CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 02/25/03
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development

SUBJECT: General Plan Amendment PL-2002-0292 and Zone Change PL-2001-0340 for a 200-Unit Retirement Center – Anthony B. Varni (Applicant) / Livermore Acres, Inc. (Owner) – The Project Site is Located at 29228 Mission Boulevard

RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution approving the Mitigated Negative Declaration, the Mitigation Monitoring Program, the General Plan Amendment and the introduction of ordinance for the Zone Change, subject to the attached findings and conditions.

DISCUSSION:

The applicant is requesting to develop a 5-acre parcel with a 200-unit retirement housing complex providing for independent living; there would be no resident medical staff. The property is developed with the Valle Vista Skating Rink, which occupies approximately 2 acres of the site; the skating rink would be demolished. As the mix of General Plan designations and zoning districts do not permit either the type of project or the density proposed, amendments to both the General Plan and the Zoning District are necessary. The site is located in the Redevelopment Area.

The Planning Commission unanimously recommended approval of this project at its meeting of January 23, 2003. While the Commission expressed regret over the loss of a recreational facility, it noted that approval of the proposed facility would be a positive action toward meeting the City's housing needs. There was no public comment during the Commission hearing.

General Plan Amendment

The proposal for a 200-unit residential project requires a change in General Plan land use designation from a combination of *Retail & Office Commercial* and *Limited Medium-Density Residential* to all *High-Density Residential*. Although a General Plan amendment is required to construct the applicant's residential project, if the designation of *High-Density Residential* is approved, it will remain regardless of whether or not the project is constructed.

The General Plan identifies the site as being located within the South Hayward BART Station Focus Area. Focus areas are designated as places to implement *smart growth* principles. These principles encourage higher densities in selected areas and revitalizing depressed areas. The General Plan policy for this Focus Area "seeks to integrate greater intensity of development and enhance the surrounding neighborhood within ½ mile of the South Hayward BART Station." One way to accomplish this is to "encourage high-density residential development along major arterials and near major activity or transit centers..." as residents of high-density housing are more likely to use mass transit.

The General Plan "promote[s] transit-oriented development in the Mission/Foothill Corridor in order to help relieve regional congestion and create a distinctively attractive commercial boulevard" by "... encouraging a balance of land uses, including a mix of commercial and residential uses" and "develop[ing] enhanced transit opportunities along Mission Boulevard that serve the two Hayward BART stations...." Even though 5 acres would no longer be available for retail purposes, 26 acres for these uses would remain along the proximate section of Mission Boulevard. The proximity of the South Hayward BART Station would enable residents to easily access regional rail. AC Transit provides bus service (Route 99) along Mission Boulevard every 30 minutes generally between 6:00am and 10:30pm weekdays, and between 6:00am and 7:00pm weekends, connecting the Union City, South Hayward and Hayward BART Stations. A bus stop is located at the intersection of Mission Boulevard and Valle Vista Avenue.

Zone Change Application

The applicant is requesting a zone change from a combination of *General Commercial* (CG), *Neighborhood Commercial* (CN) and *Medium-Density Residential* (RMB3.5) to *Planned Development* (PD) District. A *PD* District is required, rather than a standard high-density residential zoning district, to allow for the special needs of senior housing that includes the adjustment to the number of units and the reduction in the number of required parking spaces. The increase in the number of units is offset by the provision of "special needs" housing, which typically places fewer demands on local services than conventional housing due to the relatively low population associated with senior housing. As conditioned, the project would meet all other City regulations and policies. A future request to change the use of the property would require a new zone change application requiring an analysis of compliance of the use with City policies and regulations (see Condition of Approval #5).

Site Plan

The project consists of a building with a "footprint" of 66,392 square feet containing the residences in a rectangular formation around a central courtyard. A 31,953-square-foot parking garage with 260 parking spaces would be located to the rear of the site. A pedestrian bridge would connect the residence building with the parking garage.

The residence building would contain 100 studio units (513 square feet each), 88 one-bedroom units (585 square feet) and 12 two-bedroom/2-bath units (895 square feet) for a total of 200 units. All units would be accessed by an interior hallway. Each unit would contain a kitchenette, but would not allow for full meal preparation. The center would provide for communal dining at all meal times. Each unit would have a private 65-square-foot patio or balcony. While the project would not be proximate to existing commercial uses, day-to-day services would be provided within the building for the residents, such as beauty/barber shops, laundry facilities, a convenience store and a coffee shop.

A central courtyard would provide 21,130 square feet of usable group open space. This area would contain an outdoor swimming pool, patios and walkways. Additional group use area would include activity rooms (approximately 2100 square feet), a sunroom (637 square feet) and the common dining area (3,130 square feet). This project is required to provide 30,000 square feet of usable open space; 34,130 square feet of private and group open space would be provided. While the project would provide the required amount of open space, staff recommends that additional recreational opportunities be provided outside of the confines of the residential building in light of the distance of the project from recreational and commercial amenities. As the size of the proposed parking garage could be reduced, either a "roof-top" garden or a ground-level terrace could be provided in the space made available by the smaller garage. The Planning Commission offered either alternative to the applicant for review and approval with the Precise Plan.

The building is designed to provide residence area on five staggered levels to accommodate the slope of the site; at any one point, however, the building would be three stories in height, maintaining a height limit of 40 feet. The building would not intrude upon any views enjoyed by the residentially-zoned properties to the east as those properties sit atop a "bench" that is at a higher elevation than the proposed building. A 6-foot-high masonry wall, finished on both sides, would be provided along the side property lines.

Design

The building is designed in a Neo-Mediterranean style, based on the Spanish Eclectic style required of new structures along Tennyson Road and the more-northerly portions of Mission Boulevard. The applicant proposes a building with stucco walls and a composition hip roof with gabled dormers. Round-arched wall recesses accent the wall sections above balconies. Each unit has an exterior bay window. To maintain a high standard of design and quality, staff is recommending that the porte-cochere and the parking garage be redesigned to incorporate the design elements of the primary structure. The building would also be enhanced by the use of decorative tiles and semi-open balconies on the exterior façades with heavy wood railings. The building would have a large amount of roof surface that would be visible from both Mission Boulevard and the residential areas on the hillside above. The applicant proposes a composition shingle roof and believes that it would be most appropriate to the architectural style. However, the Planning Commission recommends that a higher-quality roof material be used subject to review and approval with the Precise Plan. Staff further recommends, by condition of approval, that a *terra cotta* tile roof be used to provide the high-quality appearance appropriate for the Mission Boulevard corridor.

Density

The *High-Density Residential* (HDR) land use designation, at its highest level of 34.8 units per acre, could allow 174 residential units on this property; the applicant proposes 200 units. The increased number of units is justified because the resultant population would be lower than for a standard residential project and several General Plan policies are met in the provision of transit-oriented and "special needs" housing. This project would provide 200 units of "special-needs" housing for seniors within a major transportation corridor, allowing access to local and regional retail, medical services, and recreation and entertainment.

Traffic and Parking

Staff prepared a trip generation estimate for the project and concluded that the traffic impact should be negligible. The total number of weekday trips is estimated to be 540 with 34 trips at each peak hour. The Alameda County Congestion management Agency also determined that this project would not increase traffic levels significantly.

The project would provide a daily shuttle service for residents generally during daylight hours. The shuttle would provide access to shopping, medical appointments, the BART station, religious services and other personal needs. The shuttle would also provide access to special events.

The City's regulations require a minimum of 244 parking spaces for the proposed project. This includes a reduction of 25 percent for senior citizen residential developments when the facility is conveniently located with respect to shopping, services, and public transportation. The applicant proposes to provide 300 parking spaces. A 2½-deck parking garage at the rear of the project would contain 260 parking spaces with 24 open spaces at the front of the residence building and 16 open spaces along the rear of the residence building. Staff recommends that the number of parking spaces be reduced to the minimum required by the City's Regulations. This would allow for a reduction in the size of the parking garage and allow it to integrate better into the natural slope at the rear of the site. A reduction of 56 spaces would allow for a reduction of the size of the parking garage. The applicant has agreed to redesign the project to conform to staff's recommendation.

CONCLUSION

This project would provide a type and scale of "special needs" housing found in Hayward only at Casa Sandoval and St. Regis Retirement Center. Providing high-density housing, within a transit corridor and proximate to a transit station, justifies the General Plan amendment and the additional units provided by the Planned Development. The amendment would also allow for a more diverse mix of commercial and residential uses along the Mission Boulevard Corridor. The project itself would provide for the convenience retail and service needs of the residents in the short term, while it is expected that further development along Mission Boulevard will provide additional retail and service opportunities. The project is consistent with the City's General Plan provisions and its zoning regulations. With the proposed conditions of approval, staff and the Planning Commission recommend approval of this project.

If the General Plan Amendment and Rezoning are approved by the City Council, the next phase in the development is approval of the Precise Plan. Because the preliminary plans will require changes to comply with the conditions of approval, and because of the size of the structure, the Planning Commission recommends that the Precise Plan be returned for its approval. Once the Precise Plan is approved, the developer may submit plans for a building permit.

