

**Heron Bay Homeowners Association
c/o A. A. Berger, Appellant
PLN2014-00007**

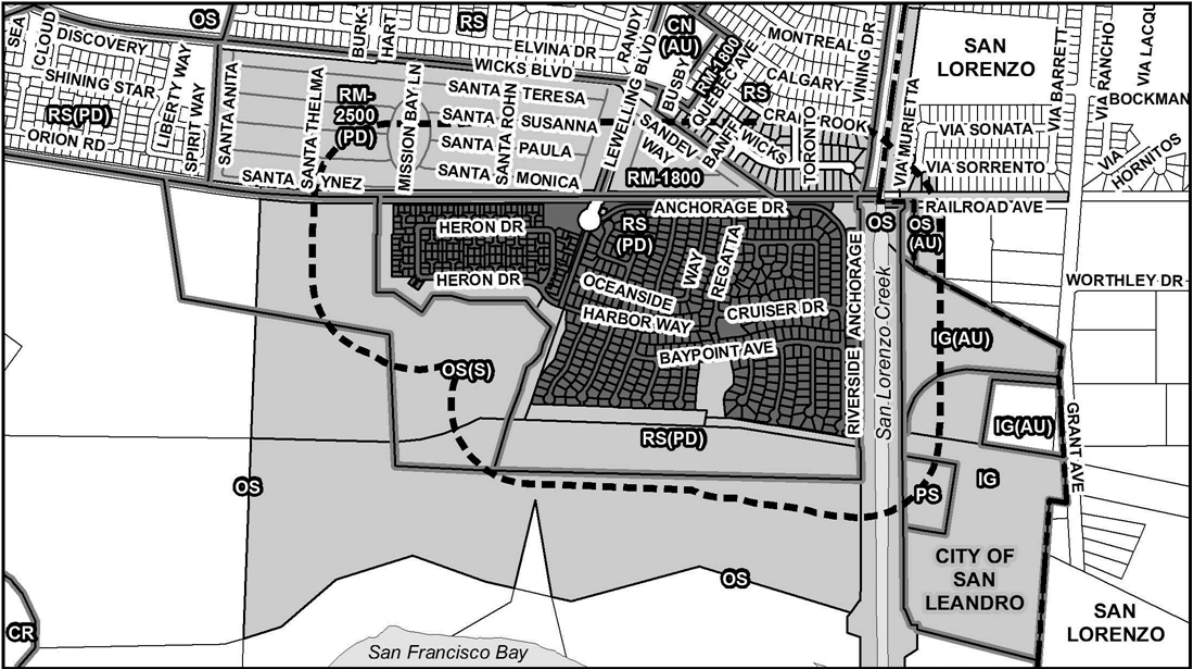
**Appeal of the Planning Commission's Denial of the Proposed
Modification of the Planned Development to Construct Gates and
Fences for the Heron Bay Development**

City Council
Public Hearing
September 2, 2014

Introduction



- Heron Bay was approved as an open and non-gated residential Planned Development (PD-91-3)
- Homeowners Association, Appellant, propose gates and fences to secure the Heron Bay neighborhood
- PD modification requires review by the Planning Commission and the City Council
- Planning Commission reviewed and denied the proposed modification at its public hearing on June 19, 2014 (continued from the May 15, 2014 at the request of the applicant)
- Planning Commission denial is a final action, but can be appealed to the City Council

