

**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**

**September 20, 2012**

**Item 1: Roll Call**

**Present:** Planning Commissioners Ed Hernandez (District 2); Tom Fitzsimons (District 5); Scott Rennie (At Large); Vice Chair Denise Abero (District 3); Chair Esther Collier (District 6).

**Absent:** Kevin Leichner (District 1). [Note: The District 4 seat is currently vacant. Former Commissioner Tom Dlugosh has replaced Joyce Starosciak to represent District 4 on the City Council for the remainder of her term.]

**Staff:** Tom Liao, Secretary to the Planning Commission (Planning & Housing Manager); Elmer Penaranda, Senior Planner; Jennifer Faught, Assistant City Attorney; Larry Ornellas, Facilities Coordinator; Barbara Templeton, Recording Secretary.

**Item 4: Correspondence**

**Secretary Liao** noted that he would cover comments that Commissioner Leichner submitted about the proposed development on Aurora Drive during the Work Session item on the agenda.

**Item 6A: Work Session**

PRE2012-00001: Work session on a proposed residential planned development to retain the existing four single-family homes and to construct six new two-family homes (duplexes), resulting in a 16-unit residential development. The proposed duplexes will be two-story construction. The site is zoned RO Residential Outer District. The applicant would be seeking to rezone the properties to include a Planned Development Overlay District. 13533-13547 Aurora Drive. Assessor's Parcel Numbers 79A-584-18-1, 79A-584-18-2, 79A-685-19-1, 79A-584-19-2. Steve Fagalde, Aurora Partners, LLC (applicant and property owner). (Penaranda)

**Planner Penaranda**, using a PowerPoint presentation to describe the proposal for the subject property, said it lies just north of the Mulford Branch Library and backs up against the 9-hole Marina Golf Course. Called Aurora Cottages, the proposed development consists of four parcels that would be consolidated into one 56,000-square-foot lot, retaining the four single-family homes already there and adding six new two-story three-bedroom duplexes. All the existing units are single-story structures. The developer proposes all market-rate rentals for the gated project.

Planner Penaranda said staff seeks Commissioners' feedback on density, proposed setbacks, parking, open space, architecture, materials and colors, landscaping, fencing and exceptions to

Residential Outer RO District requirements for this proposed Planned Development (PD). Exceptions proposed would include:

- Density: RO requirements would allow up to five single-family homes and four duplexes.
- Setbacks: interior side setbacks would be less than the RO requirement of 10% of lot width up to 12 feet, and the rear setbacks would be 13 feet rather than the required 25-foot minimum.
- A 10-foot separation between dwellings: RO requirements call for a 20-foot minimum.
- Height: RO requirements limit structures within 20 feet of the rear property line to a maximum 15 feet in height, whereas the two-story structures proposed reach 19 feet to the eaves and 22 feet to the roof ridge. Except for the rear units, the homes would be well under the RO District maximum height of 30 feet.

Planner Penaranda also indicated that regulations typically require parking spaces to be independently accessible, but the development plans include tandem arrangements, with one parking space on each driveway in front of each one-car garage. The site plan includes a total of 46 spaces, versus the 32 that are required based on the mix of single-family and duplex homes. Of the total, 12 spaces would be reserved for visitor parking.

In response to **Vice Chair Abero**, Planner Penaranda explained that because one of the rear units is set back eight rather than 10 feet from the side property line, it encroaches into its daylight plane envelope. However, he pointed out that it doesn't affect the daylight plane of any other unit.

**Commissioner Rennie** asked whether the City wants to increase density in this area. Except for a higher-density housing project that may be part of the Shoreline Development Plan, Planner Penaranda indicated that other proposals in the area would be considered on a case-by-case basis. He said most of the area has single-family homes, but RO District zoning also permits duplexes for lots of 14,000 square feet or more and most of the large parcels have single-family homes in front and duplexes in back. Consolidating lots triggers another density formula, he added, which applies to other PDs in the area. For instance, he said, 14 dwelling units in two-story buildings occupy the 56,000-square-foot property immediately north of the proposed development.