Prepared by:

Richard E. Patenaude, AICP
Principal Planner

Recommended by:

Sylvia Ehrenthal

Sylvia Ehrenthal
Director of Community and Economic Development

Approved by:

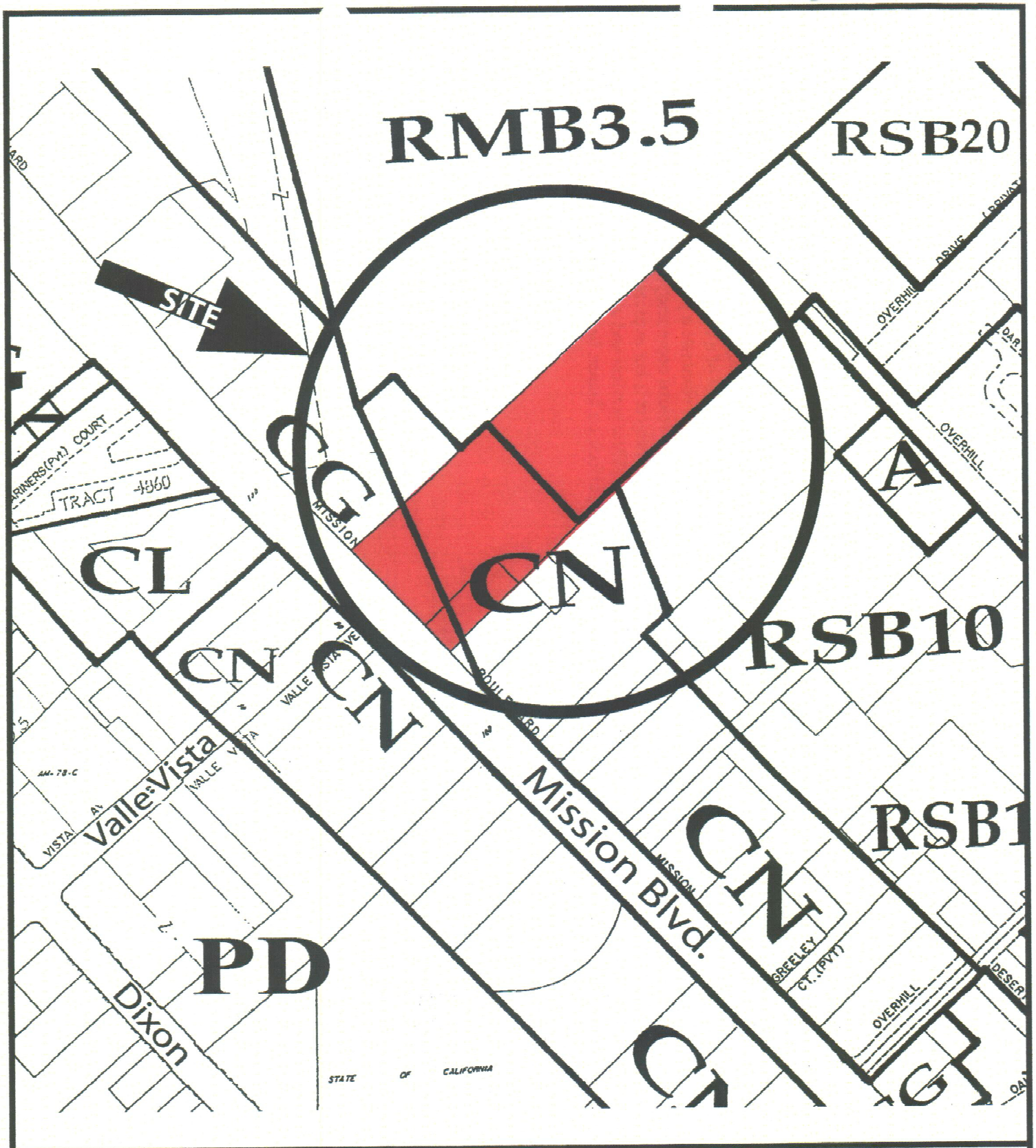
Jesús Armas

Jesús Armas, City Manager

Attachments:	Exhibit A.	Area Map
	Exhibit B.	Findings for Approval
	Exhibit C.	Conditions of Approval
	Exhibit D.	Mitigated Negative Declaration, Initial Study and Mitigation Monitoring Plan
	Exhibit E.	Planning Commission Minutes and Staff Report, dated January 23, 2003
		Draft Resolution(s)
		Introduction of Ordinance
		Plans

2/18/03

EXHIBIT A



Area & Zoning Map
PL-2002-0292 GPA
Address: 29228 Mission Blvd., at Valle Vista Skate Rink
Applicant: Anthony B. Varni
Owner: Livermore Acres, Inc.

A-Agricultural-ABSA,AB10A,AB100A,AB160A
CG-General Commercial
CL-Limited Access Commercial
CN-Neighborhood Commercial
PD-Planned Development
RM-Medium Density Residential RMB 3.5, RMB 4
RS-Single-Family Residential,RSB4,RSB6

EXHIBIT B

FINDINGS FOR APPROVAL
General Plan Amendment PL-2002-0292
Valle Vista Retirement Center

February 25, 2003

1. The application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation checklist has been prepared for the proposed project. The initial Study has determined that the proposed project could not result in significant effects on the environment that cannot be mitigated, therefore it is determined that adoption of a Mitigated Negative Declaration is the appropriate action.

2. The proposed land use will promote the public health, safety, convenience, and general welfare of the residents in Hayward in that it will provide new "special needs" housing for seniors that will blend in with the existing commercial and residential development in the area and provide the desired mix of land uses called for by the General Plan within the transit-oriented Mission Boulevard Corridor.

3. The proposed land use is consistent with the City's General Plan and the Mission-Garin Neighborhood Plan in that the project will provide new "special needs" housing for seniors that will blend in with the existing commercial and residential development in the area and provide the desired mix of land uses called for by the General Plan within the transit-oriented Mission Boulevard Corridor.

4. The existing or proposed streets and public facilities are adequate to serve all of the uses permitted if the property is reclassified.

5. The uses proposed under this development will be compatible with the proximate residential and industrial uses.

FINDINGS FOR APPROVAL
Zone Change PL-2001-0340
Valle Vista Retirement Center

February 25, 2003

1. The application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project could not result in significant effects on the environment that cannot be mitigated, therefore it is determined that adoption of a Mitigated Negative Declaration is the appropriate action.

2. The proposed 200 residential units will be compatible with existing development in the area and conform to the General Plan as amended in conjunction with this proposal and will conform to applicable City policies.

3. A traffic analysis of the traffic impacts of this development has been conducted and it has been determined that the surrounding streets are adequate to handle the additional traffic that will be generated by this project. The existing utility infrastructure in the surrounding streets can adequately serve the development.

4. The housing development will have no adverse impact on surrounding properties.

5. The development will be in substantial compliance with the standards for a corridor street, will be in substantial conformance with the City of Hayward Design Guidelines, will set a high design standard for the Mission Boulevard Corridor, and will be compatible with surrounding properties.

6. The exceptions to the development standards (increase in the number of dwelling units) for this project are offset by the provision of "special needs" housing, a high design standard for the residential buildings with generous landscape areas to assure their compatibility.

CONDITIONS OF APPROVAL

Zone Change (Planned Development District) PL-2001-0340
Valle Vista Retirement Center
29228 Mission Boulevard

February 25, 2003

GENERAL

1. Zone Change (Planned Development District) No. PL-2001-0340, to accommodate a 200-unit retirement center with an accessory parking garage, is approved subject to the specific conditions listed below and the plans approved by the City Council. This permit becomes void one year following the date of approval by the City Council, unless prior to that time a Precise Plan is submitted, or a time extension of this application is approved. A request for a one-year extension, approval of which is not guaranteed, must be submitted to the Planning Division 30 days prior to the expiration date.

2. Prior to issuance of a building permit, the Precise Plan shall be submitted for approval of the Planning Director and shall include detailed landscaping and irrigation plans for all common areas, detailed plans for all site amenities within the common recreation areas, details for decorative paving within the private streets, details for fencing of private yards and decks, exposed retaining walls, safety railings and barricades, architectural plans with enhanced side elevations where no windows will be utilized, sign details, samples of colors and materials for all exterior building finishes, screening of all above-ground utilities, transformers and utilities, and required street improvements. All improvements shown on the Precise Plan must be installed before occupancy of any unit within the project.

3. The applicant shall maintain in good repair all fencing, parking and driveway surfaces, common landscaping, lighting, trash enclosures, drainage facilities, project signs, etc. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within seven days of occurrence. No outside storage of materials, crates, boxes, etc. shall be permitted anywhere on site.

4. The permittee shall submit, as part of the Precise Plan, a Transportation Program, which shall include, but not be limited to, the sale of bus/BART passes/tickets, on-site availability of route maps and schedules, shuttle service to bus/BART, and shuttle service to shopping centers/medical facilities/personal services/Downtown Hayward. Such program shall include details of the hours of operation and types of vehicles and shall be maintained for the life of the project.

5. This project is approved solely as a senior housing project. The minimum age for occupants is 62. The permittee shall record a covenant, subject to approval of the City Attorney, restricting the use of the property according to this approval. Such covenant shall notice interested parties that future changes to use will be subject to

City Zoning regulations and General Plan policies at the time of change. A change to non-restricted residential use may require the reduction of units and/or the increase in the number of parking spaces. Proof of recordation shall be provided to the Planning Director prior to occupancy of any unit, and the covenant may not be removed without written permission of the City.

6. The parking garage shall be reduced in size, either by a reduction in ground area occupied or the elimination of parking decks, such that the number of parking spaces on the property does not exceed 244. The area relieved of parking structure shall be used for additional recreational amenities for the residents. This may include the forms of a "roof-top garden" on an unneeded parking deck or a terraced ground-level space. The design and the amenities of the recreation space shall be part of the Precise Plan, subject to approval by the Planning Director.

7. The Precise Plan shall include a final drainage plan, including that for the interior courtyard, subject to approval by the City Engineer and the Planning Director. Drainage from all paved surfaces, including driveways, parking lots and roofs shall be routed through swales, buffer strips or sand filters prior to discharge to the storm drain system consistent with Tier 2 post-construction stormwater best management practices per California Regional Water Quality Control Board recommendations.

8. The vacant portions of the site must be surveyed for burrowing owls during the nesting season (February 1 – August 31) to determine if owls occur on the site or within 250 feet of the site. The methods must follow the Department of Fish & Game's survey protocol. The survey report will be submitted to the Department of Fish & Game (DFG) for review and approval. If Owls are observed during the surveys (or have nested on the site within the last three years) a burrowing owl habitat map and mitigation plan must be prepared by a qualified ornithologist. Impacts to the burrowing owls shall be mitigated through the protection and enhancement of off-site habitat at a 1:1 acreage replacement ratio. Written verification that the DFG has approved the mitigation plan must be submitted to the Planning Division before a grading permit will be issued. Within 30 days prior to any site alteration, pre-construction surveys for burrowing owls must be conducted and the report must be submitted to the DFG for review and approval. If owls are observed during the pre-construction surveys, no impacts will be allowed during the nesting season. Verification that the DFG has determined that the pre-construction surveys are adequate must be provided to the Planning Division.

9. The permittee shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.

DESIGN

10. The colors and materials used on the exterior of the building shall be those submitted for Zone Change Application (Planned Development District) No. PL-2001-0340. No changes shall be made without prior approval by the Planning Director. The Planning Director may approve any minor alterations to the proposed design, which does not require a variance to any zoning code.

11. All building materials and colors, as well as required modifications to the structures, shall be approved by the Planning Director as part of the Precise Plan.