Vicinity Map

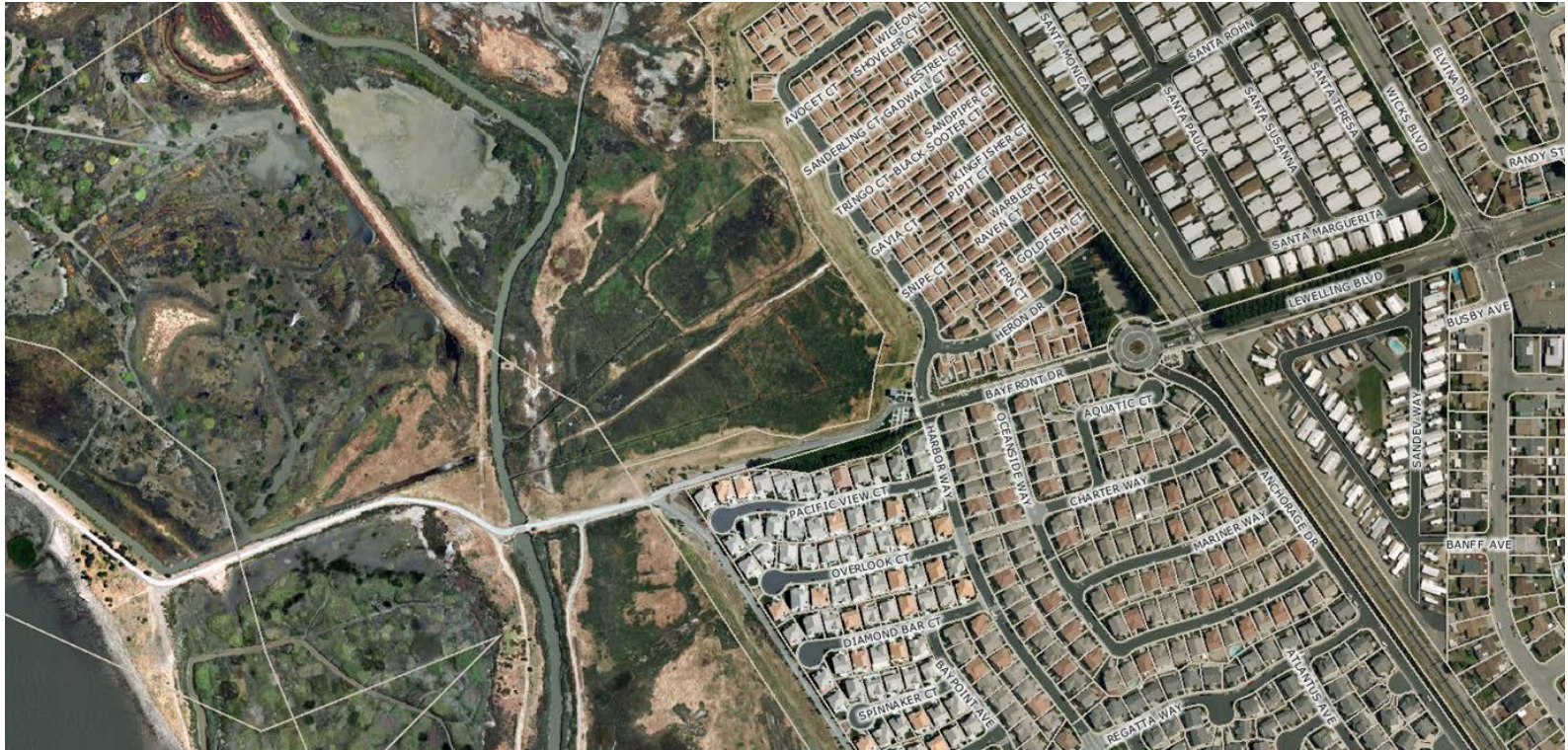


Heron Bay Properties



-  Parcels within 500' of Heron Bay Properties
-  500' buffer around Heron Bay Properties

Aerial Photograph



Public Access and Resource





- MAPS/GUIDES
- ABOUT US
- EVENTS
- PROJECTS
- PLANS/PUBLICATIONS
- BAY TRAIL STORE
- DONATIONS
- LINKS



San Francisco Bay Trail Map

General Plan Policy 2.10

Gated Communities

- Unless overriding public safety considerations exist, discourage the development of “gated” communities or the gating of already developed neighborhoods or subdivisions.

