



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 09/10/02
AGENDA ITEM 11
WORK SESSION ITEM _____

TO: Mayor and City Council
FROM: Director of Community and Economic Development
SUBJECT: Blue Rock Country Club - Hayward 1900, Applicant

- Precise Plan, including Design Guidelines
- Vesting Tentative Tract Map 5354
- Addendum to Supplemental Environmental Impact Report

RECOMMENDATION:

It is recommended that the City Council adopt the attached Resolutions approving:

- (1) The Addendum to the Final Supplemental Environmental Impact Report; and
- (2) The Vesting Tentative Map and Precise Plan, which includes modified and supplemented conditions of approval and Design Guidelines.

DISCUSSION:

This evening the City Council is asked to determine that the Precise Development Plan (Precise Plan) is in "substantial conformance" with the Preliminary Development Plan (1998 Plan) adopted by City Council in January 1998. The 1998 Plan was a conceptual development proposal, and the Precise Plan is intended to refine the 1998 Plan while being in substantial conformance with the 1998 Plan. The basic merits of the Blue Rock project are not before the Council, as a Development Agreement for the project is currently in effect. If the City Council were to determine that the Precise Plan is not in substantial conformance with the 1998 Plan, then the applicant could resubmit a Precise Plan with such changes as may be deemed necessary to make the finding of substantial conformance.

The City Council is asked to approve the Vesting Tentative Map, which is the mechanism for implementing the 1998 Plan by defining lots and demonstrating how infrastructure will be provided and carries out the conditions of approval that are a part of the Development Agreement approved in 1998. A more detailed discussion of the Vesting Tentative Map is found in the attached Planning Commission Report (Exhibit E).

The City Council is also responsible for finding that the "Addendum" (Exhibit D) adequately addresses the minor changes that were made to the 1998 Plan and for determining that no further environmental review is necessary. When modifications that do not create new or more severe significant environmental effects are made to a development proposal for which an Environmental Impact Report was certified, an Addendum is required to address these changes and to show why additional environmental review in the form of a supplemental or subsequent environmental impact report is not necessary. With the observation that the Precise Plan results in less of an

environmental impact than the 1998 Plan, the Planning Commission and staff recommend that the City Council find that the Addendum carries out the purpose described above. A more detailed discussion of the Addendum is found in the attached Planning Commission Report.

Regulatory Action by Outside Agencies

Subsequent to, and as a requirement of the City Council's 1998 action, the developer was required to obtain other state and federal permits. As a direct result of the actions of the state and federal agencies, the 1998 plan was refined to further reduce environmental impacts as they pertain to protecting endangered species and wetlands. Consequently, the development envelope was reduced, resulting in a proposed Precise Plan that eliminates the tennis and swim club, reduces the amount of private park area within the development, limits the number of sidewalks, and either limits or prohibits public access to some of the land to be dedicated as open space.

As a result of actions of the regulatory agencies, access to the lands proposed to be dedicated to the East Bay Regional Park District (EBRPD) will be severely limited. (Please refer to the proposed trail system as reflected on the attached Exhibit F.) However, the regional Bay Area Ridge Trail continues to run through the Blue Rock project site in a north-south direction, east of the homes and golf course. There will be direct access from the Blue Rock Country Club development to the Bay Ridge Trail via a trail near golf course hole No. 1. However, because the Blue Rock development will be a gated community, non-residents would have to use existing access points, one of which is located in the Five Canyons development and another on the DeLucci property in Union City. The Council may wish to consider requiring the developer to provide access to non-resident hikers by way of day passes or by other means.

There will continue to be a trail staging area for the Garin Park Lane Trail at the school/park site near the project entry at Hayward Boulevard/Fairview Avenue. Open to the general public, this trail creates a loop around the Honcharenko home site and can be used by both hikers and equestrians. Bob Doyle, representing EBRPD, indicated that the purpose of restricted public access is to retain the area as habitat for protected species. He indicated that, with the financial assistance of the applicant, EBRPD would be seeking authorization from the Department of Fish and Wildlife to allow limited public access while safeguarding the protected species.

On July 12, 2002, the US Fish & Wildlife Service issued a Biological Opinion that allows project construction and operation according to the approved Mitigation and Monitoring Plan for Blue Rock Country Club. The Opinion concluded that the project is not likely to jeopardize the continued existence of the Alameda whipsnake and the red-legged frog or destroy or adversely modify their critical habitat. The U.S. Army Corps of Engineers reinstated the Section 404 wetlands fill permit for the project on July 24, 2002. As a result, the Errata to the SEIR Addendum that was distributed to the Planning Commission has been updated to reflect this information.