12. Decks shall be designed as semi-open appurtenances with a heavy wood top rail.

13. Roofing material shall be *terra cotta* tile consistent with that of Spanish and Mission tile roofs.

14. The porte-cochere shall be redesigned to be consistent with the neo-Mediterranean building design.

15. Downspouts and other similar appurtenances shall be enclosed within the structure.

16. Any roof-mounted mechanical equipment shall be fully screened from view by the roof structure.

17. The plans shall be revised to indicate an architectural enhancement on the westerly ends of the north and south elevations. Wall-mounted, exterior decorative tiles shall be generic in design and shall not incorporate any logo or depiction of the usage of the building. The roof shall be redesigned to avoid long ridgelines; this may also include the use of towers and dormer elements to provide visual breaks. The design enhancements shall be approved by the Planning Director as part of the Precise Plan.

18. The parking garage shall be enhanced with architectural features consistent with the Neo-Mediterranean style of the primary structure. The plans indicating the enhancements shall be approved by the Planning Director and shall be included as part of the Precise Development Plan.

19. Pedestrian walkways fronting the building(s) shall be enhanced with decorative materials such as inset brick, exposed aggregate, bomanite stamped concrete or other approved material.

20. Exterior retaining walls shall have design enhancement by use of form liners or other approved method on concrete walls, or use of decorative block. The design, material and color of these walls shall be approved by the Planning Director.

21. A 6-foot-high, decorative, solid masonry or precast wall is proposed by the applicant to be erected on the northerly and southerly property lines. A wall/fence is not

required. If installed, the design of the wall shall provide relief of the long distance with the use of staggered sections, change of materials and/or other methods deemed appropriate by the Planning Director as part of the Precise Plan.

PARKING/DRIVEWAYS

22. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The parking stalls shall be striped and any compact stalls shall be clearly marked for compact vehicles only. Compact spaces shall not number more than 30% of the total spaces provided. Ten percent of the open parking spaces shall be marked and signed for visitor use only.

23. Vehicular circulation areas shall be signed as fire lanes and posted for "No Parking".

24. Driveways, which serve the proposed use, shall be constructed to City Standard SD-110.

25. Each open parking space shall be provided with a Class "B" Portland cement concrete bumper block (in the parking garage) or a continuous concrete curb not less than 6 inches in height above the finished pavement.

26. All raised concrete curbs, which lie between a landscape planter and the side of a parking stall, shall be widened to 18 inches to accommodate vehicle access.

27. The pavement at the driveway entries and under the porte-cochere shall be enhanced by the use of decorative pavement materials such as colored, stamped concrete (bomanite or equal), brick, concrete interlocking pavers or other approved materials. The location, design and materials shall be approved by the Planning Director as part of the Precise Plan.

28. The applicant shall complete the frontage improvements, including curb, gutter, sidewalk, electrolier, fire hydrants and tie-in pavement on Mission Boulevard. The applicant shall install crosswalks at driveway entrances to be of decorative pavement materials. The curb returns for the main driveway shall meet the City's driveway standard for arterial streets per Standard Detail 110, Sheet 2 of 2. All work along the Mission Boulevard right-of-way requires a CalTrans permit.

29. All existing overhead utility lines along the property frontage on Mission Boulevard shall be converted to an underground system.

LANDSCAPING

30. The Precise Plan shall contain detailed landscaping and irrigation plans for all common areas prepared by a licensed landscape architect and submitted for review

and approval by the City. Container size and spacing shall be determined by the City Landscape Architect. Plans shall also identify specific site amenities for the group open space areas, e.g. benches, tables, BBQs, fencing, court games, etc.

a. Parking areas shall include a minimum of one 15-gallon parking lot tree for every six parking stalls. The minimum interior dimension of any tree well or landscape median shall be five feet, measured from back of curb. The end of parking rows shall be capped with landscape medians except where space is restricted due to existing site conditions as determined by the Planning Director.
b. Parking and loading areas shall be buffered from the street with shrubs, decorative walls and earth berms as determined by the Planning Director. Where shrubs are used, the type and spacing of shrubs shall create a continuous 30-inch-high screen within two years.
c. A minimum of one 24-inch-box tree shall be provided for each 30 lineal feet of street frontage. Trees shall be double-staked per the City standard.
d. Above-ground utilities and meters shall be screened from the street with shrubs.
e. Where any landscaped area adjoins driveways and/or parking areas, Class "B" Portland cement concrete curbs shall be constructed to a height of 6 inches above the finished pavement.
f. Landscape areas shall have a minimum interior width of 5 feet.
g. Phoenix dactylifera is not a recommended tree for this area. Washingtonia robustas, and similar plant materials, may not be used.
h. Vines shall be used on any large expanse of wall, including both sides of the property-line wall.
i. An exterior hose bib shall be provided for each unit that has a ground-level private patio.

31. Prior to approval of the Precise Plan, all trees 10" or larger in diameter that are proposed for removal shall be documented and a tree removal permit shall be obtained from the City. Existing trees shall be preserved in place wherever possible. Replacement trees shall be required by the City Landscape Architect based on the value of the trees authorized for removal. The value of the trees shall be calculated by a certified arborist according to the "Trunk Formula Method" contained in the Guide for Plant Appraisal (1992) published by the International Society of Arboriculture.

32. A complete automatic sprinkler system with an automatic on/off mechanism shall be installed and maintained within all landscaped areas. This system shall include an individual adjustable-flow bubbler to each tree.

33. Landscaping shall be installed per the approved plans. A Certificate of Substantial Completion and irrigation Schedule shall be submitted by the project landscape architect prior to approval of occupancy unless otherwise required to be deferred by the City.

34. Landscaping shall be maintained in a healthy, weed-free condition at all times with replacement plants provided where necessary. Required street and parking lot trees

that are severely topped or pruned shall be immediately replaced as determined by the City Landscape Architect.

35. The planting and maintenance of shrubs must not impair visibility at street/driveway intersections. The height of plant materials in areas where sight distance is critical is limited to three feet. Trees in these areas must be pruned such that the canopy provides adequate visibility.

36. All 2:1 sloped areas, or steeper, shall be prepared with jute netting or other approved soil erosion preventative prior to planting of landscape material.

FEES

37. Park Dedication In-Lieu Fees are required for 200 new dwelling units, to be paid prior to approval of occupancy. Fees will be those in effect at the time of issuance of the building permit.

38. Prior to final inspection, the Building Construction & Improvement Tax, the Supplemental Building Construction & Improvement Tax, and the Hayward Unified School District Fees shall be paid.

SIGNS

39. All signs shall comply with the Sign Ordinance regulations for the General Commercial (CG) District.

40. Any free-standing, monument sign(s) must reflect the architectural style, colors and materials of the building to which the sign relates. The size, design and placement shall be approved by the Planning Director.

41. The existing free-standing sign shall be removed and offered to the Hayward Area Historical Society.

LIGHTING

42. Exterior lighting shall be designed by a qualified illumination engineer, and erected and maintained so that adequate lighting is provided in all public access areas. The Planning Director shall approve the design and location of lighting fixtures, which shall reflect the architectural style of the building(s). Exterior lighting shall be shielded and deflected away from neighboring properties. Wall-mounted fixtures shall not be more than 8 feet above ground level. Luminaires shall be of a design that complements the architectural style of the building and they shall be located in consideration of the landscape plan. The maximum height of the luminaries shall be 18 feet above ground unless otherwise permitted by the Planning Director.

43. The developer shall insure that the streets that abut the subject property, or are immediately impacted, are illuminated according to City Standard SD-120. Any additional or modified street lighting shall be designed and installed in accordance with SD-120 Street Lighting Standards and in cooperation with the City and PG&E. Underground wiring shall be utilized when appropriate. The electroliers shall be in operating condition before occupancy permits are approved.

MECHANICAL/UTILITIES

44. Utility meters, when not enclosed in a cabinet, shall be screened by either plant materials or decorative screen, allowing sufficient access for reading.

45. All television or satellite reception antennas shall be completely screened from view by the proposed roof structure.

46. Any transformer shall be located underground or screened from view by fencing, a wall or landscaping, and shall be located outside the front yard.

47. Water Department requirements shall be as follows:
    a. The Precise Plan and construction plans shall indicate the location of water and sewer mains in Mission Boulevard.
    b. The Precise Plan and construction plans shall show the location of all water meters and hydrants. Water meters shall be located a minimum of 2 feet from the top of driveway flares per Standard Details 213 thru 218. Water meters shall be located a minimum of 6 feet from any sanitary sewer lateral. It is recommended that a separate irrigation water meter be installed to avoid sanitary sewer charges on water used for irrigation.
    c. The Precise Plan and construction plans shall indicate the gallon-per-minute water demand for determination of proper meter size by the Water Department.
    d. A Reduced Pressure Backflow Prevention Assembly per Standard Detail 202 shall be installed on all domestic and irrigation water meters.
    e. The Precise Plan and construction plans shall indicate the location of any grease interceptor. Provide calculations to verify adequacy of the proposed interceptor.
    f. Construction plans shall contain the following note: "Provide keys/access code/automatic gate opener to utilities for all meters enclosed by a fence/gate per Hayward Municipal Code Section 11-2.02.1."
    g. Construction plans shall contain the following note: "Only Water Distribution Personnel shall perform operation of valves in the Hayward Water System."
    h. Construction plans shall contain the following note: "Water and sewer service available subject to standard conditions and fees in effect at time of application."

ENVIRONMENTAL

48. The project shall comply with the recommendations of the Acoustical Analysis prepared for the project by Bill C. Thiessen, Senior Consultant, Brown-Buntin Associates, Inc. on January 22, 2002. Residential units that cannot meet the required noise limits without the windows closed shall be provided with air conditioning or other form of mechanical ventilation. All exterior decks and balconies shall be designed such that a noise level greater than 65 decibels is experienced.

49. Prior to any underground construction, the property owner shall be responsible for the preparation and implementation of a health and safety plan, and the plan shall be in place and implemented during construction so as to minimize or mitigate any negative health threat to construction workers and other on-site personnel or persons in the vicinity of the project.

50. A Phase I site assessment will be required for the property. Prior to issuance of a building permit, the property shall be deemed to be clear of toxic and hazardous materials contamination to the satisfaction of the City and/or the County Environmental Health Department. The applicant is advised to contact the Hazardous Materials Office, Haz-mat Coordinator, Hugh Murphy for further information.

51. Additional review at time of building permit submittal will be required for further hazardous materials issues.

52. Once the pool permit is submitted, the haz-mat office will require a chemical inventory for the chlorine amounts. If there is a pool house, then building and fire protection requirements shall be applicable.

