



## Legislation Details (With Text)

**File #:** 16-556      **Version:** 1      **Name:** PLN16-0009, Modification of Planned Development; to construct a new kiosk for an attendant near the Lewelling Boulevard entry circle of the Heron Bay residential development.

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**Title:** PLN16-0009, Modification of Planned Development; to construct a new kiosk for an attendant near the Lewelling Boulevard entry circle of the Heron Bay residential development. The kiosk comprises a floor area of 183 square feet which includes a rest room and small storage closet. The proposal also includes reconfiguring Anchorage Dive to egress only and other security improvements. RS(PD) Residential Single-Family, Planned Development Overlay District. Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29. J. Tepper (applicant); Heron Bay Homeowners Association c/o B. Ritter, HSS Inc., and F. Simon, Association President, (property owner).

**Sponsors:** Cynthia Battenberg

**Indexes:**

**Code sections:**

**Attachments:** 1. Applicant's Supporting Statement.pdf, 2. PLN16-0009 Vicinity Map.pdf, 3. PLN16-0009 RESOLUTION Findings to Approve PD Modification.pdf, 4. PLN16-0009 Recommended COA 10132016.pdf, 5. Exhibit A - Site Plan.pdf, 6. Exhibits B-D Partial Site Plan Floor Plan Colors Materials Elevations .pdf, 7. Exhibit E - Anchorage Drive Improvements.pdf, 8. Tract Map 6810 Sheets 1 through 5.pdf, 9. Vesting Tentative Map 6665 Conditions of Approval .pdf, 10. Excerpt of San Francisco Bay Trail Map.pdf, 11. Existing Conditions Google street view April 2016.pdf

Date	Ver.	Action By	Action	Result
10/20/2016	1	Planning Commission	Received and Filed	Pass

**PLN16-0009**, Modification of Planned Development; to construct a new kiosk for an attendant near the Lewelling Boulevard entry circle of the Heron Bay residential development. The kiosk comprises a floor area of 183 square feet which includes a rest room and small storage closet. The proposal also includes reconfiguring Anchorage Drive to egress only and other security improvements. RS(PD) Residential Single-Family, Planned Development Overlay District. Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29. J. Tepper (applicant); Heron Bay Homeowners Association c/o B. Ritter, HSS Inc. and F. Simon, Association President, (property owner).

### SUMMARY AND RECOMMENDATION

The Heron Bay Planned Development was approved and constructed as an open, non-gated residential community. In 2014, the Heron Bay Homeowners Association (Association) proposed to construct access gates for vehicles, and bicyclists and pedestrians at the entrance of the development to control vehicular and evening bicyclist/pedestrian traffic into the Heron Bay residential development. The proposal was a major modification of the Planned Development (PLN2014-00007). The proposal required the review of the Planning Commission and City Council. On June 19, 2014 the Planning Commission denied the proposal and on September 2, 2014 the City Council denied the appeal and upheld the Planning Commission's denial. The Commission, Council

and staff recommended other effective and less exclusive safety and security measures are undertaken such as the installing of security cameras, maintaining and improving outdoor lighting, continuing the Neighborhood Watch efforts, working with the City's Police Department, and/or hiring private security to patrol the neighborhood.

Since the Council action, the Heron Bay Homeowners Association prepared a revised submittal. Instead of fencing and gates, the submitted a proposal includes for an attended kiosk for an attendant on the Heron Bay Park site facing the Lewelling Boulevard circle and Bayfront Drive entry; Anchorage Drive would be an egress only; and license plate reader/cameras installed at westbound Bayfront Drive and northbound egress on Anchorage Drive.

The proposal recognizes approved Tract Map 6810 for the project site which shows the Bayfront Drive with a Public Access Easement (PAE) over the Bayfront Drive roadway and sidewalk from the Lewelling Boulevard circle to the western terminus of Bayfront Drive. The Public Access Easement which provides access to the bay trail is a condition of the tentative map and a Bay Conservation and Development Commission requirement. The intent of the PAE was for access on Bayfront Drive to the San Francisco Bay Trail west of Heron Bay. It would provide security without prominent fencing and gate construction, which the General Plan provides a policy to discourage the development of gated communities or the gating of already-developed subdivisions (General Plan Policy 2.10). In addition, the San Francisco Bay Conservation Development Commission (BCDC) had stated concern that the gates, previously proposed, would restrict public access to the Bay Trail.

