

**EXCERPTS FROM THE  
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

December 18, 2014

**Item 1: Roll Call**

**Present:** Planning Commissioners Esther Collier (District 6); Tom Fitzsimons (District 5); Kevin Leichner (District 1); Kai Leung (District 4); Vice Chair Ed Hernandez (District 2).

**Absent:** Chair Denise Abero (District 3); Scott Rennie (At Large).

**Staff:** Tom Liao, Secretary to the Planning Commission and Deputy Community Development Director; Elmer Penaranda, Senior Project Specialist; Anjana Mepani, Planner II; Jennifer Chin, Administrative Assistant and Interim Recording Secretary; Kit Faubion, Assistant City Attorney; Barry Miller, General Plan Consultant; Larry Ornellas, Facilities Coordinator.

**Item 7A: Public Hearings**

7.A. PLN2014-00044; Rezone from RS Residential Single-Family District to RS(PD) Residential Single-Family, Planned Development Overlay District; and Planned Development to construct a subdivision consisting of four detached, two-story, single-family residences that would comprise between 1,493-1,630 square feet of living area, which includes three bedrooms and three baths. Each unit would have an attached two-car garage. Unaddressed Parcel on Warren Avenue, between 396 and 476 Warren Avenues; Alameda County Assessor's Parcel Numbers 77-572-10; J. Cannizzaro, Cannizzaro Realty Inc. (applicant); Jefferson Building Inc. (property owner). (Penaranda)

**Action:** Recommend Approval of the following to the City Council

- A. Adopt the Categorical Exemption from CEQA Guidelines;
- B. Approve Rezone of the subject site from RS Residential Single-Family District to RS Residential Single-Family, Planned District Overlay District; and
- C. Approve of the Planned Development, PLN2014-00044, subject to the Recommended Conditions of Approval.

**Planner Penaranda** presented a PowerPoint Presentation of the undeveloped property at the north side of Warren Avenue, between East 14th Street and Bancroft Avenue. The proposal for the site is to build four detached residential units. The original 2006 project proposal was scoped for three duplexes and was not well received by the neighbors. Mr. John Cannizzaro, the applicant, reviewed

the project and met with the neighbors for input and comments, in which they requested less density and more off-street parking options. The current project received good feedback from the neighbors and a petition was signed by the neighbors in support of the project.

**Commissioner Leung** asked who would be responsible for managing private property rules, specifically enforcing prohibited storage in garages and parking management in the common driveway. He commented that when tenants occupy the property, they often have more cars and may not park in the garage, and instead, park in the common driveway. Commissioner Leung also asked if the units would be owner occupied only. Planner Penaranda responded that the units will not be owner occupied only and that a person or a party will be able purchase and rent out the unit where the resident would need to abide by the CC&Rs. Planner Penaranda stated that a homeowners association will be created and provisions in the CC&Rs will guide residents to keep each other accountable and to enforce the rules upon themselves, which would also apply to tenants as well.

**Commissioner Hernandez** inquired if any of the trees on the property will be cut and if any are native species. He commented that the trees at The Village became an issue and wanted to address all tree matters at hand. For the trees at the Warren Avenue property, Commissioner Hernandez asked if any of the trees were a concern or needed to be mitigated. Planner Penaranda commented that there is a walnut tree and no indigenous trees. The Boundary Survey topography map stated that there is only one walnut tree and one other tree located on the back property line, which can be saved depending on the tree trunk size and fencing placement. The foundation of the house will most likely require removal of the walnut tree and is too large to save. The final plans require a minimum condition of 15-gallon trees on the property.

**Commissioner Hernandez** stated that the in-lieu fee is 0.6% [for a 4 unit development] at \$28,140 and asked about the City's median sale price that helped calculate that formula. Commissioner Hernandez also asked about the homeownership cost. Secretary Liao responded that the City takes the average median of a recent period, usually 6 months, which is currently about \$470,000. The City reviewed comparable detached-single family housing. The estimated cost for the homeownership cost is about \$423,000, with the difference from the average median sales price applied to the inclusionary fraction to calculate the estimated \$28,000. The in-lieu fee will not be official until the building permits are pulled and may be revised if the average median has changed. Over the last several months, the average median has been trending upwards per Secretary Liao.

**Commissioner Hernandez** asked for more information about the environmental analysis character goal exemptions in California Environmental Quality Act (CEQA) Article 19, Section 15332 and asked how the project is exempt. Planner Penaranda answered that the planned development is exempt because the project meets the General Plan zoning code; it is located on a site that is no more than five acres; there is no value for endangered, rare or threatened species; approval of the project would not result in any significant effects relating to traffic, noise, air or water quality; and all required utilities and public services can adequately service the site, per CEQA Article 19, Section 15332. Kit Faubion, Assistant City Attorney, replied that the intent of the class 32 infill exemption is to recognize that the area around the site is developed, substantially urbanized, and has existing services. The potential for environmental effects are minimal, although, there can still be no potential for significant habitat effects. Since there are no wetlands or grasslands in the immediate area where natural habitats live, no significant habitats are affected. The statement recognizes that in physical certain circumstances, there is less potential for significant environmental effects.