FIRE DEPARTMENT

Access

53. Driveway grades shall not exceed 15%.

54. Due to the length of the fire lane, additional fire truck turnarounds will need to be installed on the north and south sides of the building, subject to approval by the Fire Chief. Red-curbing and fire lane signage will be required along all fire lanes and fire truck turnarounds.

55. The porte-cochere and the bridge to the parking garage shall have a minimum vertical clearance of 13'6".

56. Access into the interior complex areas and courtyard/plaza area from the fire lanes with breezeways or similar shall be provided, subject to approval by the Fire Chief.

Water

57. Several fire hydrants will be required along the proposed fire lane for the development. The fire hydrants located on the property shall be spaced at every 300' and be double steamer type (private) fire hydrants with flows capable of 2,500 gpm at 20 PSI. In addition, two new public fire hydrants shall be installed along Mission Boulevard (east side), one at each driveway entrance. Fire hydrants shall be double steamer types and shall meet minimum fire flows as required by the city at 5,000 gpm (20 PSI). Blue reflective pavement markers and crash posts (if needed) will be required for the fire hydrants.

Building Construction

58. The proposed development will be located within the city's urban/wildland interface and will be required to meet the city's guidelines for hillside development, including Class A roofing and exterior non-combustible siding construction materials.

Fire Protection

59. The building and parking structure will be required to have a fully automatic fire sprinkler system designed and installed per NFPA 13 Standards. An underground fire service line shall also be designed and installed for the building, meeting NFPA 24 Standards. In addition, the building and parking structure will be required to have a Class I standpipe system installed. The building is required to have an automatic and manual fire alarm/evacuation system and fire suppression system for the commercial cooking equipment. All life safety systems shall be central station monitored.

60. Exiting requirements shall meet the C.B.C. Elevators will be required to meet installation standards of NFPA 72 Standards for firefighter recall service.

61. Additional review at time of building permit submittal will be required for further fire code issues.

POLICE DEPARTMENT

62. Lighting in the parking areas and exterior walkways shall conform to the Security Ordinance and be controlled by photocells. The lighting plan shall be approved by the Planning Director.

63. The project shall comply with the provisions of the Security Ordinance that pertain to address numbers, and all doors, windows and locks.

CULTURAL RESOURCES

64. The Alameda Coroner shall be contacted to determine if the cause of death must be investigated, and if determined to be of Native American origin, the Coroner shall contact the California Native American Heritage Commission, who shall in turn notify the most likely descendants, as designated by the Commission.

    a. If such remains are identified as Native American in origin, the most likely descendants designated by the Commission shall make recommendations to the landowner or contractor for means of treating or disposing of the remains, and associated grave goods, in an appropriate, dignified manner. If the Commission is unable to ascertain the identity of the most likely descendants, the descendant does not make a recommendation, or following mediation by the Commission of a disagreement on procedures, the applicant shall rebury the remains and any associated grave goods with appropriate dignity on the property in a location not subject to further surface disruption.

    b. In the event other cultural resources are located on the site, the project sponsor shall contact a qualified archaeologist to inspect the site. If the archaeologist determines that potentially significant archaeological materials or human remains are encountered, the archaeologist must record, recover, retrieve, rebury and/or remove appropriate archaeological materials;

    c. The archaeologist must study any archaeological resources found onsite and publish data concerning these resources, and shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.

    d. Monitoring for these measures must be performed by the project sponsor on a continual basis.

EXHIBIT D

DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT
Planning Division

MITIGATED NEGATIVE DECLARATION

Notice is hereby given that the City of Hayward finds that no significant effect on the environment as prescribed by the California Environmental Quality Act of 1970, as amended will occur for the following proposed project:

I. *PROJECT DESCRIPTION*:

Valle Vista Retirement Community – PL-2001-0340 ZC/PL-2002-0292 GPA

Zone Change from Multiple Districts to *Planned Development (PD) District*, and *General Plan Amendment* from Multiple General Plan Map Designations to *High-Density Residential (HDR)* to Accommodate a 200-Unit Retirement Housing Complex Known as *Valle Vista Retirement Community.*

The rectangular 5-acre parcel is currently developed with the Valle Vista Skating Rink, which will be demolished to accommodate the project. The retirement facility is designed for ambulatory residents with no on-site medical staff. A full kitchen will provide residents with 3 meals/day. Three types of units will be provided: studio unit with 513 sq.ft.; one-bedroom unit with 585 sq.ft.; and 2-bedroom/2-bath unit with 895 sq.ft. The complex will include recreational amenities, including a swimming pool/spa, exercise rooms and activity rooms. The complex will also include convenience stores and barber/beauty shops. A parking garage at the rear of the site will provide 309 parking spaces.

II. *FINDING PROJECT WILL NOT SIGNIFICANTLY AFFECT ENVIRONMENT*:

Although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent.

III. *FINDINGS SUPPORTING DECLARATION*:

1. The project application has been reviewed according to the standards and requirements of the California Environmental Quality Act (CEQA) and an Initial Study Environmental Evaluation Checklist has been prepared for the proposed project. The Initial Study has determined that the proposed project, with the recommended mitigation measures, could not result in significant effects on the environment.

2. The project will not affect population projections, induce substantial growth or displace existing housing.

3. The project site is not located within a "State of California Earthquake Fault Zone." Construction related to this project will be required to comply with the Uniform Building

Code standards to minimize seismic risk due to ground-shaking.

4. Construction related to this project would be designed to perform to applicable codes, and, therefore, would not be in conflict with adopted energy conservation plans.

5. The project will have no effect on government services or utilities.

6. The project shall comply with the Hayward Design Guidelines, the Landscape Beautification Plan and all other applicable performance standards.

7. No known archaeological or paleontological resources exist on the project site.

8. There are no agricultural resources or operations on the site and no lands have been identified as prime, unique or significant.

9. Traffic volumes associated with the project are not anticipated to be substantial and no increase in air emissions or deterioration of ambient air quality is anticipated.

10. There are no significant plant or animal species known to inhabit the site.

11. There is no foreseeable risk of hazard to the public due to the transport, use or disposal of hazardous materials, nor any foreseeable risk of upset or accident conditions.

12. No known deposits of mineral resources of import to the public are on the subject parcel.

13. Noise levels experienced by residents of the project could be mitigated to an acceptable level.

IV. ***PERSON WHO PREPARED INITIAL STUDY:*** Richard E. Patenaude, Principal Planner

Dated: December 23, 2002

V. ***COPY OF INITIAL STUDY IS ATTACHED***

For additional information, please contact the City of Hayward Planning Division, City Hall, 777 B Street, Hayward, CA 94541-5007 or telephone (510) 583-4213

Environmental Checklist Form

1. Project title: **Valle Vista Retirement Community – PL-2001-0340 ZC/PL-2002-0292 GPA**
2. Lead agency name and address:
   City of Hayward, Community & Economic Development Department/Planning Division, 777 B Street, Hayward, CA 94541-5007
3. Contact person and phone number: **Richard Patenaude – 510-583-4213**
4. Project location: **29228 Mission Boulevard opposite the intersection with Valle Vista Avenue, Hayward, CA; APN 78C-0455-001-03/001-04**
5. Project sponsor's name and address:
   Livermore Acres, Inc., 150 Northwoods Ave., P.O. Box 1916, Manteca, CA 95336
6. General plan designation:
   Retail & Office Commercial (ROC)/Limited Medium-Density Residential (LMDR)
7. Zoning:
   General Commercial (CN)/Neighborhood Commercial (CN)/Medium-Density Residential (RMB3.5)
8. Description of project:
   Zone Change* from Multiple Districts to *Planned Development (PD) District*, and *General Plan Amendment* from Multiple General Plan Map Designations to *High-Density Residential (HDR)* to Accommodate a 200-Unit Retirement Housing Complex Known as *Valle Vista Retirement Community.

   The rectangular 5-acre parcel is currently developed with the Valle Vista Skating Rink, which will be demolished to accommodate the project. The retirement facility is designed for ambulatory residents with no on-site medical staff. A full kitchen will provide residents with 3 meals/day. Three types of units will be provided: studio unit with 513 sq.ft.; one-bedroom unit with 585 sq.ft.; and 2-bedroom/2-bath unit with 895 sq.ft. The complex will include recreational amenities, including a swimming pool/spa, exercise rooms and activity rooms. The complex will also include convenience stores and barber/beauty shops. A parking garage at the rear of the site will provide 309 parking spaces.
9. Surrounding land uses and setting: Briefly describe the project's surroundings:
   The commercial uses along the easterly side of Mission Boulevard are a mixture primarily of vehicle-related uses including sales, repair and accessories. The commercial uses along the westerly side of Mission Boulevard include a glass shop and a restaurant; residential uses include a motel and a condominium complex. The surrounding area contains a number of vacant parcels, primarily within CalTrans' proposed Hayward Bypass (Route 238). The properties to the east and up the hillside include a mixture of single-family residences and medium-density residential complexes.
10. Other public agencies whose approval is required (e.g., permits, financing approval, or participation agreement.)
    CalTrans (State Route 238)

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☐ Air Quality
☐ Biological Resources	☒ Cultural Resources	☒ Geology /Soils
☐ Hazards & Hazardous Materials	☐ Hydrology / Water Quality	☐ Land Use / Planning
☐ Mineral Resources	☒ Noise	☐ Population / Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☐ Utilities / Service Systems	☐ Mandatory Findings of Significance	

DETERMINATION: (To be completed by the Lead Agency)

On the basis of this initial evaluation:

☐ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	12-23-02 Date
RICHARD E. PATENAUDE Printed Name	PLANNING DIV. Agency

ENVIRONMENTAL ISSUES:

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
I. **AESTHETICS** -- Would the project:				
a) Have a substantial adverse effect on a scenic vista?	☐	☐	☐	☒
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?	☐	☐	☐	☒
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	☐	☐	☐	☒
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	☐	☐	☐	☒

The proposed project is located at the base of the Hayward hills and will be constructed to step up with the natural slope of the property. The project will not visually break any ridgeline. Existing and proposed residences located on the hillside will retain views over the project toward San Francisco Bay. The Mission-Garin Neighborhood does not identify any significant scenic resources on the site. The project would have no impacts on aesthetics; no mitigation measures are required.