General Plan Policy 14.01

Citywide Bikeway System

- Develop and maintain a Citywide bikeway system which effectively serves residential areas, employment centers, schools, parks, and multi-modal terminals.
- General Plan Action 14.01-A: Bikeway Plan Implementation. Maintain and implement a Citywide Bikeway Plan and update that Plan regularly as conditions and needs change. Undertake the education, safety, maintenance, monitoring, and marketing programs identified in the Bikeway Plan.

Bicycle and Pedestrian Master Plan 2010 Update

- Bayfront Drive is identified as a proposed Class III Bike Route in the Master Plan.
- Class III Bike Route is defined as a bike route located on the roadway shared with motor vehicles.



General Plan Policy 21.02

PARK MAINTENANCE

- Provide for the regular, systematic maintenance of San Leandro's parks and recreational facilities to prevent deterioration, ensure public safety, and permit continued public use and enjoyment.

General Plan Figure 5-1: San Leandro Park System

Area west of Heron Bay is identified as City Park System, specifically Conservation Area traversed by the Bay Trail

LEGEND

 City Park	 San Francisco Bay Trail
 Regional Park	 Special Use Facility
 Golf Course	 Non-Profit Facility
 Conservation Area	



Details of Proposal

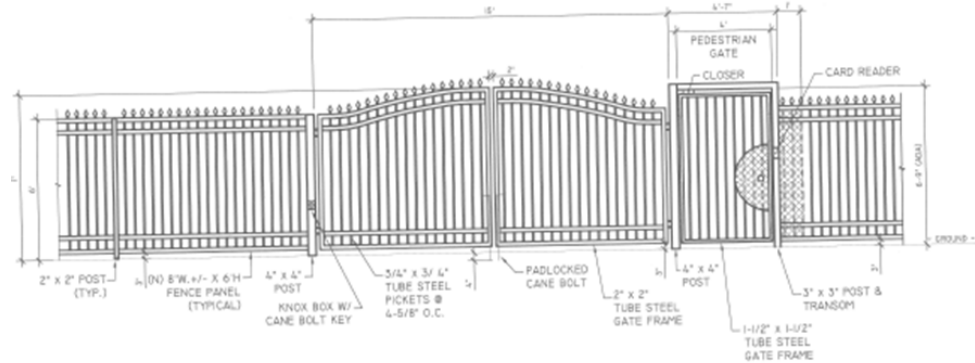
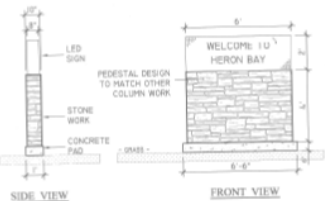
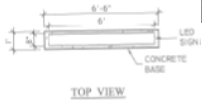
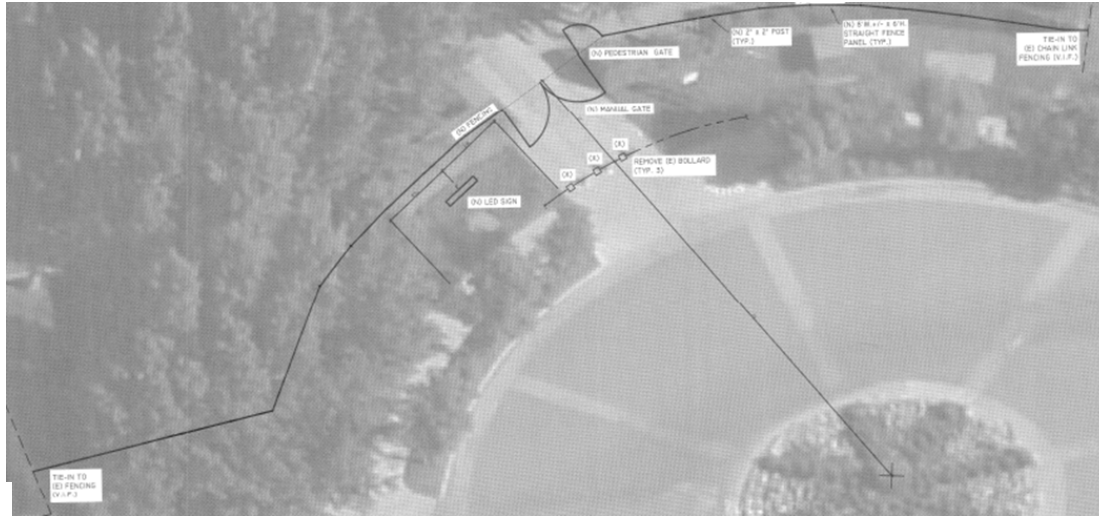


