

**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

May 15, 2014

Item 1: Roll Call

Present: Planning Commissioners Esther Collier (District 6); Kevin Leichner (District 1); Kai Leung (District 4); Vice Chair Ed Hernandez (District 2); Chair Denise Abero (District 3).

Absent: Planning Commissioners Tom Fitzsimons (District 5); Scott Rennie (At Large).

Staff: Elmer Penaranda, Senior 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 4: Correspondence

Secretary Liao indicated that Planner Penaranda would cover any correspondence related to Item 7A.

Item 5: Oral Communications

Secretary Liao indicated that Senior Planner Penaranda would cover any oral communications related to Item 7A.

Item 7A: Public Hearings

PLN2014-00006, to modify an existing Planned Development, PD 77-11, to permit the installation of a pedestrian gate, an automatic vehicular access gate and related fencing to secure the Floresta Gardens HOA residential condominium community on Caliente Drive off the Washington Avenue frontage; RM 3000 (PD) Residential Multi-Family District. Alameda County Assessor's Parcel Number 77B-1139-89; R&S Overhead Garage Door, Inc. (applicant), Floresta Gardens HOA, Karen Williams (HOA President). (Penaranda)

Planner Penaranda, referring to the PowerPoint presentation of his staff report of May 15, 2014, explained that Floresta Gardens, a Planned Development occupying a 6.1-acre site, was approved for 84 units in four-unit buildings and a common pool in 1977-1978. It's an L-shaped site, with Caliente Drive connecting the frontage on Washington Avenue to Fremont Avenue. He pointed out a shopping center to the north and various property owners to the west and south, including the Eden Roc Apartments, Washington Commons, K-Mart, Orchard Supply Hardware, Nick's Restaurant, a car wash and an oil-change facility.

He showed where the location of the proposed gate, set back on 51 feet off Washington Avenue on Caliente Drive. Two sections of 14-foot gate would span 30 feet, with detection loops that would open the

exit gate automatically when a vehicle pulls up. Telephone/punch-in system would be installed on an island for vehicles entering the property and on the new pedestrian walkway to access the gate on the side.

Planner Penaranda said the arm-style gates at Fremont Avenue that were approved in the late 1970s proved too insubstantial to work well. Subsequently, Floresta Gardens obtained a building permit in 2012 to replace them with more durable gates. The proposed gates off Washington Avenue which the HOA is proposing prevent drive-through traffic and decrease property crimes, and would have a similar appearance, he said, but they would represent a major modification of the PD.

As Planner Penaranda explained, it's considered good urban design and City's practice, based on 30 years of research, to discourage gating and isolating planned communities. The General Plan also discourages gating unless there are overriding public safety concerns. He said approving the proposal also could set a precedent with San Leandro goals and practice. Access is a priority, he added, and the gates could create delays along Washington Avenue.

He noted that oral communication from two residents who oppose the proposal, Salma and Quadratul Afshar, is included in the staff report. The Afshars stated concerns about a gate causing traffic backups on Washington Avenue, and residents turning left to enter the community because it's a busy street with businesses across from Floresta Gardens.

Written correspondence, copies of which Planner Penaranda provided, included a letter from HOA President Karen Williams and supporting statements from 46 residents.

Planner Penaranda also provided Commissioners with crime data sorted by Council district for 2012, 2013 and the first four months of 2014. Floresta Gardens is in District 3. In reviewing the data, which includes violent and leading property crimes reported to the FBI, he said that of the 4,724 such crimes in 2013, District 3 had 14 percent, compared to Districts 1, 2 and 6, where the rates were 17, 18 and 20 percent, respectively. In 2012, he said, of a total of 4,397 such crimes District 3 also had 14 percent, which was behind Districts 6, 2, 1 and 5, at 20, 18, 17 and 15 percent, respectively. Of 1,394 such crimes City-wide through April 2014, 15 percent occurred in District 3.

Planner Penaranda said staff recommends adopting the resolution denying the application and adopting the findings of fact for denial, suggesting alternative measures to gating, such as installing security cameras, improving exterior lighting and setting up a Neighborhood Watch program.

Chair Abero invited the applicant to come forward.

