

The City of San Leandro Planning Commission

**Resolution No. 2016-007, that the Planning Commission Adopt a Resolution
Approving a Request to Modify Planned Development,
PD-91-3, to Heron Bay Residential Neighborhood**

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

WHEREAS, J. Tepper (the “Applicant”) and Heron Bay Homeowners Association c/o B. Ritter, HSS, Inc., and F. Simon Association President (the “Property Owner”) submitted an application to construct a kiosk for an attendant on the Heron Bay Park site facing the Lewelling Boulevard circle and Bayfront Drive entry and to reconfigure Anchorage Drive to egress only of standard vehicles, however maintaining ingress for emergency vehicles (PLN16-0009) (“Project”) for the Heron Bay development which consists of 629 residential units on approximately 70 acres. 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 19 years ago; and

WHEREAS, Bayfront Drive in the Project provides a public access connection to and from the western terminus of Lewelling Boulevard and the San Francisco Bay Trail and the City of San Leandro Shoreline Area; 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 satisfy all the requisite findings as further explained in the staff report associated with this resolution; and

WHEREAS, the Planning Commission did not find the proposed gate on Anchorage Drive consistent with the General Plan. The gate is in conflict with 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. In addition, the Planning Commission found that the proposed reconfiguring of Anchorage Drive to egress only for standard vehicles and making Bayfront Drive ingress only for standard vehicles would create adverse impacts and create additional demands to streets in the subdivision serving southbound and eastbound traffic since all ingress traffic would be via Bayfront Drive. Specifically, all of the ingress traffic with destinations to the to the south, southeast, and east edge south of the Heron Bay development via Bayfront Drive, would create adverse impacts to the southbound and west-to-eastbound streets (i.e., Harbor Way, Oceanside Way, Cruiser Drive, Charter Way, Mariner Way, Regatta Way, Atlantus Avenue, and the south end of Anchorage Drive). Currently, ingress access is available via Bayfront Drive and Anchorage Drive; and

WHEREAS, the Planning Commission in its motion to the City Council removed the proposed Anchorage Avenue reconfiguration for an egress only gate arm and raised barrier with the basis described above.

NOW, THEREFORE IT IS RESOLVED THAT:

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

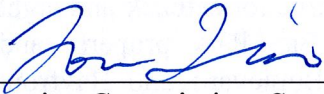
BE IT FURTHER RESOLVED THAT: The Planning Commission of the City of San Leandro does hereby make the findings and determinations required by section 5-2212 and 3-1018, of the City of San Leandro Zoning Code as further explained in the staff report and findings of fact for approval set forth in Exhibit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

PASSED, APPROVED AND ADOPTED, recommendation of Approval to the City Council of the modification to the existing Planned Development, respectively, this 20th day of October 2016 by the following vote:

- AYES- Commissioners Collier, Hernandez, Hussey, Leung, Pon (5)
- NOE- Commissioner Breslin (1)
- ABSENT- Commissioner Abero (1)
- ABSTENTION- (0)

Planning Commission, Chairperson

ATTEST:



Planning Commission, Secretary

Exhibit A

**RECOMMENDED
FINDINGS OF FACT FOR APPROVAL OF
PLN16-0009**

Modification of Planned Development

Heron Bay Residential Subdivision

J. Tepper (Applicant)

Heron Bay Homeowners Association c/o B. Ritter, HSS, Inc. and

F. Simon Association President (Property Owner)

The italics and strikeouts following reflect the Planning Commission recommended changes on October 20, 2016.

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 attendant's kiosk, ~~improvements to Anchorage Drive for an automated egress gate for vehicles and a drivable barrier for emergency vehicle access,~~ are all located on private property and generally meet the objective for setback and sight distance requirements. The kiosk is located on the Heron Bay Park property and maintains setbacks from the public sidewalks at Lewelling Boulevard and Bayfront Drive. ~~The Anchorage Drive improvements are situated on private property and do not encroach or affect the operation of the Lewelling Boulevard circle, a City public right-of-way.~~ In addition, the proposed structures are relatively small structures and do not affect open space, availability of light and air, and fire safety. Furthermore the proposed structures are designed to be aesthetically compatible and complement the existing residential development.

- 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.**

The operation of the kiosk with an attendant located on private property and with the attendant not stopping the general public on foot, bicycle or vehicle will make the operation consistent with the General Plan so that the City bikeway system on Lewelling Boulevard, Bayfront Drive and the San Francisco Bay Trail maintains its connectivity as a mode for bicycle travel and unencumbered public access (General Plan Policy 14.01 Citywide Bikeway System). In addition, this operation maintains public access to permit continued public use and enjoyment of the City's Shoreline Area which is part of the City's park and recreational facilities (General Plan Policy 21.02 Park Maintenance). The

attended kiosk and ~~reconfiguration of Anchorage Drive to egress~~ respects the General Plan by implementing security measures without gating the already developed neighborhood (General Plan Policy 2.10 Gated Communities).

The kiosk and other improvements will not be detrimental to public health, safety or welfare of persons living in the neighborhood. The use will not generate traffic, noise, demand additional parking, create noxious odors, or any other secondary effects. Moreover, this proposal will not be detrimental to the existing properties or improvements in the immediate vicinity. There is adequate room on the Heron Bay Park property to accommodate the kiosk with adequate setbacks for aesthetics. The proposed improvements have been reviewed by the City and Alameda County Fire Department and found that they do not obstruct emergency vehicle access or create sight distance issues.

- 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, etc. The applicant and property owner propose to modify the approved Planned Development to allow for construction of a kiosk for an attendant and ~~reconfiguring Anchorage Drive to egress only near the entry to the Heron Bay community~~. The request to modify the property development regulation shall be treated as a new application for the Planned Development approval. The previous PD approval was intended to provide public access from the areas east of Lewelling Boulevard circle to the areas west of Heron Bay that includes the San Francisco Bay Trail and City of San Leandro Shoreline Area via Bayfront Drive. With the kiosk on private property and the operational practice that the attendant cannot stop persons on foot, bicycle or vehicle will comply with the original PD approval so as not to encumber or obstruct public access to and from the Bay. In addition, as stated previously and subsequently in these Findings the design of the various structures blend in and are compatible with the existing context of the residential community.

- 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 kiosk is a small structure for an attendant. It should not create any additional traffic or create demand exceeding the capacity of public services and facilities which cannot be mitigated. ~~The Anchorage Drive improvements will reconfigure the street to egress only for standard vehicles. The gate will be automated to permit vehicles to exit. The other side of Anchorage Drive would have a raised barrier to prevent standard vehicles from entering; however the raised barrier is designed to permit ingress access to an emergency vehicle (fire truck).~~ In addition, utilities such as electricity, sewer and water are available to serve the proposed kiosk without affecting the capacity of the existing utilities.

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 a kiosk for an attendant on the Heron Bay Park and ~~to make Anchorage Drive egress only~~ at the Heron Bay neighborhood provides acceptable design in comparison with development under the Residential base district. The approved Planned Development, PD-91-3, was approved as a residential community. The kiosk structure with cultured stone, stucco walls, wood posts and roof trim, and flat concrete tile roof and design elements such as a covered front porch area, wainscot, gabled roof, faux-chimney, fits in a residential neighborhood context. It blends in and will be compatible with the residential designation.

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 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. In addition, utilities such as electricity, sewer and water are available to serve the proposed kiosk without affecting the capacity of the existing utilities. Furthermore, the intended operation of the kiosk is accessory to the Heron Bay development for surveillance and security without stopping public access to the San Francisco Bay Trail and the City's Shoreline area.