



City of San Leandro

Meeting Date: December 19, 2016

Staff Report

File Number: 16-676

Agenda Section: PUBLIC HEARINGS

Agenda Number: 4.A.

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: Staff Report for Resolution Approving a 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. 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).PLN16-0009

SUMMARY AND RECOMMENDATION

The Heron Bay Homeowners Association proposes to construct a new kiosk for an attendant on HOA property near the Lewelling Boulevard entry circle of the Heron Bay residential neighborhood. The kiosk would include floor space of 183 square feet. Its purpose is to provide shelter and a restroom for an attendant that would provide surveillance at the entry into Heron Bay.

The Planning Commission and staff recommend approval of the attached Resolution that approves the request to modify Planned Development, PD-91-3, for the Heron Bay residential community to construct a kiosk for an attendant near the entrance to the Heron Bay development, on the Heron Bay Park property, subject to the attached Recommended Findings of Fact for Approval and Recommended Conditions of Approval.

BACKGROUND

The Heron Bay Planned Development was approved and constructed from 1997 to 2001. It was entitled as an open residential community without gates at the Lewelling Boulevard Circle or Bayfront Drive. Bayfront Drive serves as access between the San Francisco Bay Trail in the City's Shoreline Recreation Area and Lewelling Boulevard.

In 2014, the Heron Bay Homeowners Association submitted an application proposing to

construct access gates for vehicles, bicyclists and pedestrians at the entrance of the development to control traffic into Heron Bay. The proposal was a major modification of the Planned Development (PLN2014-00007), reviewed by the Planning Commission and City Council. At the time, staff recommended against the project because it would establish an undesirable precedent in the City's efforts to plan residential neighborhoods and that it countered the City's General Plan policy discouraging the development of "gated" communities or the gating of already developed subdivisions. In addition, the proposal was found to impede or obstruct public access to and from the Bay Trail and the City's shoreline area.

On June 19, 2014, the Planning Commission heard and denied the original proposal to install an access gate, which was appealed to the City Council. The City Council later denied the appeal on September 2, 2014. The Planning Commission, City Council and staff all recommended the applicant incorporate other effective and less exclusive safety and security measures such as installation of security cameras, maintenance and improvement of outdoor lighting, continuing the Neighborhood Watch efforts, working with the City's Police Department, and/or hiring private security to patrol the neighborhood.

In March 2016, the Association submitted a proposal for an attended kiosk on the Heron Bay Park site facing the Lewelling Boulevard circle and Bayfront Drive entry; Anchorage Drive was proposed as an egress only. The Planning Commission heard the Heron Bay Homeowners Association proposal at its October 20, 2016 meeting. At that meeting, the Planning Commission reviewed the proposal, listened to public comments, and recommended a revised project for City Council consideration. The Planning Commission, in its motion, recommended approval of the kiosk, however the Commissioners recommended removal of the Applicant's proposed Anchorage Drive reconfiguration to an egress-only gate arm and raised barrier. The majority of the Commissioners felt that the gate arm negatively impacted vehicular ingress/egress and was counter to the General Plan policy discouraging gated communities. The Planning Commission's final vote was: 5-Ayes, 1-Nay, and 1- Absent.

The Planning Commission audio for the October 20, 2016 meeting audio is available online at:

http://sanleandro.granicus.com/MediaPlayer.php?view_id=2&clip_id=857

The Planning Commission's recommendation includes conditions of approval that protect the public's right of access to the Bay Trail and Public Shoreline. The Planning Commission recommended that the attendant at the kiosk not stop pedestrian, bicycle or vehicular traffic, and that the kiosk include appropriate directional signage to identify the location of the Bay Trail, public shoreline access and/or parking.

Following the Planning Commission's recommendation, Mr. Jeff Tepper, on behalf of the Heron Bay Homeowners Association (HOA), and Mr. A. Alan Berger, attorney for the HOA, submitted letters accepting the Planning Commission's recommendation to remove the gate and barrier from Anchorage Drive, but disagreed with the condition prohibiting the attendant from stopping passing traffic (attached). The letters requested that the City Council remove or modify the conditions of approval and allow the attendant to stop non-resident cars and to remove the requirement for the placement of directional signs identifying public access.

Project Proposal

Project Setting

Surrounding the subject property are various land uses including open space, wetlands, the City of 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.

Prior Entitlements

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. Portions of the San Francisco Bay Trail in San Leandro extend from San Lorenzo Creek to Marina Park, which runs through this restored marsh next to Heron Bay. The Bay Trail follows a path along the edge of the Bay, crossing a flood control channel next to Marina Park, and continuing north to the Oyster Bay Regional Shoreline. Access to the Public Shoreline was established with the original entitlement.

The proposal to construct a kiosk for an attendant and reconfiguring Anchorage Drive to egress only is considered a major modification to the originally approved Planned Development. Thus, the request to modify the property development regulations was processed as a new application for Planned Development approval, which requires City Council approval.

The Applicants propose to construct a new entry 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, including a restroom and small storage closet.

The purpose of the kiosk for an attendant 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.

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, one tree from the Lewelling Boulevard circle parkway strip and at least two of the existing poplar trees on the park property would be removed as well as approximately 15 lineal feet of the box 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

The Planning Commission, through its recommendation, removes the proposed Anchorage Drive improvements. Thus the components shown in Exhibit A and E to reconfigure Anchorage Drive to egress only should be disregarded. Specifically, the egress gate (barrier arm) on the eastern half of the street and a drivable raised barrier with fold-over bollards and interlocking pavers on the western half of the street would not be constructed or installed.

Security Cameras and License Plate Readers/Cameras

The Association proposes to install security cameras with license plate readers on the proposed kiosk and stone columns. While the inclusion of the cameras are not part of the Planned Development approval, the proposed location and design of the cameras on the proposed kiosk and columns were evaluated by staff. 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). The columns would be approximately four feet tall, have a square column design of two- by two-feet, and finished with a decorative cap. The placement of the license plate readers/cameras are appropriately placed on Heron Bay development's private streets and proposed kiosk.

Operations

The applicant stated that cyclists and pedestrians entering or leaving from Lewelling Boulevard would not be 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 the Applicants feel has been an effective program in deterring criminal activity.

ANALYSIS

Per the applicant's statement, the HOA has hired a firm to staff the development's entrance with an attendant and reported positive results in reducing incidents of crime to the neighborhood. The HOA proposes the kiosk as a permanent shelter and office 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 has been a portable (temporary) umbrella for shade or shelter.

The City recommends that the kiosk should be placed outside of the public right-of-way, at a location on private property where public access would not be encumbered. Staff further recommends that the kiosk not be placed in the path of pedestrians accessing the Bay Trail and Public Shoreline, in accord with the San Francisco Bay Conservation Development Commission's (BCDC) requirements for public access. The proposed security kiosk would be placed on Heron Bay Park property outside of the Lewelling Boulevard right-of-way and north of the Bayfront Drive sidewalk.

The kiosk exterior design is a low-profile single story structure articulated with 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.

Planning Commission Removal of Proposed Anchorage Drive Improvements

The Planning Commission recommended removal of the proposed Anchorage Drive improvements (i.e., gate arm and raised barrier) in its motion to approve. In their discussion, the Planning Commission found that restricting all ingress to Bayfront Drive and taking away vehicle ingress via Anchorage Drive at the Lewelling Boulevard Circle would create traffic impacts (increased traffic) to the various streets that flow west to east and south to east (i.e., Harbor Way, Oceanside Way, Cruiser Drive, Charter Way, Mariner Way, Regatta Way, Atlantus Avenue, and the south end Anchorage Drive). The Planning Commission determined that the Heron Bay community should have two ways in and out of the existing neighborhood. In addition, the Commission stated that there was no overriding safety or security data provided to support a need for the installation of a gate, even though the design functioned as a partial gate with a raised landscaped barrier. The Commission felt strongly that the proposed Anchorage Drive improvements would be contrary to existing General Plan Policy against gating a community. The Applicant had no objection to the Planning Commission's recommendation on this matter.

Prohibition to Stop Vehicles and Bay Trail / Public Access Directional Signage

With the appropriate recommended conditions of approval, both the Planning Commission and staff are able to make findings to recommend approval of the proposed modifications to the Heron Bay Planned Development to accommodate a kiosk and attendant.

Below are the two recommended conditions to which the Applicant disagrees:

- 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. Any incidents of public detainment or impeding public access to the shoreline shall be immediate grounds for the revocation of this Planned Development Modification. (Condition II. C.).
- The kiosk's Front Elevation (south facing Bayfront Drive) and the Right Elevation (east facing the Lewelling Boulevard circle), should include BCDC directional signage identifying the Bay Trail, Public Shore and/or Parking (<http://www.bcdc.ca.gov/pdf/planning/SSSG.pdf>). Furthermore, as part of the Building Permit application submittal, a plan shall be provided showing additional Public Access signs installed along Bayfront Drive clearly informing and directing public access to the City's Shoreline area and the Bay Trail to the satisfaction of the Community Development Director. The removal or relocation of any required BCDC public access signage shall be prohibited without prior written approval from the Community Development Director. (Condition II. E.).

Stopping Vehicles

The HOA disagrees with the Planning Commission and staff recommendations preventing the attendant at the kiosk from stopping non-resident cars entering Bayfront Drive and questioning non-resident visitors as to the purpose of their visit. Although their request is for permission to stop non-resident cars (all resident cars will have identifying stickers or similar) and to direct them to the open space area, the HOA indicated that they have no interest in or plans to alter, modify or change public access to the shoreline or trail. Staff is unable to support the removal or modification of the condition that prevents the attendant/security personnel from stopping vehicular traffic based on the following reasons:

1. There should be no perceived interference with access to the Bay Trail and the City's public shoreline access. Any stoppage of a vehicle can appear to be a discouragement or impediment to the use of the Bay Trail and public shoreline access. Persons accessing the Bay Trail and public shoreline from a public access easement are not legally required to stop and identify themselves.
2. There is a liability to the City and to the attendant when endorsing this procedure. To stop vehicular traffic, the attendant must walk out of the kiosk and onto the street. Logistically and operationally, the attendant walking on to the sidewalk or street to stop vehicles would be an inappropriate and unsafe action to the attendant and would functionally privatize a public access area.
3. Stopping traffic on Bayfront Drive would be a liability to other drivers queuing onto Lewelling Boulevard. The attendant cannot stop traffic in the Lewelling Boulevard circle, as it is a public right-of-way. In addition, stopping a vehicle on Bayfront Drive would have a similar effect when a vehicle is stopped and additional vehicles would queue and obstruct other vehicles in the Lewelling Boulevard circle.
4. Even without intent, the stopping of a person(s) in a vehicle could be perceived as profiling of individuals. This concern was stated by one of the speakers at the Planning Commission public hearing. A resident felt that the kiosk was not necessary, since the stopping by the attendant of their friends or visitors coming to their home could be subject to profiling.

The condition prohibiting the attendant from stopping vehicles would prevent the perception, concerns, conflicts and liabilities to the attendant and the general public. As it is stated in the applicant's supporting statement, the monitoring program is to provide an effective pair of eyes observing motor vehicles. It was inferred by the City at the time of application that the attendant would only use the kiosk as an office and to observe but not interact with vehicles. The recommended conditions of approval do not prohibit the use of the kiosk as a visitor's center where guests can obtain information such as asking the attendant questions about access, directions, parking, etc.

Signage

The HOA disagrees with the Planning Commission and staff recommendation to place public access signage on the kiosk. However, the City of San Leandro's Administrative Code provides rules and regulations for park operating procedures (see attached). Section 7.1.305 (f) provides that signs stating the closing hours and exceptions thereto shall be conspicuously posted at all entrances to the San Leandro Shoreline Recreation Area. Thus, it is in the City's

purview to require a condition of approval for signage, since the project is an entryway to the City's Shoreline Area. The recommendation is to use standardized BCDC Bay Trail access signs in an unobtrusive manner on the side elevations of the kiosk facing Lewelling Boulevard and Bayfront Drive.

As the condition is currently worded, staff believes it provides the HOA an opportunity and flexibility to install BCDC standard signage and/or the installation of a sign on the building or on a column or post on Bayfront Drive to comply with the City's Administrative Code Section 7.1.305 with the details and specifications accepted by the City. Either or both would be helpful and informative. In fact, a sign containing the City's detailed sign criteria would include more information than the BCDC standard, such as the hours during the dates of the year that the San Leandro Shoreline Recreation Area is open to the public. As a result, the signage would be helpful in assisting the attendant in providing necessary information to general public and visitors, and this would allow more uninterrupted time to the attendant to observe the immediate adjacent area.

With the recommended conditions of approval, staff finds the proposal conforms to the City's adopted General Plan policies and serves as a fair compromise that provides the HOA with desired surveillance and security measures while continuing to maintain public shoreline access. The placement of the kiosk on private property and its recommended operation will maintain the citywide bike system connectivity between Lewelling Boulevard and the San Francisco Bay Trails, and permit unfettered access to the San Leandro shoreline for continued public use and enjoyment.

Applicable General Plan Policies

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.

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.

Summary of Public Outreach Efforts

For the City Council 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. This is similar to the notification for the October 20, 2016 Planning Commission meeting.

ATTACHMENTS

Attachments to Staff Report

- Applicant's Supporting Statement
- Letter from Jeff Tepper on behalf of Heron Bay HOA, dated November 3, 2016
- Letter from A. Alan Berger, Attorney for Heron Bay HOA, dated November 4, 2016
- City of San Leandro Administrative Code Title 7, Chapter 1, Article 3 (Excerpt, Section 7.1.305)
- Vicinity Map (from Planning Commission meeting)
- Planning Commission Staff Report
- Planning Commission Resolution and Findings of Fact (revised per Planning Commission motion)
- Recommended Conditions of Approval (revised per Planning Commission motion)
- 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

Attachment to Related Legislative File

- Exhibit 1 - Recommended Conditions of Approval

PREPARED BY:

Elmer Penaranda, Senior Planner
Community Development Department

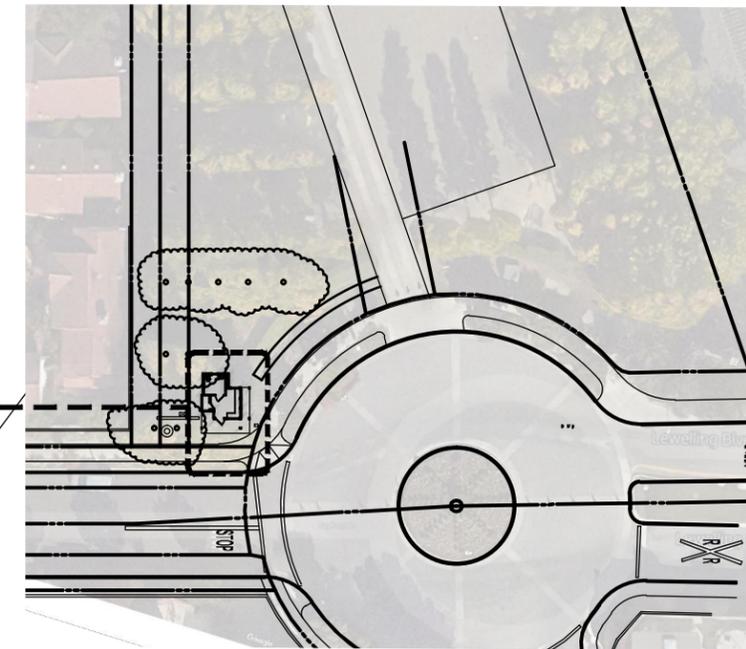
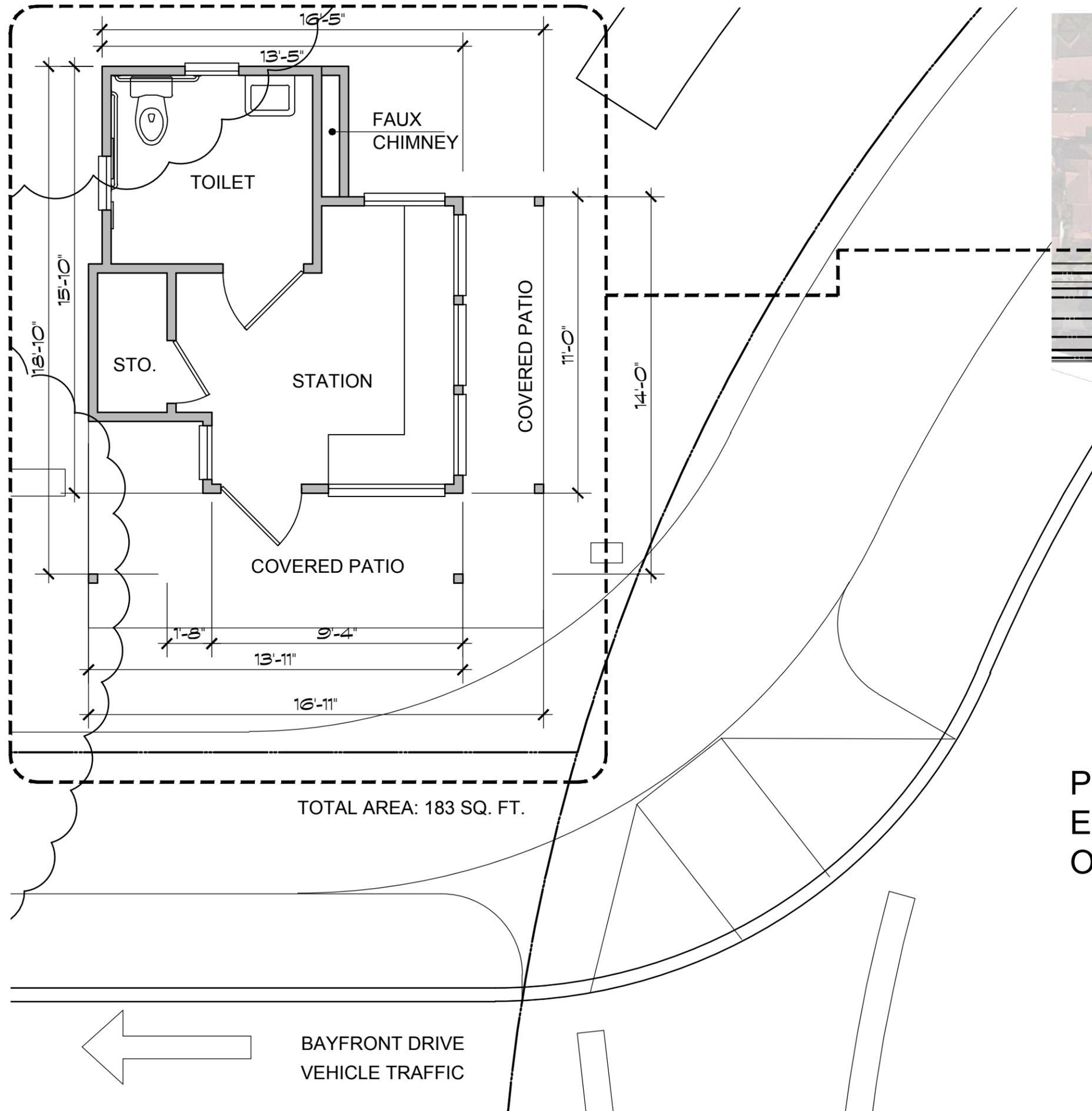
Recurring violent crime within the Heron Bay neighborhood has become a significant concern for the 629 families that live here. The initial HOA proposal submitted in 2014 included an automated gate system that would control vehicular access to the private streets and parks within the Community. Following the City Council's denial of the automatic gate proposal, the HOA leadership sought out an alternative to discourage the criminal element from coming into the community in search of the next victim. The initial implementation involved hiring a firm to provide a staffed presence during select day and night hours to monitor vehicles coming into the community. The presence has a significant positive impact on reduced criminal activity within the neighborhood, with a significant reduction in violent crime since February 2015 when the new vehicle monitoring arrangement was initiated.

Pedestrians and cyclists entering or leaving the neighborhood to/from Lewelling are not monitored, thereby effectively addressing prior concerns relative to Bay Trail Public Access. During the past year, the monitoring program has evolved to its present form to provide an effective "pair of eyes" observing motor vehicles. This significant reduction in violent crime within the neighborhood since the entry attendant program was instituted speaks volumes for its effectiveness as a deterrent to criminal activity. Providing shelter from the elements and restroom facilities to improve attendant work conditions, along with columns housing license plate reader cameras to supplement attendant observations are also included in this proposal.

The Heron Bay HOA has incorporated several components of this proposal based upon City Staff's prior recommendations. This proposal reflects those components within the purview of the City of San Leandro's Planning Jurisdiction

- The new **Entry Kiosk** and necessary utility hookups depicted in the attached drawings will be erected 100% on private property clear of all utility and public access easements of record;
- The new **Rest Room** with associated utility hookups for the use of the Entry Kiosk Attendant depicted in the attached drawings will be installed 100% within the building located on private property clear of all utility and public access easements of record;
- The new stone faced **Columns containing License Plate Reader Cameras** with associated power and communication connections depicted in the attached drawings will be erected 100% on private property clear of all utility and public access easements of record.

For reference, potential **Parking Spaces** on Bayfront Drive conditionally dedicated for Bay Trail use, Bay Trail **way-finding signage**, and bicycle **sharrows** all requested by BCDC are not part of this application.



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 Danville, CA 94526
 925.837.1422
 925.837.1426 (f)
 www.barryandwynn.com

Project Title:
HERON BAY HOA
 ENTRY KIOSK

SAN LEANDRO, CA

Sheet Title:
CONCEPT
FLOOR PLAN

Revisions:

PLN16-0009
 Exhibit B
 October 20, 2016

Scale: 1/4" = 1'-0"

Drawn By: RH

Approved: SW

Job No.:

Date: 05-17-16

Sheet No.:

3



- FLAT CONCRETE TILE ROOF T.B.D
- PAINTED WOOD LATTICE & POST
- HANGING MOUNT SECURITY DOME CAMERA, TYP.
- ALUMINUM CLAD WINDOWS. T.B.S.
- CULTURED LEDGE STONE
- CONCRETE PATIO

PLN16-0009
 Exhibit C
 October 20, 2016



barry|wynn
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Project Title:
HERON BAY HOA
 ENTRY KIOSK

SAN LEANDRO, CA

Sheet Title:
CONCEPT
RENDERINGS

Revisions:

Scale: NO SCALE
 Drawn By: RH
 Approved: SW
 Job No.:
 Date: 05-17-16

Sheet No.:

1



- NON-FUNCTIONING CHIMNEY
- FLAT CONCRETE TILE ROOF T.B.D
- HANGING MOUNT SECURITY DOME CAMERA, TYP.
- ALUMINUM CLAD WINDOWS. T.B.S.
- STUCCO. TYP.
- 3'-0" DUTCH DOOR
- CULTURED LEDGE STONE
- CONCRETE PATIO



FRONT ELEVATION



RIGHT ELEVATION



BACK ELEVATION



LEFT ELEVATION



barry|wynn
ARCHITECTS

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Project Title:
HERON BAY HOA
ENTRY KIOSK

SAN LEANDRO, CA

Sheet Title:
CONCEPT
EXTERIOR
ELEVATIONS

Revisions:

Scale: 1/4" = 1'-0"

Drawn By: RH

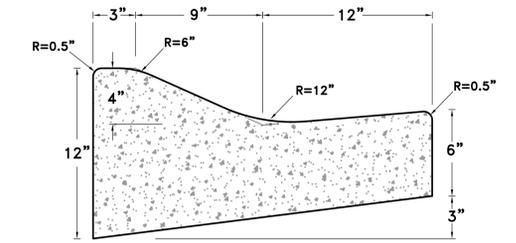
Approved: SW

Job No.:

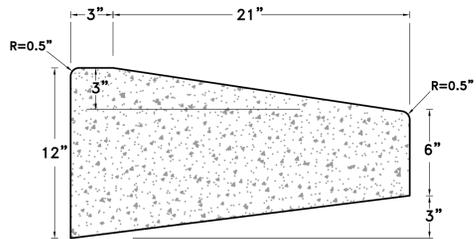
Date: 05-17-16

Sheet No.:

2



DETAIL
ROLLED CONCRETE CURB & GUTTER
NOT TO SCALE



DETAIL
CONCRETE EDGE RESTRAINT
NOT TO SCALE

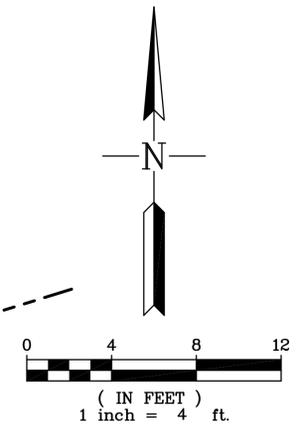
LEWELLING BOULEVARD
(PUBLIC STREET)

LIVERMORE AMADOR VALLEY
WATER MANAGEMENT AGENCY
APN 080G-1325-001-3

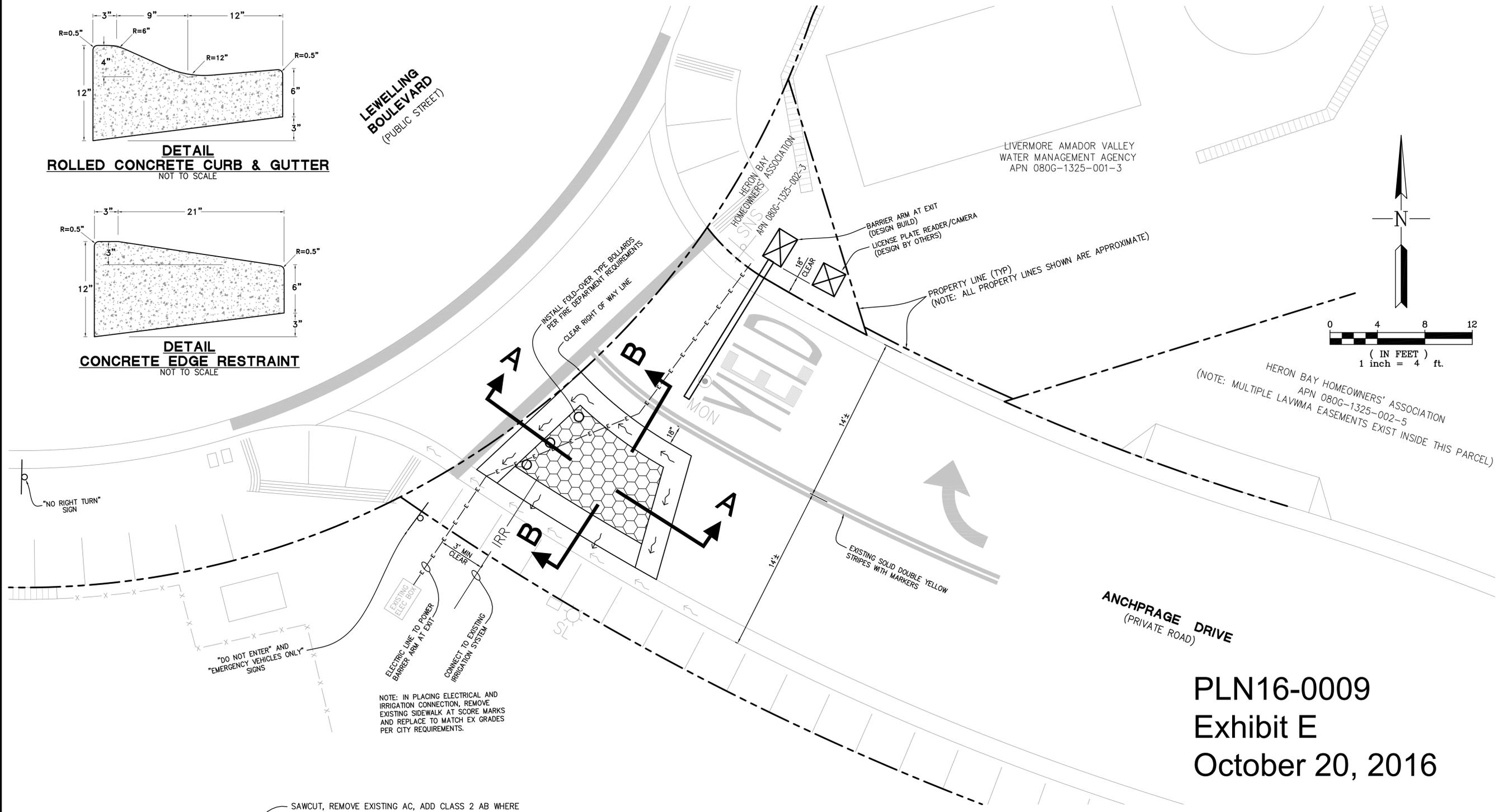
HERON BAY ASSOCIATION
HOMEOWNERS' ASSOCIATION
APN 080G-1325-002-3

BARRIER ARM AT EXIT
(DESIGN BUILD)
LICENSE PLATE READER/CAMERA
(DESIGN BY OTHERS)

PROPERTY LINE (TYP)
(NOTE: ALL PROPERTY LINES SHOWN ARE APPROXIMATE)



HERON BAY HOMEOWNERS' ASSOCIATION
APN 080G-1325-002-5
(NOTE: MULTIPLE LAVVMA EASEMENTS EXIST INSIDE THIS PARCEL)



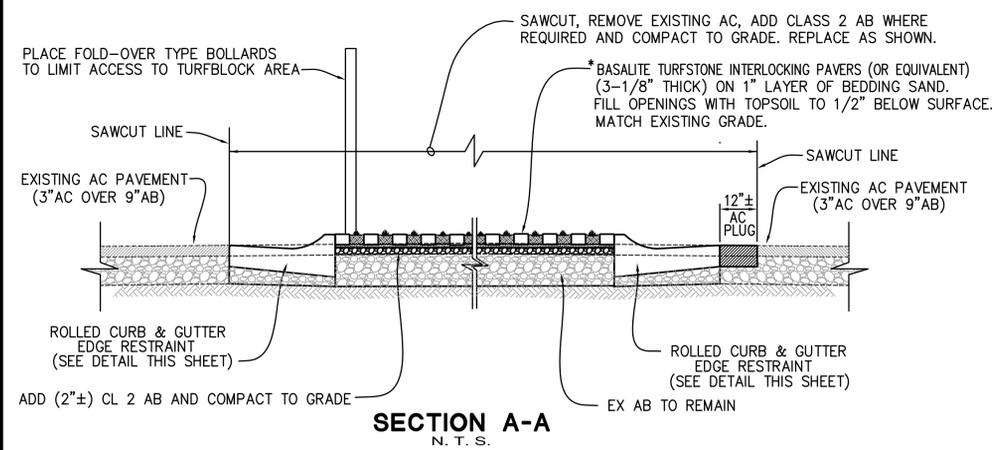
"NO RIGHT TURN" SIGN

"DO NOT ENTER" AND "EMERGENCY VEHICLES ONLY" SIGNS

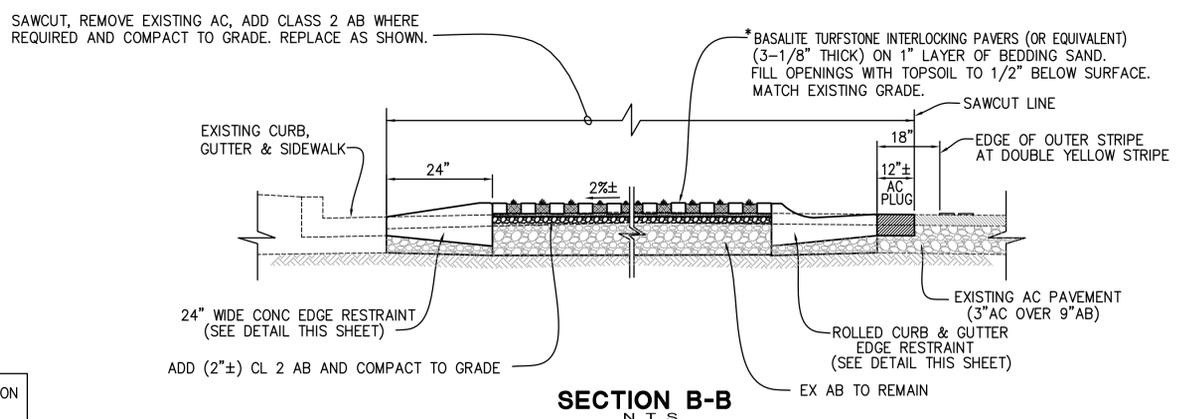
NOTE: IN PLACING ELECTRICAL AND IRRIGATION CONNECTION, REMOVE EXISTING SIDEWALK AT SCORE MARKS AND REPLACE TO MATCH EX GRADES PER CITY REQUIREMENTS.