Planning Commission Hearing

During the Planning Commission hearing on July 25, 2002, members of the public spoke both in favor and in opposition to the project, and others sought clarification of various aspects of the project. Topics addressed included traffic impacts, visual impacts, policing the community, the reduction in the amount of sidewalks, and the economic aspects of the project. (See Planning Commission minutes of July 25, 2002.) Individuals speaking in opposition to the development itself were reminded that the issue before the Planning Commission was not if the Blue Rock project should be approved but, rather, if the proposed Precise Plan and Tentative Map substantially conform to the approved 1998 Plan and are consistent with the Development

Agreement. Some individuals raised issues relating to environmental impacts that had already been addressed in the Supplemental Environmental Impact Report certified in 1998 and others addressed the Addendum.

Correspondence regarding the project was received, some of which supported the project. Other letters contained objections to the Addendum and/or addressed issues relating to traffic, schools, economic issues, and grading. One concern related to the timing of the installation of off-site street improvements, such as the two planned roundabouts on Fairview Avenue: one at the entry of the development and the other at the intersection of Woodstock Road and Fairview Avenue. In response to this concern, condition No. 3, has been modified to reflect that the developer will install all off-site street improvements in the first phase of development.

A condition of approval adopted in conjunction with the 1998 Plan requires the Planning Commission and City Council to review the design of each residence. However, the developer indicates there may be as many as 200 custom homes, each of which would require review by the Planning Commission and City Council. To make the review process more efficient, a proposed revision to this condition would require the City to approve design guidelines specifically crafted for custom homes before approval of the first final map in lieu of requiring Planning Commission and City Council review of each custom home. Both the Planning Commission and staff support this request.

At the Planning Commission meeting, concern was expressed regarding the long-term monitoring of the mitigation measures. A 10-year monitoring plan is required for Alameda whipsnake and California red-legged frog. This will involve annual monitoring during years 1 through 5, with monitoring conducted again in years 7 and 10 in order to assess longer term effects of the management regime. The monitoring plan will be reviewed on an annual basis and may be adjusted accordingly based on mutual agreement with the applicant and appropriate agencies (Corps, Fish and Wildlife, East Bay Regional Park District, and the Regional Water Quality Control Board). The fundamental goal of the mitigation plan is to provide for a net increase in wetland acreage, and will be considered successful once it can be reasonably established that the mitigation area is attaining or reasonably progressing toward the following objectives: (1) establishment of 18.4 acres of functional, seasonal wetland, pond, and riparian habitats; (2) creation of upland habitats suitable for uses by Alameda whipsnake; and (3) creation of habitats suitable for use by breeding populations of California red-legged frogs.

Planning Commissioners also expressed concern about the use of recycled water in the project. The 1998 Plan envisioned a golf course with lakes, and a condition of approval requires lake storage for recycled water where possible. As required by outside regulatory agencies, the revised plan has no permanent lakes because they would attract bullfrogs that prey on the protected red-legged frogs. A proposed revision to the condition would require that a golf course irrigation system be installed that allows for the use of recycled water when possible. Also, the mitigation monitoring program requires the excess irrigation water to be recycled.

During the hearing, both members of the public and some Planning Commissioners expressed concern about the limited number of sidewalks within the development. The applicant claimed that sidewalks on local streets are inconsistent with a country club atmosphere and asked that the Planning Commission support this position. Although the advantages of sidewalks were raised (promotes safe, walkable communities), the Planning Commission supported the applicant's request to eliminate sidewalks on many of the local streets, considering that pedestrian "break-throughs" are required within some of the longer blocks.

As a result of direction from outside agencies, the former "Neighborhood G" in the easternmost portion of the project was removed from the project so that the area would remain native habitat. As a result, the swim and tennis center depicted in that area in the 1998 Plan was eliminated. Some Planning Commissioners expressed disappointment over the loss of the swim and tennis center from the former "Neighborhood G," with some suggesting that some of the lots created by the vesting tentative map be used for this purpose.

The property under lots 9 through 12 on the eastern edge of Village "A" is currently owned by the City of Hayward. The Planning Commission found that the disposition of this City-owned land for housing purposes is consistent with the General Plan. A condition of approval requires that the transfer of this property from the City to the developer occur in accordance with all applicable regulations prior to approval of the first final map.