**Commissioner Rennie** asked about the ratio of permeable surface to hardscape. Planner Penaranda said that he hasn't calculated a ratio, but the project design would factor in C.3 stormwater requirements. Commissioner Rennie also expressed concern about the minimal amount of light coming into the units, noting that light would enter upstairs bedrooms only through back windows, while downstairs light would come in only from the back patio door and small side-yard windows. He suggested that narrower three-story buildings might address that problem. Planner Penaranda said three stories would exceed the height limit, and the developer wants to complement the lower-profile properties in the neighborhood.

**Commissioner Fitzsimons**, noting that one of the options for a 56,000-square-foot property is five single-family homes and four duplexes, asked why that's not the configuration proposed. Planner Penaranda replied that the developer believes a well-designed project could keep the amenities and access and still allow additional units. Pointing out that the RO District criteria were put in place for a reason, Commissioner Fitzsimons said he'd raise the question again when the proposal comes back to the Planning Commission and expect a more thorough explanation then.

**Commissioner Fitzsimons** also suggested that some of the units, particularly those on the front and back of the property, would benefit from having more windows, not only for the eventual tenants but also for the view of passers-by.

In response to another question from **Commissioner Fitzsimons**, Planner Penaranda said he didn't believe Monarch Bay Golf Club, which operates both the Marina Golf Course and the Tony Lema Golf Course, has any concerns about the development.

**Commissioner Fitzsimons** noted that the density proposed is important for San Leandro and it fits in the character of the neighborhood as well as nearby properties. He said Bay Area communities all need greater density if we want succeeding generations to be able to live here.

**Commissioner Hernandez** asked why the developer chose a bocce ball court and whether the enclosed trash areas would accommodate garbage, recyclables and yard waste containers. Planner Penaranda said he'd defer to the applicant for an answer about the bocce ball court, and that the Planning Department would ensure that the trash area meets requirements. **Commissioner Rennie** indicated that tenants might not need yard waste containers if landscaping is the landlord's responsibility.

**Commissioner Hernandez** asked whether adjacent parcels south of the subject site might be available to expand this project's lot size. Planner Penaranda said he believes the owner of those properties has been approached, and they are not on the market.

**Commissioner Fitzsimons** commented about the landscape architect's Netafim irrigation method, which minimizes water usage. He said he would like the landscaping to be as water-efficient as possible.

In response to **Commissioner Rennie**, Planner Penaranda affirmed the owner's intent to operate Aurora Cottages as rental units.

**Chair Collier**, who said the property appears to be smaller than 56,000 square feet, pointed out that with 15 three-bedroom units plus a two-bedroom unit, the development could mean 32 to 40 children living there, with no room to play. She said there isn't enough open space except for the front units, and there's not enough community open space for a play structure or even a play area. While she likes the green space on the plans, she said it's immediately adjacent to the dwelling units and there's no common area for residents to gather. To address the problem, she suggested revising the plan to make the two back buildings single-family dwellings, or else eliminate one of the duplexes to create more community open space.

In terms of traffic, **Commissioner Collier** said that Aurora Drive is narrow, and the development would add another 24 or so vehicles. With cars parked on both sides of the street, she said it would be difficult for drivers to pass each other going in opposite directions without one driver pulling over into a space out of the travel lanes.

**Commissioner Collier** also questioned the use of the small open area for a bocce ball court.

**Commissioner Rennie** noted that the garages are being counted for parking purposes, but the units appear to have very little storage space. For practical purposes, he said, residents would use the garages or even their back patios for storage because they have nowhere else to put things. Planner Penaranda said use of the garages for parking would be included in the conditions, and enforcement would have to be strict to ensure use of garages for parking.

Relaying one of **Commissioner Leichner's** questions, Secretary Liao asked whether the rear yards would consist of concrete patio slabs. Planner Penaranda replied yes. That's what is shown on the site plan. In response to **Chair Collier**, he said permeable concrete pavers could be used in lieu of concrete slabs.

In response to **Commissioner Hernandez**, Planner Penaranda pointed out the project's 12 parking places would be restricted to guest parking.

In terms of the potential for storage space in the attics that **Commissioner Hernandez** suggested, Planner Penaranda said it probably would increase the height and change the roof design, but a crawl space could be accommodated without exceeding the height limit. He deferred to the architect for further response.