ANCHPRAGE DRIVE
(PRIVATE ROAD)

PLN16-0009
Exhibit E
October 20, 2016



SECTION A-A
N. T. S.



SECTION B-B
N. T. S.

* CONTACT MANUFACTURER FOR PROPER INSTALLATION
MARK TAIARIOL (BASALITE) (408-422-9440)

REVISIONS	
SCALE	1" = 4'
DATE	06-03-16
DRAWN	PE
CHECKED	IN
JOB NO.	16070

SITE PLAN IMPROVEMENT
ENTRANCE IMPROVEMENTS
ANCHORAGE DRIVE @ LEWELLING BOULEVARD TURNAROUND
SAN LEANDRO ALAMEDA COUNTY CALIFORNIA

HUMANN COMPANY INC.
ENGINEERS SURVEYORS
1021 BROWN AVE
LAFAYETTE, CA 94549
PH (925)283-5000 FAX (925)283-3576
humann@pcbell.net

SHEET 1 OF 1 SHEET
JOB NO. 16070

Z:\P\16070\SP\PLAN.dwg 6/2/2016 10:4:25 AM PJT

OWNER'S STATEMENT

THE UNDERSIGNED, SANTA CLARA LAND TITLE COMPANY, A CALIFORNIA CORPORATION, HEREAFTER REFERRED TO AS "OWNER" DOES HEREBY STATE THAT IT IS THE OWNER OF ALL THE LAND DELINEATED AND EMBRACED WITHIN THE EXTERIOR BOUNDARY LINE UPON THE HEREIN EMBODIED FINAL MAP, ENTITLED "TRACT 6810, A SUBDIVISION OF PARCELS 2 AND 3 OF PARCEL MAP 6828, CITY OF SAN LEANDRO, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF FIVE (5) SHEETS, THIS STATEMENT BEING UPON SHEET ONE (1) THEREOF; THAT SAID OWNER ACQUIRED TITLE TO THE LAND BY VIRTUE OF THE DEED RECORDED JANUARY 4, 1996, SERIES NO. 90-099485, OFFICIAL RECORDS OF ALAMEDA COUNTY, CALIFORNIA; THAT IT CONSENTS TO THE PREPARATION AND FILING OF THIS MAP; THAT SAID MAP PARTICULARLY SETS FORTH AND DESCRIBES ALL THE LOTS INTENDED FOR SALE BY THEIR NUMBER AND PRECISE WIDTH AND LENGTH; THAT SAID MAP PARTICULARLY SETS FORTH AND DESCRIBES THE PARCELS OF GROUND SO RESERVED FOR PUBLIC PURPOSES BY ITS BOUNDARY, COURSE AND EXTENT; THAT PARCELS OF GROUND SO RESERVED FOR PUBLIC PURPOSES ARE INTENDED FOR THE USES AND PURPOSES OF PERMANENT OPEN SPACE AND DESIGNATED AS PARCELS "A", "B", "C" AND "D".

AND SAID OWNER HEREBY DEDICATES TO THE PUBLIC IN FEE SIMPLE THE PARCELS OF LAND LYING WITHIN THE BOUNDARY OF PARCELS "A", "B", "C" AND "D" FOR USES AND PURPOSES OF PERMANENT OPEN SPACE, TO INCLUDE PUBLIC ACCESS TRAILS, WETLAND BUFFER AREAS, PUBLIC INTERPRETIVE CENTER AND SIGNAGE, PUBLIC LANDSCAPING, EMERGENCY VEHICLE ACCESS AND RELATED STRUCTURES AND APPURTENANCES.

AND SAID OWNER HEREBY DEDICATES TO THE PUBLIC FOREVER, AN EASEMENT FOR PUBLIC INGRESS AND EGRESS TO ACCESS THE PUBLIC TRAILS, WETLAND BUFFER AREAS, AND PUBLIC INTERPRETIVE CENTER OVER, UPON, AND ACROSS THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "P.A.E." (PUBLIC ACCESS EASEMENT) AS DELINEATED ON THIS MAP.

AND SAID OWNER HEREBY DEDICATES TO THE PUBLIC FOREVER, EASEMENTS WITH THE RIGHT OF INGRESS AND EGRESS FOR THE CONSTRUCTION, MAINTENANCE AND REPAIR OF APPLICABLE STRUCTURES AND APPURTENANCES UNDER, UPON AND OVER ANY AREA OF LAND DESIGNATED AS "P.U.E." (PUBLIC UTILITY EASEMENT); AS DELINEATED AND DESIGNATED WITHIN THE EXTERIOR BOUNDARY LINES OF THIS MAP, SAID AREAS OR STRIPS OF LAND TO BE KEPT OPEN AND FREE FROM BUILDINGS AND STRUCTURES OF ANY KIND EXCEPT APPLICABLE UTILITY STRUCTURES AND APPURTENANCES, AND LAWFUL FENCES.

AND SAID OWNER HEREBY DEDICATES TO THE PUBLIC FOREVER A RIGHT-OF-WAY AND EASEMENT FOR INGRESS AND EGRESS OF EMERGENCY VEHICLES OVER, UPON AND ACROSS THOSE CERTAIN STRIPS OF LAND DESIGNATED AS "E.V.A.E." (EMERGENCY VEHICLE ACCESS EASEMENT) AS DELINEATED ON THIS MAP.

PRIVATE STORM DRAIN EASEMENTS (P.S.D.E.), PRIVATE VEHICLE ACCESS WAYS (P.V.A.W.), AND PRIVATE PEDESTRIAN ACCESS EASEMENTS (P.P.A.E.) AS SHOWN ON THIS MAP ARE FOR THE BENEFIT OF THE STREETS AND LOTS TRIBUTARY TO THE EASEMENT. THE MAINTENANCE OF THESE PRIVATE FACILITIES IS THE RESPONSIBILITY OF THE HOMEOWNER'S ASSOCIATION. THESE EASEMENTS ARE NOT OFFERED FOR PUBLIC USE, AND USE BY THE PUBLIC SHALL BE PERMISSIVE ONLY.

THE AREA MARKED EBMUD IS DEDICATED TO EAST BAY MUNICIPAL UTILITY DISTRICT AS AN EASEMENT FOR THE CONSTRUCTION, MAINTENANCE, USE AND OPERATION OF WATER TRANSMISSION PIPE LINES, AND ALL NECESSARY APPURTENANCES THEREOF; TOGETHER WITH THE RIGHT OF INGRESS TO AND EGRESS FROM SAID EASEMENT. NO BUILDING OR STRUCTURE MAY BE PLACED ON SAID EASEMENT, NOR SHALL ANYTHING BE DONE THEREON WHICH MAY INTERFERE WITH EAST BAY MUNICIPAL UTILITY DISTRICT'S FULL ENJOYMENT OF SAID EASEMENT.

THE AREA DESIGNATED PARCEL "E" IS NOT OFFERED FOR DEDICATION. IT IS INTENDED TO CONVEY PARCEL "E" IN FEE TO ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT VIA A SEPARATE INSTRUMENT FOR USES AND PURPOSES OF A STORM DRAIN FACILITY.

AND SAID OWNER HEREBY DEDICATES TO ORO LOMA SANITARY DISTRICT FOREVER, THE RIGHT TO CONSTRUCT, RECONSTRUCT AND MAINTAIN PUBLIC SANITARY SEWER FACILITIES AND APPURTENANCES UNDER, ON AND OVER THE STRIPS OF LAND SHOWN UPON SAID MAP DESIGNATED AS "S.S.E." (SANITARY SEWER EASEMENT), AND THE RIGHT TO ENTER UPON SAID STRIPS OF LAND FOR THE PURPOSES OF CONSTRUCTING, MAINTAINING, RECONSTRUCTING, OR REPAIRING SAID SANITARY SEWER FACILITIES.

THE AREA DESIGNATED LOTS 1 THRU 24 ARE NOT OFFERED FOR DEDICATION. THEY ARE INTENDED FOR CONDOMINIUM PURPOSES. THE AREA DESIGNATED LOTS 25 THRU 29 ARE NOT OFFERED FOR DEDICATION. THEY ARE INTENDED TO BE HELD UNDER COMMON OWNERSHIP AS SPECIFIED BY THE COVENANT, CONDITIONS AND RESTRICTIONS.

LOT 30 AND 31 ARE NOT OFFERED FOR DEDICATION. OWNERSHIP SHALL BE WITH UNDERSIGNED OWNER FOR FUTURE SUBSEQUENT SUBDIVISIONS.

IN WITNESS WHEREOF, SAID OWNER HAS CALLED THIS STATEMENT AND THESE DEDICATIONS TO BE EXECUTED THIS 12th DAY OF March, 1997.

SANTA CLARA LAND TITLE COMPANY, A CALIFORNIA CORPORATION
BY: [Signature] BY: [Signature]

ACKNOWLEDGMENT - OWNER

STATE OF CALIFORNIA } ss.
COUNTY OF Santa Clara

ON March 12, 1997, BEFORE ME, Patricia R. Angotti, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED Wanda Alvarez AND Wanda Alvarez PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL.

SIGNATURE [Signature]
MY COMMISSION EXPIRES 8-18-97

TRUSTEE'S STATEMENT

UNION BANK OF CALIFORNIA, N.A., Formerly Union Bank, A CALIFORNIA BANKING CORPORATION, UNDER THAT CERTAIN DEED OF TRUST RECORDED JULY 28, 1985, SERIES NO. 85-185945, OFFICIAL RECORDS OF ALAMEDA COUNTY, DOES HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF SAID TRACT 6810 AND JOINS IN ALL DEDICATIONS THEREON.

BY: [Signature] BY: [Signature]

ACKNOWLEDGMENT - TRUSTEE

STATE OF CALIFORNIA } ss.
COUNTY OF

ON March 12, 1997, BEFORE ME, Doree Rudder, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED [Signature] AND [Signature] PERSONALLY KNOWN TO ME (OR PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE) TO BE THE PERSONS WHOSE NAMES ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME IN THEIR AUTHORIZED CAPACITIES AND THAT BY THEIR SIGNATURES ON THE INSTRUMENT THE PERSONS, OR THE ENTITY UPON BEHALF OF WHICH THE PERSONS ACTED, EXECUTED THE INSTRUMENT.

WITNESS MY HAND AND OFFICIAL SEAL

SIGNATURE [Signature]
MY COMMISSION EXPIRES April 22, 1998

STATEMENT OF CLERK, BOARD OF SUPERVISORS

I, [Signature] CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE AS CHECKED BELOW, THAT:

AN APPROVED BOND HAS BEEN FILED WITH THE SUPERVISORS OF THE SAID COUNTY AND STATE IN THE AMOUNT OF \$100,000.00 CONDITIONED FOR THE PAYMENT OF ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES WHICH ARE NOT A LIEN AGAINST SAID LAND OR ANY PART THEREOF BUT NOT YET PAYABLE, AND WAS DULY APPROVED BY SAID BOARD IN SAID AMOUNT.

ALL TAXES AND SPECIAL ASSESSMENTS COLLECTED AS TAXES HAVE BEEN PAID AS CERTIFIED BY THE TREASURER-TAX COLLECTOR OF THE COUNTY OF ALAMEDA.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 8th DAY OF April, 1997.

BY: [Signature] DEPUTY
CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF ALAMEDA, CALIFORNIA

RECORDER'S STATEMENT

FILED THIS 9th DAY OF April, 1997 AT 8:30
A.M. RECORDER'S SERIES NUMBER 97-09125 IN BOOK 216 OF MAPS AT PAGES 20-22 AT THE REQUEST OF FIRST AMERICAN TITLE GUARANTY COMPANY, IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA.

FEE: \$162.92
SERIES NO. 97-09125

PATRICK O'CONNELL, COUNTY RECORDER IN AND FOR THE COUNTY OF ALAMEDA, STATE OF CALIFORNIA
BY: [Signature] DEPUTY COUNTY RECORDER

CITY CLERK'S STATEMENT

I, JACQUELYN L. DIAZ, ACTING CITY CLERK AND CLERK OF THE COUNCIL OF THE CITY OF SAN LEANDRO, COUNTY OF ALAMEDA, STATE OF CALIFORNIA, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 6810, A SUBDIVISION OF PARCELS 2 AND 3 OF PARCEL MAP 6828, CITY OF SAN LEANDRO, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF FIVE (5) SHEETS, THIS STATEMENT BEING UPON SHEET ONE (1) THEREOF, WAS PRESENTED TO THE COUNCIL OF THE CITY OF SAN LEANDRO, AS PROVIDED BY LAW AT A REGULAR MEETING THEREOF, HELD ON THE 7th DAY OF MARCH, 1997, AND THAT SAID COUNCIL, BY RESOLUTION NO. 97-28, PASSED AND ADOPTED AT SAID MEETING, APPROVED SAID MAP AND ACCEPTED SUBJECT TO IMPROVEMENTS ON BEHALF OF THE PUBLIC ALL THOSE PARCELS OF LAND OFFERED FOR DEDICATION FOR PUBLIC USE DESIGNATED AS PARCELS "A", "B", "C" AND "D", PUBLIC UTILITY EASEMENT (P.U.E.), AND EMERGENCY VEHICLE ACCESS EASEMENT (E.V.A.E.) IN CONFORMITY WITH THE TERMS OF DEDICATION.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 28 DAY OF March, 1997.

BY: [Signature]
JACQUELYN L. DIAZ, ACTING CITY CLERK OF CITY OF SAN LEANDRO, COUNTY OF ALAMEDA STATE OF CALIFORNIA

ORO LOMA SANITARY DISTRICT STATEMENT

ORO LOMA SANITARY DISTRICT OF ALAMEDA COUNTY, CALIFORNIA, ACKNOWLEDGES AND ACCEPTS THE EASEMENTS DESCRIBED HEREIN FOR SANITARY SEWER PURPOSES DESIGNATED AS "S.S.E." (SANITARY SEWER EASEMENT).

DATED: 4/2/97 BY: [Signature]
GENERAL MANAGER OF ORO LOMA SANITARY DISTRICT ALAMEDA COUNTY, CALIFORNIA

SURVEYOR'S STATEMENT

I, THE UNDERSIGNED, ROBERT GHAN, DO HEREBY STATE THAT I AM THE LICENSED LAND SURVEYOR RESPONSIBLE FOR THE SURVEY FROM WHICH THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 6810, A SUBDIVISION OF PARCELS 2 AND 3 OF PARCEL MAP 6828, CITY OF SAN LEANDRO, ALAMEDA COUNTY, STATE OF CALIFORNIA, CONSISTING OF FIVE (5) SHEETS, THIS STATEMENT BEING UPON SHEET ONE (1) THEREOF, HAS BEEN PREPARED AND THAT I AM RESPONSIBLE FOR SAID FINAL MAP; THAT THE DATE OF SAID SURVEY WAS JULY 18, 1994, AND WAS MADE UNDER MY DIRECTION THAT SAID SURVEY IS TRUE AND COMPLETE AS SHOWN; THAT THE MONUMENTS WILL BE OF THE CHARACTER AND OCCURRY THE POSITIONS INDICATED ON THIS MAP AND THAT SAID MONUMENTS WILL BE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED AND WILL BE SET WITHIN TWO YEARS OF THE DATE OF THE COMPLETION OF THE IMPROVEMENTS.