Staff recommends that the Planning Commission approve the proposal to construct a kiosk for an attendant near the entrance to the Heron Bay development and, to reconfigure Anchorage Drive to egress only and to construct and install two license plate readers/cameras subject to the attached Recommended Findings of Fact for Approval and Recommended Conditions of Approval.

## **APPLICANT'S SUPPORTING STATEMENT**

See attached.

## **RELATIONSHIP TO SURROUNDING AREA**

Surrounding the subject property are various open space, wetlands, the San Leandro Shoreline Area and the San Francisco 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. The existing zoning includes OS Open Space District to the west and north, various R Residential Districts to the east, and the industrial-zoned properties to the south.

## **BACKGROUND**

Per Planned Development, PD-91-3, and various subdivision maps, Heron Bay was constructed as an open and non-gated neighborhood at the west terminus of Lewelling Boulevard. The neighborhood comprises 629 residential units (451 detached single-family units and 178 motor court units) on approximately 70 acres. The remaining 400-plus acres are restored marshland between the new housing and the Bay. Part of the San Francisco Bay Trail in San Leandro extends from the from San Lorenzo Creek to Marina Park, which runs through the restored marsh next to Heron Bay,

follows along the edge of the Bay, crosses a flood control channel to Marina Park, and continues north to Oyster Bay Regional Shoreline. The proposal to construct a kiosk for an attendant and reconfiguring Anchorage Drive to egress only is considered a major modification to the approved PD. Thus, the request to modify the property development regulation shall be treated as a new application for the Planned Development approval.

Tract Map 6810 specifies a Public Access Easement (PAE) on Bayfront Drive from the Lewelling Boulevard circle to the western terminus of Bayfront Drive (see attached). This is to permit access to the Bay Trail west of the Heron Bay development (see attached excerpt of San Francisco Bay Trail Map). The intent of the PAE was to provide vehicle and pedestrian access on Bayfront to the Bay Trail. In addition, City Engineer's Report and Conditions of Approval for Vesting Tentative Map Tract 6665 (an earlier Map to Tract 6810) 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.

The purpose of the proposal is to discourage crime in the subdivision. Following the denial of the gates in 2014, the Association hired a firm for staffed presence during select day and night time hours to monitor vehicles coming into the community. The Association states that the presence of an attendant monitoring vehicles has had a positive impact on reduced criminal activity within the neighborhood since February 2015.

## **DETAILS OF THE PROPOSAL**

### Kiosk

The kiosk would be situated on the Heron Bay Park property north of the Bayfront Drive sidewalk (see Exhibit A - Site Plan and Exhibit B - Enlarged Partial Site Plan and Floor Plan). It would have a setback of five feet from the covered canopy to the Bayfront Drive property line and three feet from the covered canopy to the Lewelling Boulevard right-of way line (property line). To accommodate the building, the following vegetation would be removed: one tree from the Lewelling Boulevard circle parkway strip; at least two of the existing poplar trees on the park property; and approximately 15 lineal feet of the box-shaped hedge along the park frontage.

The kiosk comprises a floor area of 183 square feet which includes the attendant's desk/office space, a rest room and small storage closet.

The kiosk has heights ranging from 10 feet, four inches to the ridge line and 13 feet, six inches to a faux-chimney. Its exterior materials include painted stucco and wood, cultured stone, and aluminum framed windows (see Exhibits C - Perspectives, Colors and Materials and Exhibit D - Elevations).

### Anchorage Drive

Anchorage Drive would be reconfigured to egress only. On Anchorage Drive, outside the Lewelling Boulevard circle, an automatic egress gate (barrier arm) would be constructed on the eastern half of the street and a drivable raised barrier with fold-over bollards and interlocking pavers would be constructed on the western half of the street. See Exhibit A -Site Plan and Exhibit E - Anchorage Drive Improvements (i.e., gate and raised barrier). These improvements would prevent resident and public traffic from ingress to Heron Bay via Anchorage Drive with the exception of emergency vehicle access. The proposed improvements were reviewed by the Alameda County Fire Department and

found acceptable subject to conditions of approval.