The Planning Commission voted 6:0 (1 abstention) to recommend approval of the project to the City Council.

Prepared by:


Dyana Anderly, AICP
Planning Manager

Recommended by:


Sylvia Ehrental
Director of Community and Economic Development

Approved by:


Jesus Armas, City Manager

- Exhibits:
- A. Findings
 - B. Conditions of Approval Adopted by City Council on January 28, 1998, as Proposed to be Modified
 - C. Addendum to Conditions of Approval
 - D. Addendum to Supplemental Environmental Impact Report with Errata Sheet
 - E. Planning Commission Report and Minutes, dated July 25, 2002
 - F. Trail System Maps
 - G. Blue Rock Country Club Design Guidelines
 - H. Plans (Precise Plan and Tentative Map)

9/6/02

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

9/14/08
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RESOLUTION ADOPTING FINDINGS UNDER THE
CALIFORNIA ENVIRONMENTAL QUALITY ACT AND
APPROVING ADDENDUM TO THE FINAL
SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT
FOR BLUE ROCK COUNTRY CLUB PROJECT

BE IT RESOLVED by the City Council of the City of Hayward as follows:

I. Introduction

A. The following findings are hereby adopted by the City of Hayward with respect to the Addendum prepared to the Final Supplemental Environmental Impact Report ("FSEIR") for the Blue Rock Country Club Project ("Project"). The Addendum has been prepared in compliance with the California Environmental Quality Act, Public Resources Code sections 21000 et seq. ("CEQA") and the State CEQA Guidelines, 14 California Code of Regulations sections 15000 et seq. and is hereby adopted by the City Council of the City of Hayward.

B. Hayward 1900 Inc. ("Applicant") submitted applications for the Project on approximately 1,635-acre site in an area commonly known as Walpert Ridge. On January 13, 1998, the City Council, in Resolution No. 98-004, certified the FSEIR and adopted CEQA findings and a Statement of Overriding Considerations in connection with the following actions: Approval of General Plan amendments (GP 97-110-04), various amendments to the Walpert Ridge Specific Plan (SP 97-210-01), a zoning reclassification (ZC 97-120-02), a Preliminary Development Plan ("1998 Plan"), and a Development Agreement. The City Council also approved a Mitigation Monitoring Plan for the Project in Resolution No. 98-005.

C. In December, 2000, the Applicant submitted a precise development plan ("Precise Plan") and vesting tentative map ("Tentative Map") for approval, supplemented and revised thereafter by various documents and other submissions to respond to City and other comments. The Precise Plan and Tentative Map incorporate certain modifications to the Project resulting from compliance with the preliminary development plan ("1998 Plan") conditions of approval and the regulatory approvals from the California Regional Water Quality Control Board, California Department of Fish and Game, U.S. Fish and Wildlife Service, and U.S. Army Corps of Engineers.

D. Pursuant to CEQA section 21166 and CEQA Guidelines section 15162, the City Council has determined, on the basis of substantial evidence in the record including the information contained in the Addendum and the accompanying Errata to the Addendum (collectively "the Addendum"), that no subsequent or supplemental environmental impact report is required for approval of the Precise Plan and Tentative Map because: (1) no substantial changes are proposed in the Project which would require major revisions of the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; (2) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which would require major revisions in the FSEIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and (3) no new information of substantial importance which was not known and could not have been known at the time the FSEIR was certified has become available that would show that the Project would have significant effects not discussed in the FSEIR; significant effects previously examined would be substantially more severe than shown in the FSEIR; the Applicant has rejected mitigation measures or alternatives previously found not feasible that would in fact be feasible and would substantially reduce significant impacts; or the Applicant has rejected mitigation measures or alternatives which are considerably different from those analyzed in the FSEIR which would substantially reduce significant effects. The facts supporting these findings are summarized below, are more fully described in the Addendum, and are based upon all of the materials submitted by the Applicant and others that are contained in the City's files on the Project.

II. Precise Plan/ Tentative Map Description

A. FSEIR Project Description: The 1998 Plan described in the FSEIR consisted of a private, master-planned, gated country club community of 650 single-family homes, an 18-hole golf course, a golf clubhouse, a tennis and swim facility, a joint elementary school and park site, and approximately 1,000 acres of dedicated open space.