Karen Williams, Caliente Circle, brought additional statements of support from Floresta Gardens residents and read a prepared statement, in which she urged approval of the project, citing both crime and traffic elements that need to be addressed because they have worsened to the point that it's "ridiculously unsafe." Commenting on the staff report, she said the basis of the proposed project is to provide a safer environment by discouraging unauthorized vehicle and pedestrian traffic using Floresta Gardens as a shortcut to other neighborhoods. She said that because none of the 14 un-gated developments listed in the staff report has a through-way that serves as a pass-through and comparing them to Floresta Gardens is not relevant.

When Floresta Gardens was planned 36 years ago, Ms. Williams continued, the vision didn't take into account San Leandro's growth, so the related concerns must be addressed after the fact. She noted that in 1961, no one thought the San Mateo Bridge would need an emergency lane, a shortcoming that wasn't corrected until 2003.

Regarding the Afshars' opposition to the project, she said over the past nine years, neither Mr. nor Mrs. Afshar have attended any HOA Board meetings in which this project has been discussed. She pointed out that Mrs. Afshar's elderly father, using a walker, was almost hit by a speeding vehicle passing through Floresta Gardens. He is a prime example of people who'd benefit from having a gate at the Washington Avenue entrance, she said.

Commenting on the potential stacking of cars on Washington Avenue as a reason for denial, Ms. Williams pointed out that residents can use their remote controls to activate the gate prior to entering the driveway, and the speed of the gate swing is adjustable. She noted that Eden Roc Apartments, to the south of Floresta Gardens, doesn't back traffic up on Washington Avenue even though its electronic gate is only a single car wide and has a shorter ingress than the Floresta Gardens HOA has proposed.

Addressing the General Plan's discouraging gated communities because they could lead to fragmented neighborhoods and disconnection from larger communities, she said she sees none of that in the surrounding gated complexes. She said Floresta Gardens is the only non-gated community in the area on Washington Avenue, and none of the others began with gates. She said she'd like to know when they were modified and under what circumstances they got through the City's process when staff is recommending the Floresta Gardens project be denied.

In terms of the proposal changing the characteristics of the surrounding area, Ms. Williams mentioned the shopping center to the north, and a gas station, diner, strip mall and four apartment complexes to the south and east. Each of these apartment complexes is gated, she pointed out, leading her to question how gating Floresta Gardens would change the characteristics of its surrounding neighbors. She noted that a cement wall has surrounded the development for 36 years, and they're only asking that the last 50 feet be inaccessible to unauthorized vehicular and pedestrian traffic.

In closing, Ms. Williams referred to a statement from Jennifer Rees, Caliente Drive, who has children ages two and four. Her front door faces the main area of the complex, where the fastest cross-traffic passes. She asked whether it would take an accident that hurts or kills a child who steps out of their front door before the City realizes the bottom line is safety. Are the 165-plus residents of Floresta Gardens not entitled to live in a safe environment, she asked. She asked which Commissioner would want to face Ms. Rees under those circumstances if this request for residential safety is denied.

Commissioner Collier said she's torn, because she doesn't favor gated communities, but if a gate is needed, it would have to be farther back than the three car lengths represented by 51 feet. She said that there should be room for at least five or six cars, as is the case with signalized left-turn lanes. Planner Penaranda suggested that the gate company representative might respond.

Shawn Trask, owner of R&S Overhead Garage Door Company, said he's the second-generation owner of R&S, which has been doing business in San Leandro 50 years, installing and servicing thousands of gates in the community. He said this proposal hasn't come forward suddenly; R&S has been working with Floresta Gardens for five years. He said in working on gates through San Leandro's Planning Department over the years, it's typically a 20-foot setback, a 20-foot opening and automatic egress for fire. He said Traffic & Engineering would want to get as much traffic off the street as possible. He said he'd know of accidents at other gated complexes on Washington Avenue, because he services all of them. St. Moritz Garden Apartments, he said, is set back only deep enough to have room for one car at a time; in fact, five complexes on Washington Avenue have three times less setback space than what's proposed for Floresta Gardens. He also indicated that a turnaround, which is not incorporated anywhere else in the City, is part of the Floresta Gardens proposal.