Existing Conditions: Heron Bay Park



Park at the north entry to Heron Bay

Heron Bay Park Entrance Gates and Fencing



Heron Bay Park Gates and Fencing

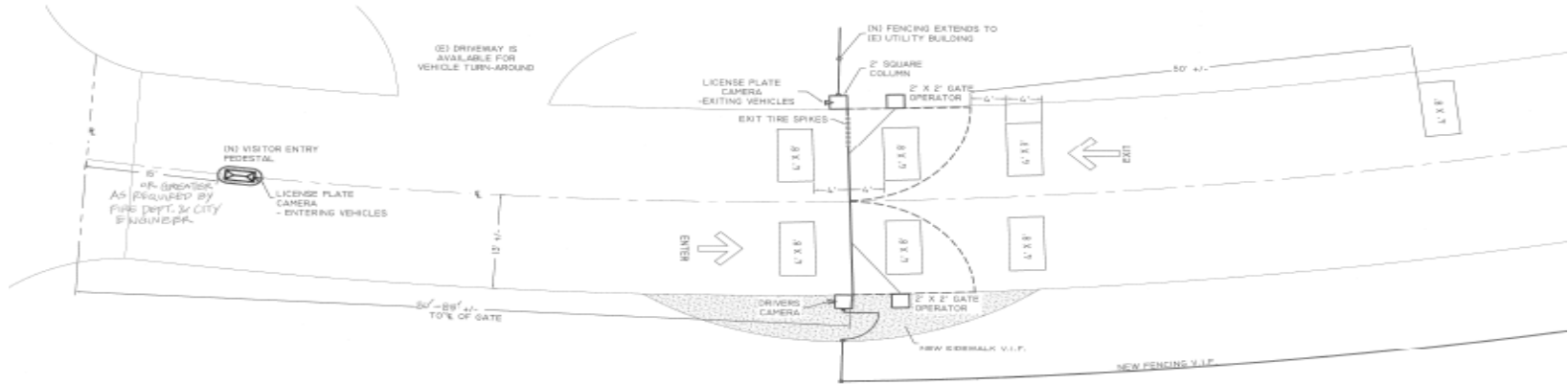


Existing Conditions: Anchorage Drive



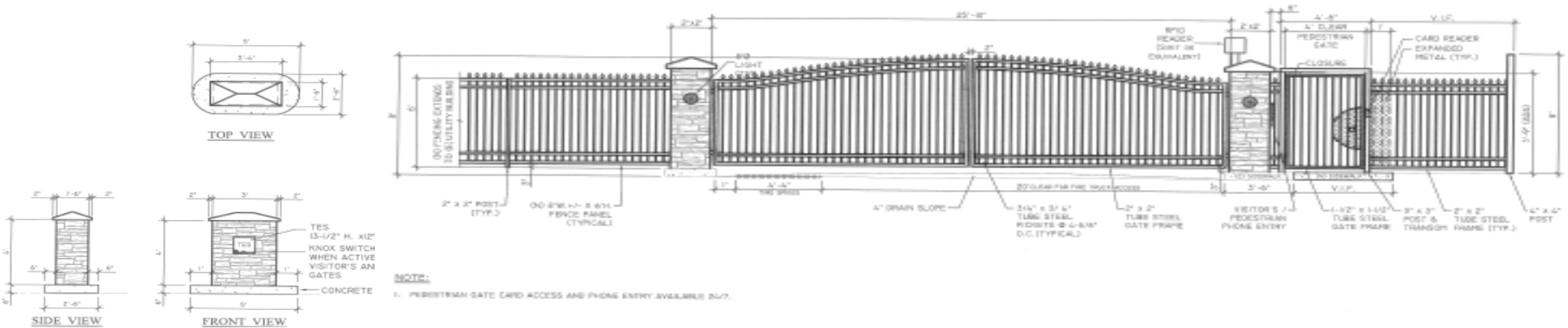
Anchorage Drive looking south

Proposed Visitors' Gate on Anchorage Drive



NOTE:

- 1. KNOX SWITCH, WHEN ACTIVE, WILL OPEN BOTH RESIDENCE 2 GATES AND VISITOR 2 GATES.



Proposed Visitors' Gate on Anchorage Drive



Existing Conditions: Bayfront Drive



Bayfront Drive looking west (Lewelling Boulevard Circle is in the forefront)