B. Precise Plan/Tentative Map Description: As more fully described in the Addendum, the following lists the major elements of the Precise Plan/Tentative Map Project description and modifications of the 1998 Plan:

1. 614 single-family homes;
2. approximately 1,000 foot reduction in residential footprint along the ridge;
3. the 18-hole golf course has been redesigned as a links style course with 98 acres of irrigated turf and rough, a 23% reduction in irrigated area from the 1998 Plan;

4. the golf course hole array has been changed to predominantly single file and to provide greater distance between holes in order to accommodate Alameda whipsnake movement and improve wildlife access to on-site habitat;
5. addition of a 202-acre private conservation habitat area;
6. the continuous golf course length on the ridge has been reduced by approximately 1,800 feet;
7. the golf course maintenance facility has been relocated to reduce visual impacts from Garin Regional Park;
8. the golf course clubhouse has been relocated to reduce visual and biological resource impacts;
9. in compliance with the previously adopted conditions of approval, former Neighborhood G, which included the swim and tennis center, has been eliminated and the tennis courts relocated to Village E;
10. the school will be built in the initial phase of construction, and with certain funding, the larger school to accommodate 650 students will be constructed. To facilitate site approval from the State and construction of the larger school, the entire school/park site will be transferred to the Hayward Unified School District and subject to a joint use agreement to ensure HARD and public use;
11. the number of neighborhood parks has been reduced from 9 to 6, with several pocket parks and a landscaped paseo greenbelt system;
12. the amount of permanent on-site open space has been increased to 1,230 acres (76 % of the site) over the previously approved 1,100 acres (65 % of the site) and the development area has decreased from 574 acres to 412 acres;
13. improvements to the urban/open space edge have been incorporated into the Project in accordance with previously adopted conditions of approval;
14. grading volume has been reduced from 7.8 million cubic yards to 5 million cubic yards;
15. the water tanks have been relocated in order to mitigate previously identified impacts;
16. the potential telecom sites have been eliminated from the Project;

- the FSEIR;
17. the drainage improvements are similar to those discussed in
 18. fill of jurisdictional wetlands has been reduced from 11.2 acres to 9.2 acres;
 19. the Honcharenko Homesite will not be disturbed and will remain in EBRPD ownership;
 20. the residential development area is within 1.6 miles of Fire Station No. 5;
 21. the Precise Plan/Tentative Map implements the emergency vehicle access conditions of approval; and
 22. the Project includes a phasing plan similar in concept to the phasing described in the FSEIR.

III. Precise Plan/Tentative Map Relationship to FSEIR Findings

A. Land Use and Open Space: As demonstrated in the Addendum, the Project as proposed in the Precise Plan/Tentative Map would not cause any new, or increase the severity of previously identified, significant land use impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the land use and open space impacts identified in the FSEIR and would implement FSEIR mitigation measures and Project conditions of approval by virtue of the increase in open space and habitat areas, reduction in development area, reduction in the number of residential lots, reduction in the golf course area, elimination of former Neighborhood G, reducing the residential and golf course footprints along the primary ridgelines, eliminating cattle grazing near Neighborhood A, incorporating Fuel Management Zones, incorporating larger lots along the perimeter, including fencing to separate open space and development areas, relocation and screening of the water tanks, relocation of the golf course maintenance facility, and elimination of the potential telecom site.

B. Visual Factors: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant visual impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the visual impacts identified in the FSEIR and would implement FSEIR mitigation measures and Project conditions of approval by virtue of the reduction in grading, incorporation of refined grading, landscaping, building and site design measures, increase in perimeter lot sizes, introduction of paseo/greenbelt features, relocation of the golf clubhouse, the maintenance facility, and access roads, redesign of the golf course, and the landscaping treatment between the golf course and the park, reduction in the residential and golf course footprint along the ridge, increase in open space, elimination of

former Neighborhood G, relocation of the water tanks, creation of the 202-acre managed habitat area preservation of approximately 80% of rock outcrops, and introduction of rock outcrops in the Project.

