



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Minutes

Board of Zoning Adjustments

Chair Catherine Vierra Houston, District 4

Vice Chair Michael Santos, District 5

Earl Crawford, District 2

Thomas Fitzsimons, At Large (5)

Marguerite Mazzitti, District 1

René Mendieta, District 6

Rick Solis, District 3

Thursday, November 3, 2016

7:00 PM

City Council Chambers

1. ROLL CALL

Present: 7 - Chair Vierra Houston, Vice-Chair Santos, Crawford, Fitzsimons, Mazzitti, Mendieta, Solis

2. PUBLIC COMMENTS

None.

3. MINUTES

A motion was made by Member Solis, seconded by Member Mendieta, that the September 1, 2016 Minutes be Received and Filed. The motion carried by the following vote: Aye: 7 - Vierra Houston, Santos, Crawford, Fitzsimons, Mendieta, Mazzitti, Solis

3.A. [16-533](#) Draft Minutes 9/01/2016

Attachments: [09-01-16 BZA Draft Minutes](#)

A motion was made by Member Solis, seconded by Member Mendieta, that the September 1, 2016 Minutes be Received and Filed. The motion carried by the following vote: Aye: 7 - Vierra Houston, Santos, Crawford, Fitzsimons, Mazzitti, Mendieta, Solis

4. CORRESPONDENCE

None.

5. ORAL COMMUNICATIONS

None.

6. PUBLIC HEARINGS

6.A. [16-518](#) Appeal of an Administrative Determination by the Zoning Enforcement

Official (ZEO) where the ZEO determined that electric fences are not a permitted use under the San Leandro Zoning Code. The applicant had applied for and was denied a building permit to construct an electric fence on property located at 2371 Polvorosa Avenue zoned Industrial General (IG). Michael Pate, Electric Guard Dog LLC., 121 Executive Center Drive Suite 230, Columbia, SC. (Appellant) and LBA CPT Industrial Co. V LLC. (Property Owner).

Attachments: [APL16-003 Appellants Statement](#)
[Letter to the BZA 10-25-16 - Electric Guard Dog](#)
[Resolution 16-007 Upholding ZEO Determination APL16-003](#)

Principal Planner Mogensen, AICP, presented the Staff Report and explained the principles of Permissive Zoning. BZA members asked clarifying questions.

Appellant, Michael Pate, Director of Business Development/Compliance for Electric Guard Dog LLC, presented his case for installing the electric fence. BZA members asked clarifying questions.

The hearing was open to the public.

Comments were made by representative of the Appellant, Electric Guard Dog LLC: John Q. Lee, Robert Ahn.

A motion was made by Vice-Chair Santos, seconded by Member Crawford to close the Public Hearing by the following vote: 7 Aye.

A motion was made by Member Mendieta, seconded by Member Solis to approve Resolution 16-007 upholding ZEO determination APL16-003. The motion carried by the following vote:

Aye: 7 - Vierra Houston, Santos, Crawford, Fitzsimons, Solis, Mazzitti, Mendieta

6.B. [16-515](#)

PLN16-0030; Modification of an existing Conditional Use Permit (CU-84-5) and Site Plan Review to construct and expand an already operating 24-hour self-service gas station and convenience store that includes a State of California Alcohol Beverage Control (ABC) License Type 20 for sale of beer and wine for off-site consumption at 712 Lewelling Boulevard (southwest corner of Lewelling Boulevard and Washington Avenue); the new construction includes pump island layout, overhead canopy, convenience store building and site landscaping; CC Community Commercial District; Alameda County Assessor's Parcel Number 80G-1114-6-2; H. Alam, Faizan Corporation (applicant and property owner).

