

SAN LEANDRO PLANNING COMMISSION REGULAR MEETING

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

7:00 p.m. Regular Meeting

April 17, 2014

Item 1: Roll Call

Present: **Planning** Commissioners Esther Collier (District 6); Tom Fitzsimons (District 5); Kai Leung (District 4); Scott Rennie (At Large); Vice Chair Ed Hernandez (District 2).

Excused: Kevin Leichner (District 1); Chair Denise Abero (District 3).

Staff: Sally Barros, Principal Planner; Tom Liao, Secretary to the Planning Commission and Deputy Community Development Director; Jennifer Faught, Assistant City Attorney; Larry Ornellas, Facilities Coordinator; Barbara Templeton, Recording Secretary.

Item 2: Public Comments

None.

Item 3A: Minutes

Motion to approve the minutes of the February 20, 2014 Meeting, as amended

Rennie/Fitzsimons: 5 Aye, 0 No (2 Absent)

Commissioner Fitzsimons noted that Page 15 should say “100 square feet per employee” not “100 employees per square foot” while Commissioner Collier corrected the vote count on the Commission’s recommended motions.

Item 3B: Minutes

Motion to approve the minutes of the March 6, 2014 Special Work Session Meeting

Fitzsimons/Collier: 5 Aye, 0 No (2 Absent)

Item 4: Correspondence

None.

Item 5: Oral Communications

None.

Item 6: Work Session

None.

Item 7A: Public Hearings

Matter of Proposed Amendments to the City of San Leandro Zoning Code related to increased flexibility in Industrial and Commercial uses, Community Gardens, Telecommunications, Hazardous Materials, Recycling, Signs, Parking, application processing and general text updates in Zoning Code Articles 3, 5, 6, 7, 8, 9, 16, 17, 18, 21, 22, 27 and 28. (Barros)

Planner Barros noted that meetings on this set of Zoning Code amendments began with the January 30, 2014 Special Joint Work Session of the Planning Commission and the Board of Zoning Adjustments, in an effort to:

- Move forward on San Leandro's Next Generation Workplace District Study recommendations to evaluate industrial districts for opportunities to increase flexibility
- Make some areas, such as Telecommunications and Recycling, more consistent internally and with other jurisdictions
- Clean up and clarify language in several sections
- Shift some application processing to Administrative Review

Planner Barros said in contrast to the January 30, 2014 Work Session, tonight she would focus on changes made in response to recommendations from that meeting as well as subsequent input BZA members provided during their April 3, 2014 meeting. She indicated that tonight's focus points are generally called out in italicized type in tonight's staff report.

Planner Barros also noted that staff is recommending changes that would:

- Clarify a temporary use in the Industrial General (IG) District: outdoor storage is currently allowed, but not outdoor facilities (such as an outdoor restaurant or sidewalk sales)
- Add more uses to the mix in the Commercial Regional Mall (C-RM) District to increase flexibility and align more closely with Commercial Community (CC) District uses and parallel those in the new development around the Kaiser project
- Increase flexibility in parking by using a higher threshold of parking deficiency before a business would require a parking exception

She indicated, too, that in response to input from BZA Members and/or Planning Commissioners:

- Accessory food sales have been added to beer and wine store uses
- Staff reviewed federal brewpub regulations (U.S. Department of the Treasury Alcohol and Tobacco Tax and Trade Bureau [TTB]), but concerned that its annual limit of 5,000 barrels of beer could discourage larger breweries such as Drake's and 21st Amendment from establishing such facilities in San Leandro, instead recommends using the California Alcohol and Beverage Control (ABC) definition, which contains no specific limit on annual production
- University and college extension programs have been added to the business and trade schools definition
- In the community gardens definition:

- Language referencing kitchen gardens and roof gardens has been eliminated
- New text has been added, particularly in Article 16, in terms of development regulations, site management requirements, storage of herbicides and other chemicals, posting of management contact information and other stipulations, all designed to ensure that community gardens would be well-maintained
- Maximum height of front-yard plantings has been increased from 24 to 36 inches, which is consistent with fence heights
- In dance clubs, the focus has been placed on dancing as the primary use

Planner Barros said the larger discussion of the approach to entertainment has been tabled because more time is needed to discuss it internally as well as to obtain community input, but two minor changes remain among the amendments proposed:

- The language would focus on “events” versus “activities.” Thus, Planner Barros explained, a guitarist providing background music in a restaurant wouldn’t be an “event”; but would classify as an “activity” unless admission was being charged. Patrons arriving all at once would be likely to create traffic and noise impacts
- A business could have six ancillary entertainment events per year before triggering a requirement for a Conditional Use Permit (CUP); at this time, the limit is four such events

Other changes since the January 30, 2014 Work Session that Planner Barros brought to the Planning Commission’s attention include:

- Removing fast food establishments from the South Area 2 (SA-2) District, which is in close proximity to McKinley Elementary School
- Removing bowling alleys from health and fitness centers, and expanding the definition to clarify that any facilities offering alcoholic beverages would be commercial recreation facilities rather than health and fitness centers
- Tabling the live-work issue for further study, research and evaluation of potential impacts in industrial districts
- Holding back on adding massage therapy changes to the Zoning Code at this time, pending the outcome of efforts underway to repeal State law that currently requires treating those who have California Massage Therapy Council certificates as individuals providing retail services
- Revising the mobile food vendor definition on the basis of discussions with the Alameda County Health Department
- Permitting both timed and manual shutoffs for lighting mechanisms at wireless telecommunications facilities
- Adjusting language regarding temporary political signs to align with federal law, reflecting advice from the City Attorney
- Explicitly indicating that non-applicants have the right to appeal Zoning Enforcement Official (ZEO) decisions
- Withdrawing the recommendation to eliminate posting public hearing and meeting notices on and near subject sites

- Making temporary use permits in Zoning Code Article 16 consistent with other areas of the Zoning Code, which establish a 90-day period before they expire, and also specifically allowing outdoor facility permits to be processed for IG District uses

In addition, Planner Barros noted that staff is now recommending an amendment pertaining to commercial security gates and roll-up doors in Article 6 of the Zoning Code. This is to ensure that future such installations in downtown storefronts will be inside the glass, and if a business cannot install them as prescribed, the gates/doors would be subject to review and prior approval of the Community Development Director and Planning Department staff.

Turning to proposed additions to the C-RM District uses, Planner Barros explained that the new uses all have been folded into the matrix as well. The new uses include:

- Artists' studios, brewpubs and supermarkets, which would be permitted outright
- Animal hospitals, bars, beer and wine stores, commercial recreation, dance clubs, emergency healthcare (e.g., urgent care clinic), entertainment events, liquor stores and retail sales/big box, which would be conditionally permitted
- Animal boarding, automatic teller machines (ATMs), catering services, community gardens, game centers and nurseries, which would be permitted with Administrative Review

Planner Barros reiterated that the changes she covered are those that have taken place since the BZA/Planning Commission Work Session on January 30, 2014, but Commissioners are free to discuss any others that she did not address as well. She also pointed out that the General Plan is supportive of the set of changes proposed, noting that the relevant General Plan policies are called out in the staff report. As Planner Barros indicated, although the General Plan was written in 2002 it was prescient in that it set out policies with goals aimed specifically to reshape the industrial area and to promote business diversification.

In terms of environmental review, she asked the Planning Commission to consider the changes recommended as exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061 (b)(3). She noted that if a Zoning Code amendment allows a particular use with the CUP, environmental review would take place at that time.

She also reviewed public outreach regarding the proposed amendments. In addition to the public noticing and informing homeowners associations and the Chamber of Commerce, she said meetings and discussions related to the Next Generation Workplace District Study, which drives many of the recommendations, have taken place since September 2013, including community meetings and a City Council presentation in October 2013, formation of an Industrial Area Working Group in January 2014 and another session with the City Council in February 2014.

In addition to the changes outlined, Planner Barros said the Office of Business Development had a request that did not get into the staff report. It concerns permitting mobile food vending uses with Administrative Review in six additional zones in South Area (SA) and Downtown Area (DA) Districts: SA-1, SA-3, DA-1, DA-2, DA-5, DA-6. Due to its proximity to an elementary school, Planner Barros explained, SA-2 would be omitted while DA-3 and DA-4 would be omitted because they are primarily residential districts. In response to **Acting Chair Hernandez**, she pointed out the various SA and DA Districts on the San Leandro Zoning Map. She also noted that the Administrative Review process would enable the City to place conditions related to noise, odors, etc.