### Security Cameras and License Plate Readers/Cameras

The Association also proposes the addition of Two security cameras on private property. While not subject to approval, the information was provided as part of the proposal and the proposed design has been evaluated and determined to be acceptable. The cameras would be placed beneath the patio cover of the kiosk parallel to Bayfront Drive (see Exhibit C). In addition, there would be two license plate reader/cameras on stone veneer columns. One would be located on Bayfront Drive, 15-20 feet from the Lewelling Boulevard circle and the other would be located on Anchorage Drive, south of the post for the egress gate (see Exhibit A). They would be approximately four feet tall, have a square column design of two- by two-feet, and finished with a decorative cap.

### Operations

The applicant stated that cyclist and pedestrians entering or leaving from Lewelling Boulevard are would not monitored, to address prior concerns related to Bay Trail Public Access. The purpose of the attendant at the kiosk is to observe motor vehicles. The kiosk provides necessities of shelter and restroom facility for the attendant which has been an effective program in deterring criminal activity.

### **STAFF ANALYSIS**

In 2014 to the present time, tThe City has recommended more effective and less exclusive safety and security measures should be undertaken to address the Association's safety concerns. These measures included such as the installing of security cameras, maintaining and improving outdoor lighting, continuing the Neighborhood Watch efforts, working with the City's Police Department, and/or hiring private security to patrol the neighborhood. As stated in the applicant's statement and previously in this report, the Association hired a firm to staff the development's entrance with an attendant and it's reported had positive results in reducing incidents of crime to the neighborhood. Therefore, the Association proposes a kiosk, a permanent shelter and structure, for the attendant. This would be an improvement to the current practice where an attendant is seated and/or standing on the Bayfront Drive sidewalk or Lewelling Boulevard circle. On occasion there is a portable (temporary) umbrella for shade or shelter.

The City further recommended that the kiosk be placed outside of the public right-of-way and be placed on private property such that public access will be unencumbered. The kiosk should not be placed in the path of pedestrians per the San Francisco Bay Conservation Development Commission (BCDC) requirement for public access. Thus the proposed security kiosk placement is on Heron Bay Park property outside of the Lewelling Boulevard right-of-way and north of the Bayfront Drive sidewalk.

Although the City believes that gates should not be made part of this residential neighborhood based on the City's General Plan policy not to gate residential communities, the proposed egress gate on Anchorage is off of the Lewelling Boulevard Circle and the Bayfront Drive so it does not have any deterrent view for Bay Trail users including pedestrians and bicyclists. The Alameda County Fire Department has reviewed the proposal and found the drivable barrier design on the eastern half of the street and the gate on the western half of the Anchorage Drive acceptable for emergency access.

The placement of the license plate readers/cameras are appropriately placed on Heron Bay

development's private streets.

The kiosk has a small footprint that is completely located on private property. Its exterior design is a low-profile single story articulated with a materials (i.e. cultured stone, stucco walls, wood posts and roof trim, and flat concrete tile for the roof) and design elements (i.e., covered front porch area, wainscot, gabled roof, faux- chimney) that fit in a residential neighborhood context. The City Engineering and Transportation Department identified a sanitary sewer line near the proposed kiosk for its restroom.

With the appropriate recommended conditions of approval, listed below, staff believes the proposed modifications described previously in this report to the Heron Bay Planned Development can be approved.