Mr. Trask said that because he makes his living installing and servicing gates, to be told, "We don't like gates in San Leandro" when he came to work with the Planning Department left him frustrated, especially when he knows the proposal meets all the criteria in terms of setbacks and opening widths. He said this proposal is a particularly well-designed modification. Further, he said, residents will get in promptly with remote controls and there are ways to keep the gate open during busy periods, such as commute time.

Commissioner Hernandez noted that pool security was cited as a reason for the gates, but he thought the original PD documents covered it. Planner Penaranda said the pool is fenced, as required, but perhaps there's no daily security and non-residents are getting in despite the fact that the gate is locked.

When **Commissioner Hernandez** asked why a full-security gate is being proposed for the Washington Avenue access, whereas the access gate to Fremont Avenue is not a full-security system, **Mr. Trask** said the back gate allows free egress to both vehicles and pedestrians but prevents entry from the back of the property so non-residents cannot use it as a shortcut.

Commissioner Hernandez asked about the history of Eden Roc Apartments' security system. In reply, Planner Penaranda said Eden Roc is not a PD, so does not have PD requirements, and its gates there were installed prior to 2002, when the General Plan came out discouraging gated communities.

Noting that Planner Penaranda and the staff report both suggested security cameras, increased lighting and a Neighborhood Watch program as alternatives to gating Floresta Gardens' Washington Avenue access, **Commissioner Hernandez** requested elaboration. Planner Penaranda said those are typical recommendations under similar circumstances. He said he isn't aware whether any of these alternatives came up in discussions with other staff relative to the Floresta Gardens proposal.

Commissioner Hernandez asked whether raised buttons on the pavement at the beginning of Washington Avenue would slow or deter traffic from that entrance. Planner Penaranda said they could possibly remind drivers to obey the speed limit or alert them to the driveway, but we'd need more specific information from the City's traffic engineer.

Chair Abero invited the applicant to return to the microphone. **Ms. Williams** said the complex's recent asphalt repaving project, which, added four new speed bumps to the five that were there already, hasn't slowed speeding traffic. A speed limit sign is posted at the Washington Avenue entrance, with four 10-mph signs throughout the complex. The landscaping island in the Washington Avenue driveway also has a sign reading, "Private Road – No Throughway." Addressing the issue of the Fremont Avenue gate, she said before they installed the wrought-iron gate, they were replacing the old swing-arm gate every few weeks because cars would drive right through it. Permitting wasn't a problem with that project, she said, because a gate had been in place already.

Ms. Williams went on to say that exploring a front-gate solution 11 years ago, the HOA found it didn't have enough funds in reserves and residents weren't prepared to pay as it would have cost, \$600 for each of 84 units. After nine years of growing its reserves, she said, the HOA is ready to move forward with the front gate. The recommended denial is disheartening, she said, because Floresta Gardens residents are contributing members of the San Leandro community.

In regard to Neighborhood Watch, Ms. Williams said that many Floresta Gardens residents work full-time, are elderly, don't speak English, or keep to themselves. She said she and other people keep their eyes out when they're home, but it isn't enough, especially with so many vehicles shortcutting from Washington Avenue to Fremont Avenue. She said a second-floor resident was burglarized through his front window while he was absent only 45 minutes. She said people come over the fence to access the pool, as do former residents who kept their keys to the pool gate, leave the gate open and invite friends over. She worries particularly because there's no lifeguard, and the HOA would be liable if something were to happen. With mailboxes broken into four times since December 2013, they will discuss installing cameras in that area at the HOA Board meeting next week, but they can't use cameras to stop the traffic or slow down speeding drivers, she said.

Commissioner Hernandez asked whether the arrows on top of the gates would be necessary, and commented that it's strange to see the fence abut the middle of a resident's patio enclosure. Mr. Trask said the finials on the gate are cosmetic only and can be changed to soften the design, and the gate only abuts the patio wall but is not attached. He also said the gate can't be set any deeper into the complex than proposed because that's the widest point of the driveway to accommodate emergency vehicles. In response to a further question from Commissioner Hernandez, Ms. Williams said the residents of the unit with the patio have not commented on the proposed gate and fencing.

Commissioner Leichner asked whether staff expects to propose any additional traffic-calming or security measures to the applicant, whether the proposal (if approved) would deprive the public of access to any public amenities, and whether anyone would be harmed by not being able to access Caliente Drive as a public road. Planner Penaranda answered "no" to all three questions.