**Chair Collier** invited the applicant to speak.

Project architect **Richard Larson** said he could answer some questions and would take others back to see what can be done to address them. He said the project's civil engineer has done a drainage plan that specifies bioswales between each of the duplexes and permeable concrete for guest parking spaces to help recharge the groundwater. Cobblestones and Grasscrete paving stones were ruled out for safety reasons. Mr. Larson said the rear yards would have small patios and landscaped areas. Each garage would include a small shelved storage niche, about five feet wide and two feet deep, and they will look at the possibility of adding attic storage space. Trash enclosure areas would accommodate garbage and recyclables containers. The landscape architect has selected low-water plantings.

In response to **Commissioner Rennie's** question about the location of water heaters and forced-air systems, Mr. Larson said the complex would use Rinnai tankless water heaters, and overhead platforms in the garages would house forced-air units. Replying to **Commissioner Fitzsimons'** concern about windows, Mr. Larson said the design could accommodate adding windows to some of the blank walls. **Commissioner Hernandez** added that more windows also could help deter undesirable activity.

**Commissioner Hernandez** said green waste containers for tenants would be important so they could dispose of kitchen garbage to avoid putting it in a landfill. **Chair Collier** asked whether the plans provide for common green waste containers for tenants to dump lawn clippings, etc. **Commissioner Rennie** asked whether the waste hauler would treat this development as a single- or multi-account site. Mr. Larson said each would have a separate address.

In response to comments from **Commissioners Hernandez** and **Rennie**, Mr. Larson affirmed that the complex would be used for rentals and the owners have no plans for eventual conversion to condominiums. In any case, **Commissioner Fitzsimons** pointed out, the question of condominiums is not germane to the Planning Commission discussion regarding this proposal. He said San Leandro needs affordable rentals, particularly three-bedroom units because there aren't many of them now. In response to **Commissioner Hernandez**, Secretary Liao indicated that inclusionary requirements don't apply to rental properties in California currently due to a recent court case, but an affordable housing component would kick in if the property is ever converted to condominiums. Conversion would be a long, drawn-out process, **Chair Collier** added.

When **Commissioner Hernandez** asked whether eliminating one of the units would kill the project, Mr. Larson said he expected it would. **Commissioner Rennie** said the additional space would make it a very interesting project. **Vice Chair Abero** said that when the project comes back to the Planning Commission, if that unit remains she would want to understand why, and **Chair Collier** agreed.

Secretary Liao summarized comments submitted by **Commissioner Leichner** into six categories:

- Land use and density: The proposed use is a thoughtful infill development compatible with nearby uses and the density limit should be increased to accommodate it.
- Setbacks: Because similar PDs with similar variances contribute to the neighborhood, he would support the comparable setbacks proposed.
- Architecture and design: The new buildings would complement existing ones and support a positive residential image, reinforced by the window and trellis detailing. Porches could

promote street life within the complex. He strongly recommended varying exterior paint colors to minimize the appearance of massing, perhaps using the same trim color throughout to retain a cohesive look. Due to water-retention and drainage issues with stucco, he also recommended plan review by an architect or firm specializing in waterproofing, flashing details and correcting damage related to water intrusion.

- **Parking:** Although parking proposed is more than adequate, he strongly recommended use of permeable paving products.
- **Site work and landscaping:** The very high pavement coverage would burden the stormwater system, so he strongly encouraged permeable surfaces and swales. He also asked about using oil-water separators in vehicle areas, and about tree plantings in terms of the future effects of growing roots on paved surfaces and the leaves and debris that would end up in roof gutters. He also recommended good-neighbor fences around the entire perimeter.
- **Other:** Commissioner Leichner also asked about the owner's intentions regarding property management and reserves for building and landscape repairs, and any plans for eventual condominium conversion.

Addressing some of these points, **Mr. Larson** said that:

- Some of the colors and hues could be varied.
- The water issues with stucco that Commissioner Leichner described don't present a major problem in the type of construction proposed, which also would meet building codes.
- He will discuss the possible use of oil-water separators with the civil engineer.
- The landscape architect would specify appropriate plantings to avoid the root problems that Commissioner Leichner mentioned.

**Chair Collier** invited public comment.

**Audrey Albers**, 2037 Marina Court, said the proposal would be incompatible with Mulford Gardens and would completely overdevelop the lot with more units than the RO District allows. She also claimed the parcel isn't 350 feet deep unless the owner has added property in the back, and that pedestrians would be forced to walk around any vehicles parked in driveways. She said it's "too much, too big, too many," and a green belt is needed to make more room in the complex.

