

Exhibit J

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2014 -

A RESOLUTION TO DENY MODIFICATIONS TO PLANNED DEVELOPMENT PROJECT, PD-77-11, FLORESTA GARDENS RESIDENTIAL (CONDOMINIUM) NEIGHBORHOOD ON CALIENTE DRIVE INTERSECTING WASHINGTON AVENUE (PLN 2014-00006)

RECITALS

WHEREAS, R&S Overhead Garage Door, Inc. (the "Applicant") submitted an application for installation of vehicular and pedestrian gates and related fencing to secure the Floresta Gardens residential condominium community (PLN 2014-00006) ("Project") consisting of 84 residential units on a 6.1 acre site located along Caliente Drive. The Project includes an application for an amendment to the existing Planned Development (PD-77-11); and

WHEREAS, the residential community has existed as a non-gated community for over 30 years; and

WHEREAS, the proposed Project site is currently zoned RM3000 (PD) Residential Multi-Family District and has a General Plan designation of Medium Density Residential "RM". The Project site is surrounded by a shopping center to the north; commercial uses to the east, across Washington Avenue; Eden Roc Apartments and single family homes to the south; and the Washington Commons residential condominium community to the west; and

WHEREAS, the Planning Commission held a noticed Public Hearing regarding the proposed Project on May 15, 2014; and

WHEREAS, the project is categorically exempt from California Environmental Quality Act Guidelines in accordance with Section 15303(e) for New Construction or Conversion of Small Structures; and

WHEREAS, the Planning Commission reviewed a staff report, that reflects the City's independent judgment and analysis of the potential impacts from the Project; and

WHEREAS, the Planning Commission after closing the public hearing, recommended the City Council approve the proposal, however City staff maintains the original recommendation that the proposal be denied; and

WHEREAS, City staff supports to uphold the General Plan Policy to discourage the development of "gated" communities or the gating of already developed neighborhoods or subdivisions; and

WHEREAS, staff recommends other effective and less exclusive safety measures to mitigate the cut-through traffic such as speed bumps/tables and rows of raised buttons to slow traffic down, supplemented by additional adjacent signs posted for drivers to reduce speeds; and

WHEREAS, the Project also requires a Planned Development Project Approval, pursuant to 3-1026 of the Zoning Code, and it does not satisfy all the requisite findings as further explained in the findings of fact as further set forth in Exhibit A associated with this resolution; and

WHEREAS, the City's General Plan and the Zoning Code, are incorporated herein by reference, and are available for review at City Hall during normal business hours.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

Section 1. Findings for the Planned Development. Based on the entirety of the record, as described above, and after a public hearing, the City Council finds and determines that the proposed gates, fencing and related improvements are not in accord with the objectives of the Zoning Code; will not be consistent with the General Plan; will be detrimental to public health, safety, or welfare of persons in the immediate area; and will be detrimental to properties or improvements in the vicinity or to the general welfare of the City per sections 3-1020 and 5-2212; and the City Council denies the Planned Development modification.

Introduced by Councilmember
2014, by the following vote:

and adopted this ____ day of July 21,

Members of the Council:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

ATTEST:

Marian Handa, City Clerk

Exhibit A

FINDINGS OF FACT FOR DENIAL OF PLN2014-00006

Planned Development

Floresta Gardens - 202 Caliente Drive

R&S Overhead Garage Door, Inc. (Applicant)

Floresta Gardens Homeowners Association (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 approved Planned Development (PD-77-11) provides the underlying development standards for the Floresta Gardens residential community. Based upon the approved Planned Development, a restrictive gate was to be placed along the Fremont Avenue entry to discourage through traffic and not to act as a “full security gate”. The proposed gates and fencing proposed would constitute a full security gate and create a gated community which was not the intent of the original Planned Development approval.

- 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, “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 associated fencing will result in the establishment of a gated community. The gating of Floresta Gardens along a prominent street such as Washington Avenue will change the character of the neighborhood and make it appear separate and isolated from its surrounding environs. The vehicular gates will hamper emergency personnel from accessing the site and therefore increase emergency response times. In addition, due to the anticipated delay when entering and exiting, the development it is anticipated that vehicular stacking may occur. The stacking of vehicles may extend into the Washington Avenue right-of-way.

- 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.**

With a Planned Development (PD), the reviewing bodies will determine if the proposed use is compatible with the existing and proposed uses in the general vicinity.

Furthermore, the purpose of the PD is to provide a process for the development of land to reduce the rigidity of zoning standards and to provide a mechanism for considering uses that can be compatible by application of careful and imaginative treatment. 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.

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.

Installation of the proposed gates will delay vehicular access to the residential community. The potential delays may create stacking of vehicles both onto Washington Avenue as well as within the Floresta Gardens community. Restricted gate access can hamper emergency personnel efforts of police, ambulances, and fire trucks through slower response times, which can lead to public safety issues. Also, the apparent affluence of a gated community can make the community a more attractive target for a thief (Bell & Lang, 1998).

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

Installation of the proposed gates and associated fencing will not improve the design of the existing development. Gated communities can fragment neighborhoods and erode sense of community, social stability, and social structure within a community, as residents located in gated communities are disconnected from their larger communities and are less likely to be involved in civic engagement and civic responsibility. Because of the lack of social cohesion and lower social interaction there is socioeconomic polarization, which can lead to segregation, isolation, and exclusion (Blakely & Snyder, 1997). It is believed that Neighborhood Watch is the most effective way to reduce crime by keeping an eye out for each other, which is a basic defense against crime and helps to build community (Drew & McGuigan, 2014).

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 meet emergency vehicle access requirements. The Engineering and Transportation Department and Alameda County Fire Department have found the access to the site to be safe for vehicular, pedestrian and emergency vehicle access. Although the proposed gates will meet Police, Fire and Engineering requirements emergency response times will be increased and stacking of vehicles entering and exiting the site are expected.