

**(UNAPPROVED) 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 20, 2012

Item 1: Roll Call

Present: Planning Commissioners Tom Fitzsimons (District 5) – arrived 7:26 p.m.; Ed Hernandez (District 2); Kevin Leichner (District 1); Scott Rennie (At Large); Vice Chair Denise Abero (District 3); Chair Esther Collier (District 6).

Excused: [Note: The District 4 seat is currently vacant.]

Staff: Tom Liao, Secretary to the Planning Commission, Planning & Housing Manager; Acting Community Development Director; Elmer Penaranda, Senior Planner; Jennifer Faught, Assistant City Attorney; Larry Ornellas, Facilities Coordinator.

Item 7A: Public Hearings

PLN2012-00039, Rezone and Planned Development; for 16 residential units, which include retaining four single-family residences and constructing six new two-family residences (12 new units) at 13533-13547 Aurora Drive and to rezone the properties from RO Residential Outer District to RO(PD) Residential Outer, Planned Development Overlay District. The proposed project also includes new on-site improvements such as driveway access, visitor parking spaces and landscaping. Assessor's Parcel Numbers 79A-584-18-1, 79A-584-18-2, 79A-584-19-1 and 79A-584-19-2; Steve Fagalde, Aurora Partners, LLC (applicant and property owner). (Penaranda)

Planner Penaranda, noting that the subject property encompasses 56,000 square feet, said that three condominium projects somewhat similar to the proposal lie to the north, with the Marina 9-hole golf course at the rear property line to the west, and single-family residences to the east and south. The applicant would retain four single-family homes and build six duplexes.

According to Mr. Penaranda, the site plan remains much the same as when the Planning Commission first reviewed the proposal during a work session on September 20, 2012. He reported following up on discussions regarding density, parking, elevations, color variations, fencing, paving, open space, additional storage space for the units and stormwater requirements.

Since the September work session, two off-street parking spaces have been eliminated because the Fire Marshal required more space for emergency vehicles to maneuver. The plan now includes 44 total spaces, including 10 for visitor parking along the central driveway. The duplexes include garages, living rooms, dining rooms and kitchens on the ground floor, with three bedrooms and two bathrooms upstairs.

To address the Commission's recommendations, project architect Richard Larsen and the applicants have added more storage space beneath the gabled roofline on each side of the garage walls for additional storage, and added second-story windows to the end units, to increase visual interest as well as allow more light into the bedrooms.

The plan now calls for a six-foot solid fence along north and south property lines. Low chain-link or lattice fencing will be installed along the rear property line, with vines and decorative arbors to frame vistas west into the golf course and to the shoreline. As for the color palette, Mr. Penaranda said that trim colors would remain uniform for the sake of continuity, but the building body colors will vary.

Requests for disclosure from American Golf have been incorporated into the conditions of approval, Mr. Penaranda said. He also indicated that while there are exceptions to the RO zoning requested, they are consistent with other planned developments – such as eight and 10-foot setbacks from the north and south property lines.

Mr. Penaranda said the applicant has brought on board Dan Cullen, a civil engineer who will ensure that the project meets stormwater requirements.

The applicant's proposal is consistent with what has occurred in the area since the late 1950s, Mr. Penaranda said, as well as going forward. He indicated that although groundbreaking is still several years away, some 50 units appear in a development outlined in the shoreline concept plan about 150 feet from the subject property.

Mr. Penaranda reported receiving two voicemail messages in opposition to the proposal. Wendy Lao, a neighbor to the north on Aurora Drive, objected to the two-story design. Ms. Davidson, a property owner who no longer resides in the area, seems to prefer the old character and objects to new development in Mulford Gardens. He said that Karen Werth, another Aurora Drive resident, sent an email of opposition on behalf of the association on the grounds of additional traffic, increased on-street parking demand, possibly more crime and the precedent for higher-density development.

Mr. Penaranda said the plan seems well thought-out and the Planning Commission should consider forwarding it to the City Council with a recommendation for approval.

Chair Collier asked whether some neighboring developments also have two stories. Mr. Penaranda confirmed that yes, there are two-story units next door.

Vice Chair Abero asked about the fence that abutted the old driving range. Mr. Penaranda said the applicant is negotiating with the City and American Golf regarding the removal of that fence, which served as a barrier for the driving range, but the driving range has been gone for years.

Noting that the conditions of approval call for a development fee for street improvements, **Commissioner Hernandez** asked how that money would be used. Mr. Penaranda said that it is earmarked specifically for street improvements only, such as road repairs, but not necessarily in that specific area. In response to a follow-up question about whether there is also a traffic impact fee, Mr. Penaranda said the DFSI – the Development Fee for Street Improvements – would be the same thing.

Vice Chair Abero asked what analysis was used to determine the impact on traffic would be minimal. Mr. Penaranda said based on the width of the street and the proposal submitted, the City Engineer and Traffic Engineer considered the existing infrastructure adequate and therefore saw no need for a traffic study.