Acting Chair Hernandez invited Commissioner comments and questions.

Commissioner Rennie's initial questions concerned:

- Treating temporary political signs differently from other non-commercial signs is problematic. **Planner Barros** recalled that comments from Commissioner Rennie at the January 30, 2014 Work Session and a separate public comment prompted a review by City Attorney Rich Pio Roda, and the language now proposed resulted from that review. Planner Barros said that the City does have size restrictions on other types of signs but they differ from those that apply to temporary political signs.

Noting that language regarding removal of temporary political signs after a period of time has been stricken in the revision, Commissioner Rennie said he is not clear about what makes them temporary. Commissioner Rennie questioned whether the language captures what the City is trying to accomplish. Planner Barros said she thought the City Attorney felt that requiring removal of these signs after an election was a violation of free speech.

Commissioner Rennie said he wouldn't want this particular issue to delay moving forward with the package of Zoning Code amendments, but he did want to express his basic concern that we seem to be addressing Temporary Political Signs differently than other non-commercial signs without a supporting rationale.

- As for the dance hall definition, Commissioner Rennie said he was willing to wait for the deferred discussion on Entertainment, but is concerned about the recommended inclusion of a dance hall use in the C-RM District (Bayfair Center), and the potential for it to be a sizeable scale of use. If the dance hall definition would allow a nightclub in its traditional form, he said he can foresee problems developing quickly.

Planner Barros pointed out that the dance hall use would require a CUP, which staff considers a good way to review and enforce issues related to size, noise and other impacts. She said before the BZA considers CUP applications, staff sends proposals to the San Leandro Police Department for thorough review and would feel confident in handling that, even at Bayfair Center.

Commissioner Rennie said he remains uncomfortable with the idea. In his experience, he explained, law enforcement doesn't always make the connection between land-use planning and operational impacts, and once a profitable nightclub gets in place it can be difficult to dislodge. Commissioner Rennie said he thinks primarily of retail uses when he thinks of Bayfair Center, and doesn't see how a dance hall adds synergy to the economic activity. Dance halls don't typically generate revenue sufficient to cover the costs of services they require, he contended, so they become loss-leaders if used to attract people to particular locations. He said it might make good economic sense for the landlord, but particularly in light of the fact that Bayfair and BART already have security and patron-conduct issues, for the City to allow a nighttime use right next to the BART station doesn't seem to be the direction we're trying to take with Bayfair. He said we want it to be a safer place, not encourage more problems that need more policing.

Secretary Liao said that Bayfair Center, BART and Alameda County have been partnering with the City over the past several months in an effort to secure a planning grant from the Metropolitan Transportation Commission (MTC) for funding to explore creating a vibrant transit-oriented district (TOD) in the Bayfair/BART area. In the meantime, Bayfair was working toward maximizing flexibility of uses. If the grant money is forthcoming, he said the [planning] process would be very similar to that for the Downtown TOD Strategy development, which he described as a comprehensive process than spanned two and one-half years.

Planner Barros said the process Secretary Liao described would involve extensive community outreach and environmental review, so adding entertainment uses at Bayfair Center could be postponed until that planning bears fruit.

Commissioner Rennie said it would take more information to convince him that an entertainment use such as a dance hall or nightclub at Bayfair would be managed properly and also make economic sense.

- **Commissioner Rennie** also brought up a point he made at the January 30, 2014 Work Session when he expressed concern about proposed changes in the CC District because they don't seem appropriate along the stretch of MacArthur Boulevard between Estudillo Avenue and Dutton Avenue. He asked whether staff has given any thought to rezoning that section, which is more akin to a Commercial Neighborhood (CN) District.

Planner Barros said staff and Community Development Director Cynthia Battenberg discussed potential rezoning as the next step in Zoning Code revisions to undertake. She said some areas downtown also might be more suitably rezoned, specifically some of the Industrial Limited (IL) Districts that are adjacent to DA Districts.

