

MISSION SENIORS
 ZONING TEXT AMENDMENT, SITE PLAN REVIEW AND GRADING PERMIT,
 VESTING TENTATIVE TRACT MAP NO. 8394 AND
 CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS
 APPLICATION NO. 201700782

FINDINGS FOR APPROVAL

Site Plan Review with Grading Permit, Zoning Text Amendment to the South Hayward BART/Mission Boulevard Form-Based Code (New Thoroughfare Map), Warrants, Exceptions and a Vesting Tentative Tract Map No. 8394 for a Multi-Family Residential project with 200 condominium units and 3 single-family residential units with parking. Application No. 201700782

SITE PLAN REVIEW FINDINGS

Pursuant to HMC Section 10-1.3025, the approving authority may approve or conditionally approve an application for Site Plan Review when all of the following findings are made:

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.

The proposed project would replace several under-utilized and vacant buildings with a new multi-family, senior housing development with three new single-family dwellings. Much of the overall project site remains undeveloped and is within an area along Mission Boulevard planned for redevelopment and land use intensification. The proposed residential development is located near several transit stations and provides an attractive, market-rate housing opportunity for seniors to live in a community setting that offers numerous project amenities, including an outdoor pool, pickle ball court, dining area, and vegetable gardens.

Each of the 57-foot tall, 4-story residential structures are well-articulated and designed to step with the topography. Each of the three buildings are configured slightly different to alleviate large expanses of building mass and provide a central location for the amenity space for the residents to easily access and enjoy.

The proposed density (41 dwelling units per acre) is compatible with the zoning and the multi-family land uses of other projects in the vicinity. While the project represents some of the higher densities of housing in the area, the proposed location is two blocks from the South Hayward BART Station and bus stops, which is ideally suited for a senior housing development. Additionally, the new residential use would support the existing commercial businesses along the Mission Boulevard corridor.

The three detached, single-family dwellings proposed for Overhill Court would each be located on separate 10,000 square foot parcels. The proposed pedestrian connection would link the proposed houses on Overhill Court with the project site, leading to Mission Boulevard.

B. The development takes into consideration physical and environmental constraints.

The proposed development takes into consideration physical and environmental constraints of the existing site and is consistent with the Hillside Design and Urban/Wildlife Interface Guidelines by architecturally designing three separate buildings to step with the slope of the site. The four-story project will require the issuance of a Grading Permit for substantial grading on slopes greater than 20% and will be required to be setback from the existing earthquake fault on-site but the development will provide an upgraded building foundation, incorporate ground stabilization techniques, and improve overall site infrastructure that will mitigate development impacts on the project site and adjacent hillside lots. Aside from the reinforcing and stabilizing the existing hillside, the project will also include significant frontage improvements along Mission Boulevard, including new sidewalks, a landscaped median, and new bus shelter.

The proposed single-family homes on Overhill are similar in size but have been placed on the lot to minimize site grading. A series of stacked retaining walls, with landscaping, would be required around a majority of the project site to absorb the severe and inconsistent topographic grade changes that exist between of the multi-family senior development and the single-family lots.

C. The development complies with the intent of City development policies and regulations.

The project site contains two different zoning designations and two different General Plan land use designations. The larger 4.8-acre site is zoned S-T4, Urban General Zone district in the South Hayward BART Station Form Based Code (FBC) and contains a Sustainable Mixed-Use designation in the *Hayward 2040 General Plan*. The smaller .78-acre lot on Overhill Drive is zoned RSB10, Single-Family Residential with 10,000 square foot minimum lot size, and is designated LMDR, Limited Medium Density Residential in the *Hayward 2040 General Plan*.

The Sustainable Mixed-Use land use designation generally applies to areas near regional transit that are planned as walkable urban neighborhoods. Typical building types will vary based on the zoning of the property, but include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, and commercial buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. Sustainable Mixed-Use areas are expected to change in the future as properties are developed or redeveloped at relatively high densities and intensities to create walkable and mixed-use neighborhoods and multi-modal corridors. Typical densities in the Sustainable Mixed-Use land use designation range from 4.3 dwellings per acre to 100 dwellings per acre. As shown, the project's density of 41.6 dwellings per acre is consistent with the maximum allowed densities of the Municipal Code and the *Hayward 2040 General Plan*.

