



City of San Leandro

Civic Center
835 East 14th Street
San Leandro, California

Draft Minutes

Board of Zoning Adjustments

Chair Catherine Vierra Houston, District 4

Vice Chair Michael Santos, District 5

Jeff Falero, District 2

Thomas Fitzsimons, At Large (5)

Marguerite Mazzitti, District 1

René Mendieta, District 6

Rick Solis, District 3

Thursday, September 7, 2017

7:00 PM

City Council Chambers

1. ROLL CALL

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

2. MISCELLANEOUS

A motion was made by Member Mendieta to nominate Vice Chairperson Santos to Chairperson.

A motion was made by Member Mazzitti to nominate Member Solis to Chairperson.

The motion to elect Vice Chairperson Santos to Chairperson carried by the following vote: Aye: 4 - Vice Chairperson Santos, Fitzsimons, Mendieta, Solis. No: 3 - Chair Vierra Houston, Falero, Mazzitti.

A motion was made by Chair Santos to nominate Member Fitzsimons to Vice Chairperson.

A motion was made by Member Mendieta to nominate Member Solis to Vice Chairperson.

The motion to elect Member Fitzsimons to Vice Chairperson failed by the following vote: Aye: 3 - Vierra Houston, Falero, Chair Santos. No: 3 - Mazzitti, Mendieta, Solis. Abstain: 1 - Fitzsimons.

The motion to elect Member Solis to Vice Chairperson carried by the following vote: Aye: 5 - Vierra Houston, Falero, Fitzsimons, Mazzitti, Mendieta. No: 1 - Chair Santos. Abstain: 1 - Solis.

3. PUBLIC COMMENTS

None.

4. MINUTES

4.A. [17-510](#) Draft Minutes of the Meeting of August 3, 2017

Attachments: [8-03-17 BZA Draft Minutes](#)

A motion was made by Vice Chair Solis, seconded by Member Vierra Houston, that the August 3, 2017 Minutes be Received and Filed. The motion carried by the following vote: Aye: 7 - Santos, Solis, Falero, Fitzsimons, Mazzitti, Mendieta, Santos.

5. CORRESPONDENCE

Senior Planner Penaranda will present Correspondence received during the presentation for the matter of APL17-0001.

6. ORAL COMMUNICATIONS

Senior Planner Penaranda will present Oral Communications received during the presentation for the matter of APL17-0001.

7. PUBLIC HEARINGS

7.A. [17-498](#) APL17-0001; Appeal of a Fence Modification approval, PLN17-0018, to construct a six-foot tall redwood fence, including one-foot lattice, in the required 10-foot corner side yard setback where three feet is the maximum permitted height, at 3770 Carmel Way; Assessor's Parcel Number 77B-1145-5; D. and D. McCarthy (appellant); L. Thomas (applicant and property owner); RS Residential Single-Family District.

Attachments: [Vicinity Map 9-7-2017.pdf](#)
[Appeal Application 6-29-2017 scheduled 9-7-2017.pdf](#)
[PLN17-0008 ZEO Agenda Report Emails.pdf](#)
[Email 6-12-2017.pdf](#)
[Email 6-14-2017.pdf](#)
[Resolution No. 17-001 BZA.pdf](#)
[Exhibits A-D PLN17-0018.pdf](#)

Jennifer Faight, one of the City Attorneys advising the City Staff on the Appeal, stepped down from the dais and Valerie Armento presided as City Attorney for this Hearing Item.

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

Senior Transportation Engineer Reh-Lin Chen answered clarifying questions.

Appellants Dennis and Diane McCarthy presented and answered clarifying questions.

Applicant Leodis Thomas presented and answered clarifying questions.

Chair Santos opened the Public Hearing.

Comments were made by the following individuals opposing the project: Herman Howell, Tom Walsh, Mary McCarthy, Jeanne Bishop, Erin McCarthy, Shirley Rocha, Frank Powers, Mark Winchell, Esther Collier, Leo West, Dennis Neil, Stephen Cassidy, Sharon Bertram, Michelle Fourette, Victor Aguilar, Davy Matthis, Jerry Koehler, Janine Turner, Jane LaRue, and one speaker whom did not state their name.

Comments were made by the following individual supporting the project: Hendy Huang.

A motion was made by Member Fitzsimons, seconded by Member Vierra Houston to close the Public Hearing by the following vote: 7 Aye - Chair Santos, Vice Chair Solis, Falero, Fitzsimons, Mazzitti, Mendieta, Vierra Houston.