C. Vegetation and Wildlife: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of previously identified, significant vegetation and wildlife impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the vegetation and wildlife impacts identified in the FSEIR and would implement FSEIR mitigation measures and Project conditions of approval by virtue of elimination of former Neighborhood G, revisions to the grading plan, modifications to Garin Park Lane, completion of floristic field surveys, decreased impacts on ponds and drainages, creation and enhancement of wetland habitat, redesign of water quality treatment measures, relocation of detention/water quality treatment ponds, addition of bridges, provision of Nuisance Flow Management Plan, provision of bullfrog/exotic species control measures, provision of a preserve manager and an independent resource coordinator, expansion of construction period protection measures, implementation of the Habitat Mitigation and Monitoring Plan required by the U.S. Fish and Wildlife Service and California Department of Fish and Game, reduction in core scrub habitat displacement, reduction in the golf course development areas, expansion of rock outcrop protection measures, funding for resource management and protection, implementation of species surveys, increased separation of development from Garin Park, increased open space areas and 202-acre managed habitat area, wetland replacement at a 2:1 ratio, and execution of the phased dedication agreement with East Bay Regional Park District for the public open space area. Designation by the U.S. Fish and Wildlife Service of critical habitat for the Alameda whipsnake and red-legged frog does not prescribe a specific program or action, or require a different analysis from the analysis of the Project impacts to these species and their habitat included in the FSEIR. The U.S. Fish and Wildlife Service has determined that the Project is not likely to result in jeopardy to either species or result in the destruction or adverse modification of their critical habitat.

D. Transportation: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant transportation impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the transportation impacts identified in the FSEIR and implement FSEIR mitigation measures and Project conditions of approval by virtue of the reduction in the number of residential lots, the relocation of the Garin Regional Park access road, provision of internal pedestrian circulation via a paseo/greenbelt system and key sidewalks, and the emergency vehicle access which has been designed in accordance with the conditions of approval. The FSEIR's traffic analysis included traffic impacts resulting from the Project and all development that had been recently constructed or was then under construction in the hillside area, and all development proposed under the Walpert Ridge Specific Plan.

E. Soils and Geology: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of previously identified, significant soils and geology impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the soils and geology impacts identified in the FSEIR and implement FSEIR mitigation measures and conditions of approval by virtue of the revised grading plan.

F. Drainage and Water Quality: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant drainage and water quality impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce drainage and water quality impacts identified in the FSEIR and implement FSEIR mitigation measures and conditions of approval by virtue of a revised grading and drainage plan designed to incorporate previously identified mitigation measures and conditions of approval, resource agency permit requirements, water quality control provisions in the Mitigation and Monitoring Plan, and a design that will capture 85% of the site's annual storm water run off in water quality ponds for seven days of treatment, consistent with current requirements of the Regional Water Quality Control Board.

G. Public Health and Safety: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant public health and safety impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the public health and safety impacts identified in the FSEIR and implement FSEIR mitigation measures and Project conditions of approval by virtue of submittal of a conceptual fuel management plan and Homeowners' Wildland Fire Safety Risk Disclosure & Guide and revision of the plan to restrict residential structures within 150 feet of the transmission line easement and to achieve other setbacks.

H. Public Services: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant public services impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the public service impacts identified in the FSEIR and implement FSEIR mitigation measures and Project conditions of approval by virtue of locating all of the residential lots within 1.6 miles of Fire Station No. 5, reduction of residential lots, execution of an agreement for the construction of the new elementary school, with construction of the full school build out pending appropriate funding, reduction in golf course irrigated acres, elimination of the swim-tennis club, submission of a detailed water system study, incorporation of a computer controlled watering system for the golf course, incorporation of recycling of excess irrigated water, development of a Final Nuisance Flow Management Plan, verification of off site capability to handle wastewater flows from the Project, provision of a trail staging area, and preservation and creation of access roads to the PG&E transmission lines.

I. Noise: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant noise impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the noise impacts identified in the FSEIR and implement FSEIR mitigation measures and Project conditions of approval by virtue of the reduction in the number of residential lots and the acceptance of certain mitigation measures (noise barrier and structural noise abatement) identified in the Updated Noise Analysis for Blue Rock Country Club.

J. Air Quality: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant air quality impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the air quality impacts identified in the FSEIR and implement FSEIR mitigation measures and Project conditions of approval by virtue of the reduced number of residential units, reduced development area including the golf course area and associated reduced grading activities, elimination of the swim/tennis club, improved internal circulation, provision of electric golf carts, convenience retail on site and carpool/van pool parking, and gas stub-outs on all residential fireplaces.

K. Cultural Resources: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant cultural resources impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce the cultural resources impacts identified in the FSEIR and implement FSEIR mitigation measures and Project conditions of approval by virtue of execution of an agreement with the East Bay Regional Parks District to ensure that the Honcharenko homesite will remain in Park District ownership and completion by the Applicant of the required cultural resources reporting.

