure that the use complies with the provisions of the Building and Fire Codes. This project is exempt from the California Environmental Quality Act (CEQA) in accordance with the California Code of Regulations Section 15301, because it consists of the operation, and minor alteration of an existing private structure involving negligible expansion of the existing use, conforms to General Plan policies, the Zoning Code, and the Fire and Building Codes, which are designed to prevent a significant impact on

the environment.

PUBLIC OUTREACH

A notice of public hearing was published for this project in the East Bay Times Daily Review newspaper, at City Hall and on the property, and by mail to property owners within 500 feet of the subject property. This item received standard noticing for the February 2, 2023, Board of Zoning Adjustments hearing.

RECOMMENDATION

The proposed use, as conditioned, conforms both to the City Zoning Code and to the policies contained in the General Plan. Compliance with Building and Fire Codes will be ensured through subsequent permit processes that include on-site inspections. Staff recommends that the Board of Zoning Adjustments adopt Resolution 2023-001, approving a Conditional Use Permit to increase the quantity of hazardous materials stored on site at 2010 and 2020 Williams Street, PLN22-0032, based on the Findings of Fact and subject to the Conditions of Approval.

ATTACHMENTS

Attachment A: Resolution 2023-001 Approving a Conditional Use Permit PLN22-0032

Exhibit A: Recommended Findings of Fact PLN22-0032

Exhibit B: Conditions of Approval PLN22-0032

Exhibit C: Fire Infrastructure

Exhibit D: Project Information

Exhibit E: Hazardous Materials Impact Report

Attachment B: Vicinity Map

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