II. **AGRICULTURE RESOURCES**: Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☐	☐	☐	☒
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☐	☐	☐	☒
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?	☐	☐	☐	☒

There are no agricultural resources or operations on the project site. No lands have been identified by the State Farmland Mapping & Monitoring Program as Prime, Unique or Statewide Importance, and there are no Williamson Act contracts in effect on any parcel in the vicinity. The project would have no impacts on agricultural resources; no mitigation measures are required.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
III. **AIR QUALITY** -- Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations. Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	☐	☐	☐	☒
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d) Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e) Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

The traffic volumes associated with the project are not anticipated to be substantial. Therefore, a significant increase in air emissions or deterioration of ambient air quality attributed to the project is not anticipated. It should be noted that the latest information provided by the Bay Area Air Quality Management District (BAAQMD) indicates that the Bay Area is designated a non-attainment area for ozone and particulate matter (PM10). Traffic generated by this project will not exceed existing traffic anticipated by the existing General Plan and neighborhood Plan and will not result in an increase in air emissions.

Best Management Practices (BMP) is required as a condition of approval regarding use of equipment during the grading phase of construction. The project will be conditioned to require that all trucks be covered and that daily street sweeping and site watering be implemented during this phase. In addition, vehicle wheels may be required to be washed before entering the public street.

The project would have no impact on air quality, including effects on the applicable air quality plan, existing or anticipated air quality violations, or exposure to sensitive receptors of substantial concentrations of pollution or objectionable odors; no mitigation measures are required.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
IV. **BIOLOGICAL RESOURCES** -- Would the project:				
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?	☐	☐	☐	☒
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or US Fish and Wildlife Service?	☐	☐	☐	☒
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☐	☐	☐	☒
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☐	☐	☐	☒
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☐	☐	☐	☒
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	☐	☐	☐	☒

The project site is an underdeveloped urban parcel. There is no knowledge of any biological resource survey having been conducted in the area, nor does the General Plan or the Mission-Garin Neighborhood Plan identify any significant biological resource. The project would have no impact on biological resources; no mitigation measures are required.

V. **CULTURAL RESOURCES** -- Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	☐	☐	☐	☒
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☐	☒	☐	☐
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☒	☐	☐
d) Disturb any human remains, including those interred outside of formal cemeteries?	☐	☒	☐	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact
Grading and excavation could unearth or disturb cultural remains or artifacts if such resources were present on the parcel. No record exists of such previous findings and no findings are anticipated as part of this project. The project is not expected to result in any impacts on cultural or historic resources, including paleontological resources, unique geologic features or human remains.				

Mitigation Measure: As a standard condition, upon the discovery of human remains during excavation, the applicant shall implement the following measures:

- **The Alameda Coroner shall be contacted to determine if the cause of death must be investigated, and if determined to be of Native American origin, the Coroner shall contact the California Native American Heritage Commission, who shall in turn notify the most likely descendants, as designated by the Commission.**
- **If such remains are identified as Native American in origin, the most likely descendants designated by the Commission shall make recommendations to the landowner or contractor for means of treating or disposing of the remains, and associated grave goods, in an appropriate, dignified manner. If the Commission is unable to ascertain the identity of the most likely descendants, the descendant does not make a recommendation, or following mediation by the Commission of a disagreement on procedures, the applicant shall rebury the remains and any associated grave goods with appropriate dignity on the property in a location not subject to further surface disruption.**
- **In the event other cultural resources are located on the site, the project sponsor shall contact a qualified archaeologist to inspect the site. If the archaeologist determines that potentially significant archaeological materials or human remains are encountered, the archaeologist must record, recover, retrieve, rebury and/or remove appropriate archaeological materials;**
- **The archaeologist must study any archaeological resources found onsite and publish data concerning these resources, and shall provide a copy of documentation of all recovered data and materials found on-site to the regional information center of the California Archaeological Inventory for inclusion in the permanent archives, and another copy shall accompany any recorded archaeological materials and data.**
- **Monitoring for these measures must be performed by the project sponsor on a continual basis.**

Implementation of the above requirements will reduce the potential loss of cultural resources to a less than significant level, including adverse changes to the significance of archaeological or paleontological resources.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
VI. **GEOLOGY AND SOILS** -- Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:	☐	☐	☐	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	☐	☐	☒	☐
ii) Strong seismic ground shaking?	☐	☐	☒	☐
iii) Seismic-related ground failure, including liquefaction?	☐	☒	☐	☐
iv) Landslides?	☐	☒	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☐	☐	☒	☐
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	☐	☒	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property?	☐	☒	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*

The site is located within the seismically-active San Francisco Bay Area, and the nearest fault is the Hayward Fault, immediately to the east. A major rupture could result in moderate to very strong shaking. However, the site is not in an Alquist Priolo Earthquake Hazard Zone and previous mapping of sites in the general vicinity did not depict any active fault traces. The westerly half of the site is in an area of high susceptibility to liquefaction. The easterly half of the site may contain a few landslide deposits.

Because the site is outside any earthquake studies zone and no fault traces were observed on the site, the potential for substantial adverse hazards involving rupture of a known earthquake fault are less than significant. The risk of injuries due to strong ground shaking would also be less than significant.

Because the site has been identified to contain liquefaction and landslide potential, as well as certain soil limitations, the site would have potentially significant impacts on the project.

Mitigation Measure: As a standard condition, upon the discovery of human remains during excavation, the applicant shall implement the following measures:

- **The applicant shall submit a final grading plan subject to review by the City Engineer prior to issuance of grading permits.**

- **New construction is required to comply with the Uniform Building Code (UBC) standards, portions of which are dedicated to minimizing risks associated with seismic and soils conditions.**

Implementation of these mitigation measures will reduce geotechnical impacts to a less than significant level. The mitigation measures are required prior to approval of a building permit.

VII. **HAZARDS AND HAZARDOUS MATERIALS** - Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☐	☐	☐	☒
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☐	☐	☐	☒
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☐	☐	☐	☒
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	☐	☐	☐	☒
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☐	☐	☐	☒
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	☐	☐	☐	☒

The proposed project would not normally involve handling substantial quantities of hazardous materials. Such materials would be expected to be limited to small amounts of pesticides and commercial fertilizers. Therefore, there is no foreseeable risk of hazard to the public due to the transport, use or disposal of such materials, nor any foreseeable risk of upset and accident conditions. There are no known hazardous materials sites in the area, and the area is not within the vicinity of any airport. The project site is located in an urbanized area where wildfires would not be considered a potentially significant impact. No mitigation is required.

VIII. **HYDROLOGY AND WATER QUALITY** -- Would the project:

a) Violate any water quality standards or waste discharge requirements?	☐	☐	☐	☒
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?	☐	☐	☐	☒
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f) Otherwise substantially degrade water quality?	☐	☐	☐	☒
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?	☐	☐	☐	☒
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j) Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒

The California State Water Resources Board is responsible for establishing water quality standards, and designates the San Francisco Regional Water Quality Control Board for regulation of discharges of wastes and runoff to San Francisco Bay, as well as issuing permits for discharges of wastewater and runoff. Commercial and residential development projects, either during construction or from ongoing use, may result in a variety of types of pollution discharges in violation of water quality standards or requirements, depending on size, location, topography, drainage, soil conditions, and connections to public water and sewer systems. Construction activity and final development characteristics of residential developments may result in violations of water quality standards or discharge requirements, and have adverse impacts on water quality. All development within County jurisdiction must comply with the Clean Water Act and the County's National pollution Discharge Elimination System.

However, the impact on stream courses, erosion and silting, drainage patterns, level of polluted runoff, general effects on water quality, or potential flooding would be less than significant. No mitigation is required.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
IX. **LAND USE AND PLANNING** - Would the project:				
a) Physically divide an established community?	☐	☐	☐	☒
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	☐	☐	☐	☒
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	☐	☐	☐	☒

New development or other physical structures, such as a freeway or very large vertical structure may adversely divide an established community if it results in street closures or is especially inconsistent with its surroundings. The project would be consistent with anticipated development along the Mission Boulevard corridor and would be generally compatible with its surroundings and would have no effect as an obstacle within the neighborhood. There would be no impact.

There are no applicable land use plans, policies or regulations adopted for the purpose of avoiding or mitigating an environmental effect that would be in conflict with this project. There are no habitat or natural community preservation plans adopted for the area that would be applicable to the project site. There would be no impact on these considerations.

X. **MINERAL RESOURCES** -- Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

No known deposits of mineral resources of import to the public are on the subject parcel. Therefore, the project would neither use nor prevent the use of any natural mineral resource. There would be no impact.

XI. **NOISE** - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☒	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☐	☒
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporation	Less Than Significant Impact	No Impact

The General Plan Noise Element provides definitions for specific concepts of environmental noise and establishes citywide goals, objectives and policies to protect residents against excessive, unnecessary and unreasonable noises, and promotes compatibility among land uses through protection of sensitive land uses from unwanted noise.

Hayward's Noise Element sets standards for multi-family residential environments of under 65 dB as being normally acceptable, and 60-70 dB as being conditionally acceptable. The indoor noise level in new housing units is not to exceed 45 dB. The Mission Boulevard corridor provides an ambient noise level of 75-79 dB within 50 feet of the roadway, and 60 db over the rest of the subject property. These levels exceed the acceptable allowances for new residential development. It is expected that the structure will shield the outdoor open space areas from excessive noise levels.

Mitigation Measures: As a standard condition, the applicant shall implement the following measures:

- **The applicant, prior to issuance of building permits, shall provide the City a copy of a noise analysis, prepared by a qualified professional in the field, which includes recommendations for providing indoor noise levels not greater than 45 dB and levels not greater than 65 dB within the usable open space areas.**

- **The applicant, prior to issuance of building permits, shall demonstrate that the project can comply with these, and all other, noise standards of the Hayward General Plan.**

Implementation of these mitigation measures will reduce noise impacts to a less than significant level. The mitigation measures are required prior to approval of a building permit.

The project is located within the Mission Boulevard corridor with ambient noise levels of 60-79 dB. Given the distances to existing residential properties, there should be less than significant exposure of persons to excessive noises levels due to routine grading activities, which generally produce maximum noise levels of about 80-91 dB at a distance of 50 feet. There are no airports or airstrips in the vicinity of the project, and there would be no impact as a result of exposure to airport noise. No mitigation is required.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XII. **POPULATION AND HOUSING** -- Would the project:				
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☐	☐	☐	☒
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	☐	☐	☐	☒

The subject property is an underdeveloped commercial property with no existing residential units. However, this project would not add a significantly greater number of persons to the site than that envisioned by the Hayward general Plan. No mitigation is required.

XIII. **PUBLIC SERVICES**				
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire protection?	☐	☐	☐	☒
Police protection?	☐	☐	☐	☒
Schools?	☐	☐	☐	☒
Parks?	☐	☐	☐	☒
Other public facilities?	☐	☐	☐	☒

The City of Hayward provides fire and police protection to the site. Prevention of fires, accidents and injuries and criminal activity before they occur is accomplished through fire prevention, building code enforcement, public education and defensible design. The project would not provide school-age children, and immediate recreational needs for residents are provided on site. Thus there would be no impact on these services. No mitigation is required.