L. Energy: As demonstrated in the Addendum, the Precise Plan/Tentative Map would not cause any new, or increase the severity of any previously identified, significant energy impacts. Consequently, no new mitigation measures are required. The Precise Plan/Tentative Map would reduce energy impacts identified in the FSEIR and implement FSEIR mitigation measures and Project conditions of approval by virtue of the reduction in the number of residential lots, reduction in the golf course size, and provision of carpooling and van pool parking at the golf clubhouse.

BE IT FURTHER RESOLVED that, based on the foregoing findings, the Addendum to the Final Supplemental Environmental Impact Report is hereby approved and adopted.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

*9/14/02
mhl*

RESOLUTION APPROVING PRECISE DEVELOPMENT
PLAN 97-120-02 AND VESTING TENTATIVE TRACT MAP
5354 FOR BLUE ROCK COUNTRY CLUB PROJECT

BE IT RESOLVED by the City Council of the City of Hayward:

I. RECITALS

A. INTRODUCTION AND BACKGROUND

On January 13, 1998, the City Council adopted Resolution No. 98-004 certifying the Final Supplemental Environmental Impact Report ("FSEIR") and adopting a Statement of Overriding Considerations for the Blue Rock Country Club Project (the "Project"), Resolution No. 98-005 approving a Mitigation Monitoring Plan, Resolution No. 98-006 approving amendments to the General Plan and Walpert Ridge Specific Plan ("Specific Plan"), an application to reclassify the Blue Rock project site from an Agricultural (A) to a Planned Development (PD) district and a Preliminary Development Plan. On January 27, 1998, the City Council adopted Resolution No. 98-017 confirming certain amendments to the Specific Plan, revised Preliminary Development Plan and conditions of approval as directed to be made by the Council on January 13, 1998 ("1998 Plan"), and adopted Ordinance Nos. 98-001 and 98-002, authorizing the reclassification of the Blue Rock project site from an Agricultural (A) to a Planned Development (PD) District and execution of a Development Agreement. The Development Agreement has been executed and is in effect.

The conditions of approval imposed by the City Council as part of the Blue Rock project approvals ("Conditions of Approval") required, among other items, that the applicant Hayward 1900, Inc. ("Applicant"), submit the Precise Development Plan ("Precise Plan") in conjunction with the Vesting Tentative Subdivision Map for the project. The Precise Plan was required to incorporate adopted mitigation measures that affect the physical design of the development and to reflect any physical changes to the development required of the responsible and other permitting agencies, including the U.S. Army Corps of Engineers ("Corps"), the U.S. Fish and Wildlife Service ("USFWS"), the Regional Water Quality Control Board ("RWQCB"), the State Department of Fish and Game ("CDFG").

In addition, since the 1998 approvals, the Applicant has exchanged 25 acres of land with the East Bay Regional Park District and is under contract with the Roman Catholic Diocese of Oakland to purchase approximately 57 acres of its land adjacent to the land owned by the Applicant. This acreage, together with the land owned by the Applicant, comprises the Project site.

B. PRELIMINARY DEVELOPMENT PLAN

The approved 1998 Plan included 650 single-family homes ranging in size from 4,000 to 12,000 square feet, with an 18-hole championship golf course and a golf clubhouse and related amenities, a tennis/swim club, approximately 1,000 acres of dedicated open space and an approximately 11.3 acre joint school/park site near the Project entry at Fairview Avenue and Hayward Boulevard, with school construction by the Applicant including core facilities to serve 650 students and classrooms to serve 350 students. The area to be graded under the 1998 Plan encompassed approximately 500 acres, with a grading volume of about 7.8 million cubic yards. The residential development within the Project is located within 1.6 miles of Fire Station No. 5.

C. RESOURCE AGENCY APPROVAL PROCESS

Since the 1998 approvals, the CDFG has issued a Section 2081 (Incidental Take) permit (No. 2081-2000-035-3) and a Section 1603 (Lake and Streambed Alteration) permit (Notification No. RE: 43-2000-0260). The RWQCB has issued Waste Discharge Requirements (Order No. 01-025) for the Project. The Corps initiated consultation with the USFWS with respect to potential impacts of the Project on the continued existence of the Alameda whipsnake and California red-legged frog, federally listed threatened species. After an initial determination by the USFWS that the Project would not jeopardize the continued existence of these species and issuance of a Section 404 permit (No. 21586S) by the Corps, the USFWS designated significant areas within the state as critical habitat for these species, which includes the Project site. This necessitated additional consultation with the USFWS, which consultation has been concluded. The USFWS, in a biological opinion dated July 12, 2002, has determined that the Project will not cause jeopardy to these species or destroy or adversely modify their critical habitat. As a result, the Section 404 permit for the Project was temporarily suspended and has been reinstated by the Corps now that the USFWS consultation is complete.

