



**CITY OF HAYWARD**  
**AGENDA REPORT**

AGENDA DATE 06/10/03  
AGENDA ITEM \_\_\_\_\_  
WORK SESSION ITEM USA

**TO:** Mayor and City Council  
Planning Commission

**FROM:** Director of Community and Economic Development

**SUBJECT:** Update on Mission-Garin Annexation Study

**RECOMMENDATION:**

It is recommended that the City Council and Planning Commission review and comment on this report.

**BACKGROUND:**

The purpose of this work session is to provide an opportunity for Council members and Commissioners to review staff recommendations related to the Mission-Garin Annexation Study. The staff recommendations include proposals for amendments to the General Plan Land Use Map, amendments to the Zoning Ordinance maps and text, and annexation of unincorporated portions of the study area. As part of the annexation application package to be submitted to the Alameda Local Agency Formation Commission, staff has also prepared a Plan for Providing Municipal Services. Additional background information on the fiscal impacts of the annexation is provided in the Fiscal Impact Analysis report. The Draft Environmental Impact Report (DEIR) for the Mission-Garin Annexation Study was previously reviewed with the City Council on March 18, 2003, and the Planning Commission on March 27, 2003. The Final Environmental Impact Report (FEIR) contains written responses to comments on the DEIR and revisions where appropriate.

The objective of the Mission-Garin Annexation Study is to determine the appropriate land use and zoning for properties within the unincorporated areas as well as adjacent hillside areas within the city limits. Consequently, the study area included those properties proposed for annexation as well as adjacent properties that are integral to a comprehensive evaluation of the area. Boundaries of the study area are depicted in Exhibit A. Five land use alternatives were originally prepared for the study area based on input from property owners and area residents. These alternatives, which provided for a considerable variety in the intensity and extent of development, were evaluated in the DEIR.

Foundation for Recommendations

As a result of the intensive analysis and evaluation of available information, staff has concluded that a combination of elements from the five original land use alternatives analyzed in the DEIR would best reflect the City's development goals and objectives as articulated in the General

Plan. A primary function of public policy with respect to land use is to determine appropriate locations where development should occur consistent with adopted goals and objectives. Inherent in such a determination is the need to balance competing interests. In this instance, given that none of the five alternatives resulted in a negative fiscal impact on the City, this was not a primary consideration in the development of the recommendations. Finally, while development may be technically feasible to pursue, it may not always be desirable from a public policy perspective.

The land use and zoning recommendations (see Exhibits B and C) are based on a review of adopted City of Hayward development goals and policies, including the General Plan and Hillside Design Guidelines. These policies can be summarized in the following basic statements of development and design objectives:

- Focus housing, particularly when developed at higher densities, close to transit corridors;
- Provide for the efficient delivery of public services;
- Avoid development near hazardous areas to reduce loss of life and property; and,
- Protect environmentally sensitive areas and preserve hillsides and ridgelines as visual open space resources.

The clustering of higher density development closer to Mission Boulevard and the South Hayward BART Station responds to and expands the City's commitment to smart growth principles and transit-oriented development. Indeed, the General Plan states: "The type and densities of housing will vary depending on the surrounding residential character and proximity to public transit, major arterials and activity centers." (Page 2-9). These principles call for full utilization of existing investments in infrastructure and endorse the efficient provision of public utilities and services, all of which are located proximate to Mission Boulevard. A higher density development scenario adjacent to Mission Boulevard could help the City address its housing needs. According to the Housing Element Update recently reviewed with the Council, the City appears able to accommodate its share of the regional housing need without expansion into areas that are not well-suited for residential development.

As noted above, staff is proposing a land use pattern (see Exhibit B) that reflects a combination of elements from the five original land use alternatives. As most of the study area is within the jurisdiction of Alameda County, it is worth noting that existing agricultural zoning calls for a minimum parcel size of 100 acres. Under the land use and zoning recommendations, the minimum parcel size is 10 acres in areas proposed for agricultural zoning, the effect of which is to allow greater opportunities for development than currently exist. The total additional housing potential is approximately 320 dwelling units. In the southern portion of the study area, the Limited Medium Density Residential designation would allow for development of townhouses and condominiums at a maximum density of 12 units per net acre, as well as single-family detached dwellings on lots of 4,000 square feet or greater. In the western portion of the study area, the Medium Density Residential designation would encourage development of townhouses and condominiums at a maximum density of 17.4 units per net acre. The upper Overhill Drive area is designated as Suburban Density Residential, which would allow for single-family detached dwellings on lots of 10,000 square feet or greater. The remaining portions of the study area are designated as Limited Open Space, which could allow for the creation of a limited number of rural homesites.

The recommended land use pattern takes into account those hazards associated with a major seismic event, and the consequent impact on City emergency services, by limiting the amount of development east of the main trace of the Hayward Fault. Within this context, the areas designated for residential development are those contiguous to existing development, located within the planned and adopted water service area of the existing Garin Reservoir system, and served by the proposed extension of Alquire Parkway. The extension of Alquire Parkway will help reduce the potential for isolation associated with a major seismic event by providing an alternative access to and egress from existing and proposed development in the area.

Allowing development in the areas recommended by staff minimizes potential negative impacts on environmentally sensitive areas such as streams and other riparian areas. Where proposed, development could be clustered with appropriate design and landscaping so as to preserve the visual and scenic resources of the hillsides. Avoidance of higher elevations and ridgelines also serves to protect these visual and scenic resources as well as the adjacent open space within Garin Regional Park. Provisions in the proposed Special Design District, along with other adopted city policies and guidelines, can mitigate potential visual impacts associated with specific development projects.