XIV. **RECREATION** --				
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	☐	☐	☐	☒

The project includes the construction of indoor and outdoor recreational facilities for the residents, which would not have any adverse physical effect on the environment. It is not expected that the resident population would cause increased use and deterioration of existing park and recreational facilities. There would be no impact in regard to the above consideration; no mitigation is required.

XV. **TRANSPORTATION/TRAFFIC** -- Would the project:

a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☒	☐
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	☐	☐	☒	☐
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	☐	☐	☐	☒
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	☐	☐	☐	☒
e) Result in inadequate emergency access?	☐	☐	☐	☒
f) Result in inadequate parking capacity?	☐	☐	☐	☒
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	☐	☐	☐	☒

The project does not meet Tier 1 requirements of generating 100 or more p.m. peak hour trips over baseline conditions. Level of service standards, change in air traffic patterns, emergency access, parking or other transportation policies are not changed with subsequent adverse environmental effects. There would be no impact in regard to the above consideration; no mitigation is required.

XVI. **UTILITIES AND SERVICE SYSTEMS** - Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	☐	☐	☐	☒

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	☐	☐	☐	☒
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	☐	☐	☐	☒
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☐	☐	☐	☒
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	☐	☐	☐	☒
g) Comply with federal, state, and local statutes and regulations related to solid waste?	☐	☐	☐	☒

The San Francisco Regional Water Quality Control Board establishes standards for the generation of wastewater to and from wastewater treatment facilities. This project would not generate wastewater that could not meet the standards. There would be no impact; no mitigation is required.

As required by Title 24 of the California Code of Regulations, water conservation measures are incorporated into the Uniform Building Code to address the regular concerns of the City of Hayward related to water conservation, such as landscaping materials and other characteristics of water consumption. The City of Hayward, in addition, enforces local controls regarding these matters. The project sponsor will be required to meet these standards and thereby avoid excessive, uncontrolled water consumption. All landscaped areas will be required to meet the Hayward water Conservation Guidelines.

The City of Hayward has storm drain systems that could accommodate full development of this project and has sufficient capacity to accommodate the increase in runoff.

There would be no impact on these services; no mitigation is required.

	Potentially Significant Impact	*Potentially Significant Unless Mitigation Incorporation*	*Less Than Significant Impact*	*No Impact*
XVII. **MANDATORY FINDINGS OF SIGNIFICANCE --**				
a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	☐	☒	☐	☐
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	☐	☐	☐	☒
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	☐	☐	☐	☒

With implementation of the mitigation measures contained herein, the project would not have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal community, or eliminate important examples of the major periods of California history or prehistory. The project is not expected to have any cumulative impacts, as the site is an underdeveloped commercial property with public services and utilities provided to the site. The project would not have direct nor indirect environmental effects on human beings, as it would be a development within an existing urban area.

The **motion passed unanimously.**

3. **I. General Plan Amendment (PL-2002-0292)** – Request to Amend the General Plan Designation from Retail & Office Commercial (ROC) and Limited Medium-Density Residential (LMDR) to High-Density Residential (HDR); **II. Zone Change (PL-2001-0340)** – Request to Amend the Zoning District from General Commercial (CG), Neighborhood Commercial (CN) and Medium-Density Residential (RMB3.5) to Planned Development (PD) to accommodate a 200-unit retirement center – **Livermore Acres, Inc. (Applicant/Owner)** – The Project is Located at 29228 Mission Boulevard opposite the intersection with Valle Vista Avenue

Principal Planner Patenaude made the presentation. He noted that the present site is the Valle Vista Skating Rink. The applicant would combine three parcels of land to accommodate the project, which will include a parking garage with 300 spaces. It will also have a shuttle service for transporting residents to the BART station, as well as shopping centers in the area. There will be a bridge from the main structure to the parking garage. He noted that the precise plan would include a formal landscape plan and a chance for more trees to be included to screen it from the neighborhood. He described the building as neo-Mediterranean style architecture. He added that staff is recommending a red-tile roof rather than composition roof since there is a large amount of roof on the project. He showed more details of the elevations of the property and noted that staff is recommending reducing the parking garage size to allow for more open space outside the residence since it is within the South Hayward BART station area. He noted also that the Fairway Park Homeowners Association does support the project but recommends that park fees be used to fund a senior center at a near-by school site. Staff does not support this dedication of fees.

Chairperson Bogue was told that the senior center proposal would be within this same area.

Commissioner Zermeño asked whether there were any plans to relocate the skating rink.

Principal Planner Patenaude said there were none. He added that this is in the path of the 238-freeway route.

Commissioner Zermeño then suggested that a bus island be developed into the project similar to that at the County building on Amador

Principal Planner Patenaude said staff would be looking at that.

Commissioner Zermeño suggested a mural might be appropriate on the wall of the parking structure, and possibly space for a community garden.

Principal Planner Patenaude said once the footprint of the garage reduced, there might be space for various things. He explained that there could be terraced open space on the site. Removing a half deck of the garage and lowering the profile of the deck, could also allow for a rooftop garden.

Commissioner Zermeño added that he thought a Senior Center was a great idea.

Principal Planner Patenaude explained that a number of agencies were involved with that property at this point.

Commissioner Halliday asked whether the Planning Commission had any right to determine how the park in-lieu fees are used.

Principal Planner Patenaude reminded her that the Planning Commission and staff review the request for funds by HARD. He noted that staff certainly could recommend that this be included in HARD's list of recommended funding. Were the Commission to want to see the final plans, they could request to review the design at a later date.

Commissioner Sacks asked how this connected to the Mission-Garin Study area.

Principal Planner Patenaude responded that this property is not involved in that study area. He commented that any future projects would be at a higher elevation and able to look over this building.

Commissioner McKillop asked about a grove of trees on the back of the lot, which look like Oak trees.

Principal Planner Patenaude explained that the precise plan would require a survey of the trees. He indicated that the reduced size of parking garage might leave the trees alone.

Commissioner McKillop suggested they reduce the size of the parking garage and save the grove. She added that she thought it was important to have an actual shuttle. She said she did appreciate that and the reduction of parking spaces

Commissioner Thnay asked about the independent living status with no medical staff. He then asked whether there was an age limit and when people reach a certain age are they too old, and do they have to leave.

Principal Planner Patenaude explained that it is considered an independent living center, which means there will be no skilled nursing care. He added that when individuals need that type of care, they no longer remain at the facility. The minimum age is set at 62 at present. He noted that the ages for both Casa Sandoval and St. Regis is 60 or 55 with individual needs and how they fit into the community. He explained that with a younger population, they could have vehicles and not use public transportation.

Commissioner Caveglia asked whether the age limitation has ever been resolved legally.

Principal Planner Patenaude explained that with a senior facility there is more latitude.

The public hearing opened at 9:18 p.m.

Anthony Varni, attorney for the project, said they had been working with staff for a year, and were comfortable with the staff recommendation. He said they would like to work with School District regarding the school fees, and age limitation of the unit, but agreed that this was their issue. He said they would also agree that the project would come back to the Planning Commission when it is more fully developed. He asked members top support the staff recommendation.

Ernie Yoshino, the architect from Turlock, discussed the roofing tile. He explained that with the three-story elevation, the staff recommendation for the tile roof might not work. He suggested working with staff on a different style of roof. He explained that the elevation of the ridgeline would include stepped up roofs as they go back. He said another rendering would reflect these ideas.

Commissioner Halliday asked whether he was okay with recommendation of reducing the size of the parking garage.

Mr. Yoshino said, yes, they had originally wanted a reduction in the size. They were very much in favor of this recommendation.

Chairperson Bogue asked how he would reduce the garage.

Mr. Yoshino said he would reduce the footprint and do some study for additional landscaping.

The public hearing closed at 9:24 p.m.

Commissioner Caveglia **moved,** seconded by Commissioner Sacks, that the Commission approve the staff recommendation, he included in his motion that the precise plan come back to the Commission for review. Commissioner Caveglia added that it looks attractive and suggested the Commission move it ahead.

Commissioner Halliday said she needed to look at it more carefully, and noted that she has a personal interest in these retirement homes. She said this is reminiscent of Baywood Court in Castro Valley, and has almost a hotel atmosphere. It is high-density housing but without the traffic. She commented that it would be valid for the in-lieu park fees go toward a Senior Center, and hoped staff would keep this in mind at the appropriate time, particularly since that seems to be what the neighborhood wants and needs. She added especially with the loss of a key recreation area for youth.

Commissioner Thnay noted that this is a positive thing. He encouraged staff and the architect to explore the idea of a roof garden for an enhancement. He added that he, too, would lament the loss of the skating rink, and wondered whether the City of Hayward has any plans for new recreational facilities for young people. Since this means one less thing for kids to do.

Commissioner McKillop asked about the roof and added a friendly amendment to allow staff to

review alternate materials other than red tile.

Commissioner Sacks added a serious comment regarding the school fees. She said she sensed some negative feelings about schools among older communities. She noted that students owe their education to the seniors and adults who paid for their part. She said she would support the project.

Commissioner Zermeño said he liked the project but not the loss of the youth center.

Commissioner Halliday wanted to clarify that the age-specific requirement would remain in the General Plan amendment and that it could not just be some other high-density residential.

Principal Planner Patenaude stated that this property would remain high density residential, but any other proposal would still have to go through the complete rezone process.

Commissioner Halliday asked whether this planned development district is for this project only.

Principal Planner Petenaude clarified again that the General Plan would be set for high residential but each individual project would have to stand on its own.

Planning Manager Anderly added that what the Commission and City Council were doing was to be taking this land out of commercial and putting it into high density residential.

Chairperson Bogue stated that it seems logical to reduce the parking. He suggested another condition to require that, when the applicant removes the Valle Vista Skating Rink sign, it be offered to the Hayward Historical Society. He thought varying the style of the fence might seem odd, and wondered how that would be handled.

Principal Planner Petenaude noted that the condition does not require style difference but relief along the length of the wall. He assured the members that it could be done.

The motion passed unanimously.

ADDITIONAL MATTERS

4. Oral Report on Planning and Zoning Matters

Planning Manager Anderly mentioned that there would be a Mission– Garin joint work session meeting on Feb 18. The two regularly scheduled planning commission meeting would still be held on the 2nd and 4th Thursdays.