Commissioner Fitzsimons inquired about some of the changes shown in the staff report under entertainment events. He asked whether "any form of recorded entertainment using amplified recorded music, such as karaoke systems" was being stricken because amplified recording music would be characteristic of an entertainment "activity" rather than an "event." Planner Barros said yes, that with karaoke or a restaurant with background music, for example, people come and go at staggered times as opposed to all arriving and/or leaving at once.

For clarification, **Commissioner Fitzsimons** posed a hypothetical situation of a church festival in a parking lot, with a disc jockey, CDs or a radio providing music, asking whether this stricken provision would not apply since the occasion wasn't a musical event per se but a church festival. Secretary Barros said that he's correct; the focus is on "events" when land-use issues come into play, with people arriving within a short window of time and noises happening around a specific time period.

Commissioner Fitzsimons also found the line, "Televised events where advertised as a stand-alone event or separate admission" vague and requested clarification about whether a restaurant that has TVs and advertises World Cup viewing is staging a stand-alone event. Planner Barros said it would be considered an event if patrons were told to come at 1:00 p.m. on Saturday for a big World Cup party. She explained that the Englander, for example, has a CUP for comedy and other events, but not just for having sports on all their TV screens. Commissioner Fitzsimons said the word "advertising" might cause the confusion since it's difficult to isolate whether the business with TVs during basketball playoffs is advertising itself or a playoff game; for a sports restaurant with TVs, advertising its TVs would be a normal part of its advertising. If TV is part of the restaurant ambience, he said it would be unfair to make the business run afoul of the law by advertising more than six events per year.

Secretary Liao said part of this stems from staff's practical experience in dealing with the community. He cited an example of a neighborhood bar with TVs promoting an event to attract more business, resulting in neighborhood concerns about parking, traffic and noisy crowds of people hanging around outside late in the evening. People can go to Chili's to watch the World Series or NBA finals, he said, but Chili's doesn't necessarily advertise that. Commissioner Fitzsimons said he understands and agrees with the intent, but believes a more complete definition of stand-alone event is needed to avoid problems.

To put the proposed change in context, **Planner Barros** referred to the broader text of Zoning Code Article 3. She said the original statement that Commissioner Fitzsimons cited read,

“Televised events or with such features as ‘big screen’ projection systems,” and the change proposed was intended to make it less restrictive, because any facility with a big-screen TV under this definition would be considered to be offering entertainment that technically requires a CUP.

Upon further discussion, Commissioner Fitzsimons recommended expanding the statement to read: *Televised events where advertised as a stand-alone events or separate admission is charged, where a set start time or end time is included in the advertisement.*

Commissioner Fitzsimons also had questions and/or comments about retail sales, temporary political signs, health and fitness centers and commercial recreation.

- He asked the rationale for expanding retail uses in industrial areas. The ability to have card shops, markets, and other convenient amenities nearby would be important to attract the “maker” communities San Leandro is seeking, Planner Barros responded. She noted that, as the Next Generation Workplace District Study concluded, lack of parking would discourage huge retailers from moving in.
- He asked whether people who post signs other than temporary political signs are required to register with the City. Planner Barros said yes. She referred to proposed Zoning Code Article 18 amendments. When he asked who’s responsible for penalties for signs that are installed in violation of either the Zoning Code or Municipal Code, she said she’d have to check with the City Clerk’s office. **Commissioner Collier** said it would be the candidate or the organization putting up the sign.
- In terms of commercial recreation in the amendments proposed for Article 3, he asked why bowling alleys, ice/roller skating rinks and the word “participant” had been stricken. Planner Barros said bowling alley was stricken in error and ice/roller skating rinks have been moved to health and fitness centers. She noted, however, that ice/roller rinks facilities selling alcohol would be considered commercial recreation.

Planner Barros explained that said “participant” was stricken to avoid conflicting with the new health and fitness center definition, but agreed to restore it per Commissioner Fitzsimons’s comments.

Commissioner Fitzsimons said he struggles with the recommendation to add mobile food vending to the SA and DA Districts at the request of the Office of Business Development. While he understands the motivation and appreciates the vibrancy food trucks can add, he said this activity is harmful to restaurants that provide more jobs and more permanent benefits and services to the City. He said it’s completely inappropriate in the Downtown Area and the South Area, posing too much competition for the restaurants that are in place and creating an uneven playing field between food trucks and brick-and-mortar restaurants in terms of oversight, licensing, taxation, etc. He said he feels strongly enough about this issue to vote against the entire proposal if this recommendation remains part of it.