Commissioner Leung asked whether the Floresta Gardens HOA would have insurance on the gate operation. **Harold George**, who is from Walsh Property Management and is the property manager for the HOA, said it has general coverage and liability insurance that would include the fence and gate.

Commissioner Hernandez asked Mr. George for insights into any crime deterrents or traffic-calming measures that have been tried at Floresta Gardens. Mr. George said the complex has speed limit signs and speed bumps, which are consistently ignored. He reiterated that cameras are being considered for the mailbox area because there have been four recent mailbox break-ins. Neighborhood Watch also has been considered.

Chair Abero asked whether any properties near Floresta Gardens are not gated. She lives in that area, she said, and as far as she's observed, all non-commercial properties in the area are gated, their driveway setbacks are shorter than 51 feet, and she doesn't recall any major traffic problems as a result. She also noted that Floresta Villas, the complex off Fremont Avenue behind Orchard Supply Hardware is gated. Planner Penaranda said that Washington Commons, east of Floresta Gardens, is not gated, but the only access is via Fremont Avenue; it doesn't open to any other feeder streets. He also said the PD on Monogram Street, north on Fremont Avenue, is not gated. Ms. Williams said that the two private homes on Washington Avenue are also gated, but as Planner Penaranda pointed out, if a gate is set back 20 feet on a single-family property it isn't subject to any discretionary review.

In response to **Chair Abero**, Planner Penaranda also confirmed that Caliente Drive is a private street that leads from Washington Avenue to Caliente Circle and Fremont Avenue.

Commissioner Hernandez asked whether Floresta Villa was gated prior to 2002. Planner Penaranda said he couldn't recall the year, but it was included in the PD.

Chair Abero opened the public hearing.

Ousman Bah, Caliente Drive, said he's lived in Floresta Gardens for about 10 years. He said what the HOA has proposed is a necessity, and asked Commissioners to put themselves in the residents' shoes so they can go to bed knowing they did what was right. He said his car was broken into twice, despite being alarmed. His second car was stolen. Most of the Floresta Gardens residents could have chosen to live in Pleasanton, or Dublin or somewhere else, but they chose San Leandro because they love the community and want to stay here.

Pamela Hall, Caliente Drive, has lived in Floresta Gardens for 13 years, raising four children there. She said it was very quiet when they moved in, traffic was minimal, and many of the neighbors were seniors. She said that her car also has been broken into quite frequently and recently; a lot of people walk through the complex, she said, going through the garbage cans. Traffic has increased to the point that what used to be a three-minute trip to Safeway now takes 20 minutes. It's very important to take residents' safety into consideration. She said it's a close-knit community, and people check on one another. Ms. Hall said before moving into Floresta Gardens, she stayed at St. Moritz, and the gate setback was very short. At Floresta Gardens, she said, you turn your blinker on at K-Mart, drivers know you're turning in, and you have room enough to pull over to the right while they pass on the left. She said there's more space than ever to enter the gate safely. She also said she's reluctant to do Neighborhood Watch, because she's scared and the world has changed.

Antonio Catubig, Caliente Drive, has owned his property for almost 14 years, and about 12 years ago he was Vice President of the HOA, when they wanted to install a gate but the effort did not materialize for financial reasons. He said he's proud of the HOA Board for saving a lot of money to move ahead now. He said he supports the project for many reasons. He has two cars that have been broken into, one of them to the point that he had to donate it for scrap. His storage unit was vandalized, with the lock destroyed. His mailbox was vandalized recently, and thieves took mail with his personal information. About two years ago, he called 9-1-1 because someone set fire to a trash bin. As for cameras and Neighborhood Watch, Mr. Catubig said they wouldn't deter or prevent scavengers, trespassers, solicitors and other from entering the property. He said his property was valued as high as \$650,000 when the real estate market was hot; it fell to almost \$250,000 after the market crashed. He said installation of the gate would raise property values for him, and when he sells, the more he gets the more the City would get.

Suzanne Paulette, Caliente Drive, said she's lives in the last unit, facing the circle, for 15 years. From there, she said she can see the K-Mart exit drive, Washington Commons and Floresta Villas. She said it's a great place to live, and she favors the proposal to heighten security as well as improve property values.