5. Commissioners' Announcements, Referrals

CITY OF HAYWARD
AGENDA REPORT

Meeting Date: 01/23/03

Agenda Item: 3

TO: Planning Commission

FROM: Richard Patenaude, Principal Planner

SUBJECT: **I. General Plan Amendment (PL-2002-0292) - Request to Amend the General Plan Designation from Retail & Office Commercial (ROC) and Limited Medium-Density Residential (LMDR) to High-Density Residential (HDR); and**

II. Zone Change (PL-2001-0340) – Request to Amend the Zoning District from General Commercial (CG), Neighborhood Commercial (CN) and Medium-Density Residential (RMB3.5) to Planned Development (PD) to accommodate a 200-unit retirement center.

Livermore Acres, Inc. (Applicant/Owner)

The project site is located at 29228 Mission Boulevard opposite the intersection with Valle Vista Avenue.

RECOMMENDATION:

Staff recommends that the Planning Commission recommend that the City Council:

- Approve the Mitigated Negative Declaration and adopt the Mitigation Monitoring Program;
- Approve the General Plan Amendment; and
- Approve the Zone Change to Planned Development (PD) District, and its Preliminary Development Plan, subject to the findings and conditions of approval.

BACKGROUND:

The applicant is requesting to develop a 5-acre parcel with a 200-unit retirement housing complex providing for independent living; there would be no resident medical staff. The property is developed with the Valle Vista Skating Rink, which occupies approximately 2 acres of the site. As the mix of General Plan designations and zoning districts do not permit either the type of project or the density proposed, amendments to both the General Plan and the Zoning District are necessary. The site is located in the Redevelopment Area.

The property gently slopes upward from Mission Boulevard. The rear 100 feet of the site transitions into the hillside area. The site contains no significant vegetation. The site is located

outside the Hayward Fault Zone, which lies 400 feet to the east, and it is not affected by liquefaction or landslide hazards.

I. General Plan Amendment

The proposal for a 200-unit residential project requires a change in General Plan land use designation from a combination of *Retail & Office Commercial* and *Limited Medium-Density Residential* to all *High-Density Residential.*

The General Plan identifies the community's environmental, social and economic goals, and states the City policies on the location and characteristics of future development. Therefore, when assessing the appropriateness of amending the General Plan, identifying the City's overall goals is a significant consideration as well as the characteristics of the land and its surroundings.

In this instance, the loss of an underdeveloped parcel for commercial uses within the Mission Boulevard commercial corridor must be weighed against the benefits of providing opportunities for development with uses consistent with a high-density residential designation. The appropriateness of the site for housing is a significant consideration, as is the availability of supporting services, such as retail and medical uses. Although a General Plan amendment is required to construct the applicant's residential project, the new land use designation, if approved, will remain regardless of whether or not the project is constructed.

The General Plan identifies the site as being located within the South Hayward BART Station Focus Area. Focus areas are designated as places to implement *smart growth* principles. These principles encourage communities to meet the underlying demand for housing by building to higher densities in selected areas and revitalizing depressed areas. The General Plan policy for this Focus Area "seeks to integrate greater intensity of development and enhance the surrounding neighborhood within ½ mile of the South Hayward BART Station."[1] The site is located less than ½ mile of the Station. A South Hayward BART Station Study is part of the Redevelopment Area 5-year plan.

Residents of high-density housing would likely be more likely to use mass transit. The General Plan "support[s] higher-intensity and well-designed quality development in areas within ½ mile of transit stations and ¼ mile of major bus routes in order to encourage non-automotive modes of travel."[2] One way to accomplish this is to "encourage high-density residential development along major arterials and near major activity or transit centers...."

The purposes of the Redevelopment Project Area are supported by the General Plan, which further establish a rationale for the proposed amendment. The General Plan "promote[s] transit-oriented development in the Mission/Foothill Corridor in order to help relieve regional congestion and create a distinctively attractive commercial boulevard"[3] by "... encouraging a balance of land uses, including a mix of commercial and residential uses" and "develop[ing] enhanced transit opportunities along Mission Boulevard that serve the two Hayward BART

[1] LAND USE POLICIES AND STRATEGIES, South Hayward BART Station Area, p. 2-19
[2] LAND USE POLICIES AND STRATEGIES, Transit-Oriented Development, p. 2-17
[3] LAND USE POLICIES AND STRATEGIES, Mission/Foothill Corridor, p. 2-19

stations...."[4] It is anticipated that the remaining area designated *ROC* will be developed with retail and office uses that will be sufficient to provide needed services for the residents; approximately 26 acres for these uses would remain along the proximate section of Mission Boulevard. The proximity of the South Hayward BART Station would allow for walking and shuttle services to easily access regional rail. AC Transit provides bus service (Route 99) along Mission Boulevard every 30 minutes generally between 6:00am and 10:30pm weekdays, and between 6:00am and 7:00pm weekends, connecting the Union City, South Hayward and Hayward BART Stations.

The amendment is further supported by General Plan Circulation Policies and Strategies, which "encourage land use patterns that promote transit usage."[5] The strategies call to:

1. Encourage transit-oriented development; where appropriate, encourage intensive new residential and commercial development within ½ mile of transit stations or ¼ mile of major bus routes.
2. Encourage mixed-use residential and commercial development to reduce the need for multi-destinational trips.
3. Promote high density new residential development, including residential above commercial uses, near transit facilities, activity generators, and along major arterials.
5. Continue to require large developments to provide bus turnouts and shelters, and convenient pedestrian access to transit stops.

In the long run, the most effective way to promote transit use at the local level is to concentrate job and housing growth near transit stations or along major bus routes. Transit providers indicate there is a higher proportion of ridership within ¼ mile of a bus line and ½ mile of a rail transit station. The *HDR* designation allows for mixed-use development, as it is compatible with neighborhood-serving commercial zoning districts.

II. Zone Change Application

The applicant is requesting a zone change from a combination of *General Commercial* (CG), *Neighborhood Commercial* (CN) and *Medium-Density Residential* (RMB3.5) to *Planned Development* (PD) District. A *PD* District is required, rather than a standard zoning district, to foster a well-designed development and to carry out the City's policies and objectives while allowing for the special needs of senior housing including the adjustment to the number of units and the reduction in the number of required parking spaces. The increase in the number of units is offset by the provision of "special needs" housing. As conditioned, the project would meet all other City regulations and policies.

Development on Surrounding Properties

The lot pattern along Mission Boulevard, between Tennyson Road and Industrial Parkway, is a series of generally smaller lots. There is a mixture of residential and commercial uses although nearly one-half of the street frontage is lined with parcels that are vacant or underdeveloped. To the north and south is vacant land owned by CalTrans that was anticipated to be part of the Route 238 Bypass. To the east is hillside property that is currently zoned for lower-density residential development. Future development of this hillside property is being studied through the

[4] LAND USE POLICIES AND STRATEGIES, Mission/Foothill Corridor, p. 2-19
[5] CIRCULATION POLICIES AND STRATEGIES, Promoting Alternative Transportation Modes, p. 3-26

development of the Mission-Garin Plan, which is scheduled for review by the Planning Commission beginning February 2003.

Site Plan

The project consists of a building with a "footprint" of 66,392 square feet containing the residences in a rectangular formation around a central courtyard. A 31,953-square-foot parking garage with 260 parking spaces would be located to the rear of the site. A pedestrian bridge would connect the residence building with the parking garage. Mission Boulevard would be accessed by a driveway that lines up with Valle Vista Avenue to allow for full turning movements. A secondary service driveway would provide access to Mission Boulevard at the southerly end of the property.

The residence building would contain 100 studio units (513 square feet each), 88 one-bedroom units (585 square feet) and 12 two-bedroom/2-bath units (895 square feet) for a total of 200 units. All units would be accessed by an interior hallway. Each unit would contain a kitchenette, but would not allow for full meal preparation. The center would provide for communal dining at all meal times. Each unit would have a private 65-square-foot patio or balcony. While the project would not be proximate to existing commercial uses, day-to-day services would be provided within the building for the residents, such as beauty/barber shops, laundry facilities, a convenience store and a coffee shop.

A central courtyard would provide 21,130 square feet of usable group open space. This area would contain an outdoor swimming pool, patios and walkways. Additional group use area would include activity rooms (approximately 2100 square feet), a sunroom (637 square feet) and the common dining area (3,130 square feet). This project is required to provide 30,000 square feet of usable open space; 34,130 square feet of private and group open space would be provided. While the project would provide the required amount of open space, staff recommends that additional recreational opportunities be provided outside of the confines of the residential building in light of the isolation of the project from recreational and commercial amenities. As the size of the proposed parking garage could be reduced, either a "roof-top" garden or a ground-level terrace could be provided in the space made available by the smaller garage. Although Valle Vista Park is less than one-quarter mile from the project, it is only accessible by crossing Mission Boulevard at an uncontrolled intersection.

The building is designed to provide residence area on five staggered levels to accommodate the slope of the site; at any one point, however, the building would be three stories in height, maintaining a height limit of 40 feet. The building would not intrude upon any views enjoyed by the residentially-zoned properties to the east as those properties sit atop a "bench" that is at a higher elevation than the proposed building. A 6-foot-high masonry wall, finished on both sides, would be provided along the side property lines.

Density

The *High-Density Residential* (HDR) land use designation, at its highest level of 34.8 units per acre, could allow 174 residential units on this property; the applicant proposes 200 units. Should

this project be proposed as a standard multi-family residential complex, 174 units would translate into a population of 536, using the City's average household size of 3.08. The population of the proposed project could range between 212 (1 person/bed) and 380 (based on the household size of 1.9 for seniors). The increased number of units is justified because the resultant population would be lower than for a standard residential project and several General Plan policies are met in the provision of transit-oriented and "special needs" housing.

Housing policies "encourage the provision of an adequate supply of housing units in a variety of housing types which accommodate the diverse housing needs of those who live or wish to live in the city."[6] Corresponding strategies "encourage high-density residential development along major arterials and near major activity or transit centers" and "encourage developers to create housing units that accommodate varied household sizes and income levels." Housing policies also call to support "special needs" housing by "ensur[ing] that special needs households have a variety of housing units from which to choose ...."[7] This project would provide 200 units of "special-needs" housing for seniors within a major transportation corridor, allowing access to local and regional retail, medical services, and recreation and entertainment.

Traffic and Parking

The Public Works Department/Engineering & Transportation Division prepared a trip generation estimate for the project and concluded that the traffic impact should be negligible. The total number of weekday trips is estimated to be 540 with 34 trips at each peak hour. The Alameda County Congestion management Agency also determined that this project would not increase traffic levels significantly.

