

**SAN LEANDRO BOARD OF ZONING ADJUSTMENTS
REGULAR MEETING**

City Council Chambers, First Floor
835 East 14th Street
San Leandro, California 94577

Minutes for February 5, 2014
7:00 p.m. Regular Meeting

Item 1: Roll Call

Present: Member: Earl Crawford (District 2), Catherine Vierra Houston (District 4); René Mendieta (District 6); Chair Janet Palma (At Large).

Staff: Elmer Penaranda, Senior Project Specialist and Interim Secretary to the BZA; Anjana Mepani, Planner II, Kris Kokotaylo, City Attorney; Larry Ornellas, Facilities Coordinator.

Item 2: Public Comments

None.

Item 3A: Minutes

Commission Mendieta commented that he may not have been late to the December 4, 2014 BZA meeting and cited the correction that he thanked Commissioner Hudson, not Houston, for her service.

Motion to approve the minutes of the December 4, 2014 BZA Regular Meeting

Houston/Mendieta: 4 Aye, 0 No

Item 4: Correspondence

Secretary Penaranda stated that an email correspondence was received regarding Public Hearing 6B and will be presented at that time.

Item 5: Oral Communication

Secretary Penaranda stated that a resident phone call was received regarding Public Hearing item 6B and will be presented at that time.

Item 6A: Public Hearings

PLN2014-00038; Conditional Use Permit; to allow for the sale of beer and wine for off-site consumption, from the San Leandro Chevron Station convenience store at 2180 Orchard Avenue. The concurrent sale of motor vehicle fuel and alcoholic beverages is conditionally permitted in nonresidential zoning districts. Alameda County Assessor's Parcel Number 75-102-10-4; IL (S) Industrial Limited District (Special Review Overlay District); Ron Jacobs, PM Design Group, Inc. (applicant) and Arash Salkhi, San Leandro Chevron Station (property owner). (Mepani)

1. Adoption of Exemption under Article 19, Section 15301 (a) of the California Environmental Quality Act;
2. Adoption of Findings of Fact for Approval of PLN2014-00038; and
3. Approval of Conditions of Approval for Conditional Use Permit PLN2014-00038

Planner Mepani presented a PowerPoint presentation of the proposal.

Member Houston commented that she supports the project and asked if there are any current cameras installed and if any new cameras would be installed. **Ron Jacobs**, representative and architect of PM Design Group, responded that there are currently 16 interior and 8 exterior cameras and no other cameras will be installed.

Member Mendieta asked about sales during hours of operation. Planner Mepani responded that the store closes at 10:00 pm, however, the cashier's window is open 24 hours, but there is no access to the interior of the store and no beer and wine can be sold at the cashier's window. Mr. Jacobs commented that other store items can be sold that can pass through the store window.

An opportunity for public comment was provided:

Nancy Yost (resident of 2246 Sitka Street) commented that she does not believe that the neighborhood needs more alcohol. She stated that after 10:00 pm, the cashier could still open the door and sell alcohol and requested that the booth be locked up.

Chair Palma commented that with the security cameras on the premise, it is less likely that the clerk will sell alcohol and if that happens, it should be the last time they sell alcohol.

Motion to close public hearing

Houston/Crawford: 4 Aye, 0 No

Motion to:

- 1. Adoption of Exemption under Article 19, Section 15301 (a) of the California Environmental Quality Act***
- 2. Adoption of Findings of Fact for Approval of PLN2014-00038***
- 3. Approval of Conditions of Approval for Conditional Use Permit PLN2014-00038***

Houston/Crawford: 4 Aye, 0 No

Chair Palma asked Mr. Salkhi if he is aware of the City's procedures and the next steps. Mr. Salkhi nodded and replied yes. Secretary Penaranda stated for public record that decisions of Board of Zoning Adjustments are final under public hearings and may be appealed to the City Council by filing a form to the City Clerk within 15 days of the date of the action. The form shall specifically state the reason for the appeal and an appeal fee is required.

Item 6B: Public Hearings

PLN2014-00028; Site Plan Review; to construct a new 161,200 square foot warehouse building with loading docks, administrative offices and related landscaping and off-street parking; the proposed project requires Site Plan Review and per Article 25 of the Zoning Code, the Zoning Enforcement Official has referred this case to the Board of Zoning Adjustments for discretionary action; 1717 Doolittle Drive; Alameda County Assessor's Parcel Number 79A-541-10; A. Comstock, Comstock Realty Partners, Inc. (applicant and property owner); IG Industrial General District. (Penaranda)

1. Adoption of the California Environmental Quality Act (CEQA) Exemption per CEQA Guidelines, Article 5, Section 15061 (b)(3);
2. Adoption of Recommended Findings of Fact for Approval of PLN2014-00028; and
3. Approval of the Recommended Conditions of Approval for Site Plan Review PLN2014-00028

Secretary Penaranda presented a Powerpoint presentation of the proposed project that was forwarded by the Zoning Enforcement Official to the BZA's review due to size and proximity to residential neighbors.