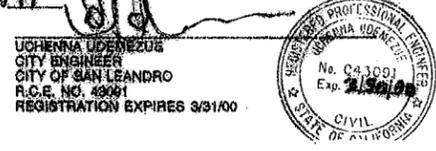
DATED 3/14/97



CITY ENGINEER'S STATEMENT

I, UGHENNA UDEMEZUE, CITY ENGINEER OF THE CITY OF SAN LEANDRO, DO HEREBY STATE THAT THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 6810 A SUBDIVISION OF PARCELS 2 AND 3 OF PARCEL MAP 6828, CITY OF SAN LEANDRO, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF FIVE (5) SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF, HAS BEEN EXAMINED AND THAT THE SUBDIVISION, AS SHOWN UPON SAID MAP, IS SUBSTANTIALLY THE SAME AS SAID SUBDIVISION APPEARED ON THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP AND ANY APPROVED AMENDMENTS THEREOF; AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT OF THE STATE OF CALIFORNIA AND AMENDMENTS THERETO AND OF ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH.

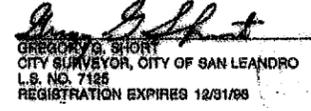
IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND THIS 26th DAY OF MARCH, 1997.



CITY SURVEYOR'S STATEMENT

I, GREGORY G. SHORT, CITY SURVEYOR OF THE CITY OF SAN LEANDRO, DO HEREBY STATE THAT I HAVE EXAMINED THE HEREIN EMBODIED FINAL MAP ENTITLED "TRACT 6810, A SUBDIVISION OF PARCELS 2 AND 3 OF PARCEL MAP 6828, CITY OF SAN LEANDRO, ALAMEDA COUNTY, CALIFORNIA, CONSISTING OF FIVE (5) SHEETS, THIS STATEMENT BEING ON SHEET ONE (1) THEREOF, AND THAT THE SURVEY DATA SHOWN UPON SAID MAP IS TECHNICALLY CORRECT.

DATE: 3-26-97



PROPERTY DESCRIPTION

"TRACT 6810" IN THE CITY OF SAN LEANDRO, ALAMEDA COUNTY, STATE OF CALIFORNIA, IS A SUBDIVISION OF PARCELS 2 AND 3 OF PARCEL MAP 6828, RECORDED IN BOOK 216 OF PARCEL MAPS AT PAGES 20 THRU 22, ALAMEDA COUNTY RECORDS.

SOILS REPORT NOTE

A SOIL INVESTIGATION WAS PREPARED BY D. F. JAVETS & ASSOCIATES, ENTITLED GEOTECHNICAL STUDIES, ROBERTS LANDING PROJECT, SAN LEANDRO, CALIFORNIA, FOR CITATION HOMES, JOB NO. 8508-001, DATED MARCH 23, 1997, AND SUPPLEMENTAL GEOTECHNICAL STUDIES, ROBERTS LANDING PROJECT, SAN LEANDRO, CALIFORNIA FOR CITATION HOMES, JOB NO. 8508-005, DATED DECEMBER 18, 1991, COPIES OF WHICH ARE ON FILE IN THE OFFICE OF THE CITY ENGINEER OF THE CITY OF SAN LEANDRO.

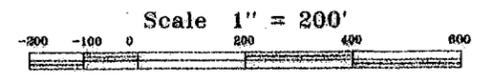
TRACT 6810
A SUBDIVISION OF PARCELS 2
AND 3 OF PARCEL MAP 6828
CITY OF SAN LEANDRO
ALAMEDA COUNTY CALIFORNIA
JULY 1996



Tract 6810

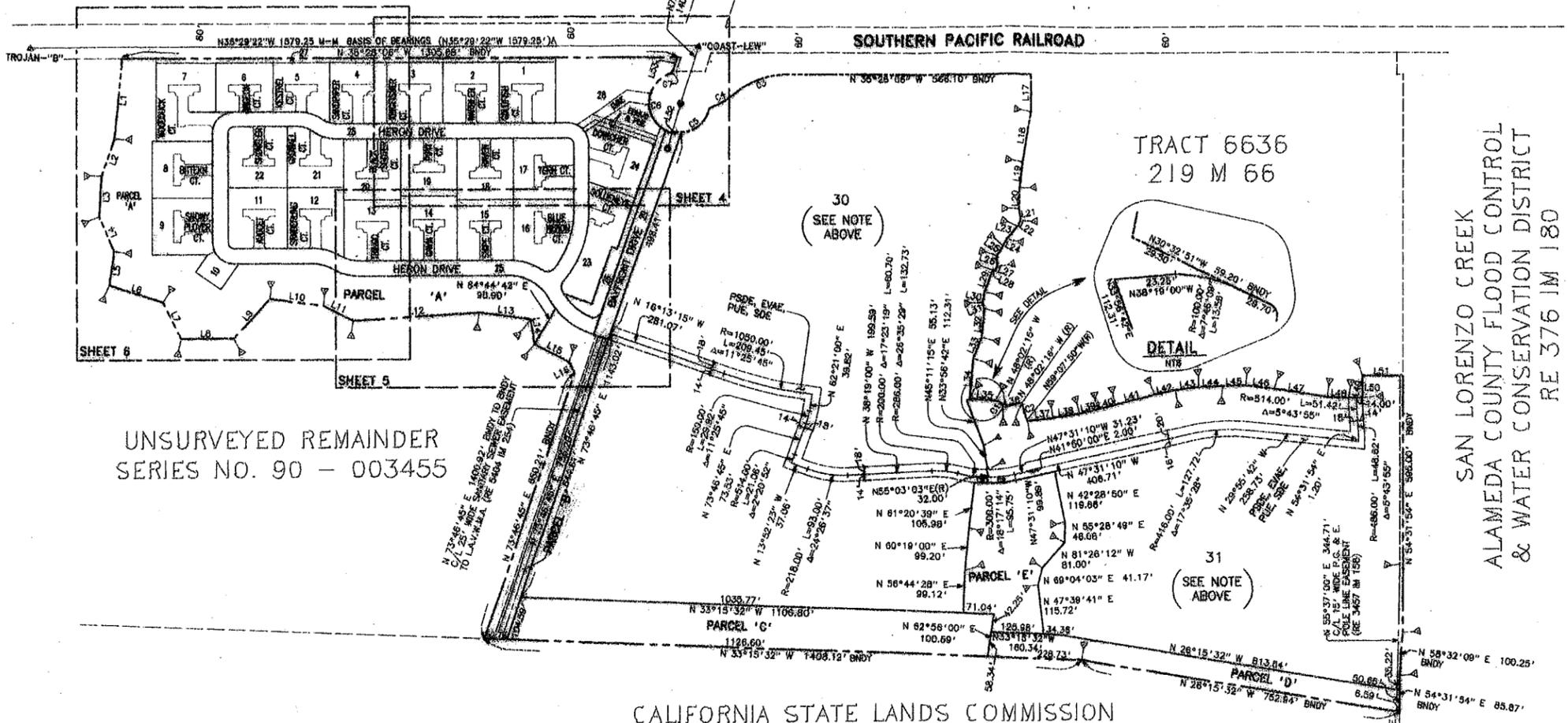
Map BL 238

PP 87-91



NOTE: ACCESS TO LOTS 30 & 31 TO BE THRU THE PRIVATE STREETS (PARCEL 'D') OF EXISTING TRACT 6636 (BOOK 219 OF MAPS, PG 66). INGRESS AND EGRESS RIGHTS OVER PARCEL 'D' FOR THE BENEFIT OF LOTS 30 & 31 WAS CREATED BY DOCUMENT SERIES NO. _____

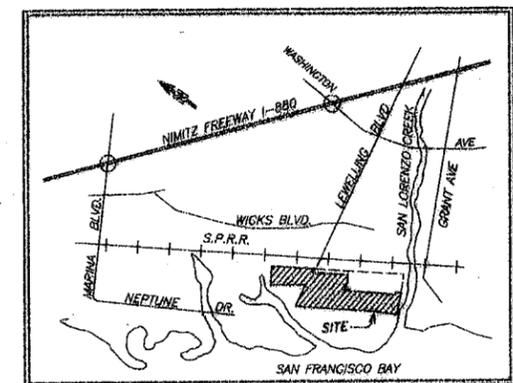
LINE NO.	BEARING	DISTANCE
L1	N 60°00'00" E	188.83 BNDY
L2	N 74°00'00" E	92.00 BNDY
L3	N 58°00'00" E	96.00 BNDY
L4	N 31°00'00" E	89.00 BNDY
L5	N 63°00'00" E	80.00 BNDY
L6	N 18°00'00" W	134.00 BNDY
L7	N 28°00'00" W	95.00 BNDY
L8	N 36°00'00" W	124.00 BNDY
L9	N 63°00'00" W	124.00 BNDY
L10	N 28°00'00" W	127.00 BNDY
L11	N 09°00'00" W	78.00 BNDY
L12	N 39°00'00" W	297.00 BNDY
L13	N 28°00'00" W	124.00 BNDY
L14	N 48°00'00" E	59.00 BNDY
L15	N 08°00'00" W	91.00 BNDY
L16	N 29°00'00" E	29.00 BNDY
L17	N 54°31'54" E	87.58 BNDY
L18	N 64°38'44" E	121.21 BNDY
L19	N 01°28'00" E	80.72 BNDY
L20	N 55°41'00" E	50.03 BNDY
L21	N 48°52'00" E	28.00 BNDY
L22	N 84°42'00" E	15.44 BNDY
L23	N 83°54'00" W	40.00 BNDY
L24	N 82°00'00" W	17.90 BNDY
L25	N 87°08'00" E	26.85 BNDY
L26	N 53°20'00" E	26.20 BNDY
L27	N 75°00'00" E	10.45 BNDY
L28	N 14°50'00" W	6.00 BNDY
L29	N 75°10'00" W	54.15 BNDY
L30	N 66°06'00" E	26.52 BNDY
L31	N 35°04'00" E	14.00 BNDY
L32	N 59°27'09" E	67.80 BNDY
L33	N 78°43'07" E	52.38 BNDY
L34	N 59°27'09" E	94.00 BNDY
L35	N 30°32'51" W	59.20 BNDY
L36	N 48°02'18" W	46.00 BNDY
L37	N 41°12'00" W	84.77 BNDY
L38	N 43°53'00" W	85.00 BNDY
L39	N 49°41'00" W	47.00 BNDY
L40	N 50°04'00" W	39.48 BNDY
L41	N 49°59'05" W	93.88 BNDY
L42	N 48°09'00" W	50.45 BNDY
L43	N 41°48'58" W	57.14 BNDY
L44	N 38°11'51" W	54.18 BNDY
L45	N 37°07'58" W	53.24 BNDY
L46	N 28°56'00" W	65.08 BNDY
L47	N 28°40'00" W	128.01 BNDY
L48	N 33°40'00" W	51.47 BNDY
L49	N 35°28'00" W	32.00 BNDY
L50	N 54°31'54" E	51.10 BNDY
L51	N 35°28'00" W	95.00 BNDY
L52	N 73°48'45" E	4.05 BNDY
L53	N 72°52'44" E	33.68 BNDY



UNSURVEYED REMAINDER
SERIES NO. 90 - 003455

SAN LORENZO CREEK
ALAMEDA COUNTY FLOOD CONTROL
& WATER CONSERVATION DISTRICT
RE 376 IM 180

CALIFORNIA STATE LANDS COMMISSION
90 - 084393



VICINITY MAP
N.T.S.

NOTE AND LEGEND

- The heavy broken line indicates the boundary of land subdivided by this map. The area within the boundary is 61.61 acres. All distances and dimensions are shown in feet and decimals thereof.
- ▲ Indicates Alameda County Brass Disc Monument found.
 - Indicates Standard City Monument found.
 - Indicates Standard City Monument to be set.
 - △ Indicates an Angle Point.
 - Indicates 1" Iron Pipe found as noted.
 - (R) Indicates Radial Bearing.
 - Indicates Exterior Boundary Line.
 - Indicates Monument Line.
 - Indicates Easement Line.
 - () Indicates Pullback Distance.
 - SSE Indicates Sanitary Sewer Easement.
 - SDE Indicates Storm Drain Easement.
 - PUE Indicates Public Utility Easement.
 - EVAE Indicates Emergency Vehicle Access Easement.
 - PVAW Indicates Private Vehicle Access Easement.
 - PSDE Indicates Private Storm Drain Easement.
 - EBMD Indicates East Bay Municipal Utility Easement.
 - BNDY Indicates Boundary.
 - L.A.V.W.M.A. Indicates Livermore Amador Valley Water Management Agency.
 - C/L Indicates Center Line.
 - P.G. & E. Indicates Pacific Gas & Electric Company.
 - (JA) Indicates Record Information & Reference.
 - PPAE Indicates Private Pedestrian Access Easement.
 - PAE Indicates Public Access Easement.

BASIS OF BEARINGS:

THE BEARING OF N 35°29'22" W FOR THE LINE BETWEEN THE COUNTY CONTROL MONUMENTS "COAST-LEW" AND "TROJAN-B" AS SHOWN ON SHEET 3 OF RECORD OF SURVEY NO. 476 FILED ON JULY 13, 1972 IN BK. 8 OF RECORD OF SURVEYS AT PG. 85, ALAMEDA COUNTY RECORDS, IS THE BASIS OF BEARINGS SHOWN HEREON.

REFERENCES:

- (A) RECORD OF SURVEY NO. 476, FILED JULY 13, 1972 IN BOOK 8 OF RECORD OF SURVEYS AT PAGES 85 - 89, ALAMEDA COUNTY RECORDS.
- FINAL MAP OF "LORENZO GARDEN ACRES" FILED JANUARY 28, 1914 IN BOOK 28 OF MAPS AT PAGE 46, ALAMEDA COUNTY RECORDS.
- PARCEL MAP NO. 480, FILED JULY 9, 1969 IN BOOK 61 OF PARCEL MAPS AT PAGE 25, ALAMEDA COUNTY RECORDS.
- FINAL MAPS OF TRACT 1924, FILED SEPTEMBER 17, 1958 IN BOOK 39 OF MAPS AT PAGES 5 & 6, ALAMEDA COUNTY RECORDS.
- PARCEL MAP 6828, FILED APRIL 17, 1995 IN BK 218 OF PARCEL MAPS AT PAGES 20-22, ALAMEDA COUNTY RECORDS.
- FINAL MAP OF TRACT 6636, FILED MAY 30, 1995 IN BK 209 OF MAPS AT PAGE 66, ALAMEDA COUNTY RECORDS.