In addition to needing the gate installed off Washington Avenue, she said they also need to increase the height of the perimeter wall because it's low enough that young people hop or climb it to enter the property.

Bonnie Agnello, Caliente Drive, said she and her son have owned their property in Floresta Gardens for nine years. She said they need a gate to cut down on the trespassing, which results in unauthorized use of trash and recycle bins and dumpsters, causing them to overflow, create unsightly messes to deal with and incur extra costs to have the extra trash hauled away. She said trespassers wouldn't walk through a security gate with their garbage bags. She said the pool is Floresta Gardens' main amenity, and a security gate would also minimize its unauthorized use by nonresidents. Although it's locked and requires a key for entry, residents are uncomfortable confronting people who want to get in. In terms of drive-throughs and walk-throughs, she said they occur every day. The walk-throughs are generally young people, wandering aimlessly through. Drivers, obviously taking shortcuts, speed through to the back gate, endangering the children who are out playing and riding their bicycles.

Tom dePominville, Caliente Circle, said he's been an owner-resident for 14 years. Summarizing some of the safety issues that others have discussed, he mentioned mailboxes, vehicles, storage units and homes vandalized and burglarized. His own car was broken into a couple of months ago, with several items stolen. He said the woman whose second-floor unit was burglarized is now afraid to be in her own home, and she keeps all of her doors and windows closed and locked and all the time. He said no one should have to live like that. He said all the residents are doing is asking the City to allow them to put in a gate to increase safety and security for them and their families.

Viola Walters, Caliente Circle, said she hopes the Commission is taking the residents who are speaking seriously, because their situation is serious. Currently VP of the HOA Board, she said she's lived in Floresta Gardens for 20 years, and in the last five years, the crime rate has increased and more police calls are being made. She's personally called the police when her own car was stolen, when she's seen neighbors' cars being broken into, when cars are abandoned, and when nonresidents stop to park on the street or on the landscaping and smoke dope. She said safety is the prime consideration. She also said she initially opposed the gate because she didn't think there was enough space for it, but a walk-through when R&S came to a Board meeting convinced her otherwise. She said that City concerns about a gate causing emergency access delays don't even warrant consideration because it would take about five seconds for the gate to open, and emergency vehicles have automatic access. She said that if the proposal is denied, she personally would file an appeal by herself if she has to.

Vicente Morales, Caliente Drive, said he's lived there for three years. He said that he's confronted speeding drivers, asking them to please go away. He also said that a couple of months ago, he confronted an unfamiliar man walking up the stairs to a unit across the street occupied by an elderly woman about 10:00 p.m. The man told him he was a newspaper guy. Mr. Morales asked to see his identification. He also said people from other complexes use Floresta Gardens and K-Mart as parking lots. Mr. Morales said his biggest concern is the threat to the lives of the residents, and that's what he would like the Planning Commissioners to think about.

Motion to close public hearing

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

In response to **Commissioner Hernandez**, Planner Penaranda said he has no statistics indicating how often police patrol the Floresta Gardens area. Ms. Williams said she has no specific statistics either, but the police don't do regular patrols. They don't come unless they're called. Ms. Williams said she bought a radar gun to monitor speeds, and spoke to an officer who came out after several storage unit break-ins. She was told the police wouldn't come in to ticket anyone because it's private property. Commissioner Hernandez asked about procedures governing police coverage of private streets or whether Caliente Drive could be converted to a public street. Planner Penaranda said the City wouldn't be likely to make Caliente Drive public because it wasn't constructed to City standards. The PD was approved under that

circumstance to enable the developer to increase density; thus, Caliente Drive is narrower than a public roadway.

Ms. Faught clarified that although California Vehicle Code and traffic laws don't apply to private streets, the police respond to any other kind of crime that's going on.

In response to **Commissioner Hernandez** following up on his earlier question, **Mr. Trask** said softening the appearance of the gate is a design issue that would be easy to address with the HOA. Noting that the pointy spikes were included with the design to match the fence in the back, he acknowledged that perhaps more decorative finials would be more visually appealing.