D. PRECISE DEVELOPMENT PLAN/VESTING TENTATIVE MAP

The Applicant timely submitted the Precise Plan and Vesting Tentative Map ("Tentative Map") originally in December, 2000, with subsequent revisions in response to comments from the City and others, and has submitted various other documents and reports. A preliminary meeting on the Tentative Map was held, with notice of the meeting mailed to all property owners within 300 feet of the property and occupants of all buildings abutting the property, and other interested parties. The Applicant revised the Tentative Map and provided additional information and documentation in response to comments received at and following the preliminary meeting.

The Precise Plan and Tentative Map reduce the developed land from 574 acres (or 35% of the site) to 412 acres (or 26% of the site), reduce the residential footprint along the ridge by approximately 1,000 feet and reduce the continuous golf course length on the ridge by

approximately 1,800 feet. Permanent open space has been increased from approximately 1,000 acres (or 65% of the site) to approximately 1,230 acres (or 76% of the site). There are 614 single-family homes ranging in size from 4,000 to 10,000+ square feet. The 18-hole championship golf course has been redesigned as a "links style" course with 98 acres of irrigated turf in contrast to the original 128 acres of irrigated turf. The golf clubhouse and related amenities remain, but have been relocated further east on the site and below an adjacent knoll. The tennis/swim club has been eliminated, with two tennis courts added to one of the six internal parks within the residential development area. Of the approximately 1,230 acres of open space that will be preserved, 1,000 acres will be dedicated to the EBRPD and 200 acres preserved as an habitat area within the golf course, with the remainder open space within the residential development. The joint school/park site near the Project entry will remain, with construction of a new elementary school during the initial phase of the development. The area to be graded is reduced to 384 acres, with an overall grading volume of 5 million cubic yards. The residential development area remains within 1.6 miles of Fires Station No. 5.

E. ENVIRONMENTAL REVIEW

In accordance with the requirements of the California Environmental Quality Act (Public Resources Code section 21000 et seq.; "CEQA") and the State Guidelines Implementing CEQA (Tit. 14 Cal. Code Regs, sections 15000 et seq.; "CEQA Guidelines"), after determining that changes or additions to the Walpert Ridge Specific Area Plan EIR certified in 1991 were required, the City prepared and certified a FSEIR for the Project, adopted a Statement of Overriding Considerations and adopted a Mitigation Monitoring Plan, pursuant to Resolution Nos. 98-004 and 98-005. The City prepared an Addendum to the FSEIR and an Errata to the Addendum (collectively "the Addendum") to evaluate the refinements in the Project necessitated by the resource agency approval process that are reflected in the Precise Plan and Tentative Map. The City Council has adopted the Addendum determining that no additional environmental review is required by CEQA or the CEQA Guidelines in connection with its actions on the Precise Plan and Tentative Map.

II. FINDINGS

Having reviewed all of the materials submitted by the Applicant and contained in the City files on this matter, including the information contained in the FSEIR and the Addendum to the FSEIR, and having heard and considered all oral testimony and arguments, the City Council finds, concludes and determines as follows:

1. The above Recitals are accurate and constitute findings of the City Council.
2. The City Council incorporates by reference herein the staff reports submitted to it in connection with the Precise Plan and Tentative Map.
3. A duly noticed public hearing was held by the City Council on September 10, 2002.

4. Prior to taking any action on the Precise Plan and Tentative Map, the City Council has reviewed the FSEIR and the Addendum to the FSEIR and considered the information contained therein. The City Council, exercising its independent judgment and analysis, determines that the FSEIR and FSEIR Addendum are adequate for its use in acting on the Precise Plan and Tentative Map.