1. The kiosk should only be for use by an attendant/security personnel hired by the Heron Bay Homeowners Association. It should not be used as a residence, business, or other commercial use.
2. The attendant/security personnel shall not stop pedestrian, bicycle or vehicular traffic. In addition, the attendant/security personnel should not conduct any business in the street or sidewalk. At all times the operation of the kiosk shall be in compliance with BCDC and City of San Leandro requirements in maintaining public access to and from the Bay Trail and Shoreline Area.
3. Any complaints verbal or written received by the City of San Leandro will be forwarded to the Planning Commission and could be grounds for revocation of this Planned Development Modification.
4. The kiosk's Front Elevation (south facing Bayfront Drive) and the Right Elevation (east facing the Lewelling Boulevard circle), see Exhibit D, should include BCDC directional signage identifying the Bay Trail, Public Shore and/or Parking (<http://www.bcdc.ca.gov/pdf/planning/SSSG.pdf>). Since these are prominent elevations that face the public traveled way, there appears to be opportunity on these sides for the BCDC directional signs.
5. Prior to construction of the project, the required City of San Leandro Building Permit shall be obtained.
6. The Building Permit application shall be supplemented with required construction documents and shall include but not be limited to showing the following:
  - A. An American Disabilities Act (ADA) accessible walkway is required to connect the entry kiosk from the existing sidewalk.
  - B. Easement information shall be shown on the drawings. All the easements shall be labelled. (Refer to previous tract maps for reference).
  - C. Utility connections for electricity, gas, water and sewer shall be shown on the drawings. Label or create a legend for all the utility lines. Refer to previous utility drawings.

- D. Show entry kiosk location with respect to existing joint utility trench. Joint Trench Composite Plan is on record with the City of San Leandro, Engineering and Transportation Department, Case 1201 Drawings 509 and 510.
  - E. The surface in the Anchorage Drive drivable barrier that can support a minimum of 75,000 pounds, to the satisfaction of the Alameda County Fire Department.
- 7. Passage rights shall be maintained for City of San Leandro Public Works Environmental Services Inspectors for performing inspections of the Alameda County Pump Station or Livermore Amador Valley Water Management Association (LAVWMA) pump station, which are located within Heron Bay, and for responding to spills or illicit discharge complaints either when within Heron Bay or when needing to access the marsh area adjacent to Heron Bay.
  - 8. In the event a permit is required for this project from the San Francisco Bay Development Conservation Commission (BCDC), said permit shall be obtained.

### **GENERAL PLAN Conformance**

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.

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.

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.

The proposal respects the Policies listed above in order to conform to the General Plan. The staffed kiosk provides surveillance and security measures without gating the Heron Bay community. The placement of the kiosk on private property and its intended operation without stopping bicyclists or pedestrians will maintain the citywide bike system connectivity between Lewelling Boulevard and the San Francisco Bay Trails, and permit continued access to the San Leandro shoreline for continued public use and enjoyment.

### **ENVIRONMENTAL REVIEW**

This project, to construct new gates and fences, is categorically exempt from the California Environmental Quality Act (CEQA) per CEQA Guideline Article 19, Categorical Exemption, Section 15303 (e), New Construction of Small Structures.

### **PUBLIC OUTREACH**

For the October 20, 2016 Planning Commission meeting, notices for the public hearing were mailed to all of the Heron Bay homeowners, property owners and business owners within 500 feet of the Heron Bay neighborhood, the Washington Manor Homeowners Association and the Golden State Mobilehome Owners League (Mission Bay). In addition, notices were mailed to BCDC staff and the Association of Bay Area Government (ABAG) Bay Trail staff. Placards were posted on utility boxes

and poles at the Heron Bay entrance and at the corner of Lewelling and Wicks Boulevards. A legal advertisement was published in the East Bay Times newspaper.

## RECOMMENDATION

Staff recommends that the Planning Commission approve the proposal to construct a kiosk for an attendant near the entrance to the Heron Bay development **and**, to reconfigure Anchorage Drive to egress only and to construct and install two license plate readers/cameras subject to the attached Recommended Findings of Fact for Approval and Recommended Conditions of Approval.

## ATTACHMENTS

Applicant's Supporting Statement

Vicinity Map

Resolution and Recommended Findings of Fact

Recommended Conditions of Approval

Exhibit A - Site Map

Exhibit B - Enlarged Partial Site Plan and Floor Plan

Exhibit C - Perspectives, Colors and Materials

Exhibit D - Elevations

Exhibit E - Anchorage Drive Improvements

For Information Only - Tract Map 6810

For Information Only - City Engineer's Report and Conditions of Approval for Vesting Tentative Map Tract 6665

For Information Only - San Francisco Bay Trail Map (excerpt from <http://www.baytrail.org/baytrailmap.html>)

For Information Only - Photographs of Existing Site Conditions

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