Commissioner Collier said that while she generally opposes gates, Floresta Gardens is a relatively small, private development that doesn't have some of the reasons to oppose a gate – nearby schools, churches and other facilities that would be adversely affected by gating. She said there's no reason to use Caliente Drive as a shortcut. She said she favors the gate proposal.

Commissioner Leichner agreed with Commissioner Collier. He said there's no public purpose served by keeping this private road open.

Chair Abero asked whether the increased traffic through the area may be a result of drivers trying to avoid the red light camera at the intersection of Floresta Boulevard/Halcyon Drive and Washington Avenue. She also noted that based on the crimes reported by tonight's speakers, the crime statistics for District 3 may not be representative of the Floresta Gardens in particular. Chair Abero said she's Neighborhood Block Captain where she lives, and Neighborhood Watch only works when the people involved speak up. On the other hand, she worries about vigilante-type reactions, when citizens take things into their own hands to the extreme. She said she also understands the constraints on the Police Department regarding some violations on private property. Chair Abero said she approves the gate proposal, but warned that although a gate might help, it won't keep people out if they really want to get in.

Commissioner Hernandez, after confirming that there's free exit from the property from either driveway, said that he too supports the application.

Commissioner Leung said he also lives in a subdivision community, so he empathizes with the safety concerns of Floresta Gardens residents. He said speed bumps create unreasonable noise but seem to have no effect on slowing speeders. He also said the gate may not provide the security the residents want, but there may be additional alternatives in addition to Neighborhood Watch. Ms. Williams said that an evening-hours security guard has been recommended, but it's cost-prohibitive for Floresta Gardens. Without being confrontational, she added, they do try to police themselves.

Chair Abero said she supports the General Plan in discouraging gated communities, and if the City were approached today with a proposal to build one, they'd be turned down on the idea of a gate. In this situation, though, there's nothing the public needs to access, so she said she also favors the applicants' proposal.

Ms. Faught said the Commission would have to work on findings of fact for approving the application and modifying the PD. The Commissioners then proceeded to discuss the Findings to give general direction to Planner Penaranda in crafting language for new Findings of Fact. **Secretary Liao** said that if this item isn't on the City Council agenda until early July 2014, the Planning Commission would have an opportunity to review the minutes of this meeting. Otherwise, the minutes would be presented to the Council in draft form along with the Planning Commission's recommendation for approval.

Finding #1

Chair Abero read current Finding #1: *"The proposed location of the use is in accord with the objectives of the Zoning Code and the purposes of the district in which the site is located."* **Planner Penaranda** said that per the Commissioners' discussion, the need for the gate is based on overriding public safety, i.e., to discourage unsafe through traffic, in terms of speeds and volume.

Secretary Liao pointed out that the pass-through of unwanted traffic is the overriding issue, not the crime element because of the statistics Planner Penaranda had cited. **Chair Abero** emphasized that we don't

have crime statistics on Floresta Gardens, but only on the whole of District 3. **Commissioner Hernandez** said that's true generally, but public comments did address the crime issue.

Ms. Faught said that with Finding #1, we must find that the location of the use is in accord with the objectives of the Zoning Code, and public safety considerations ought to be addressed in Finding #2.

Planner Penaranda said the proposal meets setback and sight distance requirements.

When **Planner Penaranda** noted that PD 77-11 already visited and addressed preventing through traffic, **Commissioner Hernandez** pointed out the current proposal furthers the effort to discourage through-traffic. **Planner Penaranda** agreed, adding that it follows the spirit and intent of the original PD because the existing design serves to only partially solve the problem.

Commissioner Leichner said unauthorized vehicular and pedestrian traffic being able to cut through the PD impairs the residents' quiet enjoyment of private property. He said Finding #1's last sentence might say, "The proposed gates and fencing would eliminate unintended pass-through traffic and restore the quiet enjoyment of private property for the residents of the Planned Development."

Ms. Faught summarized that Finding #1 would then incorporate language about the gate meeting setback requirements, etc., being consistent with the spirit of the original PD to prevent or eliminate through traffic, and restoring quiet enjoyment of private property for residents.

Finding #2

Chair Abero read existing Finding #2: *"That the proposed location of the use and the proposed conditions under which it would be operated or maintained, will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City."*

Planner Penaranda said revised Finding #2 could include verbiage about the location of the proposed pedestrian and vehicular gate and associated fencing meeting the general objective for setback and site distance, and about the gate reducing the volume of speeding through-traffic, which would be the overriding public safety consideration.