CURVE NO.	RADIUS	DELTA	LENGTH
C1	20.00'	72°30'36"	25.31' BNDY
C2	228.00'	11°05'34"	43.75' BNDY
C3	198.00'	37°57'19"	129.84' BNDY
C4	232.00'	18°03'02"	73.09' BNDY
C5	70.00'	91°04'42"	111.27' BNDY
C6	74.00'	152°18'03"	198.66' BNDY
C7	6.00'	94°01'13"	5.68' BNDY
C8	300.00'	5°43'01"	29.93'
C9	300.00'	12°34'13"	85.82'

TRACT 6810
A SUBDIVISION OF PARCELS 2
AND 3 OF PARCEL MAP 6828
CITY OF SAN LEANDRO
ALAMEDA COUNTY CALIFORNIA
JULY 1996

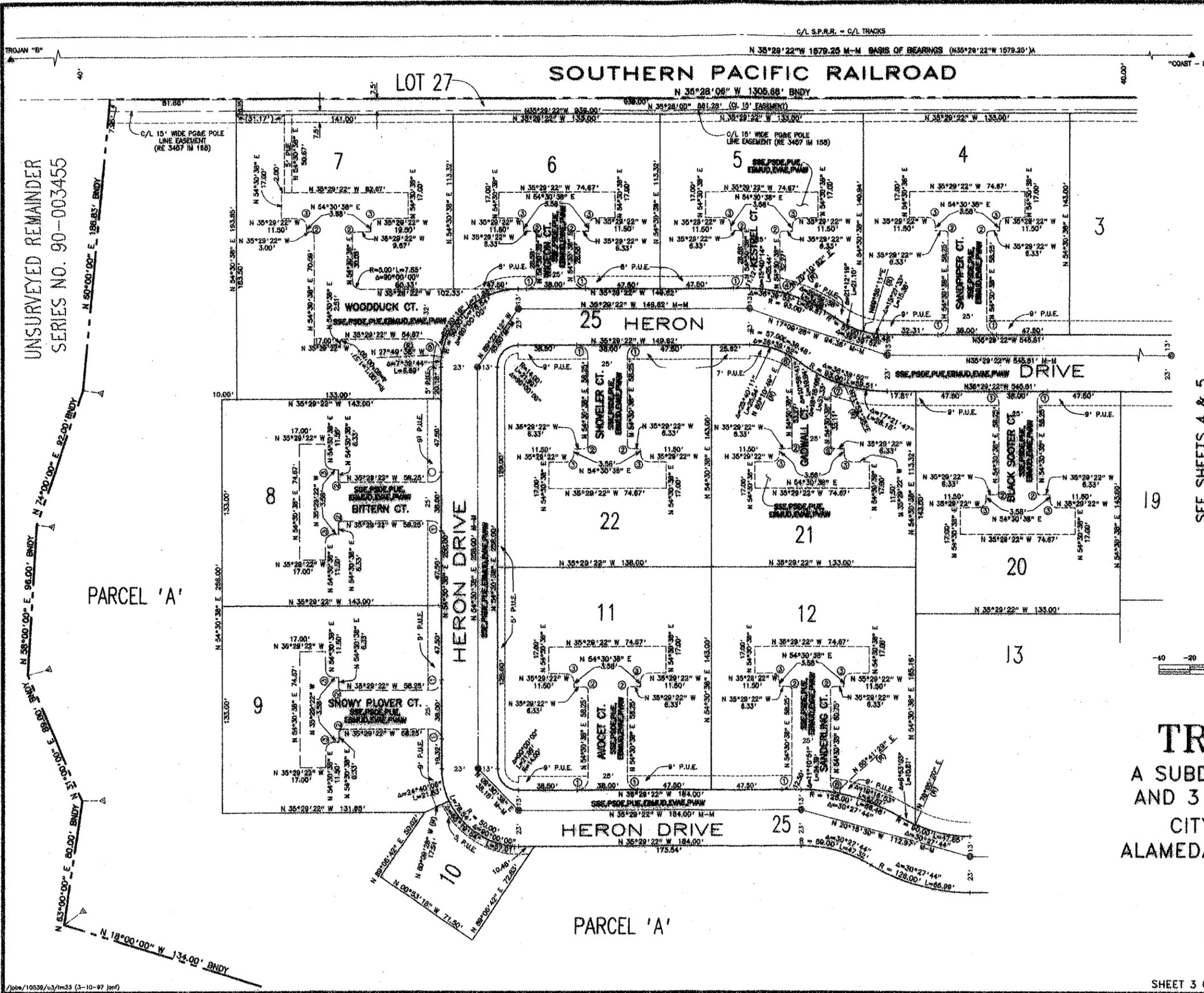


Tract 6810

Map BL 230

AC 88

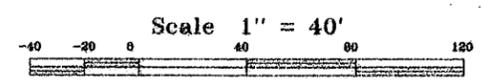
Job: 10539/us/rm22 (3-10-87 jord)



CURVE TABLE

NO.	RADIUS	DELTA	ARC LENGTH
①	6.50'	90°00'00"	10.21'
②	2.00'	90°00'00"	3.14'
③	5.00'	90°00'00"	7.85'
④	6.50'	Δ=74°19'47"	L=8.43
⑤	10.00'	97°39'44"	17.08'
⑥	8.80'	64°19'48"	7.30'
⑦	6.50'	107°21'47"	12.18'
⑧	6.60'	78°49'44"	8.94'

SEE SHEETS 4 & 5



TRACT 6810
 A SUBDIVISION OF PARCELS 2
 AND 3 OF PARCEL MAP 6828
 CITY OF SAN LEANDRO
 ALAMEDA COUNTY CALIFORNIA
 JULY 1996

BLACK & SONPS
 CIVIL ENGINEERING - LAND PLANNING - LAND SURVEYING
 5142 FRANKLIN DRIVE, CA 94586 PHONE (510) 225-0550

UNSURVEYED REMAINDER
 SERIES NO. 90-003455

Tract 6810

Map Bl 233

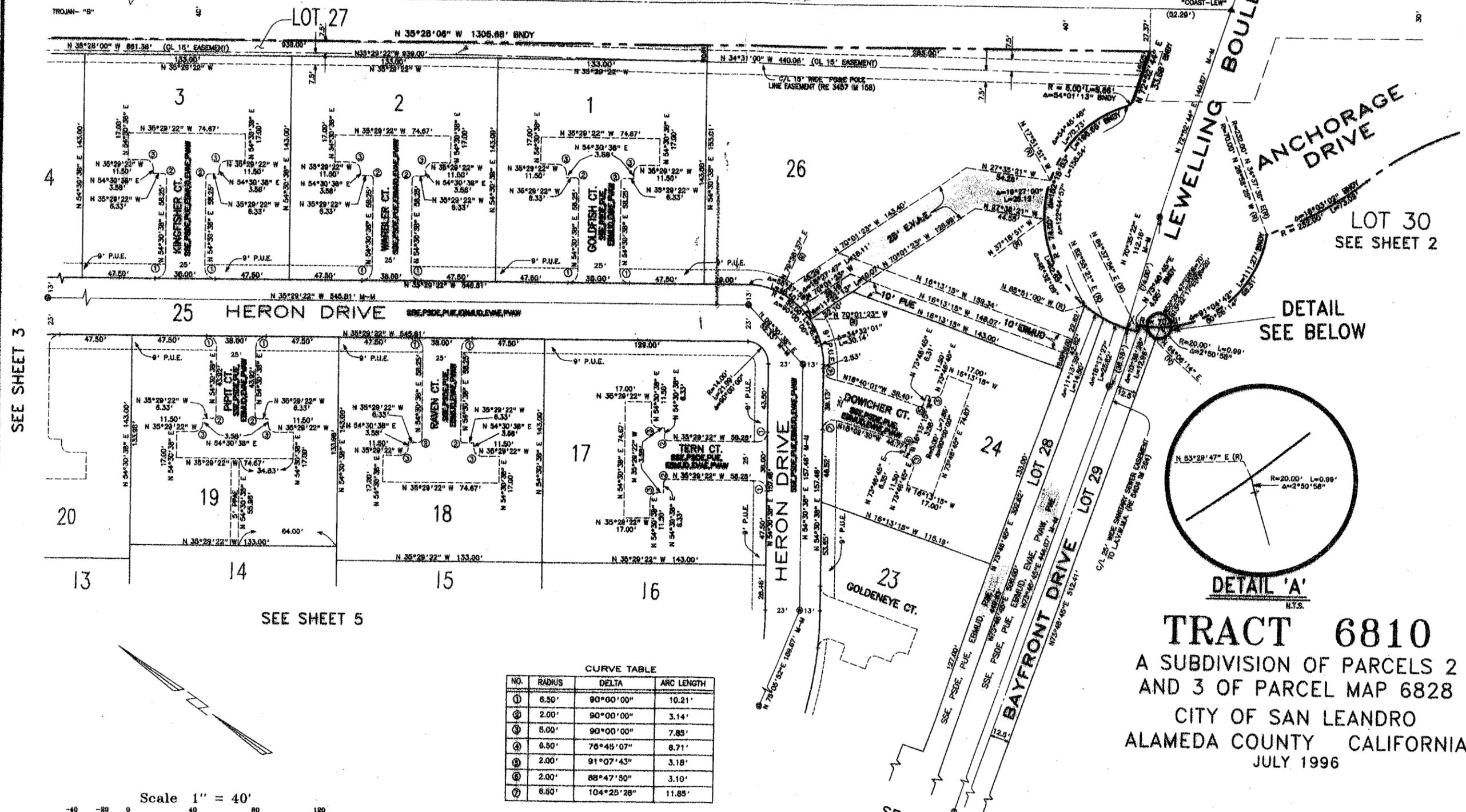
Pl 89

\\pba\10539\03\fm23 (3-10-97) .dwt

SOUTHERN PACIFIC RAILROAD

C/L S.P.R.R. = C/L TRACKS

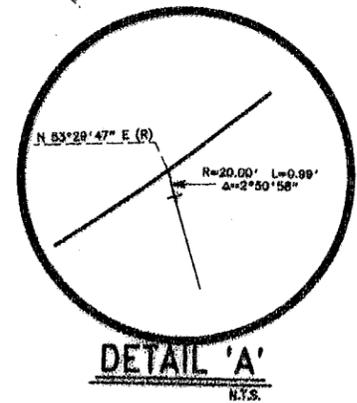
N 35°29'22" W 1579.25 M-M BASIS OF BEARINGS (N 35°29'22" W 1579.25) A



SEE SHEET 3

SEE SHEET 5

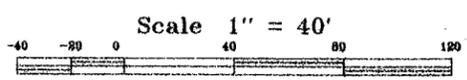
SEE SHEET 5



TRACT 6810
 A SUBDIVISION OF PARCELS 2
 AND 3 OF PARCEL MAP 6828
 CITY OF SAN LEANDRO
 ALAMEDA COUNTY CALIFORNIA
 JULY 1996

CURVE TABLE

NO.	RADIUS	DELTA	ARC LENGTH
①	6.30'	90°00'00"	10.21'
②	2.00'	90°00'00"	3.14'
③	5.00'	90°00'00"	7.85'
④	6.50'	76°45'07"	6.71'
⑤	2.00'	91°07'43"	3.18'
⑥	2.00'	88°47'30"	3.10'
⑦	6.50'	104°25'28"	11.85'



BLACK & SOOPS
 CIVIL ENGINEERING - LAND PLANNING - LAND SURVEYING
 5142 FRENCH DRIVE, OAKLAND, CALIFORNIA 94605 (510) 225-0260

Tract 6810

Map 68230

PS-92

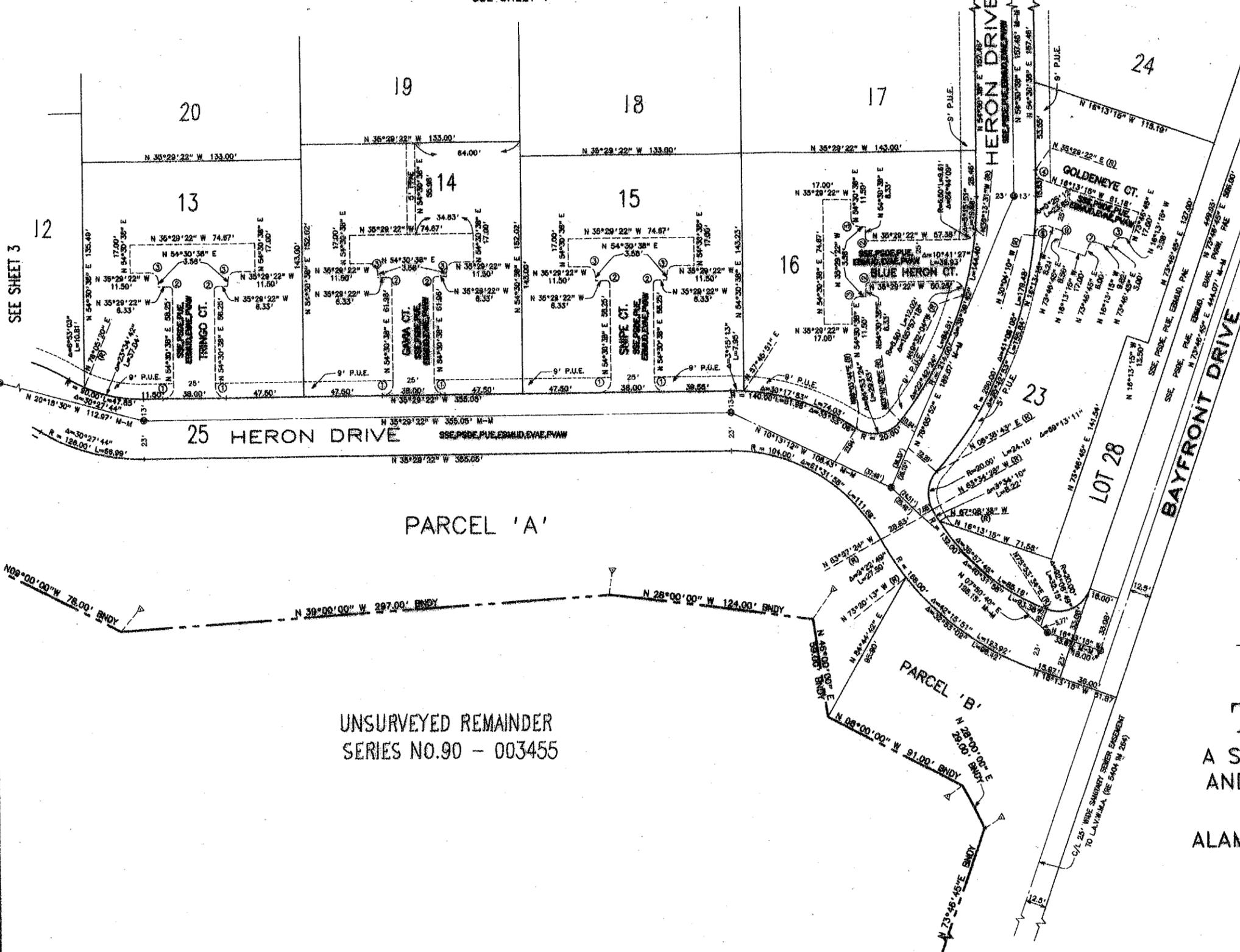
Tract 6810

Map BL 230

PG 97

SEE SHEET 4

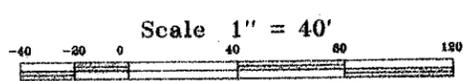
SEE SHEET 4



CURVE TABLE

NO.	RADIUS	DELTA	ARC LENGTH
1	6.50'	90°00'00"	10.21'
2	2.00'	90°00'00"	3.14'
3	5.00'	90°00'00"	7.85'
4	6.50'	70°43'53"	8.02'
5	6.50'	103°50'55"	11.78'
6	1.50'	90°00'00"	2.36'
7	4.00'	90°00'00"	6.28'

LOT 30
SEE SHEET 2



UNSURVEYED REMAINDER
SERIES NO.90 - 003455

TRACT 6810
 A SUBDIVISION OF PARCELS 2
 AND 3 OF PARCEL MAP 6828
 CITY OF SAN LEANDRO
 ALAMEDA COUNTY CALIFORNIA
 JULY 1996

Mackay & Sonps
 CIVIL ENGINEERING - LAND PLANNING - LAND SURVEYING
 5142 FRANKLIN DRIVE, CA 94588 PHONE (510) 255-0300

SEE SHEET 2

SHEET 5 OF 5 SHEETS

10539-30

Jobs/10539/03/m25 (12-9-98 rgs)

CITY OF SAN LEANDRO

MEMORANDUM

DATE: December 7, 1995

TO: Stephen Emslie, Planning Manager

FROM: William K. Algire, Director, Engineering & Transportation Department

BY: 
Robert J. Rockett, City Engineer

SUBJECT: CITY ENGINEER'S REPORT FOR VESTING TENTATIVE MAP FOR TRACT 6665, A 124-UNIT SINGLE FAMILY RESIDENTIAL DEVELOPMENT, ROBERTS LANDING, PHASE 2A

The City Engineer's Report and Conditions of Approval for the Vesting Tentative Map for Tract 6665 is attached to this memorandum as Exhibit "A".