Member Mendieta commented that he liked the design of the building and how business activities will not face the neighborhoods to the south. He asked if the truck loading during construction can utilize Polvorosa Avenue to mitigate the impacts to the residents on Williams Street and to potentially shift operation hours during heavy construction days. Secretary Penaranda responded that there are construction noise provisions in the Conditions of Approval that Comstock will have to adhere to. Secretary Penaranda also mentioned that an opposition correspondence came from Salud Tayco at 2378 Sitka Street.

Member Houston asked if there would be 36 individual docks or six large bays with six vehicles across. Secretary Penaranda replied that there would be 36 individual docks located at the north end elevation. Member Houston also asked about the deliveries and overnight parking, in which she inquired if those parked cars would interfere with parking spaces that would be allocated for employees and staff. Secretary Penaranda answered it is not allocated for overnight or truck.

Chair Palma asked why the conditions only recommend green components in the Staff Report (page 5 of 7) and commented that new development should incorporate as much green components as appropriate. Secretary Penaranda referred to the Conditions of Approval, III. F. and stated that green components are required. Chair Palma also asked about the drainage system and Secretary Penaranda responded that there will be storm drain management practices, called C3 requirements that Comstock will need to comply with, with storm water retention areas that Engineering will be enforcing.

Member Mendieta asked about renewable energy considerations and implementing a minimal system that can provide energy for average lighting. **Craig Burger**, Principal at Comstock Realty Partners replied that Comstock likes renewable energy and will consider solar panels on the roof, but will need to research how much energy is being used by the tenants and the building to make it financially viable for the building. Mr. Burger also stated that with current building skylights standards, it will immensely help lower energy consumption.

Chair Palma asked about the tenants and the type of warehouse the building will be. Mr. Burger responded that they will be building the project on speculation and do not know who their tenants will be. Comstock's goal is to partner with a high quality corporate tenant to provide distribution of storage of different products with a small office component. Chair Palma followed up and asked if traffic will be affected from the street and into the site. Mr. Burger responded that traffic will most likely not be affected and the warehouse will operate under normal business hours. The building is designed to limit noise at any given time. Chair Palma stated that she is still concerned about noise of trucks at night and what activity may be on site. Secretary Penaranda reiterated that the building is being built on speculation and that there is no way to know who will be occupying the building.

Member Houston asked if all bays will be locked and if there are any plans for security measures after business hours, like outdoor cameras. Mr. Burger stated that automatic gates will be installed on Williams and in the evening hours to limit traffic and disturbance.

An opportunity for public comment was provided:

Nancy Yost (2246 Sitka Street) commented that she had to relocate from her bedroom facing Williams street to the front of her home because of the high noise levels on Williams Street. She could hear a lot of noise of people taking their breaks and general traffic going in and out from the previous business. Ms. Yost asked where the front door of the proposed project will be and Secretary Penaranda responded that the door of the offices is on Williams Street. Ms. Yost requested that hours of operation be posted and enforced and Secretary Penaranda responded that the warehouse facility distribution is not expected to have high employment compared to an office park. The PG&E compressor that created a lot of noise is no longer there. Ms. Yost also commented that construction trucks should not use Williams Street, even for idling, especially after all the Kaiser construction and noise on Williams Street and Doolittle Drive. Secretary Penaranda answered that existing loading bays are located on Williams Street and will continue operation, but the new bays to be constructed will not be on Williams Street.

Motion to close public hearing

Houston/Mendieta: 4 Aye, 0 No

Motion to:

1. Adoption of the California Environmental Quality Act (CEQA) Exemption per CEQA Guidelines, Article 5, Section 15061 (b)(3)

2. Adoption of Recommended Findings of Fact for Approval of PLN2014-00028

3. Approval of the Recommended Conditions of Approval for Site Plan Review PLN2014-00028

Houston/Crawford: 4 Aye, 0 No

Chair Palma asked Mr. Burger if he is aware of the City's procedures and the next steps. Mr. Burger nodded and replied yes. Secretary Penaranda stated for public record that decisions of Board of Zoning Adjustments are final under public hearings and may be appealed to the City Council by filing a form to the City Clerk within 15 days of the date of the action. The form shall specifically state the reason for the appeal and an appeal fee is required.

Item 6C: Public Hearings

PLN2014-00060; Conditional Use; to operate a retail furniture store at 999 Beecher Street; Alameda County Assessor's Parcel Number 77A-675-4-20; S.C. Ho, King Ho Furniture Co. (applicant), J. Kienoski (property owner); IG Industrial General District. (Penaranda)

1. Adoption of the California Environmental Quality Act (CEQA) Exemption per CEQA Guidelines, Article 19, Section 15301;
2. Adoption of Recommended Findings of Fact for Approval of PLN2014-00060; and
3. Approval of the Recommended Conditions of Approval for Conditional Use Permit PLN2014-00060.