The RSB10 zoning district allows for single-family residential dwelling units on lots with a minimum of 10,000 square feet in area. Per Hayward Municipal Code (HMC) Section 10-1.205, the RS District is intended for single-family homes and the community service uses appurtenant thereto as permitted in the Zoning Ordinance. The Limited Medium Density Residential (LMDR) land use designation of the General Plan generally applies to suburban areas that contain a mix of housing types. Typical building types include single-family homes, second units, duplexes, triplexes, fourplexes, townhomes, apartment and condominium buildings. As proposed, each of the single-family homes meet the development standards of the RS zoning district and are consistent with the LMDR land use designation of the *Hayward 2040 General Plan*.

D. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Standard and project specific conditions of approval would ensure that the proposed development would operate in a manner acceptable and compatible with surrounding development. Given many of the recently approved development projects along Mission Boulevard, the proposed multi-family and single-family residential uses are compatible and consistent with other residential and mixed-use developments in this part of the city and the project site is adjacent to nearby transit stops, including AC Transit and the South Hayward BART Station. The existing older commercial uses on properties to the north and south are anticipated to redevelop with new residential, commercial or mixed-uses as part the development trend for the Mission Corridor. The proposed multi-family and single-family residential uses will further diversify the housing stock in Hayward and will support the existing and any future commercial uses along Mission Boulevard and adjacent areas.

ZONING TEXT AMENDMENT FINDINGS

SOUTH HAYWARD BART/MISSION BOULEVARD FORM BASED CODE

Pursuant to Section 10-1.3430, the City Council may approve, modify or disapprove any text amendment, reclassification or rezoning. Approval of the proposed zoning text amendment shall be based on the following findings:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward;

The proposed zoning text amendment would amend two maps of the South Hayward BART/Mission Boulevard Form Based Code: Figure 1-2 (Thoroughfare Plan) and Figure 1-3 (Existing and New Thoroughfare Plan). The proposed amendment would remove the *New Thoroughfare* roadway designation from the project site and in exchange, provide a new publicly accessible, Class 1 facility that accommodates bicycle and pedestrian connections to adjacent parcels that will eventually lead to the South Hayward BART Station. The proposed amendment would promote public health, safety, convenience and general welfare by allowing the construction of a multi-user trail through the project site that would facilitate increased bicycle and walking opportunities for residents and help

reduce single-occupancy vehicle trips that typically results from the construction of a new roadway.

B. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans;

The proposed text amendment to remove the *New Thoroughfare* designation from the South Hayward BART/Mission Boulevard Form Based Code is consistent with several of the City's Strategy Initiatives, including Complete Streets and Complete Communities by creating an additional opportunity for residents to be active thru walking or bicycling. Additionally, the proposed amendment is consistent with the following goals and policies of the Hayward 2040 General Plan:

H-3.6 Flexible Standards and Regulations: The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.

H-4.1 Flexible Development Standards: The City shall review and adjust as appropriate residential develop standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

LU-3.6 Residential Design Strategies: The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods.

M-3.4 Routine Practice. The City shall continue to work towards making complete streets practices a route part of everyday transportation decision-making.

M-1.6 Bicycling, Walking and Transit Amenities: The City shall encourage the development of facilities and services that enable bicycling, walking and transit use to become more widely used modes of transportation and recreation.

M-3.9 Private Complete Streets. The City shall encourage large private developments to provide internal complete streets that connect to the existing public roadway and provide a seamless transition to existing and planned transportation facilities.

M-4.4 System Management. The City shall encourage alternatives to road constriction and expansion as necessary for improving traffic flows.

M-5.2 Pedestrian System. The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks and utility greenways throughout the City that facilitates convenient and safe pedestrian travel, connects neighborhood centers and is free of major impediments and obstacles.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and

The project site has direct roadway access to Mission Boulevard, which has been reviewed and determined to be adequate to serve the traffic generated by the project.