Commissioner Fitzsimons agreed with the idea of striking dance hall and entertainment from recommended uses in the C-RM District. He said it’s a big enough issue to include with the overall entertainment discussion that has been tabled for the time being. He said if it takes a year or two to resolve the entertainment piece, a use might come in that we’re stuck with.

He also said the Tuesday evening “San Leandro Street Eats” events, previously held on the site now under construction for the Village Marketplace and now held at Davis and Hays Streets, seem to fall under the entertainment “event” category, which would be limited to six per year. He said the way the the language written doesn’t allow that, which means it could be every day and therefore problematic.

Acting Chair Hernandez asked whether San Leandro requires mobile food vendors to obtain permits and pay taxes. Planner Barros said the Finance Department's Business License Office issues permits to itinerant merchant, who are required to pay taxes. She added that the proposal for allowing mobile food vendors in some of the SA and DA Districts dovetails with an Office of Business Development's efforts that the City Council is expected to review. The Office of Business Development has done extensive research and does not consider competition to be a problem; she further explained that the mobile food vendors are intended to attract people that would visit other restaurants in town, and those who want a table or booth in a sit-down restaurant aren't likely to go to a food truck either. Planner Barros said she's specifically asked the Office of Business Development about the issue of competition with brick-and-mortar restaurants, and said they're confident the other uses would benefit them.

In response to **Commissioner Fitzsimons** asking how the cost of an itinerant merchant permit differs from that of a restaurant, and how Alameda County Health Department oversight compares. Planner Barros said mobile food vendor fees are calculated on a different scale, but the cost is fairly substantial considering how little they operate in San Leandro, and they complain about it. She said the Alameda County Environmental Health Department has oversight over food trucks, including inspections and licensing. She also noted that Office of Business Development staff have been meeting with the Health Department to review the definitions in the proposed amendments.

Looking to San Francisco as a "best case" example of food trucks, **Acting Chair Hernandez** asked how the issue of competition with restaurants is playing out there. Planner Barros said different communities respond in different ways to the issue of competition. Because a broader range of dining options is seen as part of San Leandro's efforts to transform its image, she said the City wants to attract both brick-and-mortar establishments and mobile food vendors. She said it's a higher priority here than it may be in Berkeley, for example, which has an abundance of established restaurants.

Secretary Liao said the Community Development Department hasn't heard any complaints from established restaurants about mobile food vending.

Commissioner Fitzsimons noted that being much denser in terms of population and restaurants, San Francisco is able to support a plethora of dining options. He said he'd liken the San Leandro situation more to that of Emeryville, where the arrival of food trucks had a definite impact on restaurants. He said he had restaurant tenants who were demonstrably hurt because food trucks were nearby, in many cases with no time limits. Although he said he appreciates what the Office of Business Development is attempting to do to bring people into San Leandro, he doesn't believe the presence of San Leandro Street Eats across the street from Pelton Center resulted in a corresponding increase in dining out. If we don't see an increase, he stated, the mobile food vendors attract people only temporarily, including people from San Leandro who choose to eat there instead of at a restaurant. Ultimately, Commissioner Fitzsimons said it's harmful to the City for existing restaurants to lose business. He also questions whether San Leandro has achieved the density of the demographic that typically eats at food trucks, and until we do, it's premature. Commissioner Fitzsimons said he doesn't object to mobile food vending in the industrial districts, where they're more likely to keep employees who live out of town in the City longer after work.

Commissioner Collier said she appreciates receiving the large San Leandro Zoning Map, complete with Assembly Use (AU) overlay indications. However, she said the map seems to be lacking definitions for the AU, IL (Industrial Limited), IG (Industrial General) and IP (Industrial Park), which all should be included in amended Article 3. Planner Barros said Assembly Uses and Temporary Assembly Uses are both defined there, but said it should have been clear in the staff report as well.