The project would provide a daily shuttle service for residents generally during daylight hours. The shuttle would provide access to shopping, medical appointments, the BART station, religious services and other personal needs. The shuttle would also provide access to special events.

The City's Off-Street Parking Regulations require a minimum of 244 parking spaces for the proposed project. This includes a reduction of 25 percent for senior citizen residential developments when the facility is conveniently located with respect to shopping, services, and public transportation. The applicant proposes to provide 300 parking spaces. A 2½-deck parking garage at the rear of the project would contain 260 parking spaces with 24 open spaces at the front of the residence building and 16 open spaces along the rear of the residence building. Staff recommends that the number of parking spaces be reduced to the minimum required by the City's Regulations. This would allow for a reduction in the size of the parking garage and allow it to integrate better into the natural slope at the rear of the site. A reduction of 56 spaces would allow for a reduction of the size of the parking garage. The applicant has agreed to redesign the project to conform to staff's recommendation.

[6] HOUSING POLICIES AND STRATEGIES, Expand the Housing Supply, p. 5-42
[7] HOUSING POLICIES AND STRATEGIES, Support "Special Needs" Housing, p. 5-43

Design

The building is designed in the Neo-Mediterranean style, based on the Spanish Eclectic style required of new structures along Tennyson Road and the more-northerly portions of Mission Boulevard. While the Spanish style is not required here, it would help tie this project with the Mission corridor as a whole and set precedence for this style as the immediate area develops further. The applicant proposes a building with stucco walls and a composition hip roof with gabled dormers. Round-arched wall recesses accent the wall sections above balconies. Each unit has an exterior bay window. To maintain a high standard of design and quality, staff is recommending that the porte-cochere and the parking garage be redesigned to incorporate the design elements of the primary structure. The building would also be enhanced by the use of decorative tiles and semi-open balconies on the exterior façades with heavy wood railings. Staff recommends, by condition of approval, that a red tile roof be used rather than the composition material to provide a higher-quality appearance. The building would have a large amount of roof surface that would be visible from both the Mission Boulevard corridor and the residential areas on the hillside above.

Mission Boulevard is a Corridor Street requiring a minimum 20-foot-deep landscaped front yard. The applicant proposes a 27-foot deep landscape strip along the street with turfed berms. A condition of approval will require that the Precise Plan contain the required street and parking lot trees.

Noise

An acoustical analysis was prepared for the project to determine whether the interior noise levels would remain within acceptable limits as recommended by the General Plan. The primary noise source is traffic on Mission Boulevard and the closest residential units would be 112 feet from the curb. The units that are closest to the street would experience interior noise levels of between 43 and 45 decibels with the windows closed; the maximum allowable level is 45 decibels. To ensure that this noise level is met, the acoustical study recommends that all windows and doors be mounted in low air filtration rate frames and that all air conditioners have a Sound Transmission Class of 28 or more; a condition of approval requires compliance with these recommendations and that air conditioning be provided at least to the units that require closed windows to meet noise level compliance.

Route 238 Bypass

The Hayward voters approved *Measure L* on November 3, 1992. This measure called for the construction of the Foothill Freeway (State Route 238) from Route I-580 to a terminus at Industrial Parkway, west of Mission Boulevard. This route would cut through a corner of the property. However, CalTrans never purchased any portion of this property to accommodate the route. On November 5, 2002, the Hayward voters approved *Measure U*, authorizing the investigation of alternative routes to that approved under "L." The City now has the option of exploring other options to the freeway proposal or rerouting the freeway around this site should it be built.

CalTrans still officially recognizes that the corridor it has acquired will be developed with a freeway. Should this occur, the project would have to be purchased by CalTrans and demolished and the residents relocated. CalTrans has been advised of this proposal for senior housing.

ENVIRONMENTAL REVIEW (CEQA)

This proposal is defined as a "project" under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. However, there will be no significant environmental impacts that will not be mitigated, as determined from staff's Initial Study preparation. Therefore, a Mitigated Negative Declaration and a Mitigation Monitoring Program has been prepared.

PUBLIC NOTICE

A referral notice was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records asking for comments on the project. The Planning Division received no responses.

On December 24, 2002, a notice of public hearing and preparation of a Mitigated Negative Declaration was published in the Daily Review and mailed to property owners and occupants within 300 feet of the project boundaries, the Mission-Garin Neighborhood Task Force, the Fairway Park Neighborhoods Association, the South Hayward Neighborhood Group, and the South Hayward Parish, and appropriate public agencies were also notified. The Fairway Park Neighborhoods Association has indicated support of the project.

CONCLUSION

This project would provide a type and scale of "special needs" housing found in Hayward only at Casa Sandoval and St. Regis Retirement Center. Providing high-density housing, within a transit corridor and proximate to a transit station, justifies the General Plan amendment and the additional units provided by the Planned Development. The amendment would also allow for a more diverse mix of commercial and residential uses along the Mission Boulevard Corridor. The project itself would provide for the convenience retail and service needs of the residents in the short term, while it is expected that further development along Mission Boulevard will provide additional retail and service opportunities. The project is consistent with the City's General Plan provisions and its zoning regulations. With the proposed conditions of approval, staff recommends that the Planning Commission recommend approval of this project to the City Council.

If the General Plan Amendment and Rezoning are approved by the City Council, the next phase in the development is approval of the Precise Plan by the Planning Director. Once the Precise Plan is approved, the developer may submit plans for a building permit.

Prepared by:

Richard E. Patenaude, AICP
Principal Planner

Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

A. Area Map
B. Findings for Approval
C. Conditions of Approval
D. Negative Declaration, Initial Study and Mitigation Monitoring Plan
Plans and Exhibits

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member_____

mal
2/13/03

RESOLUTION ADOPTING MITIGATED NEGATIVE DECLARATION AND MITIGATION MONITORING PROGRAM AND APPROVING GENERAL PLAN AMENDMENT APPLICATION NO. 2002-0292 AND ZONE CHANGE APPLICATION 2001-0340

WHEREAS, General Plan Amendment Application No. 2002-0292 and Zone Change Application No. 2002-0340 concerns a request to develop a 5-acre parcel with a 200-unit retirement housing complex providing for independent living and rezone the property from a combination of General Commercial (CG), Neighborhood Commercial (CN) and Medium Density Residential (RMB3.5) to a Planned Development (PD) District, located at 29228 Mission Boulevard opposite the intersection with Valle Vista Avenue; and

WHEREAS, the Planning Commission conducted a public hearing on the proposed applications on January 23, 2003, and recommended that the City Council adopt the Mitigated Negative Declaration , the Mitigation Monitoring Program, the Preliminary Development Plan and approve the General Plan Amendment and the Zone Change; and

WHEREAS, notice of the hearing was published in the manner required by law and the hearing was duly held.

WHEREAS, the City Council of the City of Hayward hereby finds and determines as follows:

1. The proposed Project has been reviewed according to the standards and requirements of the California Environmental Quality Act and an Initial Study Environmental checklist has been prepared. The Initial Study has determined that the Project could not result in significant effects on the environment, cumulative or otherwise, that cannot be mitigated, therefore it is determined that adoption of the Mitigated Negative Declaration is the appropriate action.

<u>General Plan Amendment</u>

2. The proposed land use will promote the public health, safety, convenience, and general welfare of the residents in Hayward in that it will provide new

"special needs" housing for seniors that will blend in with the existing commercial and residential development in the area and provide the desired mix of land uses called for by the General Plan within the transit-oriented Mission Boulevard Corridor;

3. The proposed land use is consistent with the City's General Plan and the Mission-Garin Neighborhood Plan in that the project will provide new "special needs" housing for seniors that will blend in with the existing commercial and residential development in the area and provide the desired mix of land uses called for by the General Plan within the transit-oriented Mission Boulevard Corridor;

4. The existing or proposed streets and public facilities are adequate to serve all of the uses permitted if the property is reclassified;

5. The uses proposed under this development will be compatible with the proximate residential and industrial uses.

Zone Change Application

6. The proposed 200 residential units will be compatible with existing development in the area and conform to the General Plan as amended in conjunction with this proposal and will conform to applicable City policies;

7. A traffic analysis of the traffic impacts of this development has been conducted and it has been determined that the surrounding streets are adequate to handle the additional traffic that will be generated y this project. The existing utility infrastructure in the surrounding streets can adequately serve the development;

8. The housing development will have no adverse impact on surrounding properties;

9. The development will be in substantial compliance with the standards for a corridor street, will be in substantial conformance with the City of Hayward Design Guidelines, will set a high design standard for the Mission Boulevard Corridor, and will be compatible with surrounding properties;

10. The exceptions to the development standards (increase in the number of dwelling units) for this project are offset by the provision of "special needs" housing, a high design standard for the residential buildings with generous landscape areas to assure their compatibility.

NOW THEREFORE, BE IT RESOLVED by the City Council of the City of Hayward, based on the foregoing findings, that the Mitigated Negative Declaration and Mitigated Monitoring Program are adopted and the General Plan Amendment, the Preliminary Development Plan and the Zone Change are hereby approved, subject to the attached conditions of approval.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2003

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

ORDINANCE NO. 03-_____

mhc 2/13/03

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTIES LOCATED ON MISSION BOULEVARD OPPOSITE THE INTERSECTION OF VALLE VISTA AVENUE PURSUANT TO ZONE CHANGE APPLICATION PL-2001-0340

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Reclassification.

Zone Change Application No. PL-2001-0340 concerns a request by the Applicant to reclassify property located at 29228 Mission Boulevard (the "Property"), by rezoning such property from a combination of General Commercial (CG), Neighborhood Commercial (CN) and Medium Density Residential (RMB3.5) to a Planned Development (PD) District.

The City Council has previously adopted Resolution No.03-___, approving a mitigated negative declaration and conditionally approving Zone Change Application No. PL-2002-0292. Based on such findings and determinations, the City Council hereby approves the rezoning of the Property from a combination of General Commercial (CG), Neighborhood Commercial (CN) and Medium Density Residential (RMB3.5) to a Planned Development (PD) District.

In addition, the City Council also directs the Director of Community and Economic Development to amend the Zoning District Index Map on file with the Clerk and the Community and Economic Development Department in accordance with the reclassification approved by this Ordinance.

Section 2. Effective Date.

In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ___ day of_____, 2003, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of_____, 2003, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS:
MAYOR:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

_____
City Attorney of the City of Hayward