**John Manuel**, 13122 Neptune Drive, said there's already an overabundance of rental housing in Mulford Gardens. He claimed most people feel that rentals don't promote a community the way owner-occupied homes do. As Mr. Manuel put it, the large lots in the neighborhood that bring integrity to the area and allow for open space within the City have been a target of developers and politicians for years. He cited an example of a proposal turned down by the Planning Commission that would have crowded four homes onto 4,000-square-foot lots at the corner of Neptune Drive and Marina Boulevard. Mr. Manuel also expressed concerns about the impact of the proposal on traffic on Aurora Drive and on existing infrastructure. He said the proposal is "way overdone."

As the president of Mulford Gardens Improvement Association (MGIA), **Steve Modifer**, 2525 West Avenue 130th, said he's been struggling to pull the community together. Years ago, hundreds of people participated in various events, he said, but rentals have driven participation down, including attendance at MGIA meetings. While he realizes that rentals are important, Mr. Modifer characterized this proposal as focused on putting as many people as can fit into a small space to make as much money as possible. He said if one building can't be taken out to make the project viable, the project shouldn't be built. Mr. Modifer also expressed concern about the

“slippery slope” of allowing deviations from required zoning standards, and the lack of safe play space for children.

**Todd Barbour**, 2575 West 133rd Avenue, is an owner-builder involved in the subject property. Responding to comments and concerns raised, he noted that root barriers are installed before trees are planted to prevent roots from breaking through the surface. He said the drip irrigation system would consist of underground bubblers such as those he installed at Ben A Begier Buick and F.H. Dailey Chevrolet. He confirmed that the parcel is 350 feet deep, and said he could envision changing the plans to install a play area rather than a bocce ball court. Having lived in the same place all his life, he said there’s plenty of room for cars to pass one another on Aurora Drive with vehicles parked on both side of the street. Mr. Barbour also pointed out that the neighboring development to the north of the subject property consists of boxy buildings 20 feet tall with minimal setbacks from the golf course. He said the residential project envisioned for the corner of Fairway and Aurora Drives would put 56 dwelling units on a property almost the same size as the subject site. Furthermore, the Aurora Cottages project would involve labor, soil engineers, and various vendors all from San Leandro rather than out-of-towners. In addition, he said Aurora Cottages property owners are vigilant about keeping their properties in good repair and would not allow junk to pile up on residents’ patios.

**Shelia Young**, 14751 Pansy Street, Mayor-emeritus of San Leandro, said she knows the people who own the property and came to speak in favor of the project. She said she spoke with Ms. Albers and Mr. Modifer, and called Mr. Manuel but was unable to reach him, because she wanted to give them a personal walk-through to see what the project is all about. She said it would be an immense improvement for the neighborhood. Referring to the adjacent development to the north, she said it’s an example of a property that was overbuilt. It has huge buildings with no windows in back. It has no play structure, either, she said, noting that although she goes all the way to Dublin sometimes to play bocce ball, she agrees with Mr. Barbour that a play area might be more appropriate than a bocce ball court. Ms. Young also noted that she specifically asked the owners of the subject property about any eventual intentions of subdividing, and reported that they have no intention of doing that. She described the proposal as “as a great vision” for its target rental market, primarily professionals working at the new Kaiser facility. Pointing out the adjoining property on the southern side of the proposed site, she said it’s a disgrace to Mulford Gardens. As for the sparse attendance at MGIA meetings, she said few people attend her homeowners’ association meetings either, but she attributes it to people no longer being “joiners.”

**Steve Fagalde**, one of the property owners, said when he first bought into the property, many people suggested subdividing it into condominiums, but “we have no interest in ever selling any of these units.” With the bocce ball court, he said the idea was to add an amenity to the project, but it could be a play structure or a basketball court instead. Judging from comments during the meeting, Mr. Fagalde said a lot of people seem to agree that San Leandro needs a project such as what they’re proposing. He said he’s involved as a proud owner of approximately 200,000 square feet of property in the City, and has owned well maintained property here for around 20 years. He said in this proposal, he’s proud to present a project that would help meet the living requirements of people who will be working at the businesses coming to San Leandro.

**Chair Collier** asked whether the applicants have enough direction from the Planning Commission to proceed. Mr. Larson replied yes.

**END OF EXCERPTS**