



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Minutes

Board of Zoning Adjustments

Chair Michael Santos, District 5
Vice Chair Rick Solis, District 3
Jeff Falero, District 2
Thomas Fitzsimons, At Large (5)
Marguerite Mazzitti, District 1
Catherine Vierra Houston, District 4
Vacancy, District 6

Thursday, November 2, 2017

7:00 PM

City Council Chambers

1. ROLL CALL

Present: 5 - Chair Santos, Falero, Fitzsimons, Mazzitti, Mendieta

Absent: 2 - Vice-Chair Solis, Vierra Houston

2. PUBLIC COMMENTS

None.

3. MINUTES

3.A. [17-639](#)

Draft Minutes of the Meeting of October 5, 2017

Attachments: [10-05-17 BZA Draft Minutes](#)

A motion was made by Member Mazzitti, seconded by Member Falero, that the October 5, 2017 Minutes be Received and Filed. The motion carried by the following vote: Aye: 5 - Chair Santos, Falero, Fitzsimons, Mazzitti, Mendieta. Absent: 2 - Vice Chair Solis, Vierra Houston.

4. CORRESPONDENCE

Secretary Mogensen stated that he just received a letter from the Alameda Labor Council dated November 2, 2017, addressed to the BZA with regard to item 6.A. and copies had been placed before each of the BZA members. There were 6 other items of correspondence regarding item 6.A. and copies were once again placed in front of the board members, as these items arrived after the packet had been completed. Copies of these items were also placed in a binder outside the Council Chambers for public viewing.

Member Fitzsimons stated that he received correspondence from former Senator Don Perata, very similar to that which Member Mazzitti received, of which he provided copies to Staff. Members Falero and Santos stated they also received similar correspondence from former Senator Don Perata.

5. ORAL COMMUNICATIONS

None.

6. PUBLIC HEARINGS

- 6.A. [17-618](#) PLN17-0012; Consideration of a Conditional Use Permit for a proposed 7,704± square-foot medical cannabis dispensary within an existing commercial and industrial building at 3089 Teagarden Street zoned IG - Industrial General District. A medical cannabis dispensary is a conditionally permitted use on the subject property. Alameda County Assessor's Parcel Number 77B-1201-027-15, -16; Davis Street Wellness Center Inc. (applicant) and The Davis Street Community Center Inc. (property owner).

Attachments: [Vicinity Map](#)
[Applicant Statement](#)
[October 5, 2017 BZA Staff Report](#)
[Resolution No. 17-002](#)
[Public Comments Received](#)
[Exhibits A-H](#)

Senior Planner Mepani stated that this item was continued from the October 5, 2017 BZA meeting. She presented the Staff Report. BZA members asked clarifying questions.

Tom Fitzsimons recommended that Staff add the following wording to section 2..E. of the Conditions of Approval, "once issued" or "upon issuance".

Applicant John Oram presented and answered clarifying questions.

Chair Santos opened the Public Hearing.

Comments were made by the following individuals: Rome Aloise, Al Frates, Josie Camacho, Maureen Forney, Nancy Pretto, Harold Smith, Charles Gilcrest, Lawrence Abbott, Robin Torello, Robert Selna.

Chair Santos closed the Public Hearing.

A motion was made by Member Mendieta, seconded by Member Falero to adopt Resolution 17-002 with the following amendments: 1.) the loan of CDGB funds be repaid just prior to the issuance of the Certificate of Occupancy and 2.) change the language of 2.E. of the Conditions of Approval to include "upon issuance".

A substitute motion was made by Member Falero, seconded by Member Mendieta to adopt Resolution 17-002 with the following amendments: 1.) change the language of 2.E. of the Conditions of Approval to include "upon issuance" 2.) the loan of CDGB funds be repaid just prior to the issuance of the

Certificate of Occupancy, and 3.) the language in 13.O. in the Conditions of Approval include that the applicant must comply with San Leandro municipal code to engage in other cannabis operations at the site .

The motion failed by the following vote:

3 Aye: Chair Santos, Falero, Mendieta

2 Nay: Fitzsimons, Mazzitti

A motion was made by Member Falero, seconded by Member Mendieta to adopt Resolution 17-002 with the following amendments: 1.) change the language of 2.E. of the Conditions of Approval to include "upon issuance", 2.) the loan of CDGB funds be repaid by March 31, 2018 or when the Certificate of Occupancy is issued, whichever comes first, and 3.) the language in 13.O. in the Conditions of Approval include that the applicant must comply with San Leandro municipal code to engage in other cannabis operations at the site .

The motion failed by the following vote:

3 Aye: Chair Santos, Falero, Mendieta

2 Nay: Fitzsimons, Mazzitti

A motion was made by Member Fitzsimons, seconded by Member Mazzitti to adopt Resolution 17-002 with the following amendments: 1.) change the language of 2.E. of the Conditions of Approval to include "upon issuance", and 2.) the language in 13.O. in the Conditions of Approval include that the applicant must comply with San Leandro municipal code to engage in other cannabis operations at the site .

The motion carried by the following vote:

5 Aye: Chair Santos, Falero, Fitzsimons, Mazzitti, Mendieta

6.B. [17-491](#)

PLN17-0002; Consideration of a Conditional Use Permit and Site Plan Review for a multi-family residential project where two new residential units with covered parking are proposed behind an existing single family residence at 84 Oakes Boulevard zoned RM-1800 - Residential Multi-Family District. The proposal requires a Conditional Use Permit for development on a substandard lot and Site Plan Review for new multi-family residential development. Alameda County Assessor's Parcel Number 76-420-3; Y. M. Chung (applicant) and R. Wang (property owner).

Attachments: [Vicinity Map](#)
 [Applicant Statement](#)
 [Recommended Findings of Fact](#)
 [Recommended Conditions of Approval](#)
 [Exhibits A-G](#)

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

Applicant Y. Min Chung presented and answered clarifying questions.

Chair Santos opened and closed the Public Hearing. There were no public comments.

A motion was made by Member Fitzsimons, seconded by Member Mazzitti to approve the matter of PLN17-0002 with the amendment to the Conditions of Approval that the parking spaces be used for vehicles only.

The motion carried by the following vote: 5 Aye: Chair Santos, Falero, Fitzsimons, Mazzitti, Mendieta

7. MISCELLANEOUS

None.

8. MEMBERS' COMMENTS

Member Mazzitti wished everyone a "Happy Thanksgiving".

9. STAFF UPDATES/PROJECT STATUS REPORT

Secretary Mogensen informed the board that there currently 4 items on the agenda for the next meeting on December 7, 2017 and that City Hall will be closed December 22, 2017 through January 1, 2018. He also noted that according to the City Administrative Code, it requires a majority of the board to affirm an action being voted on.

10. ADJOURN

The meeting was adjourned at 9:08pm, motioned by Member Mazzitti, seconded by Member Mendieta by the following vote: 5 Aye - ChairSantos, Falero, Fitzsimons, Mazzitti, Mendieta.