



## Legislation Text

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**File #:** 14-358, **Version:** 1

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RESOLUTION to Deny an Appeal by the Heron Bay Homeowners Association to Modify Its Planned Development, PD-91-3, to Allow for the Construction of Security Gates and Fences (The appellant appeals the Planning Commission's denial of PLN2014-00007)

WHEREAS, Bay Cities Automatic Gates, in care of the Heron Bay Homeowners Association (the "Applicant") submitted an application (PLN 2014-00007) ("Application") to install vehicular and pedestrian gates and related fencing to secure the Heron Bay residential community consisting of 629 residential units (451 detached single-family units and 178 motor court units) on approximately 70 acres. The Application constitutes an amendment to the existing Planned Development (PD-91-3); and

WHEREAS, PD-91-3 for the residential community was approved by the City Council as an open and non-gated neighborhood; and

WHEREAS, the proposed Project site is currently zoned RS (PD) Residential Single-Family, Planned Development Overlay District and has a General Plan designation of Low-Medium Density Residential "RLM". The Project site is surrounded by 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 neighborhoods to the south; and

WHEREAS, the Planning Commission held a noticed Public Hearing regarding the Application on May 15, 2014 and continued the Public Hearing to the June 19, 2014 Planning Commission meeting as requested by the applicant; and

WHEREAS, the Planning Commission convened on June 19, 2014 to hold the continued Public Hearing; 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 received the applicant's presentation; and

WHEREAS, the Planning Commission after closing the public hearing, denied the proposed modification to the Planned Development; and

WHEREAS, the Planning Commission upholds the following General Plan policies: 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"; and 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”; and 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.”; and

WHEREAS, the Planning Commission recommends other effective and less exclusive safety measures to mitigate crime, and maintain the Citywide bikeway system and permit continued public use and enjoyment of City parks; and

WHEREAS, the Planning Commission denial is final but can be appealed to the City Council within 15 calendar days of the Planning Commission action; and

WHEREAS, the Heron Bay Homeowners Association filed a timely appeal with the City Clerk’s Office on July 3, 2014; and

WHEREAS, the matter of the appeal was mutually scheduled by the appellant and the City to the City Council’s regular meeting of September 2, 2014; and

WHEREAS, the Application requires a Planned Development Approval, pursuant to 3-1026 of the San Leandro Zoning Code, and

WHEREAS, the Application does not satisfy all of the requisite findings as further explained in the findings of fact further set forth in Exhibit 1, which is made a part of and associated with this resolution; and

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

WHEREAS, the project is categorically exempt from review under the California Environmental Quality Act pursuant to Section 15303(e), New Construction or Conversion of Small Structures.

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

Findings for the Planned Development. Based on the entirety of the record, including all as described above, and after a public hearing, the City Council finds and determines that PLN2014-00007, composed of an application proposing gates, fencing and related improvements to PD-91-3 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 appeal of the Heron Bay Homeowners Association and affirms the Planning Commission’s denial of PLN2014-00007, the application to modify Heron Bay’s Planned Development, PD-91-3.