Tract 6665 is bounded by Roberts Landing Phase 1A (Tract 6636) to the south, Phase 2B (Tract 6809) to the west, Phase 3 (Tract 6810) to the north, and Southern Pacific Railroad tracks and the Sandev mobile home park to the east.

The project includes 124 buildable lots and 4 non-buildable lots. The non-buildable lots encompass the private street system, landscaping and walkways. The street system and the storm drain system will be owned and maintained by the homeowners' association for the project. Sanitary sewer service will be provided by the Oro Loma Sanitary District. Water service will be provided by the East Bay Municipal Utility District.

Most of the Conditions of Approval for the approved General Development Plan (GDP), and the approved Precise Development Plan for Phases 1A and 1B, will continue to apply to the current PDP proposal. The attached recommended Conditions of Approval are to be applied in conjunction with those previous approvals as modifications necessary to represent the current development proposal.

The Planning Commission will consider the subject vesting tentative map and the associated Precise Development Plan (PDP) requests concurrently. In addition to the conditions of approval for the PDP, the City Engineer recommends that the Conditions of Approval listed in Exhibit A be placed on the Vesting Tentative Map for Tract 6665.

WKA:RJR:AG:KJV:mc

cc: B. Algire
A. Gaber

EXHIBIT "A"

CITY ENGINEER'S REPORT
AND
CONDITIONS OF APPROVAL
FOR
VESTING TENTATIVE TRACT MAP 6665
ROBERT'S LANDING, PHASE 2A

FINDINGS

Pursuant to the provisions of Section 7-1-315 of the San Leandro Municipal Code, I have examined the Vesting Tentative Map for Tract 6665 and find that it is in compliance with Title VII, Chapter 1 of the San Leandro Municipal Code and the State Subdivision Map Act upon completion of the conditions of approval listed below.

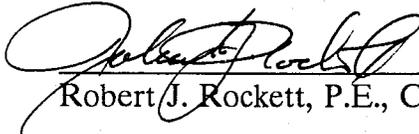
CONDITIONS OF APPROVAL

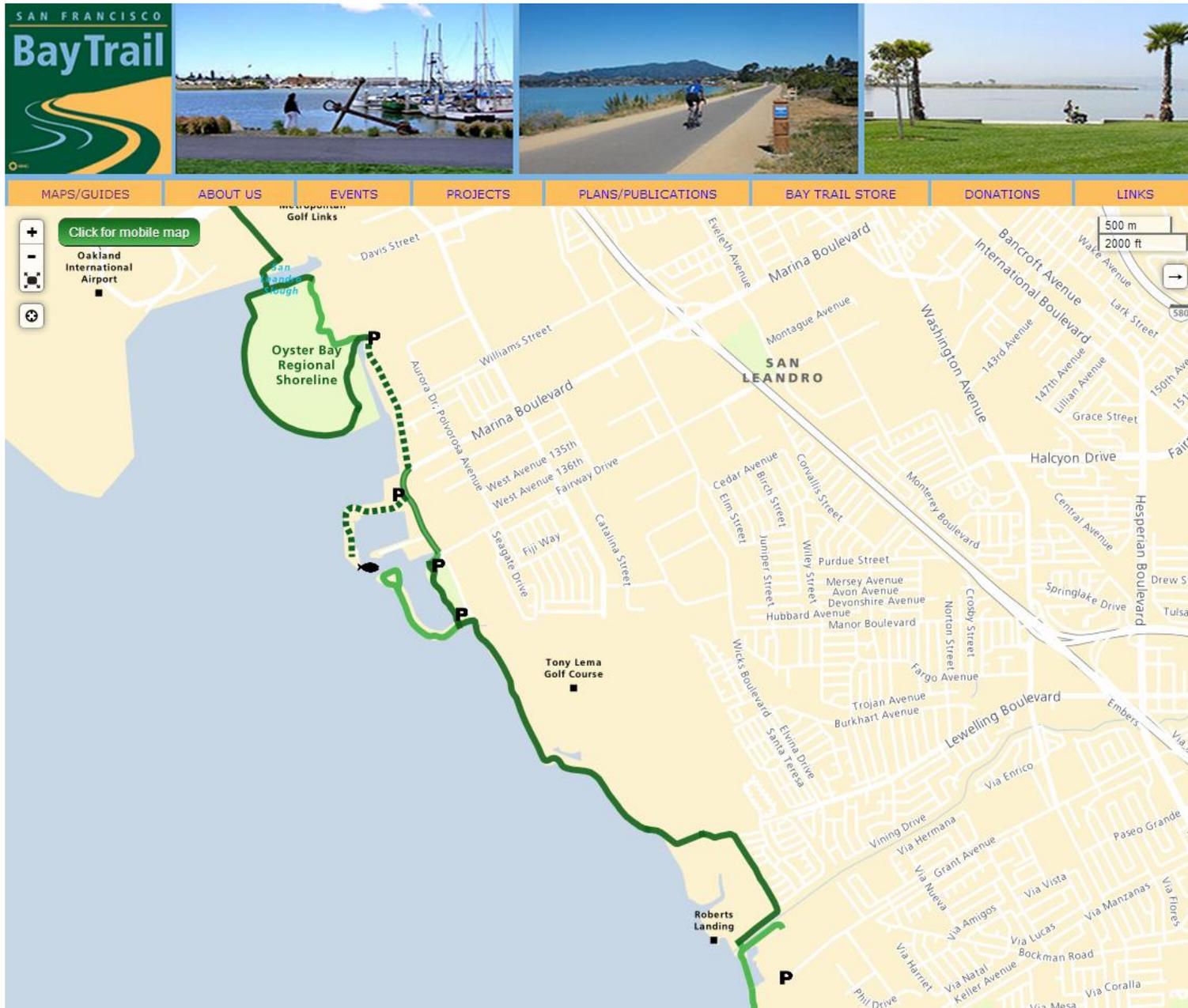
I recommend the following conditions of approval for Vesting Tentative Tract Map 6665 in addition to all applicable PD-91-3 General Development Plan and Precise Development Plan Conditions:

A. GENERAL CONDITIONS:

1. Prior to, or concurrent with, the approval of the first final map, 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 located in development Phase 2B.
2. This vesting tentative map is a general plan of development. All details of construction, including on-site pavement slopes, pavement section design, illumination, drainage, etc., are subject to the approval of the City Engineer.

12/8/95
Date


Robert J. Rockett, P.E., City Engineer



Excerpt of San Francisco Bay Trail, San Leandro (<http://www.baytrail.org/baytrailmap.html>)



Bayfront Drive at Harbor Way. Bay Trail access is in the background. (photograph 2014)

November 3, 2016

Elmer Penaranda, Senior Planner
Planning Services Division
City of San Leandro
835 East 14th Street
San Leandro, Ca 94577

Re: File Item 16-556
Heron Bay Kiosk Proposal

Dear Elmer:

What follows is the HOA position regarding two conditions of approval contained in the Planning Commission's recommendation to the City Council made October 20th. Those conditions relate to City directed Kiosk signage and the absolute prohibition preventing the Kiosk attendant from stopping non-resident vehicles entering Bayfront Drive for any reason and at any time 24/7. These conditions are beyond the City's jurisdiction, contrary to law, as well as being contrary to common sense.

For purposes of this City Council Hearing, the HOA is not arguing that portion of the Planning Commission's recommendation denying the plan changing Anchorage Drive to egress only.

Attempt to Limit Kiosk Attendant Duties as a condition of Permit Approval for the Kiosk

- Tract 6810 Map expressly provides "...the area designated as lots 25 through 29 are not offered for dedication. They are intended to be held under common ownership by the Covenant, Conditions and Restrictions." and by operation of law those lots belong to the Heron Bay HOA. Bayfront Drive is depicted as part of Lot 29.
- Other than specifically enumerated easements carved out in that Tract Map, Bayfront Drive is a private street and permission to pass is lawfully within the control of, and is revocable by, the property owner at any time.
- The Tract Map contains several precisely enumerated easements supported by Bayfront Drive and the sidewalk along the northern side of Bayfront Drive. The issue is rooted in the vehicular easements of record that are shown on the Tract Map, approved by the City Engineer, approved by the City Surveyor, approved by the City Clerk, and approved by the original developer who granted these easements nearly 20 years ago.
- To clarify once and for all so there is no further confusion non-resident motor vehicle access to Bayfront drive is expressly permitted only under these easements of record:
 - o EVAE – Emergency Vehicle Access Easement for fire, police, and ambulance vehicle passage onto Bayfront Drive;
 - o SVAE – Service Vehicle Access Easement that allows maintenance and repair vehicles onto Bayfront to service utilities on and under the property;
 - o PVAW – Private Vehicle Access Ways allows the residents of Heron Bay to use the HOA owned private streets to access their own homes
 - o PUE – Public Utility Easement for construction and maintenance of Utilities

- An easement for the benefit of E.B.M.U.D. for construction and maintenance of water transmission pipes
 - SSE – Sanitary Sewer Easement in favor of Ora Loma Sanitary District for the constructions an maintenance of public sanitary sewers
- Conspicuously absent from these precisely defined non-resident vehicle access easements is any reference to non-resident vehicular access or non-resident vehicle parking within Heron Bay for Bay Trail users. Other than these precise easements, the HOA is fully within its rights to control access to non-resident vehicles attempting to use Bayfront Drive. Note that the HOA currently does not provide non-resident public parking on its streets and in fact, all street parking is currently by permit only. Confirming the obvious, private motor vehicles are not permitted on that portion of the Bay Trail and the wetlands along the westernmost boundary of the Heron Bay Community.

The remaining easements of record, are:

- PPAE- Private Pedestrian Access Easement for residents to use HOA sidewalks to access their homes
 - PAE – Public Access Easement – for Bay Trail pedestrian and bicycle users to use the 8’ wide paved path described in the BCDC Permit for Heron Bay from the end of Lewelling roundabout to the Bay Trail trail head at the west end of Bayfront Drive.
 - PSDE – Private Storm Drain to be maintained by the HOA
- To address recurring erroneous statements that the original intent of the Tract Map was to include non-resident vehicular access and vehicular parking for Bay Trail users within Heron Bay HOA, I cite the fact that nowhere on any final documentation connected with the approval of the development are there references to a final agreement by the developer to provide such non-resident vehicular access or non-resident vehicle parking. While conversations and negotiations may have taken place over an extended period of time prior to the Tract Map being finalized in 1997 and may have included those topics, they clearly were not part of the final negotiated settlement as reduced to writing in the form of Tract Map 6810.
- Confirming the fact that for the past 19 years, the Bay Trail access easement granted by the original developer allows pedestrians and bicyclists to freely come and go along the Bayfront Drive path on their way to and from the Bay Trail. The HOA has no issue with pedestrian and bicycle access through the HOA property along this path and proposes no change in that practice. However, the Bay Trail access easement contains no provision for a vehicular access or parking for Bay Trail users. Again to clarify the fact, the BCDC Permit specifies an 8’ wide paved path and associated unpaved shoulder for the access easement clearly was not contemplating vehicular use of that easement. The BCDC permit requires a paved path, not a paved roadbed.
- Mention was made at the Planning Commission hearing about an encroachment on the Lewelling roundabout public street. A mistake by the Attendant last winter in which he placed orange cones in the Lewelling roundabout public right of way was swiftly met with a cease and desist letter from City Engineer Keith Cooke to which the HOA immediately addressed and remedied. No such encroachment on the public right of way has occurred since. To bootstrap that one misstep into a de facto involuntary

extension of the trail access easement along Bayfront Drive to include vehicles is without any legal authority.

- As Bayfront Drive is a private street with no general public vehicle easement, the HOA is within its authority as property owner to control non-resident vehicular access onto the property subject to easements of record (i.e.: service vehicles, emergency vehicles). To extend the pedestrian/bicyclist Bay Trail access easement over Bayfront Drive to include all motor vehicles at all times of the day and night makes no sense in light of the finding of fact that the presence of the Attendant has had a positive impact on reducing crime being committed within the neighborhood by non-residents. Further, to argue that the Bay Trail access easement includes all non-resident motor vehicles not only flies in the face of the facts, but it amounts to an encroachment of the private property rights of the 629 homeowners who each own an undivided fractional interest in the HOA common area property that includes Bayfront Drive.
- The BCDC has consistently asserted jurisdiction over the Bay Trail access easement and is the proper party to enforce the access easement of record. I suggest that the City is exercising authority it does not have when it comes to controlling non-resident vehicular access to private property not otherwise expressly permitted by easement.
- As you know, our ongoing negotiations with BCDC contemplate some sort of non-resident motor vehicle parking accommodation in favor of Bay Trail users arriving by car. A Bay Trail user arriving for the first time would not intuitively know that parking was available nor where it is located. For the attendant to inquire into the reason the non-resident is coming onto the property and, once learning the reason, then assist the vehicle driver locate the appropriate space requires that the Attendant interact with the driver. Having the vehicle stop to engage the driver in conversation for that purpose would appear to "violate" the condition of approval. Such provision is inconsistent and illogical and in direct contradiction to the proper assertion of private property rights by the HOA.
- The inclusion of non-resident parking accommodations along Bayfront Drive is properly a revision of the BCDC public-access permit and is part of ongoing discussion with BCDC and will be, and can only be, resolved once the Kiosk proposal approval becomes final with the City.
- For these reasons, the HOA respectfully requests that the recommended restrictive condition on stopping non-resident vehicles entering Bayfront Drive should be deleted from the approved conditional permit thereby acknowledging BCDC's recognized statutory enforcement jurisdiction over Bay Trail access. In other words, let BCDC do its job.

Wayfinding signage on the Kiosk

- The City approved Permit Amendment should not include a wayfinding signage condition on the Kiosk itself because BCDC has established uniform signage guidelines for the entire Bay Trail System as can be found in their circular entitled: "Shoreline Signs, Public Access Signage Guidelines". This publication can be found on BCDC web site at <http://www.bcdc.ca.gov/planning/SSSG.pdf>. Graphic templates can be found at <http://www.bcdc.ca.gov/publications/signage/getSigns.php>

- The City's condition that the Kiosk be adorned with Bay Trail wayfinding signage is again a topic that is entirely within the jurisdiction of the BCDC. In concurrent discussions with BCDC, Heron Bay HOA has proposed signage in accordance with BCDC guidelines along the Public Easement, and into the Bay Tail access. Furthermore, Heron Bay HOA, in order to ensure that the kiosk "blends-in and is compatible with the existing context of the residential community," and not cluttered with excess signage has NOT planned any signage on the kiosk itself.
- Wayfinding signage requirements should be part of an overall plan rather than a piecemeal approach and subject to one set of standards to maintain consistency throughout the Bay Trail system. BCDC has clearly asserted its jurisdiction over "Public Shore" and "Bay Trail" wayfinding signage as it relates to this point of access to the Bay Trail.
- For these reasons, the HOA respectfully requests that the wayfinding signage condition should be deleted from the approved conditional permit and allowed to properly remain within the BCDC's recognized statutory permit enforcement jurisdiction.

