

The City of San Leandro Planning Commission

Resolution No. 2014-04, that the Planning Commission Adopt a Resolution Denying a Request to Modify Planned Development, PD-91-3, to Heron Bay Residential Neighborhood

**RESOLUTION OF THE
PLANNING COMMISSION TO
DENY
A REQUEST TO MODIFY PLANNED DEVELOPMENT, PD-91-3, TO
THE HERON BAY RESIDENTIAL NEIGHBORHOOD**

WHEREAS, Bay Cities Automatic Gates (the “Applicant”) submitted an application for construction of vehicular and pedestrian gates and related fencing to secure Heron Bay residential neighborhood (PLN2014-00007) (“Project”) consisting of 629 residential units on an approximately 70 acres, identified as Heron Bay. The Project includes an application for a modification to the existing Planned Development (PD-91-3); and

WHEREAS, the residential community has existed as a non-gated community since it commenced construction approximately 17 years ago; and

WHEREAS, the proposed Project site is currently zoned RS(PD) Residential Single-Family District, Planned Development Overlay District and has a General Plan designation of Low-Medium Density Residential “RLM”. The Project site is surrounded various open space, wetlands, the San Leandro Shoreline Area and the Bay Trail to the west and north; Southern Pacific Railroad right-of-way along the east and the Mission Bay Mobile Home Park, Sandev Mobile Home Park, and Washington Manor neighborhood beyond the railroad line; and San Lorenzo Creek and San Leandro and San Lorenzo industrial neighborhood to the south.

WHEREAS, the proposed project is categorically exempt from CEQA Guidelines in accordance with Section 15303(e) for New Construction of Small Structures; and

WHEREAS, the Planning Commission reviewed the staff report, including comments, reflects the City’s independent judgment and analysis on the potential from impacts from the Project; and

WHEREAS, the Project also requires a Planned Development Project Approval, pursuant to 3-1012 of the Zoning Code, respectively, and does not satisfy all the requisite findings as further explained in the staff report associated with this resolution; and

NOW, THEREFORE IT IS RESOLVED THAT:

The forgoing recitals are true and correct and made part of this resolution.

BE IT FURTHER RESOLVED THAT: The Planning Commission of the City of San Leandro does hereby make the findings and determinations required by section 5-2212 and 3-1018, of the City of San Leandro Zoning Code as further explained in the staff report and findings of fact for denial set forth in Exhibit A attached hereto and incorporated herein by this reference, and denies the proposed Planned Development modification.

PASSED, APPROVED AND ADOPTED, denial of the modification to the existing Planned Development, respectively, this 19th day of June 2014 by the following vote:

AYES-	COMMISSIONERS COLLIER, LEICHNER, LEUNG, RENNIE, VICE CHAIR HERNANDEZ, CHAIR ABERO	(6)
NOES-	NONE	(0)
ABSENT-	COMMISSIONER FITZSIMONS	(1)
ABSTENTION-	NONE	(0)



DENISE ABERO

Planning Commission, Chairperson

ATTEST:


Planning Commission, Secretary

Exhibit A

**RECOMMENDED
FINDINGS OF FACT FOR DENIAL OF
PLN2014-00007**

**Modification of Planned Development
Heron Bay Residential Subdivision
Bay Cities Automatic Gates (Applicant)**

**Heron Bay Homeowners Association c/o Professional Association Services Inc. (Property
Owner)**

Planned Development

- 1. That 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.**

The location of the proposed pedestrian and vehicular gates and associated fencing is located on private property and would generally meet the objective for setback and sight distance requirements. However the proposed gates and fencing would not be in accord with the purpose of the residential district to provide residential development that are consistent with the General Plan (Zoning Code Section 2-500 A.). Per General Plan Policy 2.10, it discourages the development of "gated" communities or the gating of already developed subdivisions, unless overriding public safety considerations exist. The number of public safety incidents at the already developed neighborhood is not an unusually large volume that warrants the proposed gates and fences.

The approved Planned Development (PD-91-3) provides the underlying development standards for the Heron Bay neighborhood. The previous approval was intended not to isolate the neighborhood from the immediate community. The proposed gates and fencing would be contrary to the approved PD. To gate a single-family residential neighborhood is not supported by policy in San Leandro. The proposal would establish an undesirable precedent in the City's efforts to planning residential neighborhoods, and specifically single-family neighborhoods in the City which are typically not gated.