Existing Conditions: Bayfront Drive



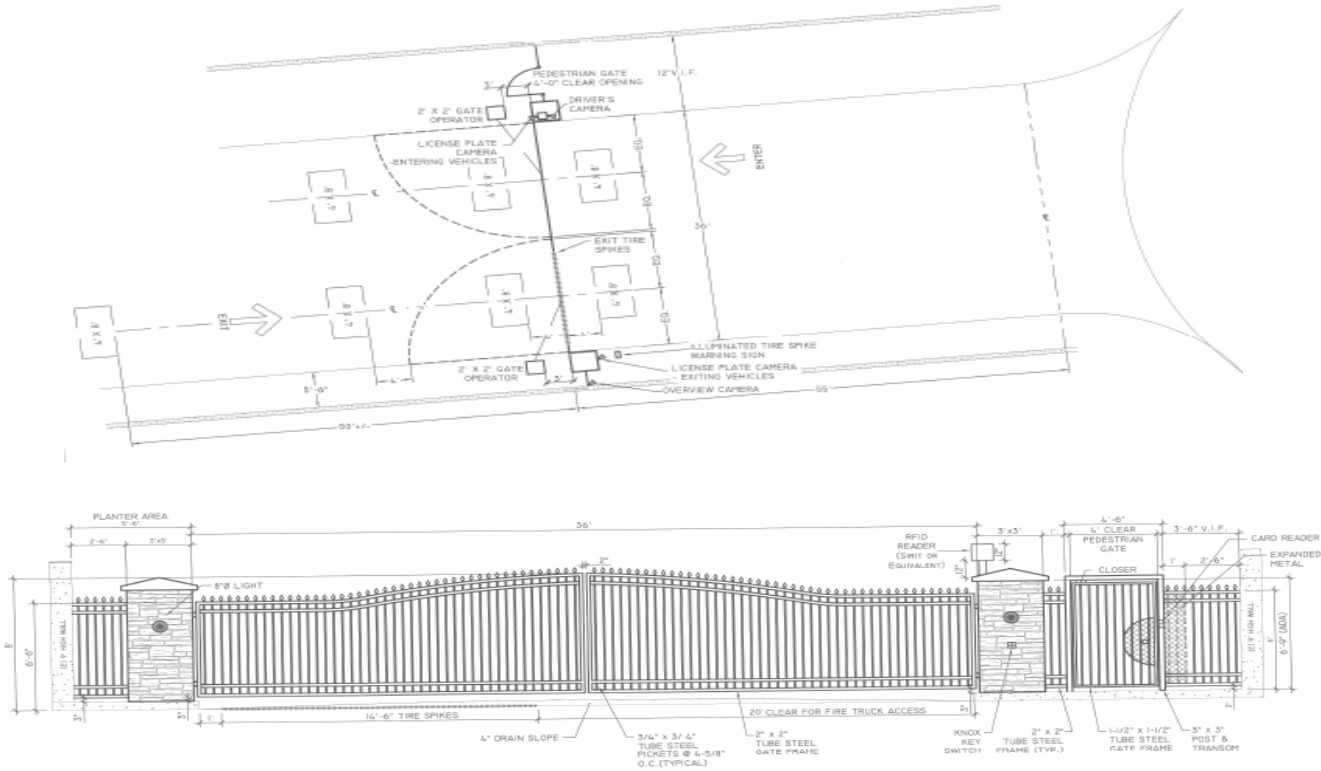
Bayfront Drive looking west

Existing Conditions: Bayfront Drive



Bayfront Drive at Harbor Way (Heron Bay Trail Public Access is in the background)

Proposed Residents' Entrance Gate, Bayfront Drive



NOTES:

1. PEDESTRIAN GATE FREE-OPEN ON TIMER DURING DAYLIGHT HOURS. CARD ACCESS ONLY DUSK TO DAWN. FREE EXIT 24/7.
2. KNOX SWITCH, WHEN ACTIVE, WILL OPEN BOTH RESIDENCE 2 GATES AND VISITOR 2 GATES.

Proposed Resident's Entrance Gate, Bayfront Drive



Staff Analysis

- Proposed fences and gates are a major modification to the Planned Development PD-91-3
- In good urban design and practice, the City discourages gated communities
 - Planning Commission approved Heron Bay to be a non-gated community, with priority access to public resources
- Gates and fencing detract and diminish the appearance of the Heron Bay entrance

Staff Analysis - Continued

- Concerns from ABAG, BCDC, residents within Heron Bay and residents outside of Heron Bay identified there should be no access restrictions to the Bay Trail
- Narrow north sidewalk is inadequate for pedestrian and bicycle traffic at the pedestrian gate, which creates a hazardous situation
- Delay in emergency response times
- Increased traffic to Anchorage Drive and the east-west streets within Heron Bay

Planning Commission Concerns

- Gates and fencing would deter the public from the Bay Trail
- City should uphold its General Plan Policies related to gating communities, maintaining neighborhood interconnectivity, and maintaining free and unobstructed access to public resources

Planning Commission Concerns continued

- Part 1 Crimes Data summary per recent and past Crime Reports by Council Districts