Ms. Faught said it would be good to elaborate in Finding #2 about how this PD differs from others, how many other complexes in the area are gated, how the absence of a gate encourages pass-through shortcutting, that other attempts to discourage such activity have been unsuccessful, and generally, what makes Floresta Gardens different. She said the General Plan discourages gating absent overriding public safety concerns, and public safety doesn't mean crime only.

Finding #3

Chair Abero turned to Finding #3: *"That the proposed use will comply with the provisions of this code; including any specific condition required for the proposed use, in the district, in which it would be located."* Commissioners agreed that the last sentence [from staff's denial text for Finding #3] which stated "In this instance, installation of the gates and fencing will isolate the development from the adjacent properties and change the characteristics of the area in which it is located," should be revised to say that the installation would neither isolate the development nor change the characteristics of the area.

Finding #4

Chair Abero quoted the current finding: *"That the proposed use will not create adverse impacts on traffic or create demands exceeding the capacity of public services and facilities, which cannot be mitigated."* She said this finding can be made provided the proposal meets all requirements for police, ambulance and fire access requirements for gated communities. At Commissioner Hernandez's request, Planner Penaranda said he'd check to see left-turn arrows are necessary.

Finding #5

Chair Abero quoted the current finding that the project plan *"will provide superior urban design in comparison with the development under the base district zoning regulations."* This goes again to

aesthetics, she said. Planner Penaranda said this finding could address the use of tubular metal and decorative wrought iron as adequate urban design. The Commissioners concurred with Chair Abero's suggestion to remove references to the Neighborhood Watch and focus on design of the fencing and gate.

Finding #6

Chair Abero quoted the current finding, that the project “includes adequate provision for utilities, services and emergency vehicle access; and that public service demands will not exceed the capacity of the existing and planned systems.” Instead of the reference to expected “increased and stacking of vehicles entering and exiting the site,” she suggested incorporating “more-than-adequate setback to reduce the stacking” and the size of other developments that have no problems with stacking. **Commissioner Hernandez** said the reference to the size of the development is important. He suggested that reference to cameras also be included, but Chair Abero didn't agree. **Planner Penaranda** said staff could discuss this with the applicant because it is within the Planning Commission's purview to explore the possibility of security measures in addition to the gate. He suggested, too, that the camera installation the HOA is considering to monitor activity around the mailboxes could have a wider angle to take in a larger area. **Commissioner Hernandez** said a condition of approval could include asking the applicant to explore additional measures to provide public safety, such as cameras, to deter violence and reduce crime, and possibly register those cameras and/or surveillance program with the San Leandro Police Department through WiFi or other means.

Planner Penaranda asked if the conditions of approval might include supplementing the security gate, fencing and telephone entry pad with cameras. **Chair Abero** said she's concerned about making cameras, security guards and other deterrents a requirement due to the expense. **Commissioner Leichner** agreed that it shouldn't be a condition of approval, but would like to see whether after a trial period the gate alone works and then leave it to the HOA's discretion to take further security measures.

Planner Penaranda suggested that the Commission direct staff to develop some standard conditions to reflect the desire to improve the aesthetics of the gate (i.e., soften the appearance of the spikes), as well as to refurbish any landscaping that's destroyed, select paving materials of an appropriate standard, obtain the required encroachment and building permits and other necessary approvals. Primarily, he said the conditions would be appropriate to ensuring compliance with the exhibits and abiding by various codes.

Motion to:

- 1) Adopt categorical exemption for this project, to construct new gates/fencing, under California Environmental Quality Act Guidelines, Article 19, Section 15303(e), new construction of small structures***
 - 2) Make the required Finding of Fact for approval of the project as discussed by the Planning Commission for revision by staff***
 - 3) Recommend approval of PLN2014-00006, modification of an existing Planned Development, PD 77-11 to the City Council***
- Collier/Hernandez: 5 Aye, 0 No, 2 Absent***

Secretary Liao stated that decisions of the Planning Commission under public hearings may be appealed to the City Council by filing a form with 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 will be required.

END OF EXCERPTS