Steve Fagalde, applicant and one of the Aurora Partners, LLC partners, thanked Mr. Penaranda and the staff, as well as the Planning Commission for the comments made at the work session on September 20, 2012, many of which resulted in positive changes to what they believe is a “fantastic development for the area.” He said he had nothing particular to add to Mr. Penaranda's remarks, but would be pleased to answer questions.

Commissioner Hernandez noted a potential opportunity to open up the site by connecting the turn-around on the subject property to the turn-around or driveway on the adjacent property to the north. The connection would create through traffic flow instead of two dead-end driveways on each of the properties. Mr. Fagalde said it was a great idea but would have to reach out to the neighboring property owner.

If the suggestion Commissioner Hernandez made proves feasible and private driveways provided reciprocal access easements, **Commissioner Rennie** asked whether the Fire Department still need the hammerhead turnaround that eliminated the two off-street parking spaces. Mr. Penaranda said he'd have to take a look at the layout of the property next door and talk to the Fire Marshal. He said that it might be complicated, in part because that development was done many years ago but also because there is not just one owner next door, but an association of many owners.

Commissioner Fitzsimons, speaking as a real estate developer, said financial hardship does not seem to be a compelling rationale for the density proposed. He requested further information. **Mr. Fagalde** said that the numbers run on the proposed project provide a return of just under 4%, but he stressed that Aurora Partners LLC is not “the typical land property owners” – not trying to flip it. He said they aren't looking for a long-term

return, but a long-term hold. Removing two units would cut the return to under 3%, so it really is a financial hardship, but at the same time they're not "looking to hit a home run – we're looking to make it pay for itself." He said it's that, and pride of ownership.

Chair Collier said that also answered her question about what would happen if they dropped one unit from the proposal. Speaking to the color palette, she said she'd like to see more variations in shade because the colors she saw don't appear to differ much. Mr. Fagalde said she made an excellent point and he would work with staff on selecting colors.

Commissioner Hernandez asked about whether the daylight plane variance on one of the units would cast a shadow on adjacent properties. Mr. Penaranda explained that it would cast a shadow in the winter, but side-yard variances in other two-story, low-density districts have five-foot setback requirements. Other side-yard setbacks are 10 feet. This one has eight, he said.

Noting that each unit has a trash enclosure, **Commissioner Rennie** asked how trash pickup would work and whether each residence would have a separate account.

Sheila Young, Pansy Street, introduced herself, saying that she's been working with the property owner and Todd Barbour, whose mother raised horses there. She said that the trash enclosures are in a vine-covered trellis in the front of each residence for the recycle and garbage containers, with the green waste placed strategically around the property.

Because the units won't have separate ownership, **Commissioner Rennie** said he didn't believe separate accounts would be required. Ms. Young said that if she lived in one of these units, she would prefer having her own trash containers. She said she didn't believe there's room on the property to put a large, common trash enclosure.

Mr. Larson said that the separate trash enclosures have been part of the design from the start, and part of the owner's requirement for tenants' convenience.

In response to **Commissioner Hernandez** and **Chair Collier**, Mr. Larson said the onsite property manager would push trash containers to Aurora Drive for ACI pickup. Commissioner Hernandez asked whether there's space enough on Aurora Drive for 32 trash containers. Mr. Larson said he believes there is, and there would be no need for "no parking on trash pickup day" signage. **Commissioner Hernandez** suggested that the Planning Department look more closely at this issue, because it seems that the assembled trash containers would occupy the entire property frontage. Commissioner Rennie concurred, noting that considering the space needed between containers, it would add up to about 130 linear feet of trash containers.

Commissioner Rennie suggested that duplex units could share trash containers rather than each having its own. **Mr. Fagalde** stressed that if the trash situation seemed to become an issue, they would immediately look to make a change, but he considers an individual trash enclosure an amenity that a renter would want. He also pointed out that the development to the north, with a similar density, handles trash the way that this project proposes.

Commissioner Hernandez asked whether the children's play area would have more than grass. Mr. Fagalde said that installing a play structure, not knowing whether any children would live in the development, might waste space that would otherwise be usable. In contrast, a grassy area could be multipurpose.

Chair Collier opened the public hearing.

Joe Collier, Douglas Drive, said that Oakland prohibits parking in certain areas on trash pickup days and for street sweeping, and one \$45 ticket is enough to discourage people from parking in those areas on those days. That would be a way to avoid the problem, he said.

Wendy Lao, Aurora Drive, said she lives in Aurora Greens, right next to the subject property, where three of the buildings are single-story, with the fourth a two-story building. In the applicant's plans, TF1 is a two-story building, with three single-story houses next to it. She said that two-story structure would block the sunlight and create privacy issues.