- 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.**

General Plan Policy 2.10 Gated Communities states that unless overriding public safety considerations exist, discourage the development of "gated" communities or the gating of already developed neighborhoods or subdivisions. Installation of the requested gates and fencing will result in the establishment of a gated community which is inconsistent with General Plan Policy 2.10 unless it is determined that overriding public safety considerations exist. As stated above, the number of public safety incidents at Heron Bay,

an already developed neighborhood is not considered a large volume that warrants the proposed gates and fences.

The gates and fencing would be detrimental to the convenience of public access to the San Francisco Bay Trail and the City's Shoreline Recreation Area. Tract Map 6810 specifies a Public Access Easement (PAE) on Bayfront Drive from the Lewelling Boulevard circle to the western terminus of Bayfront Drive. This is to permit access to the Bay Trail west of the Heron Bay development. The intent of the PAE was to provide vehicle and pedestrian access on Bayfront to the Bay Trail. As stated in the City Engineer's Report and Conditions of Approval for Vesting Tentative Map Tract 6665 (an earlier Map to Tract 6810), it requires a public access easement shall be provided over Bayfront Drive to allow for public pedestrian and vehicular ingress, egress and parking for access to the Shoreline Trail and the Interpretive Center.

- 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.**

The Zoning Code provides that a Planned Development is a special zoning entitlement that is granted after individual review of the specific application which includes site planning, use of the property, architecture, landscaping, etc. The applicant and property owner propose to modify the approved Planned Development to allow for installation of vehicular and pedestrian access gates at the entry to Heron Bay which would result in the creation of a gated residential neighborhood. The request to modify the property development regulation shall be treated as a new application for the Planned Development approval. The previous approval was intended not to isolate the neighborhood from the immediate community. The proposed gates and fencing would be contrary to the approved PD. To gate a single-family residential neighborhood is not supported by policy in San Leandro. The proposal would establish an undesirable precedent in the City's efforts to planning residential neighborhoods, and specifically single-family neighborhoods in the City which are typically not gated.

- 4. 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.**

The proposed vehicle gates and fences on Bayfront Drive will be for residents only. Ingress for visitors in vehicles will only be permitted at the Anchorage Drive vehicle gates. Visitor traffic including guests, delivery services, regular maintenance workers and utility workers, may create traffic impacts on Anchorage Drive and the east-west streets that it feeds, such as Charter Way, Mariner Way, Oceanside Way, etc. All of the visitor traffic to the 178 motor court units and the residences on the west side of the neighborhood would be required to travel on Anchorage Drive and one of the east-west streets, to their northern or western destination in the neighborhood. The current open design allows ingress from Bayfront Drive and Anchorage Drive and does not concentrate ingress vehicle traffic to Anchorage Drive and the east-west streets.

5. The Planned Development Project Plan will provide superior urban design in comparison with the development under the base district zoning regulations.

The proposed planned development modification, to construct gates and fences to the entry of the Heron Bay neighborhood, would not provide superior urban design in comparison with development under the Residential base district. The approved Planned Development, PD-91-3, was approved as an open and non-gated neighborhood. The approval was intended not to isolate the neighborhood from the immediate community. The proposed gates and fencing would be contrary to approved PD and gate a single-family residential neighborhood which is not typical in the City. The proposal would establish an undesirable precedent in the City's efforts to plan residential neighborhoods, and specifically single-family neighborhoods in the City which are typically not gated.

6. The Planned Development Project includes adequate provisions for utilities, services, and emergency vehicle access; and that public service demands will not exceed the capacity of the existing and planned systems.

The proposed project has been designed to generally meet emergency vehicle access requirements. The City and Alameda County Fire Department has found the access to the site and internal circulation to be adequate for vehicular, pedestrian and emergency vehicle access. However, emergency vehicle access response time could be increased in the event the gates cause the queuing or back up of vehicles outside of them. A visitor mistakenly approaching the Bayfront Drive vehicle gate, for residents only, can cause a backup of vehicles until it completes a three point turn around or a U-turn and allows traffic to flow again. At the same, visitors in vehicles could be stacked at the Anchorage Drive gate, with the requirement to stop and use the telephone system.