The proposed zoning map amendment will remove the *New Thoroughfare* designation from the subject parcels but will replace the proposed public vehicular right-of-way with a new public multi-user trail to accommodate bicyclists and pedestrians. The additional trail will create additional bicycling and walking opportunities for residents who live along the Mission Boulevard and will eventually connect to crosswalks that lead to commercial shopping areas and the South Hayward BART Station. Additionally, the project, as conditioned, will replace the existing bus stop on Mission Boulevard and provide a new bus shelter to serve the residents using AC Transit, which will further accommodate transit use.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed zoning map amendment would allow the development of an integrated, residential community to be built in proximity to shopping and transit centers. The proposed amendment would eliminate the requirement for a new public roadway to be built within the project site but would allow the project applicant to create an additional bicycle and pedestrian facility that would be available for public use and serve the residents of Hayward. The elimination of the *New Thoroughfare* designation for this site, as well as adjacent sites, will provide more development area to provide additional residential or commercial uses. As currently shown in the Form Based Code, the *New Thoroughfare* roadway would limit the development and redevelopment potential for several project sites adjacent to the new roadway that are currently impacted by the presence of an earthquake fault and contain hillside slopes in excess of 20%. Furthermore, the new roadway would require additional right-of-way dedication and maintenance responsibilities that could financially impact the City as well as increase the number of single-occupancy vehicle trips that would use the road. If approved, the zoning map amendment would create a new multi-user facility that support the City's Complete Streets Initiative and create an additional multi-user facility that support alternate transportation modes and provides residents with a safe bicycle and pedestrian facility.

WARRANT(S) FINDINGS: SOUTH HAYWARD BART/MISSION FORM BASED CODE

Pursuant to HMC Section 10-24.280.c.iii (Subdivision Standards) of the South Hayward BART/Mission Boulevard Form Based Code, condominium subdivisions containing more than one building shall include nominal parcel conforming to lot width standards on the City's Form Based Code. Similarly, Section 10-24.280.c.iv (Subdivision Standards) of the South Hayward BART/Mission Boulevard Form Based Code requires that new developments on a pre-existing parcel which exceed the maximum lot width shall not occur unless the parcel is first subdivided to provide for parcels that conform to the Form Based Code. To approve a warrant, the City Council must make the following findings:

A. The Warrant is consistent with the General Plan and overall objectives of this Code.

The parcels that currently make up the project site were created in the early 1900's and do not conform to the maximum lot size requirements established with the adoption of the Form Based Code. Additionally, the project site is substantially larger than a majority of the other parcels in South Hayward BART/Mission Boulevard Form Based Code area but are not encumbered by the same site constraints, such as steep hillside topography and earthquake fault zones. The project is consistent with several goals and policies of the Sustainable Mixed-Use land use designation of the Hayward 2040 General Plan and is consistent with the overall objectives and development standards of the South Hayward BART/Mission Boulevard Form Based Code. The project proposes to create 200 condominium units in close proximity to BART Station and nearby commercial centers. The project was architectural designed to minimize overall size and scale by proposing three separate residential buildings that meet the development criteria of the Form Based Code related to block sizes, building massing, setbacks, parking and open space areas.

B. The Warrant is justified by environmental features or site conditions; historic development patterns of the property or neighborhood; or the interest in promoting creativity and personal expression in site planning and development.

Due to the varied topography on the project site and the additional 50' setback requirement from the fault zone, the warrant is justified due the existing environmental conditions and is in the best interest of project to creates a connected, walkable and safe residential community for seniors, which is ADA accessible and provides the services and amenities that promotes healthy communities. Subdividing the existing parcels to meet the lot size requirements of the Form Based Code, coupled with the topographic and site conditions, would substantially limit the redevelopment of the site and create a series of smaller buildings which would impact the objective to provide a coordinated, connected and comprehensive development for senior citizens with significant project amenities. Additionally, subdividing the parcel would create service and operational issues for the project, result in several undeveloped or unusable parcels, and substantially escalate construction and project costs, which would impact the viability of the redevelopment.

The project site was selected due to its size in order to provide the number of services and amenities for the senior population and due to its location near the South Hayward BART Stations and AC Transit stops.

C. The Warrant would result in development that is not detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

The proposed warrants would not impact public health, safety, or welfare and in fact, would allow the project to create a healthier, safer and more comprehensive community for seniors, which would improve general welfare and quality of life. The project, as shown,

would meet a majority of the development standards of the South Hayward BART/Mission Boulevard Form Based Code but would also expand the City's housing supply to meet the increasing demand for aging-in-place senior residential housing. The numerous site and frontage improvements proposed as part of this project will enhance the public health, safety and welfare for the residents in area and will further expand the redevelopment potential for adjacent under-utilized sites.

D. The Warrant would not affect substantial compliance with this Code or grant a special privilege inconsistent with the limitations upon other properties in the vicinity and in the same zoning district.