1. Adoption of the finding that this project is categorically exempt under CEQA Guidelines, Article 19, Section 15303, as new construction of small structures;
2. Adoption of the attached Recommended Findings of Fact for Conditional Use Permit, PLN16-0030; and

3. Approval of Conditional Use Permit, PLN16-0030, subject to the Recommended Conditions of Approval.

Attachments: [PLN16-0030 Vicinity Map 10-6-2016.pdf](#)
 [PLN16-0030 Findings of Fact.pdf](#)
 [PLN16-0030 Recommended COA 11-3-2016](#)
 [PLN16-0030 Exhibits A-J 11-3-2016.pdf](#)
 [Google street views.pdf](#)
 [Informational - Sidewalk Repair Locations Exhibit E&T Dept.pdf](#)

Senior Planner Penaranda presented the Staff Report. BZA members asked clarifying questions.

Jonathan Ramos of Barghausen Engineering, representative for the Applicant, presented the project proposal. BZA members asked clarifying questions.

A motion was made by Vice-Chair Santos, seconded by Member Fitzsimons to open the Public Hearing.

A motion was made by Vice-Chair Santos, seconded by Member Fitzsimons to close the Public Hearing.

A motion was made by Member Mendieta, seconded by Member Crawford to:

1. Adopt the finding that this project is categorially exempt under CEQA Guidelines, Article 19, Section 15303, as new construction of small structures;
2. Adopt of the attached Recommended Findings of Fact for Conditional Use Permit, PLN16-0030; and
3. Approve of Conditional Use Permit, PLN16-0030, subject to the Recommended Conditions of Approval

with the amended language, "Exterior lighting shall not spill over into adjacent properties or the public right of way."

The motion carried by the following vote:

Aye: 7 - Vierra Houston, Santos, Crawford, Fitzsimons, Solis, Mazzitti, Mendieta

6.C. [16-593](#)

PLN16-0053; Conditional Use Permit to allow reuse of a parking lot for a vehicle storage yard for a park and ride lot (commuter lot) on 140,000 square feet of the subject property at 1700 Doolittle Drive; Alameda County Assessor's Parcel Number 79A-385-2-6; J. Noori, Nterra Group (applicant) and B. G. Gordon, W.P Carey, Inc. (property owner); IG Industrial General District.

- Attachments:** [Applicants Supporting Statement.pdf](#)
[PLN16-0053 Vicinity Map 11-3-2016.pdf](#)
[PLN16-0053 FINDINGS OF FACT Vehicle Storage.pdf](#)
[PLN16-0053 Recommended COA.pdf](#)
[PLN16-0053 Exhibits A-D.pdf](#)
[Google street views existing conditions.pdf](#)

Senior Planner Penaranda presented the Staff Report. BZA members asked clarifying questions.

Applicant Gary Chao, Apple Planning and Development Manager, presented his project proposal. BZA members asked clarifying questions.

The Public Hearing was opened and closed by Chair Vierra Houston

A motion was made by Member Solis, seconded by Vice-Chair Santos that the matter of PLN16-0053 be Approved. The motion carried by the following vote:

Aye: 7 - Vierra Houston, Santos, Crawford, Fitzsimons, Solis, Mazzitti, Mendieta

7. MISCELLANEOUS

7.A. [16-598](#) Bay Fair Transit-Oriented Development (TOD) Plan Overview

- Attachments:** [Bay Fair TOD Overview BZA 110316](#)

Deputy Community Development Director, Liao, presented. BZA members asked clarifying questions.

7.B. General Plan and Zoning Code Adoption Update

Planning Manager, Mogensen, AICP, presented. BZA members asked clarifying questions.

7.C. Site Development Sub-Committee Appointment of One Board Member

Planning Manager, Mogensen, AICP, continued this item until possibly the next BZA meeting.

7.D. Board Attendance Policy Update

Planning Manager, Mogensen, AICP, reviewed the BZA Attendance Policy with the Board Members.

8. MEMBERS' COMMENTS

None.

9. STAFF UPDATES/PROJECT STATUS REPORT

Woodroe Woods School successfully opened and they've expressed gratitude for the Board's support.

10. ADJOURN

The meeting was adjourned at 10:08pm, motioned by Member Mazzitti, seconded by Member Solis.