

***EXCERPTS OF THE  
MINUTES OF THE REGULAR MEETING  
CITY OF SAN LEANDRO  
BOARD OF ZONING ADJUSTMENTS  
SEPTEMBER 1, 2011***

**7:00 p.m. Regular Meeting**

**Item 1: Roll Call**

**Present:** Members Marguerite Mazzitti, Thomas Makin, René Mendieta, Janet Palma, Lee Thomas, Vice Chair Catherine Vierra Houston.

**Absent:** Chair Philip Daly (excused).

**Staff:** Sally Barros, Secretary to the Board of Zoning Adjustments (Senior Planner); Elmer Penaranda, Senior Planner; Richard Pio Roda, Assistant City Attorney; Larry Ornellas, Facilities Coordinator; Barbara Templeton, Recording Secretary.

**Item 5: Correspondence and Oral Communication**

**Secretary Barros indicated** that Senior Planner Penaranda would bring up a letter received pertaining to PLN2011-00023 during the presentation.

- a. PLN2011-00021;** Conditional Use Permit to operate a trailer rental and sales business at 2661 Alvarado Street, Unit 22, where Vehicle/Heavy Equipment Dealers, Used and Vehicle/Heavy Equipment Sales are conditionally permitted uses in the IG Industrial General District; Assessor's Parcel Number 77A-648-3-11; Damon McKinney, C&M Trailer Rental (applicant); R. Legallet, 2661 Alvarado LLC (property owner); IG Industrial General District. (Penaranda)

**Senior Planner Penaranda**, presenting his staff report via PowerPoint, said that the subject business is located in one 3,495-square-foot unit on the former Gardco Lighting property at the corner of Alvarado Street and Aladdin Avenue, next door to Acco Engineering Systems. He said that Mr. McKinney's business is an indoor operation that rents nine specialized trailers – two that tow automobiles, three that carry single motorcycles, and four that pull two motorcycles.

Senior Planner Penaranda said that William Spencer, who owns the vacant property across the street, sent a letter indicating opposition to the application, but the letter did not indicate any reason for this opposition. Mr. Spencer has not yet returned a follow-up voicemail message about the correspondence.

Mr. McKinney's intention is to operate his business on an appointment-only basis, and with all the equipment stored indoors, Planner Penaranda said there are no apparent impacts to either people or properties. He said, too, that staff recommends approval, with conditions that include:

- Payment of a DFSI (Development Fee for Street Improvements), triggered by the change in use from Gardco's lower-intensity manufacturing to personal service), and
- Development of an acceptable sign program, which as not included in the design review that was conducted in 2006.

**Damon McKinney**, the applicant, offered to answer member questions.

**Member Makin** asked about Mr. McKinney's planned business hours. In response, Mr. McKinney said that C&M Trailer Rental would generally be open from 8 a.m. until 5 p.m., although he might not be onsite until 9 a.m. if that's his first appointment of the day. He also said that he would make allowances to accommodate clients who might want to pick up a trailer at 7:30 a.m., for instance.

**Member Palma** asked whether Mr. McKinney knows the individual who wrote the letter of opposition and/or talked with anyone who had concerns about his business. Mr. McKinney said no; in fact, he said he's pretty friendly with all the neighbors.

In response to **Member Mendieta**, Mr. McKinney said that he is just starting the business; it's been operating for three months now, and that he sets his latest appointment of the day at 5 p.m., so people won't be picking up trailers at 10 p.m., for instance.

In response to **Vice Chair Houston**, Mr. McKinney said that he operates his business every day, regardless of whether he has trailers on hand to rent or appointments with clients. If he isn't seeing clients, he says that he works on the computer or on trailer maintenance – checking tire pressure and lights, performing safety checks, etc.

When **Vice Chair Houston** invited any members of the audience who wanted to speak to come forward, **Mr. Dillman** said that any young man willing to invest in our community is a great thing. He commended Mr. McKinney on his decision and encouraged the BZA to approve his application.

**Francine Foreman**, Maricopa, Arizona, identified herself as Mr. McKinney's mother, and said that she obviously encourages approval of his application. She said she's worked with her son over the months to help put the business together, and they're looking for the business to grow and continue in San Leandro.

In response to Vice Chair Houston, **Mr. McKinney** said that he is prepared to comply with the conditions set forth in the staff recommendation.

With no further comments or questions from either the BZA or the public, **Vice Chair Houston** invited a motion to close the public hearing.

***Motion to Close the Public Hearing  
Makin/Palma: 6 Aye, 0 No, 1 Absent (Daly)***

**Vice Chair Houston** invited BZA member discussion. There were no additional comments.

***Motion to Adopt Staff's Recommended Findings of Fact  
and Approve PLN 2011-00021  
Subject to the Recommended Conditions of Approval  
Makin/Mendieta: 6 Aye, 0 No, 1 Absent (Daly)***

**Secretary Barros** explained that BZA decisions are final but can be appealed to the City Council within a 15-day period, and appeal forms are available through the City Clerk's office. She explained that **Mr. McKinney's** next steps would be to apply for his business license, have it signed off by the project planner, and determine whether any building permits are required.

END OF EXCERPTS OF MINUTES