Secretary Penaranda presented a PowerPoint presentation of the proposal. He stated that historically, furniture stores in San Leandro are conditionally permitted due to the secondary effects such as outdoor storage, outdoor displays and signage. Mr. John Kienoski of John's Home Improvement is finalizing his liquidation of his home improvement interior business and Mr. Steven Ho of King Ho Furniture would like to continue sales in the 7,000 square feet front portion of the property.

Member Houston asked for clarification about the type of furniture and interior decorations mentioned in the proposal. Secretary Penaranda responded that the business will also be selling home improvement and interior decorations, including fixtures, paintings, and artwork which are permitted. The furniture is the additional business that needs a conditional use permit where King Ho Furniture will be a hybrid of John's Home Improvement and a furniture business. The furniture show area will be located along the edges of the store.

Member Mendieta asked about the landscaping conditions at the front of the business and inquired about as an irrigation drip system or water resistant plants. **Diana Souza**, representative for Steven Ho, responded the landscape will be improved and is required to have an irrigation drip system as mentioned in the conditions.

Member Houston asked about the statement of the ground markings being repainted to refresh their appearance. Ms. Souza commented that the statement was referring to the parking spaces and that they will be restriped. Member Houston also asked when Mr. Kienoski will be out of the back space and when the space will be turned over to Mr. Ho. Mr. Ho stated that it will probably be another year.

Chair Palma asked about the guard dog on the property and hopes that there would be another type of security system with no guard dog. **Chair Houston** asked if there was a security system in place and Mr. Ho responded that there are existing interior cameras and that about five new exterior cameras will be installed.

An opportunity for public comment was provided:

Marilyn Sanders (resident of 623 Tudor Road) commented on the heavy lighting in their neighborhood due from the commercial businesses and requested that moving trucks not be parked against the sound wall as a safety issue for the neighbors living on the other side. She requested that if new lighting is put in, that they be pointed downward and not towards residents' homes. She is also concerned about the smog/air pollution and noise from the idling trucks. Ms. Sanders and fellow residents have complained to businesses about various safety and quality of life issues and stated that it is very difficult to make changes and hopes that new businesses can be good stewards of the neighborhood.

Motion to close public hearing

Mendieta/Houston: 4 Aye, 0 No

Member Mendieta stated that he is in favor of the proposed project and commented that the City can help mitigate commercial impacts to residential neighborhoods.

Member Houston asked for clarification if any additional lighting would be installed and Ms. Souza responded that the lighting at the property would stay the same. Member Houston commented that the idling trucks are more likely from Costco and should not be an issue for King Ho Furniture.

Member Crawford commented that she is also concerned about the lighting, but it seems like a non-issue since the business will not be installing new lights. Member Crawford asked if the new signage would be neon lighting and if it would affect residents. Secretary Penaranda responded that whether the sign is illuminated or not, it should not affect the residents because the sign will face west with residents on the east.

Member Palma stated that she lives farther out in neighborhood and is affected by the commercial lighting and would have preferred a buffer rather than a parking lot on the other side of the wall. Member Palma commented that she acknowledges the resident's comment, but does not believe there will be any impact changes to the proposed business and supports the business.

Motion to:

1. Adoption of the California Environmental Quality Act (CEQA) Exemption per CEQA Guidelines, Article 19, Section 15301

2. Adoption of Recommended Findings of Fact for Approval of PLN2014-00060

3. Approval of the Recommended Conditions of Approval for Conditional Use Permit PLN2014-00060

Mendieta/Crawford: 4 Aye, 0 No

Chair Palma asked Mr. Ho if he is aware of the City's procedures and the next steps. Mr. Ho nodded and replied yes. Secretary Penaranda stated for public record that decisions of Board of Zoning Adjustments are final under public hearings and may be appealed to the City Council by filing a form to the City Clerk within 15 days of the

date of the action. The form shall specifically state the reason for the appeal and an appeal fee is required.

Item 7A: Miscellaneous

None.

Item 8: Members' Comments

Member Mendieta inquired about the BZA's new members and the election of the Vice Chair seat. Secretary Penaranda stated that at February 17, 2015 City Council meeting, Margaret Mazzitti (District 1) and Rick Solis (District 3) were nominated and one vacancy (District 5) is still open. Attorney Kris Kokotaylo confirmed that all seven member seats do not need to be filled in order to elect the Vice Chair, which can be discussed at the next meeting.

Item 9: Staff Updates/Project Status Report

Secretary Penaranda noted that the next Board of Zoning Adjustments meeting will be March 5, 2015.

Item 10: Adjourn

Motion to adjourn

Houston/Crawford: 4 Aye, 0 No

Chair Palma adjourned the meeting at 8:28 p.m.

Respectfully submitted,

Elmer Penaranda, Interim Secretary

Jennifer Chin, Interim Recording Secretary