Commissioner Collier also expressed a concern about allowing brewpubs as an outright permitted use in so many districts. She said at least Administrative Review would be prudent. She said there may seem to be a big difference between brewpubs and bars, but the essential difference may be beer versus hard liquor. Planner Barros, citing Buffalo Bill's in Hayward as an example, explained that staff thought in terms of brewpubs having restaurant operations as a primary use. She also pointed out that the definition specifically attaches brewpubs to bona fide eating establishments. When Commissioner Collier asked about the Englander's CUP, Planner Barros explained that the CUP covers the restaurant's comedy nights and other entertainment events, but the Englander is a restaurant and not a brewpub.

Commissioner Leung asked about entertainment activities. He said in general an entertainment event can be either indoors or outdoors, and asked whether the language could specify outdoor events as either primary or accessory entertainment activities. Planner Barros said that at this time, we have no definition that differentiates between outdoor or indoor entertainment events and activities; another layer of discretionary review applies to outdoor events, for which outdoor facilities permits are required.

Returning to the issue of signs, Planner Barros confirmed for **Commissioner Rennie** that lawn signs put out for an election would fall into the definition of temporary political signs. When he asked whether a resident would have to get a permit to put up such a sign, she deferred to Ms. Faught, who said she didn't know.

Commissioner Collier, based on her experience, said when candidates file a statement or want to post political signs, the candidate rather than the property owner takes responsibility, and signs a legal form. The candidate also is expected to keep a list of signs to be posted. The City Clerk keeps a copy of the form, with the candidate's contact information. Planner Barros said the form is called a "declaration of intent." Commissioner Collier said the candidate indicates where signs will be posted on this form, the earliest date before the election they will be posted, and the maximum number of days after the election the signs will remain in place.

Acting Chair Hernandez asked what would happen in the case of a state or federal election. Commissioner Collier said that not all candidates do so, but they or someone from their campaigns are also supposed to complete and file this form. Commissioner Rennie said he can't imagine someone coming in to register before posting a "Vote for Barack Obama" sign on the front lawn. Noting that the language also requires coming into the City Clerk's office at least two days before posting signs, Commissioner Rennie said we need to take a hard look at these rules.

Ms. Faught said signs are tricky, which is why she asked whether the City Attorney's office had reviewed it. She had understood temporary political signs were the only sign issue to be addressed at this time. Planner Barros said parts of the ordinance that don't specifically relate to temporary political signs have been changed also; she mentioned window signs and reader boards. She also said there have been no problems with implementation of the sign ordinance at staff level, and in her recollection, the sign ordinance hasn't been challenged.

In response to a question from Ms. Faught, **Commissioner Collier** said that specific complaints trigger enforcement and Planner Barros said Code Compliance staff is not fully staffed enough for broad enforcement.

Commissioner Fitzsimons said the temporary political signs language doesn't call for removal of any signs unless they violate the Zoning Code or the Municipal Code. The problem with the original ordinance, Planner Barros said, is that these signs must be removed within 10 days, and upon the recommendation of the City Attorney, who worked with the City Clerk's office, removing that limitation would be the only change from the status quo made for many years.

With no further comments from staff or Commissioners, **Acting Chair Hernandez** opened the public hearing. No one came forward.

Motion to close public hearing

Fitzsimons/Collier: 5 Ayes, 0 No

Acting Chair Hernandez questioned the use of “recurrently needed services of a personal nature” in the retail services definition. He recommended deleting “recurrently needed,” which may apply to haircuts but not so much tattoos. Planner Barros concurred.

Noting that a number of changes that pertain to recycling, **Acting Chair Hernandez** asked whether they warrant further discussion. Planner Barros said the main change is that recycling operations that take place entirely indoors can be permitted with Administrative Review, but any outdoor operations at all would continue to require CUPs.

In terms of temporary political signs, in response to **Acting Chair Hernandez**, Ms. Faught said the 10-day window for removal such signs is being stricken because it potentially violates Constitutional rights guaranteed by the First Amendment.

In regard to **Acting Chair Hernandez’s** question about amending Zoning Code Article 17 to increase leniency on parking deficiencies before parking exceptions are required, Planner Barros said staff recommends that applicants be able to have 20 percent fewer parking spaces than required, rather than 15 percent, before they must request a parking exception. She said it’s a minor change that won’t affect many projects, but it would avoid the angst experienced in the past over one or two parking spaces. Planner Barros said she did not check for comparable standards in other communities for this particular recommendation but rather Planning staff based its recommendation on observations in San Leandro.