Regards,

Jeff Tepper on behalf of Heron Bay HOA

**LAW OFFICES OF
A. ALAN BERGER
95 South Market Street
Suite 545
San Jose, CA 95113
Telephone: 408-536-0500
Facsimile: 408-536-0504**

November 4, 2016

City Council of San Leandro
c/o Elmer Penaranda, Senior Planner
City of San Leandro
835 E. 14th Street
San Leandro, CA 94577

Via Email and Hand Delivery

Re: File item 16-556; Heron Bay HOA kiosk proposal

Dear Honorable Council Members:

As you may be aware, I am the attorney for the Heron Bay Homeowners Association (hereinafter referred to as “the HOA” or “the association”). The purpose of this correspondence is to comment on and to disagree in part with the approval of the Permit Application of Heron Bay Homeowners Association for the installation of a kiosk by the City Planning Commission, which was granted on October 20, 2016. With the agreement of and advise of Senior Planner Elmer Penaranda, Heron Bay did not appeal the decision of the Planning Commission as the HOA agrees with and appreciates the Commission’s approval of the kiosk in general, but wishes to ask the City Council to modify two of the conditions for permit approval stated by the Commission.

The association accepts and is grateful for the decision of the Planning Commission. The association, however, disagrees with three conditions precedent imposed by the Commission on the granting of this approval. As the approval was advisory only, subject to the vote of the City Council, the association respectfully asks the City Council to grant the permit application for the installation of the kiosk with the following modifications from the recommendation of the Commission.

The HOA actually disagreed with three points made by the Planning Commission. Those three areas are as follows:

1. The HOA would prefer to have Anchorage closed to ingress traffic with all of the provisions stated in the permit application and as recommended for approval by the City staff. However, the HOA will accept the decision of the Planning Commission to

deny the closing of Anchorage and limit the HOA to the installation of cameras and license plate readers on HOA property in the Anchorage area.

2. The HOA disagrees with the recommendation to place City approved signage on the kiosk as the HOA has been diligently working with BCDC regarding their signage requirements. This issue is discussed in detail in the memorandum forwarded to Mr. Penaranda on November 3, 2016 by Mr. Jeff Tepper, the consultant and applicant for Heron Bay, and we will defer to that argument in this discussion.

3. The third disagreement is with the Planning Commission and City staff's recommendation regarding the permit restriction that would not allow the attendant at the kiosk, at any time of the day or night, to stop non-resident cars entering Bayfront and would prevent the attendant from asking those non-resident visitors the purpose of their visit. The HOA objects to this restriction as being illogical and unsupported by law.

The Planning Commission was understandably mindful of the intent of all to keep the bay trails open to the public as they have been for the past many years. We want to emphasize that Heron Bay has never asked for and does not intend to stop pedestrians or bicycle riders at the kiosk. They never have done so and do not intend to do so with or without the kiosk. They only ask for permission to briefly stop non-resident cars (all resident cars will have identifying stickers or similar) in order to direct those visitors to the open space area. As repeatedly stated the HOA has no interest in or plans to alter, modify or change open access to the public. However, the HOA is also mindful of the fact that this access is being and has been achieved primarily over Bayfront, which is a private street subject to certain easements. Mr. Tepper has discussed these easements in detail and we would refer the City Council members to that memorandum. We will comment on the highlights of those easements in this correspondence.

It is very important to note that the HOA has been closely working with BCDC, whose easement controls access to the bay trails, for over one year regarding the original gate application (which was denied by this Honorable City Council) and now for the kiosk. To date BCDC has been amenable to the concept of the kiosk on the HOA's private property subject to City approval of the kiosk. The HOA understands that if the City hopefully permits the installation of the kiosk that the HOA will have to submit a permit amendment to BCDC for approval. BCDC is the agency primarily charged with protecting the open-to-the-public concept to the bay trails. To date BCDC has not had an issue with the concept of the stop of non-resident cars at the kiosk as long as the stop is not considered a discouragement or impediment to the open use of the trails. As the HOA has repeatedly stated, they have no intention of discouraging the public's use of the trails. The HOA is only interested in keeping persons with criminal intent to the persons and property of Heron Bay from the Heron Bay property. The purpose of the brief stop at the kiosk is only to ascertain whether or not the persons are intending to use the trails and, if so, they will be welcomed. The HOA has even worked with BCDC to prepare a written script for the attendant to hand out to bay trail visitors. That script will be welcoming persons to the use of the trails. As the Council may already know, there is currently no parking for the public on Bayfront Drive. BCDC recognizes that there is no

public parking on the street and they have never suggested or mandated otherwise. We surmise that BCDC's current agreement with the City, which calls for the City to install 5-6 parking spaces in the roundabout, is the result of BCDC's and the City's recognition that there currently exists no parking for the public, which is readily accessible to the trails.

We ask the Council to also be aware that as of the present time, there is no public vehicle access to the bay trails as there is no parking on Bayfront. At no time has BCDC maintained or contended that the public has the right to park on Bayfront. However, as part of the HOA's application to BCDC we have discussed the installation of several parking places on Bayfront to be used by the public during the hours the bay trails are open. The residents of Heron Bay will not be allowed to use those designated parking spaces during the hours they are reserved for the public visiting the trails. If finalized this will represent a tremendous benefit to BCDC, the City and the public in general. Part of the discussions with BCDC on the role of the attendant at the kiosk involve the attendant directing those persons who intend to visit the trails to the available parking on Bayfront. If the attendant cannot stop non-resident vehicles at the kiosk, then those visitors cannot be advised of the available parking on Bayfront and they will not be given the information regarding the trails, which is anticipated will be handed out by the attendant during the brief stop. Virtually every national and state park and many county parks (for example, Santa Clara County) have kiosks and attendants stopping, greeting visitors and handing out useful park information. The Planning Commission's thought that the stop at the kiosk is a denial of public access is simply without merit, factually and legally. It is particularly aggravating that the Commission even went so far as to deny the ability of the kiosk attendant to stop non-resident vehicles during the night hours when the bay trails are closed to the public. What would possibly be the City or BCDC's interest in denying stops to non-residents on private property when public access to the trails is not even possible. Heron Bay contends that to prevent stops 24/7 is beyond logic and constitutes an abuse of discretion as the restriction is without legal or logical justification.

While Mr. Tepper has ably outlined the history and the current state of the easements called out on the approved tract map for the project, we would offer the following additional comments. At least one member of the Planning Commission has repeatedly offered comments as to what she thought was the original intention of the City and BCDC when the project was first approved. She claims that the parties discussed the concept of parking in an area that we believe is now part of the trail. Notwithstanding the fact that her recollection of what she was told was the intent of the parties and the fact that this would be hearsay in a Court of Law, those "original intentions" are not relevant to the present discussion. What is important is what easements are shown on the Tract Map as approved by all jurisdictions with an interest in the development at the time the maps were approved. These easements, and only these easements, are enforceable as legally binding.

Tract map 6810 dated July 1996 is the map under which this project was constructed. The language on the map and the description of the easements, which was

approved by the City and presumably approved by BCDC pursuant to their permit dated two years earlier, defines the public access granted in the third paragraph. It is stated:

“And said over (sic: owner) hereby dedicates to the public forever, an easement for public ingress and egress to access the public trails, wetland buffer areas, and public interpretive center over, upon, and across those certain strips of land designated as “P.A.E.” (Public Access Easement) as delineated on this map.”

That is the language of the easement approved by the City and BCDC. No amount of hearsay on what discussions preceded this approval and no discussions of what might have been are relevant or legally enforceable. BCDC and the City are entitled to enforce the easements as written. No more and no less. Clearly the entities approving this easement 20 years ago did not intend to grant parking on Bayfront or to even allow vehicular traffic on Bayfront, a public street, except perhaps to drop off people at the trails. If they had intended to expand the easement to include unrestricted traffic or parking, they would have done so. Easements are charges against particular plots of land. As they are restrictions on another’s land, they are not subject to wistful interpretation or the hypothetical. They are what they say. As pointed out by Mr. Tepper in his memorandum, the easement on Bayfront to the trails called for in the plans is specified as an 8’ wide paved path and an additional 4’ shoulder. Obviously these dimensions do not allow for vehicular access and it is irresponsible to suggest that one was anticipated when there is no allowance for vehicles in the map or the permit. As to further meaning of the intent of the parties in approving the development and the map, one need only read the sixth paragraph of the approved map. It states:

“Private storm drain easements, private vehicle access ways, and private pedestrian access easements as shown on this map are for the benefit of the streets and lots tributary to the easement. The maintenance of these private facilities is the responsibility of the homeowner’s association. These easements re not offered for public use, and the use by the public shall be permissive only.”

Again, there is no question but that Bayfront is a public street, no public cars allowed, except with the permission of the HOA and no agency has ever contended otherwise. Heron Bay only asks, in conjunction with the guidelines to be established by BCDC, to briefly stop non-residents during the hours the bay trails are open to determine their intention. If their intention is to visit the bay trails, then the stop will be a helpful experience, directing the visitors to the park and perhaps to available parking, all provided at the largesse of the HOA. There was a suggestion at the Planning Commission that the kiosk constituted a “virtual gate.” This is a legally unsupportable position. Both in the former and the current City Master Plan there is no talk of virtual gates. The reference is not to be found in any public law. The brief stop at the kiosk, is designed to provide an additional layer of safety for the residents of Heron Bay and also to serve as a welcoming station to all members of the public who wish to use the bay trails and facilities. Heron Bay urges the City Council to approve the placement of the kiosk and to allow a brief, unobtrusive stop of non-resident vehicles for safety and welcoming purposes to users of the bay trails.

Respectfully submitted,

A Alan Berger
Attorney for Heron Bay Homeowners
Association

AAB/ceb

San Leandro Administrative Code

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TITLE 7 RECREATION AND HUMAN SERVICES

Chapter 1 Rules and Regulations for the Use of Public Parks and Recreational Facilities

ARTICLE 3 PARK OPERATING PROCEDURES

§7.1.305: PARK HOURS.

Park operating hours are hereby established for the following designed parks:

(a) All parks, except Chabot Park and San Leandro Shoreline Recreation Area, shall be open to the public daily from 8:00 a.m. to 8:00 p.m. from October 31 through April 30 and from 8:00 a.m. to 10:00 p.m. May 1 through October 30.

(b) Chabot Park shall be open to the public daily as follows:

January	7:00 a.m. - 6:00 p.m.
February - March	7:00 a.m. - 7:00 p.m.
April	7:00 a.m. - 8:00 p.m.
May - Labor Day	7:00 a.m. - 9:00 p.m.
Day after Labor Day to October	7:00 a.m. - 8:00 p.m.
October	7:00 a.m. - 7:00 p.m.
November - December	7:00 a.m. - 6:00 p.m.

(c) The San Leandro Shoreline Recreation Area shall constitute that property owned by the City of San Leandro bounded on the north by Marina Boulevard and on the prolongation of Marina Boulevard to San Francisco Bay, on the east by the eastern boundary of the Marina Golf Course, the Driving Range, the Tony Lema Golf Course and the Shoreline Trail, on the south by San Lorenzo Creek and on the west by the navigable waters of the San Francisco Bay.

(d) The San Leandro Shoreline Recreation Area shall be open to the public daily from one-half hour before sunrise to 10:00 p.m. and the park shall be closed to all persons and no person shall be permitted to remain at the park (except as permitted in paragraph (e) below) between 10:00 p.m. in the evening and one-half hour before sunrise in the morning of the following day.

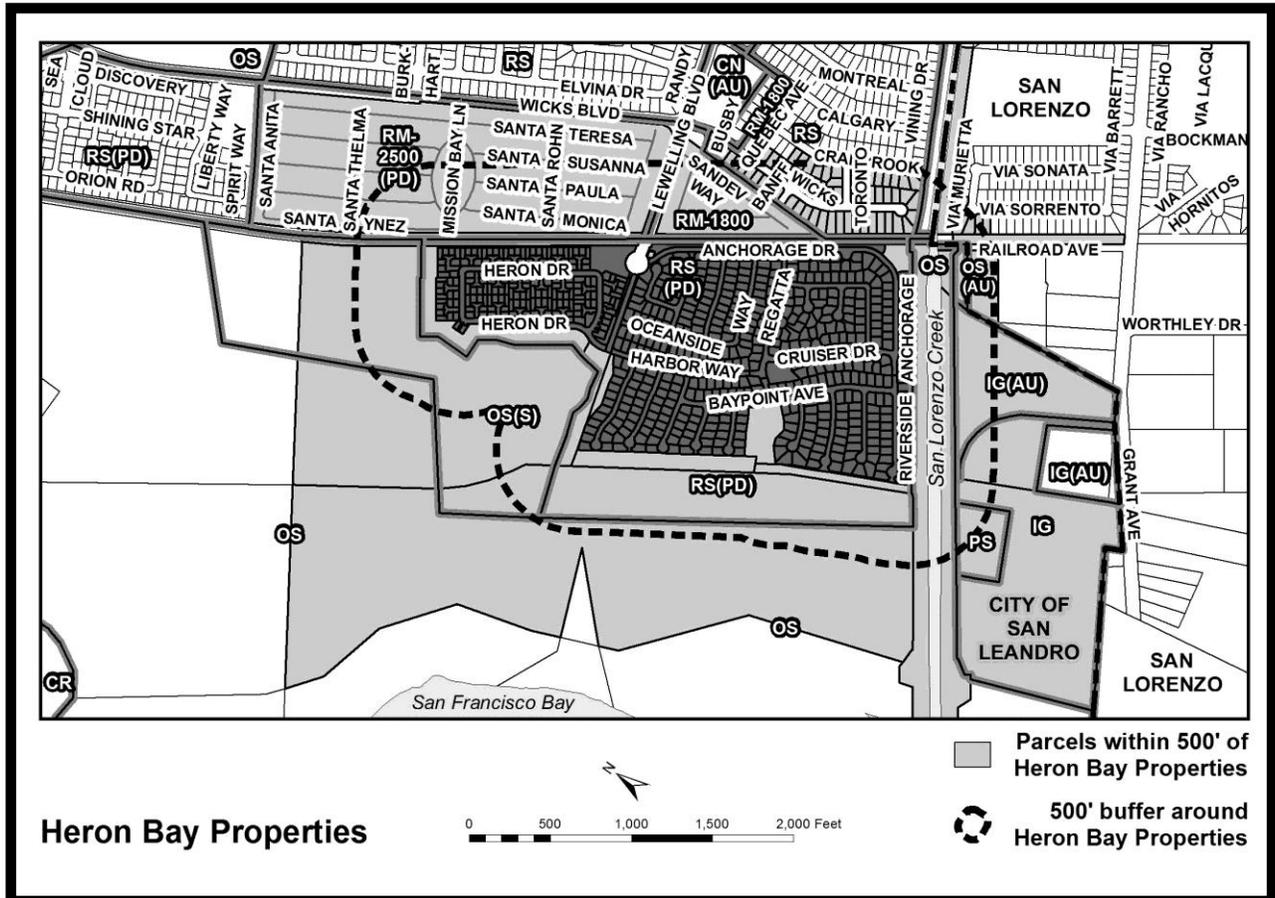
(e) The provisions of these regulations shall not apply to Marina berths, patrons of restaurants or other concessions, customers of the golf course, boatworks or brokerage, members of the San Leandro or Spinnaker Yacht Clubs, employees, invitees or licensees of the foregoing.

(f) Signs stating the closing hours and exceptions thereto shall be conspicuously posted at all entrances to the San Leandro Shoreline Recreation Area.

Public use of parks at times other than herein specified is not permitted without prior written approval from the Recreation and Human Services Department.

City of San Leandro
PLANNING COMMISSION
Staff Report
VICINITY MAP

Showing Existing Land Use and Zoning



Meeting Date: October 20, 2016
 File Number: PLN16-0009
 Agenda Item No.: 7. A.
 Applicant: J. Tepper
 Property Owner: Heron Bay Homeowners Association c/o B. Ritter, HSS Inc., and F. Simon, Association President
 Address: Heron Bay Residential Neighborhood
 Assessor's Parcel #'s: 80G-1325-5-1, 80G-1406-26, and 80G-1406-29
 Project Planner: Elmer Penaranda, Planner



City of San Leandro

Meeting Date: October 20, 2016

Staff Report

File Number: 16-556

Agenda Section: PUBLIC HEARINGS

Agenda Number: 7.A.