Member Vierra Houston made a motion to deny the appeal with the stipulation that the Applicant move the fence back another 18" - 24".

Member Mendieta made a motion to support the appeal, seconded by Member Mazzitti due to the community's concern with safety.

Vice Chair Solis made a substitute motion, seconded by Member Vierra Houston not to make a final decision this evening to allow parties to reach a compromise and reconvene at the BZA meeting on November 2, 2017 or before.

The Applicant and the Appellants requested to be excused to discuss a compromise and the Board heard the next 2 items on the agenda, 7.B. and 7.C.

The Board later resumed the hearing regarding 7.A., after item 7.C. was completed. At that time, Applicant Leodis Thomas announced he was withdrawing his application for the matter of PLN17-0018.

7.B. [17-490](#)

PLN17-0043; Conditional Use Permit and Site Plan Review to allow an additional unit to create a duplex on a parcel of sub-standard width; 1849 Clarke St.; Assessor's Parcel Number 75-69-4; M. Liu (applicant) and M. Liang and J. Xiao (property owners); RD Residential Duplex District.

Attachments: [01 Applicant Statement](#)
 [02 Vicinity Map](#)
 [03 Rec Findings](#)
 [04 Rec Conditions](#)
 [05 Exhibits A-E](#)
 [06 Photographs](#)

Planner II Wu presented the Staff Report. BZA members asked clarifying questions.

Applicant Liu answered clarifying questions.

Chair Santos opened the Public Hearing.

Comments were made by the following individuals supporting the project: Dr. Tom Johannsen.

A motion was made by Member Mendieta, seconded by Member Solis to close the Public Hearing by the following vote: 7 Aye - Chair Santos, Vice Chair Solis, Falero Fitzsimons, Mazzitti, Mendieta, Vierra Houston.

A motion was made by Member Mendieta, seconded by Member Vierra Houston to approve the matter of PLN17-0043. The motion carried by the following vote:

7 Aye: Chair Santos, Vice Chair Solis, Falero, Fitzsimons, Mazzitti, Mendieta, Vierra Houston.

7.C. [17-497](#)

PLN17-0015; Conditional Use Permit and Site Plan Review to permit a massage therapy use in the existing rear commercial building at 2108 Marina Boulevard; Alameda County Assessor's Parcel Number 79A-569-18-2; R. He (applicant) and T. Hui (property owner); CN(S) Commercial Neighborhood District with Special Review Overlay.

Attachments: [01 Message Owner Statement](#)
 [02 Vicinity Map](#)
 [03 Recommended Findings](#)
 [04 Recommended Conditions](#)
 [05 Exhibits A-G](#)
 [06 Photos](#)

Planner II Wu presented the Staff Report. BZA members asked clarifying questions.

Designer Eric Liu answered clarifying questions.

Chair Santos opened the Public Hearing.

Comments were made by the following individuals supporting the project: T. Hui, Mario Mendoza, Faye Mendoza.

A motion was made by Member Solis, seconded by Member Vierra Houston to close the Public Hearing by the following vote: 7 Aye - Chair Santos, Vice Chair Solis, Falero, Fitzsimons, Mazzitti, Mendieta, Vierra Houston.

A motion was made by Member Vierra Houston, seconded by Members Mendieta and Falero to approve the matter of PLN17-0015 with the condition that the applicant would not install neon signage and that the 10' setback be landscaped. The motion carried by the following vote:

7 Aye: Chair Santos, Vice Chair Solis, Falero, Fitzsimons, Mazzitti, Mendieta, Vierra Houston.

8. MEMBERS' COMMENTS

None.

9. STAFF UPDATES/PROJECT STATUS REPORT

Secretary Mogensen, AICP stated that there will be BZA meetings in both October and November 2017.

Director of Community Development, Cynthia Battenberg announced that the City has released an app called "My SL" for residents to quickly and easily report citywide issues such as potholes, sidewalk damage, code violations, overgrown vegetation, and much more. She added that the department has added a new Code Enforcement division to aid in addressing many of these issues.

10. ADJOURN

The meeting was adjourned at 11:44pm, motioned by Vice Chair Solis, seconded by Member Falero by the following vote: 7 Aye - Chair Santos, Vice Chair Solis, Falero, Fitzsimons, Mazzitti, Mendieta, Vierra Houston.