Commissioner Rennie asked whether the category “prohibited signs,” which includes “mobile, A-frame or portable,” applies on both private and public property. Planner Barros said it does, but she said the prohibition wouldn’t apply to carrying picket signs, which she believes are exempted in another part of the Zoning Code.

In response to **Acting Chair Hernandez**, Planner Barros said that additional study and research will be devoted to live-work uses before any relevant Zoning Code amendments would be recommended.

Commissioner Rennie, noting the considerable volume of material related to the proposed Zoning Code amendments, said the “show-stoppers” for him were the dance hall use in the C-RM District and the environmental impact review he thought it would have required. He described the approach he took was to identify specifics that could be improved or areas he found particularly problematic. Otherwise, Commissioner Rennie explained, he’s fine with making a recommendation even in cases where he isn’t completely comfortable with the underlying scope of regulation (e.g., signs). In other words, in endorsing a proposed amendment, he’s not necessarily endorsing the regulation being amended.

Motion to recommend to Council adoption of proposed Zoning Code amendments covered in the staff report of April 17, 2014, revised to:

A) Add to the Entertainment Event language text that defines a televised stand-alone event as one including a set start and/or end time in the advertising

B) Omit Dance Club from C-RM District uses

C) Restore “Bowling Alley” and the word “participant” to the Commercial Recreation definition

D) Delete “recurrently needed” from the description of “services of a personal nature” in the definition of Retail Services

Fitzsimons/Collier: 5 Aye, 0 No, 2 Absent

**** The motion intentionally excluded the recommendation to approve Mobile Food Vending in some SA and DA Districts, which was presented apart from the staff report***

Acting Commissioner Hernandez confirmed that the amendment expanding districts permitting mobile food vending would exclude the SA and DA Districts recommended by the Office of Business Development.

Planner Barros thanked Commissioners for their patience and tolerance in tackling such a large package with so many changes, indicating that staff will take a more focused approach in the future, proposing fewer changes at a time.

Commissioner Rennie said an abundance of small changes packaged together wouldn't be a problem, but the more focused approach she described would be beneficial when proposed amendments involved substantial, substantive modifications.

In response to **Commissioner Fitzsimons**, Planner Barros said that it may be six or more months before staff comes back to the Planning Commission with any proposals on the Entertainment issue.

Item 8: Miscellaneous

None.

Item 9: Members' Comments

Commissioner Collier invited the Commissioners to join her for the dedication of a bench and plaque in memory of her late husband, Joe Collier, at 4:30 p.m. on May 3, 2014 at Burrell Field.

Item 10: Staff Updates/Project Status Report

Secretary Liao reported that the Downtown Office/Technology Campus recommendations that the Planning Commission voted on at its April 2, 2014 meeting went to the City Council on April 7, 2014. The Council unanimously approved the project, including the majority of the Planning Commission's recommendations. He said that staff did not include the Planning Commission's recommendation to increase the developer contribution for locating public art offsite because the developer committed to keeping the art onsite in a meeting with staff after the April 2, 2014 Planning Commission meeting, and reiterated that intention to Council on April 7, 2014.

Secretary Liao said the Council is scheduled to hold a public hearing on the medical marijuana dispensary ordinance and related Zoning Code amendments that are proposed on April 21, 2014.

He noted that staff would include the Planning Commission's recommendations for Council to consider, but staff would recommend staying with its original recommendation to allow for a single medical marijuana dispensary in San Leandro.

Finally, **Secretary Liao** said that the City Clerk's office is preparing to update its Board and Commissioner Handbook. The City Clerk is requesting feedback from Board/Commission members within the next month; to avoid any Brown Act issues, he added that Commissioners submit any of their input to him independently of one another.

Item 11: Adjourn

<p style="text-align: center;"><i>Motion to adjourn</i></p>
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<p style="text-align: center;"><i>Collier/Fitzsimons: 5 Aye, 0 No, 2 Absent</i></p>
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The meeting adjourned at 8:50 p.m.

Respectfully Submitted,

Tom Liao, Secretary

Barbara Templeton, Recording Secretary