With regard to park and recreation facilities, the additional population (approximately 1,000 people) generated by the potential development of 320 dwelling units under the recommended land use alternative could be served by either provision of a new neighborhood park or enhancement of nearby existing facilities through the payment of park dedication in-lieu fees. The estimated number of school-age children in Grades K-6 (approximately 100 students) generated by additional housing development in the study area is not considered sufficient to require a new school campus; however, this increase would exacerbate the existing deficiency in permanent classroom space (excluding portables) at the elementary school level. The mitigation measures in the FEIR call for future developers to pay school impact mitigation fees. As noted in the FEIR, a new school campus would be needed to accommodate the influx of students if Alternatives B, C or D were selected.

### Proposed Zoning

Staff is proposing zoning (see Exhibit C, Attachment C-3) that is consistent with proposed amendments to the General Plan Land Use Map. Properties designated as Limited Medium Density Residential would be rezoned to RMB4 (Residential, with a minimum lot size of 4,000 square feet) or RMB3.5 (Residential, with a minimum lot area of 3,500 square feet per dwelling unit). Properties designated as Medium Density Residential would be rezoned to RM (Residential, with a minimum lot area of 2,500 square feet per dwelling unit). Properties designated as Suburban Density Residential would be rezoned to RSB10 (Residential, with a minimum lot size of 10,000 square feet). Areas designated as Limited Open Space would be rezoned to AB10A (Agriculture, with a minimum parcel size of 10 acres).

Some study area property owners have noted their experience in other communities where parcels have a Planned District (PD) zoning designation, whether or not a specific development application is involved, and have suggested a similar approach should be used in this instance. Unfortunately, this is not permitted under the zoning ordinance. Under Hayward's zoning regulations, a PD designation can only be entertained if there is a specific development application. This long-standing practice is designed to encourage creativity and flexibility in design, and allows decision makers to consider tradeoff and benefits, which is possible only

when the specifics of a project are known. Some of the property owners have indicated their intent to submit a PD application at the appropriate time, and such action is contemplated within the provisions of the proposed Special Design (SD-5) District.

#### Proposed Special Design (SD-5) District

The purpose of the Special Design (SD-5) District (see Exhibit C) is to ensure the orderly development of the Mission-Garin hillside area, consistent with the policies and strategies contained in the General Plan and the provisions of the Hillside Design Guidelines. The SD-5 District would become a zoning overlay district for the study area (see Attachment C-1). The provisions of the SD-5 District establish the overall development potential for the study area and allocate the potential units to individual properties within the area. The District also contains specific development standards and design guidelines that apply to all new development within the area and reflect the hillside terrain.

#### Proposed Annexation Area

Staff is proposing that all of the unincorporated portions of the study area be processed as a single annexation application. The proposed annexation area, along with parcel ownerships and acreages, is shown in Exhibit D. Given the existing population within the annexation area (more than 12 registered voters), the application would be processed as an *inhabited annexation* by the Alameda Local Agency Formation Commission (LAFCo). Should LAFCo approve the annexation, the proposal could be subject to the filing of written protests and may ultimately require an election. Conversely, LAFCo could waive the requirements for written protests and an election should all affected property owners within the area consent to the annexation.

#### Draft Plan for Providing Municipal Services

Staff has prepared a Draft Plan for Providing Municipal Services (see Exhibit E) that would accompany the annexation application as required by LAFCo Guidelines. The Plan provides a summary of the changes in service providers as well as information on needed infrastructure, costs, timing, and method of financing. It should be noted that the Plan addresses only those areas proposed for annexation rather than the entire study area. Consequently, the number of potential dwelling units (186) and the estimated future population (559) cited in the Plan are less than those shown for the entire study area.

#### Fiscal Impact Analysis Report

The Fiscal Impact Analysis Report is attached as Exhibit F. This report summarizes anticipated impacts on the City budget by estimating annual revenues and expenditures associated with the annexation of the unincorporated areas and the subsequent development permitted under the recommended land use alternative. For comparison purposes, similar data is also provided for the five land use alternatives analyzed in the DEIR.

#### Final Environmental Impact Report

Notice of the availability of the FEIR has been provided to all property owners within the study area as well as those individuals on the mailing list of interested parties. The FEIR includes the revised Summary of Environmental Impacts and Mitigations, which indicates that almost all of

the significant impacts can be mitigated to a less-than-significant level. The one exception is regional traffic growth and roadway congestion, which is a significant and unavoidable impact. As was the case with the General Plan, a statement of overriding considerations will need to be adopted to address this impact. For your convenience, excerpts from the FEIR are attached to this report to facilitate comparison of the staff land use recommendation with the five land use alternatives analyzed in the DEIR. Exhibit G contains a table showing the estimated dwelling unit potential under each land use alternative for parcels within the study area as well as maps of each land use alternative.

**NEXT STEPS:**

The Planning Commission public hearing on the proposed General Plan and Zoning Ordinance amendments is currently scheduled for June 26, 2003. The Commission will be asked to recommend certification of the FEIR prior to taking action on the proposed amendments. The City Council public hearing on the Planning Commission recommendations, as well as other documents that comprise the annexation application package, is tentatively scheduled for July 15, 2003.

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Approved by:

  
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- Attachments:
- Exhibit A. Map of Mission-Garin Study Area
  - Exhibit B. Proposed General Plan Land Use Designations
  - Exhibit C. Proposed Zoning and Special Design (SD-5) District
  - Exhibit D. Proposed Annexation Area
  - Exhibit E. Draft Plan for Providing Municipal Services
  - Exhibit F. Fiscal Impact Analysis Report
  - Exhibit G. Comparison of Dwelling Unit Potential for Land Use Alternatives

**DUE TO THE LENGTH OR COLOR  
OF THE REFERENCED EXHIBIT,  
IT HAS BEEN ATTACHED AS A  
SEPARATE LINK.**