District	2014 (as of July)	2013	2012
District 1	16	17	17
District 2	18	18	18
District 3	16	14	14
District 4	8	9	9
District 5	13	14	15
District 6	21	20	20
Bayfair	9	9	8

Note: Part 1 Crimes are violent crimes and top property crimes (i.e., homicide, sexual assault, robbery, aggravated assault, burglary, larceny, auto theft, and arson)

Planning Commission Comments

- Other measures should be pursued in lieu of gates:
 - install security cameras
 - improve exterior lighting
 - activate a more involved Neighborhood Watch program
 - implement an on-line community social network

San Francisco Bay Conservation Development Commission (BCDC)

The proposed gates on Bayfront Drive are subject to BCDC's review under a separate BCDC permit.

- BCDC permit is independent of City approval

ABAG Bay Trail and BCDC Comments

- Gates would adversely impact required public access to public tidal marshes and trail systems west of Heron Bay
- Gates would create a “private” feel and discourage pedestrians and bicyclists from accessing the Bay Trail and shoreline
- Vehicular gates make it difficult for individuals with disabilities to access the Bay Trail by eliminating drop off at the trailhead by car

Public Comments Received

Responses to Public Hearing Notice for September 3:

- One email from Heron Bay resident opposing the gates
- Three phone calls from Mission Bay Mobile Home Park residents opposing the proposal to obstruct vehicular access to Bay Trail, citing mobility issues that require drop-off by car.
- One phone call from Washington Manor opposing gating the Bay Trail

Recommendation

Staff recommends that the City Council affirm the Planning Commission's denial of the proposed modification of Heron Bay's Planned Development, PD-91-3.