Chair Collier asked about the daylight plane in terms of the single-story houses. Mr. Penaranda said the setbacks are similar in the PDs to the north. He said with the path of the sun low in the winter, there could be

shadowing, but probably not during the late spring and summer. He said there is no gable on the TF1 roof at the rear of the building, whereas TF6 has a gabled end. In response to a further question from Chair Collier, he said the proposed height of the two-story structure is 21 feet to the ridge, but only 17 feet to the plate line. Referring to an aerial photo, he showed how the gables run east-west, with the pitch going north toward Aurora Greens, where the gables on the first building run north-south. Chair Collier noted that the second-story windows in the proposed development would thus look over the fence line toward Aurora Greens.

Carole Rinaldi, Bermuda Avenue resident, spoke in favor of the proposed Aurora Cottages development. She said she's been a Marina Faire resident for 43 years, and believe this would be a major improvement for Aurora Drive and the surrounding area. She said she travels along Aurora Drive every time she goes downtown, and tonight passed two cars and none parked on the street. She said her children attended Garfield Elementary School, and she never had driving or traffic problems on Aurora Drive. She said Aurora Cottages would be a good development, and it looks nice and clean. Also, as a member of the Shoreline Development Citizens Advisory Committee, she wanted to say that this proposal would help the area when the Mulford-Marina Branch Library location is redeveloped.

Motion to close public hearing

Abero/Rennie: 6 Aye, 0 No

Commissioner Rennie asked about the entitlements being considered. In response, Mr. Penaranda said the entitlement is to rezone, attaching the PD Overlay to the RO, to create an RO(PD) Residential Outer Planned Development Overlay. The actual PD consists of the exhibits presented, plus recommendations if the Planning Commission chooses to add any. He said the Planning Commission's vote would be advisory to the City Council. The Planning Commission could either recommend or deny approval. If denied, it would be final unless appealed to the City Council.

Commissioner Hernandez said that if approval is recommended, he would suggest addressing the parking concerns, the colors, access and trash. Mr. Penaranda said staff would work with the applicant and Mr. Larson on colors. He said that he would check to see whether the no-parking signage request would have to go to the Engineering & Transportation Department or Public Works Department.

In response to **Commissioner Fitzsimons**, Mr. Penaranda confirmed that the proposed landscaping and plantings all comply with Water Efficient Landscape Ordinance requirements.

Commissioner Rennie said he likes a lot of things about the proposal. Noting that there's always a tradeoff when seeking greater density, he said it would be nice to have less hardscape. The quality of the project would have a lot to do with how the property is managed, he added, and that involves a leap of faith. In that context, he said the one thing about the proposal that bothers him is the trash. He said what is proposed would not be an asset to the neighborhood.

Commissioner Rennie said he understands the applicant's point about providing an amenity to renters, but still considers trash enclosures for each unit excessive. Practically speaking, he said that he's concerned about trash making it out to the street for pickup, and he's concerned about 32 trash containers along a frontage that would normally have maybe six containers. He said he can't imagine what that street will look like on trash day – a sea of trash cans – and he wouldn't want to get up in the morning and look at that from across the street. He said that there are ways of dealing with the trash with significantly less visual impact.

Vice Chair Abero said that in a residential neighborhood, people aren't allowed to keep containers in front of their homes. They have to be enclosed in the back of the property and not be seen from the street. In this proposal, the enclosures are nice, but they are right in front of the houses. She also said she is concerned about the two-story building looking right into the neighbor's home and creating unwanted shade. That said, Vice Chair Abero added that she likes the look of the project, that it's been well-developed, and that it would enhance the area and be a great part of the shoreline development.

Commissioner Hernandez said he also likes the project, but would prefer to see trash pickup handled on the property itself rather than on Aurora Drive.

Commissioner Fitzsimons said he appreciated seeing a project with three-bedroom units, because they provide housing for families – and don't often get built. That reason alone, he said, is overriding enough to approve this project. He said he appreciates the concerns about trash, but considers it an operational issue, and if something isn't working, a City staff compliance issue. He said he's not sure a dumpster is the answer, because that would eliminate parking permanently, not just one day a week.

Commissioner Hernandez asked about the location of the one shared location for organic waste. Mr. Fagalde said that it would be in a trellised enclosure next to the driveway in front of SF4.

Commissioner Rennie said he appreciated Commissioner Fitzsimons comments, and agreed that trash is an operational issue. However, he maintained that the trash would have a negative impact on Aurora Drive, and while screened, the trash enclosures detract from the quality of the project. He said he'd like to approve the project, but the trash issue is a significant one.

Commissioners and Secretary Liao discussed language for a motion that would incorporate issues of concern to the Planning Commission.

***Motion to forward application to City Council
with a recommendation for approval of***

1) rezoning for the 16-unit Planned Development at 13533-13547 Aurora Drive to Residential Outer (RO) District with a Planned Development (PD) Overlay District, with onsite development such as driveway access, visitor parking and landscaping,

2) the recommended findings and

3) recommended conditions of approval

along with Planning Commissioners' comments, including

1) direction for staff to explore trash options with the applicant

2) explore the possibility of northwest access to the property

3) obtain a more varied color palette

Abero/Hernandez: 6 Aye, 0 No

END OF EXCERPTS