**Commissioner Hernandez** inquired about the Recommended Findings of Fact, point 5 and asked how the planned project contains superior urban design and what elements that may include, such as: design concept, elevations, more density, low energy or green building materials. Commissioner Hernandez also stated that suburban design can be confusing if the City is suburban but is trending to be more urban. Planner Penaranda responded that the elements and design of the contemporary craftsmanship is compatible and blends in with the context of the neighborhood and can be seen as a superior urban design. Ms. Faubion responded that the development is being planned on a regular site with regular development. Sometimes a design of the project is not necessarily in the details of the elevations or architecture, but how well the development fits on the site, especially for infill projects.

**Commissioner Collier** asked about the current driveway/curb cut in front of the property and if there was any prior constructed buildings. Planner Penaranda replied that he did not know of any previous construction and stated that Mr. Cannizzaro can confirm.

**John Cannizzaro**, the applicant, reiterated that he held two neighborhood meetings for the project, which helped garner support from the neighbors and the community. The first meeting proposed six single family homes on the lot and while the neighbors liked the design, they preferred less density of four single family homes with larger square footage and increased parking options. Changes were made for the second meeting, which had less resident attendance, and he communicated that the residents had few issues with the second project proposal. Mr. Cannizzaro stated that he also did not know of any buildings previous built on the site.

**Commissioner Hernandez** asked if the project will be developed or sold. Mr. Cannizzaro stated that he is the developer and does not own the property. The property is listed and the owners are looking for offers for developments.

**Commissioner Leung** commented that he favors this development and that it exemplifies a substantive opportunity in San Leandro for future prospective developers.

**Commissioner Fitzsimons** asked if the development will be for-sale units, maintain ownership and rented, or see what the market is like and sell. Mr. Cannizzaro replied that it is market dependent, but the plan is to sell them.

***Motion to close public hearing***  
***Leichner/Fitzsimons: 5 Aye, 0 No***

**Commissioner Fitzsimons** commented that it is rare to see a project that is zoning compliant, which makes the Planning Commission's analysis easier. He remarked that he liked the design of the project and that it is in character with the neighborhood. Commissioner Fitzsimons asked if the Planning Commission can require the homeowners association (HOA) to require reserves for the replacement of the items that it is responsible for, referring to page 10 of the Conditions of Approval, Section 13c. The HOA fees will most likely be small with minimal dues, and Commissioner Fitzsimons is concerned that when buildings deteriorate, owners will not assess the property and help maintain the building. Commissioner Fitzsimons questioned whether the Planning

Commission could require a condition as a Condition of Approval, but if not maintained, what is the process of addressing an issue. Ms. Faubion answered that the condition can continue to state "you shall maintain" and understands that is as far as the City can mandate. Through the CC&Rs, the owners can set up maintenance conditions and goals. If is not maintained by their internal organization, there may be a potential code enforcement issue. Ms. Faubion confirmed that addressing an issue is often complaint driven from fellow neighbors.

**Commissioner Hernandez** asked if any of the following green standards would be incorporated into the building: building materials, process energy efficiencies, UV water reduction and design of development. Randy Harris, architect from HDL Architects, responded that many of the elements are now California standard requirements, such as Title 24 requirements, energy code requirements, double pane windows, low flow toilet bowls, and landscaping per EBMUD standards. There is a litany of items towards energy savings and is common practice now. There is also specific demolition and recycling practices if there was an existing building or construction needing to be removed. Regular recycling and garbage will be enclosed and separated per unit and will be picked up on the street.

**Commissioner Fitzsimons** commented that San Leandro High School has a woodworking class that would benefit from the walnut tree when it is removed and requested that the school be asked if they would like the wood. Mr. Harris responded that he would inquire giving the walnut wood to the high school.

**Commissioner Hernandez** asked about the project and its relation to the Housing Element Update and questioned if the Planning Commission feels that the standards meet such elements like walkability, bike-ability and property design. Commissioner Fitzsimons highlighted staff efforts to hide the driveway from the street so it would not be car heavy. He also commented that he liked its location near transit corridors and that the plans and designs were thoughtful in how to fit into the neighborhood.

**Commissioner Leichner** commented that the Conditions of Approval require a number of green measures including compliance with Title 24, water conservation measures and green building measures. The project will have to submit a GreenPoint Rated checklist for the building permits.

***Motion to recommend approval of the following to City Council:***

- A. Adopt the Categorical Exemption from CEQA Guidelines;***
- B. Approve the Rezone of the subject site from RS Residential Single-Family District to RS Residential Single-Family, Planned Development Overlay District; and***
- C. Approve the Planned Development, PLN2014-00044, subject to the Recommended Conditions of Approval.***

***Fitzsimons/Collier: 5 Aye, 0 No***

**END OF EXCERPTS**