5. The City Council finds and determines that it is appropriate to approve and hereby does approve, the Precise Plan. The Precise Plan is consistent with and conforms to the City's General Plan and the Specific Plan, and is authorized under the Development Agreement. The Precise Plan is in substantial conformance with the 1998 Plan approved by the City Council pursuant to Resolution No. 98-006. It reflects the same overall residential master planned community, with single-family homes, an 18-hole championship golf course and golf clubhouse, along with a designated 11.3 acre joint school/park site. The Precise Plan includes approximately 1,000 acres to be dedicated to the EBRPD. As required by the Conditions of Approval, the Precise Plan reflects physical changes to the development required through the resource agency permitting process to reduce the fill of jurisdictional wetlands and to protect the Alameda whipsnake and red-legged frog and their habitat; the plan also reflects physical changes to the development to address conditions imposed by the City. The changes include a reduction in the overall development area, a significant reduction in grading volumes, incorporation of more natural, contour grading and preservation of rock outcrops, and preservation of additional open space area. The residential development concept remains the same, with area reduced from 240 to 200 acres and the number of homes from 650 to 614. The Project retains separate villages, each containing a mix of lot sizes, with a similar overall ratio of large to small lots. There are a total of six neighborhood parks, along with several pocket parks and a greenway/paseo system. The tennis and swim club have been removed from former Neighborhood G to reduce impacts to oak woodlands, with two tennis courts now included in Village E. The 11.3 acre school/park site is the same. The updated "links" style of the golf course enables preservation of more jurisdictional wetlands, rock out crops and other wildlife habitat areas and reduces the amount of area disturbed.

6. The findings of the City Council in Resolution No. 98-006 supporting approval of the 1998 Plan, which are incorporated herein by reference, are still accurate and are not substantively altered as a result of changes reflected in the Precise Plan/Tentative Map as described in this Resolution, except as addressed in modifications to the Project and conditions described in the Addendum and other Project documents and approved herein.

7. The City Council hereby finds that the modifications contained in the Addendum to the Conditions of Approval dated July 25, 2002, are necessary and appropriate and the Council finds that these modifications are consistent with and authorized by the Development Agreement and other Project entitlements approved by the Council in January, 1998, the City's General Plan and the Specific Plan.

8. The Project is in substantial harmony with the surrounding area.

9. The Project creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as schools, playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the Project will have no substantial adverse effect upon surrounding development.

10. Development of the lots in conformance with the recommended conditions of approval will assure that the land being subdivided is for residential use and the drainage from such a use does not violate the requirements prescribed by the California Regional Water Quality Control Board.

11. The layout, lot size and configuration is such that future building(s) could be oriented for the purpose of providing an opportunity for future passive solar heating and cooling.

12. None of the findings set forth in Section 66474 of the Subdivision Map Act have been made, and the approval of the vesting tentative map is granted subject to the recommended Conditions of Approval.

13. Development of the lots in conformance with the recommended Conditions of Approval and in compliance with City codes will prevent any significant environmental impacts, i.e., drainage, soils instability, noise or traffic problems.

14. The existing and proposed streets are adequate to serve the development.

15. Based on the City's 1995 Water Distribution System Master Plan, the 2002 Draft Water Distribution System Master Plan Update, the 2000 Urban Water Management Plan, and the City's contract with the San Francisco Public Utilities Commission which provides that SFPUC shall supply water to Hayward in perpetuity to meet all its needs, and based on the water conservation practices included in the Project and encouragement of the use of groundwater whenever feasible, the City has determined that water in sufficient quantities is and will be available to meet the Project's current and future needs.

16. Each phase of the Project will provide sufficient proportion of total planned common open space, facilities and services so that it may be self-contained in the event of default or failure to complete the Project according to schedule.

17. Any latitude or exception(s) to development regulations is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

18. The Planning Commission has reviewed the proposed transfer of the City's current parcel and tank reservoir for a relocated tank facility within the development and finds the transfer in accordance with the City's General Plan.

19. The City Council finds and determines that it is appropriate to approve, and does hereby approve, the Vesting Tentative Map for Tract No. 5354, subject to the attached Addendum to the Conditions of Approval. Based upon the findings of the City Council in its Resolution No. 98-006, which is hereby incorporated by reference, and based on the findings contained in this Resolution, the Precise Plan and Tentative Map are consistent with and conform to the General Plan and Specific Plan, propose development as authorized under the Development Agreement and all other entitlements granted by the City for the Project in January, 1998, and meet all applicable zoning and subdivision requirements.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

MAYOR:

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Due to the size, type or quality of the additional attachments, they are not scanable and therefore are not available for website viewing. The report, in its entirety, is available in the City Clerk's Office, Planning Division, and at the Main Library.