TO: Planning Commission

FROM: Cynthia Battenberg
Community Development Director

BY: Tom Liao
Deputy Community Development Director

FINANCE REVIEW: Not Applicable

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 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

PREPARED BY: Elmer Penaranda, Senior Planner, Planning Services Division

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.

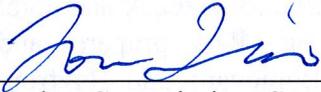
BE IT FURTHER RESOLVED THAT: The Planning Commission of the City of San Leandro does hereby make the findings and determinations required by section 5-2212 and 3-1018, of the City of San Leandro Zoning Code as further explained in the staff report and findings of fact for approval set forth in Exhibit 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.

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN16-0009; Modification of Planned Development, PD-91-3

Heron Bay Residential Subdivision

Alameda County 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)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with Exhibits A through E, dated October 20, 2014, except as hereinafter modified. (Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

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

II. PERMITTED USE

- A. This is an approval for a Modification of Planned Development, PD-91-3, to construct a new 183 square foot kiosk for an attendant, including a restroom and small storage closet, on the Heron Bay Park near the Lewelling Boulevard entry circle of the Heron Bay residential development ~~and to reconfigure Anchorage Drive to egress only with construction of an automatic egress gate on the eastern side of the street and a raised barrier on the west side of the street (however the barrier is drivable for ingress by emergency apparatus)~~; Alameda County Assessor's Parcel Numbers: 80G-1325-5-1, 80G-1406-26, and 80G-1406-29.
- B. The kiosk shall only be for use by an attendant/security personnel hired by the Heron Bay Homeowners Association. It shall not be used for living such as sleeping and cooking. It shall not be used for commercial or office use.
- C. Attendants/security personnel are prohibited from detaining, stopping, or impeding any members of the public utilizing the public access easement and public right-of-way, including any pedestrian, bicycle or vehicular traffic. At all times the operation of the kiosk shall be in full compliance with San Francisco Bay Development Conservation (BCDC) and City of San Leandro requirements in maintaining public access to and from the San Francisco Bay Trail and City of San Leandro Shoreline Area. Any incidents of public detainment or impeding public access to the shoreline shall be immediate grounds for the revocation of this Planned Development Modification.
- D. The installation or addition of any security features, deterrents, or obstacles not identified with this Planned Development Modification approval, including gates, fences, misleading signage, rock walls, lighting, shrubbery or other blockages placed within the

public access easement or the public right-of-way which have the purpose or effect of limiting or discouraging public shoreline access shall be prohibited.

- E. The kiosk's Front Elevation (south facing Bayfront Drive) and the Right Elevation (east facing the Lewelling Boulevard circle), shall include BCDC directional signage identifying the Bay Trail, Public Shore and/or Parking. BCDC standard sign details can be found at: <http://www.bcdc.ca.gov/pdf/planning/SSSG.pdf>. Furthermore, as part of the Building Permit application submittal, a plan shall be provided showing additional Public Access signs installed along Bayfront Drive clearly informing and directing public access to the City's Shoreline area and the Bay Trail to the satisfaction of the Community Development Director. The removal or relocation of any required BCDC public access signage shall be prohibited without prior written approval from the Community Development Director.
- F. In the event a permit is required from BCDC for any component of this project, said permit shall be obtained from BCDC.
- G. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all other legally binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval, or (iii) the Community Development Director has waived compliance with the terms of the application because they are minor in content.
- H. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. Any change to the project design, materials or colors shall be subject to the review and approval of the Community Development Director who may administratively approve minor changes, or for more substantial changes, require review by the Planning Commission and City Council as a modification to the Planned Development.

III. BUILDING AND SAFETY SERVICES, ENGINEERING & TRANSPORTATION DEPARTMENT, ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. All required Building Permits shall be obtained prior to construction of the kiosk, gate arm structure, and raised barrier for the Heron Bay residential development.
- B. Prior to issuance of Building Permit, the Permit application shall be supplemented with required construction documents and they shall include but not be limited to the showing the following:
 - 1. An American Disabilities Act (ADA) accessible walkway is required and shall show connection from the entry kiosk to the existing sidewalk.
 - 2. Easement information shall be shown on the drawings. All the easements shall be labelled. Refer to previous tract maps for reference.

3. 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 for reference.
4. The kiosk location shall be shown on the drawings 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.
- ~~5. The surface in the Anchorage Drive drivable barrier shall show that it can support a minimum of 75,000 pounds, to the satisfaction of the Alameda County Fire Department.~~

VI. PUBLIC WORKS DEPARTMENT REQUIREMENT

- A. 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.

V. FENCING AND SCREENING REQUIREMENTS

- A. Electrical, gas, and water meters shall be located such that they will not be visible from the street, or these units shall be screened or enclosed. The screen or enclosure shall be painted to match the color of the exterior building wall that it is affixed to.
- B. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.

VI. MAINTENANCE

- A. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times; during construction, the site shall be well maintained and shall be kept free of litter, debris and weeds.
- B. Any graffiti shall be promptly removed from building walls, perimeter soundwalls and/or fences..
- C. All landscaping improvements shall be maintained in a healthy, growing condition at all times.

VII. CONSTRUCTION PROVISIONS

- A. Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 a.m. and shall cease by 7 p.m. Saturday and Sunday, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. Interior construction such as sheet rock taping and texturing, painting, tile installation and similar activity shall be

permitted outside the above hours provided that construction noise shall not be detectable outside of the building under construction.

- B. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Lewelling Boulevard from the project site during construction. Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as grading, excavation, paving etc., shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.
- C. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- D. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.

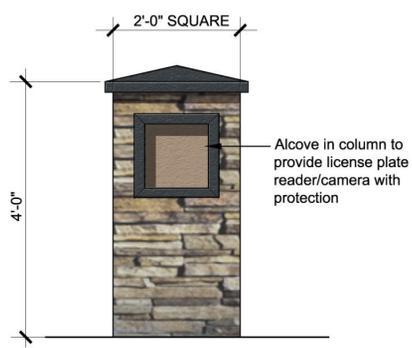
VIII. GENERAL CONDITION

- A. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the Office of the County Recorder of Alameda County.

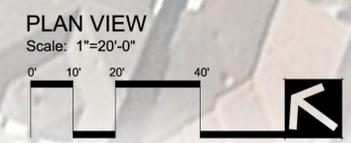


- Existing tree to be removed
- Architectural boulders and enhanced landscaping in front and on side of kiosk to protect from head-on collisions
- Entry kiosk with license plate reader/camera data equipment - refer to plans prepared by architect
- Existing trees (2) to be removed

- Proposed license plate reader/camera on stone face column pedestals, stone veneer to match kiosk - Refer to detail this sheet
- Barrier arm at Anchorage Drive egress
- Drivable landscape barrier at entry of Anchorage Drive - Refer to plans prepared by Civil Engineer
- Proposed license plate reader/camera on stone face column pedestals, stone veneer to match kiosk - Refer to detail this sheet



LPR COLUMN SCALE : 3/4"=1'-0"



PLN16-0009
Exhibit A
October 20, 2016

Roundabout Enhancements





City of San Leandro

Meeting Date: December 19, 2016

Resolution - Council

File Number: 16-681

Agenda Section: PUBLIC HEARINGS

Agenda Number:

TO: City Council

FROM: Chris Zapata
City Manager

BY: Cynthia Battenberg
Community Development Director

FINANCE REVIEW: Not Applicable

TITLE: RESOLUTION Approving a Modification of Planned Development; to construct a new kiosk for an attendant near the Lewelling Boulevard entry circle of the Heron Bay residential development; Alameda County Assessor's Parcel Numbers 80G-1325-5-1, 80G-1406-26, and 80G-1406-29 (PLN16-0009)

RECITALS

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 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 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 held a noticed public hearing regarding the proposed Project on October 20, 2016; and

WHEREAS, the Planning Commission reviewed the staff report, including public comments, the Categorical Exemption from CEQA, and found that the staff report and CEQA findings reflect the City's independent judgment and analysis of the Project; 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 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 for the reasons described above; and

WHEREAS, location and custodian of the Categorical Exemption, and other documents that constitute a record of proceedings for the Project is the City of San Leandro, 835 East 14th Street, San Leandro, California 94577; and

WHEREAS, the Project also requires a Planned Development Approval, pursuant to 5-2212 and 3-1018 of the Zoning Code, respectively, and satisfies all of the requisite findings as further explained in the staff report 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:

1. FINDINGS FOR THE PLANNED DEVELOPMENT. Based on the entirety of the record, as described above, and after the public hearing, the City Council finds and

determines that the proposed kiosk is in accord with the objectives of the Zoning Code; will be consistent with the General Plan; will not be detrimental to public health, safety, or welfare of persons in the immediate area; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City per sections 5-2212 and 3-1018; and the City Council approves the Planned Development subject to the Conditions of Approval as further set forth in Exhibit 1, attached hereto and incorporated herein by reference.

EXHIBIT 1

**RECOMMENDED
CONDITIONS OF APPROVAL**

PLN16-0009; Modification of Planned Development, PD-91-3

Heron Bay Residential Subdivision

Alameda County 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)

I. COMPLIANCE WITH APPROVED PLANS

- A. The project shall comply with revised Exhibit A and Exhibits B through D, dated October 20, 2014, except as hereinafter modified. (Exhibits are on file at the City of San Leandro, Community Development Department, 835 East 14th Street, San Leandro, California, 94577).

Exhibit A – Site Map (to be revised as per Condition II F)

Exhibit B – Enlarged Partial Site Plan and Floor Plan

Exhibit C – Perspectives, Colors and Materials

Exhibit D – Elevations

Exhibit E - Anchorage Drive Improvements (to be deleted as per Condition II. F.)

II. PERMITTED USE

- A. This is an approval for a Modification of Planned Development, PD-91-3, to construct a new 183 square foot kiosk for an attendant, including a restroom and small storage closet, on the Heron Bay Park near the Lewelling Boulevard entry circle of the Heron Bay residential development; Alameda County Assessor's Parcel Numbers: 80G-1325-5-1, 80G-1406-26, and 80G-1406-29.
- B. The kiosk shall only be for use by an attendant/security personnel hired by the Heron Bay Homeowners Association. It shall not be used for living such as sleeping and cooking. It shall not be used for commercial or office use.
- C. Attendants/security personnel are prohibited from detaining, stopping, or impeding any members of the public utilizing the public access easement and public right-of-way, including any pedestrian, bicycle or vehicular traffic. At all times the operation of the kiosk shall be in full compliance with San Francisco Bay Development Conservation (BCDC) and City of San Leandro requirements in maintaining public access to and from the San Francisco Bay Trail and City of San Leandro Shoreline Area. Any incidents of public detainment or impeding public access to the shoreline shall be immediate grounds for the revocation of this Planned Development Modification.
- D. The installation or addition of any security features, deterrents, or obstacles not identified with this Planned Development Modification approval, including gates, fences, misleading signage, rock walls, lighting, shrubbery or other blockages placed within the

public access easement or the public right-of-way which have the purpose or effect of limiting or discouraging public shoreline access shall be prohibited.

- E. The kiosk's Front Elevation (south facing Bayfront Drive) and the Right Elevation (east facing the Lewelling Boulevard circle), shall include BCDC directional signage identifying the Bay Trail, Public Shore and/or Parking. BCDC standard sign details can be found at: <http://www.bcdc.ca.gov/pdf/planning/SSSG.pdf>. Furthermore, as part of the Building Permit application submittal, a plan shall be provided showing additional Public Access signs installed along Bayfront Drive clearly informing and directing public access to the City's Shoreline area and the Bay Trail to the satisfaction of the Community Development Director. The removal or relocation of any required BCDC public access signage shall be prohibited without prior written approval from the Community Development Director.
- F. No gate and no barrier shall be permitted at Anchorage Drive. Exhibit A shall be revised and submitted to the Planning Services Division prior to submittal of Building and Engineering permits to identify no changes to the current design of Anchorage Drive and Exhibit E shall be removed.
- G. In the event a permit is required from BCDC for any component of this project, said permit shall be obtained from BCDC.
- H. No application for amendment of the application or Conditions of Approval may be submitted or accepted for processing by the city unless (i) there is full compliance with all other legally binding documents regulating development on the property; and (ii) there is full compliance with all terms of the application and Conditions of Approval, or (iii) the Community Development Director has waived compliance with the terms of the application because they are minor in content.
- I. Construction of the project shall remain in substantial compliance with the approved exhibits and plans. Any change to the project design, materials or colors shall be subject to the review and approval of the Community Development Director who may administratively approve minor changes, or for more substantial changes, require review by the Planning Commission and City Council as a modification to the Planned Development.

III. BUILDING AND SAFETY SERVICES, ENGINEERING & TRANSPORTATION DEPARTMENT, ALAMEDA COUNTY FIRE DEPARTMENT REQUIREMENTS

- A. All required Building Permits shall be obtained prior to construction of the kiosk, gate arm structure, and raised barrier for the Heron Bay residential development.
- B. Prior to issuance of Building Permit, the Permit application shall be supplemented with required construction documents and they shall include but not be limited to the showing the following:
 - 1. An American Disabilities Act (ADA) accessible walkway is required and shall show connection from the entry kiosk to the existing sidewalk.

2. Easement information shall be shown on the drawings. All the easements shall be labelled. Refer to previous tract maps for reference.
3. 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 for reference.
4. The kiosk location shall be shown on the drawings 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.

VI. PUBLIC WORKS DEPARTMENT REQUIREMENT

- A. 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.

V. FENCING AND SCREENING REQUIREMENTS

- A. Electrical, gas, and water meters shall be located such that they will not be visible from the street, or these units shall be screened or enclosed. The screen or enclosure shall be painted to match the color of the exterior building wall that it is affixed to.
- B. Barbed or razor wire shall not be installed on any fence, wall or building on the project site.

VI. MAINTENANCE

- A. The project site shall be well maintained and shall be kept free of litter, debris and weeds at all times; during construction, the site shall be well maintained and shall be kept free of litter, debris and weeds.
- B. Any graffiti shall be promptly removed from building walls, perimeter soundwalls and/or fences..
- C. All landscaping improvements shall be maintained in a healthy, growing condition at all times.

VII. CONSTRUCTION PROVISIONS

- A. Construction on the project site shall not commence prior to 7:00 a.m. and shall cease by 7:00 p.m., Monday through Friday, and shall not commence prior to 8 a.m. and shall cease by 7 p.m. Saturday and Sunday, unless otherwise approved by the Chief Building Official. There shall be no construction on Federal holidays. Interior construction such as

sheet rock taping and texturing, painting, tile installation and similar activity shall be permitted outside the above hours provided that construction noise shall not be detectable outside of the building under construction.

- B. Construction activity shall not create dust, noise or safety hazards for adjacent residents and properties. Dirt and mud shall not be tracked onto Lewelling Boulevard from the project site during construction. Standard construction dust control procedures, such as wetting, daily roadwashing and other maintenance functions to control emissions, shall be implemented at all times during outdoor construction. Dust generating activities such as grading, excavation, paving etc., shall be scheduled the early morning and other hours when wind speeds are low. All construction activities entailing soil disturbance shall cease when winds exceed 30 miles per hour as an hourly average.
- C. Procedures with the highest noise potential shall be scheduled for daylight hours, when ambient noise levels are highest.
- D. The contractor(s) shall be required to employ the quietest among alternative equipment or to muffle/control noise from available equipment.

VIII. GENERAL CONDITION

- A. The approvals granted by the City as a result of this application, as well as the Conditions of Approval, shall be recorded in the Office of the County Recorder of Alameda County.