The project, as shown, would be constructed to meet a majority of the development standards of the South Hayward BART/Mission Boulevard Form Based Code, including block size, parking, open space requirements, building height and setbacks. The proposed warrants to the subdivision standards would not grant a special privilege to the project as several other projects in the vicinity have been approved with similar vesting tentative maps to create condominium units.

EXCEPTION FINDINGS: SOUTH HAYWARD BART/MISSION FORM BASED CODE

Per Section 10-24.225.a (Building Disposition) of the South Hayward BART/Mission Boulevard Form Based Code, the placement of one principal building along the frontage of each lot is required and the principal entrance for that building shall be located on a frontage line. The project is proposing more than one principal building on the lot and because the main lobby for the project is not located along Mission Boulevard, an *exception* is required. To approve an Exception, the City Council must make the following findings:

A. That there are unique physical conditions, including irregularity, narrowness or shallowness of Lot size or shape, or exceptional topographical or other physical conditions peculiar to and inherent in the particular lot; and that, as a result of such unique physical conditions, practical difficulties or unusual hardship arise in complying strictly with the standards of this Code.

Due to the unique geometry of the site, coupled with the practical difficulties and safety issues associated with having only one primary building with the principal entrance on Mission Boulevard, the project is proposing three separate buildings that step with the topography and has incorporated their primary building entrance from the internal driveway proposed for the site. The proposed central location of the primary entrance would be adjacent to the resident loading and drop-off area by Building B and provide the necessary access to ADA parking stalls and compliant curb ramps. Additionally, the lot is steep and is both narrow and deep, which creates operational and practical challenges which are unique to this senior housing development. By designing the primary entrance off the common private driveway, the project is able to provide a more centralized location for the senior residents to access project amenities and ADA parking areas, which are not easily accessible from Mission Boulevard.

- B. That the practical difficulties or unnecessary hardship claimed as a ground for an Exception have not been created by the owner or by a predecessor in title. However, where all other required findings are made, the purchase of a Lot subject to the restrictions sought to be varied shall not itself constitute a self-created hardship.**

The project site has development challenges of being narrow, steep, and containing an earthquake fault. Locating the principal building entrance along the primary building frontage creates a hardship in that the any residential development or mixed-use development along Mission Boulevard must provide safe access to off-street parking, ADA accessible spaces and ADA routes of travel. Having the primary building entrance on Mission Boulevard for this kind of age-specific, senior residential project would create a hardship for the project applicant and possibly impact the mobility and public safety for the senior residents of this project who may not be able to easily access the primary front entrance due to the location of ADA spaces and the elimination of a passenger drop-off/pick-up zone, which is an important factor for an aging senior demographic. Additionally, having one principal building on one primary frontage lot would require the subdivision the site into three smaller lots, providing legal access to each of those lots and lowering the overall land use density, which renders the senior housing development on this site unfeasible.

- C. That within the intent and purposes of this Code the Exception, if granted, is the minimum deviation necessary to afford relief; and to this end, the Commission may permit a lesser variance than that applied for.**

With minimal deviation, the project is meeting the intent and development standards of the South Hayward BART/Mission Boulevard Form Based Code and granting an Exception for the lot size standard would not impact the overall integrity of the Code in that the project would still provide three separate buildings which would be separated by an access easement. Regardless of the lot size, the architecture and site design would result in the visual creation of three separate blocks, with each block containing a primary structure have a primary entrance, which is consistent with the intent of the Form Based Code. Additionally, the proposed access easement that separates the three buildings would remain and used by vehicles, pedestrians or bicyclists for site circulation and connectivity to adjacent sites.

- D. That the Exception, if granted, will not alter the essential character of the neighborhood or Zone in which the Lot is located; will not substantially impair the appropriate use or development of adjacent property; and will not be detrimental to the public welfare.**

The Exception will not alter the character of the existing neighborhood in that the area surrounding the project site contains a mix of single and multi-family residential uses, commercial uses and office uses. The proposed site design and urban architecture is similar to other residential and mixed-use projects recently approved in the City of Hayward, including Lincoln Landing, Maple & Main, and Mission Village. The project is

designed as a transit-oriented development with easy access to nearby transit stations, including AC Transit and the South Hayward BART Station. As adjacent properties develop and redevelop, it is anticipated that similar development and land use patterns continue.

VESTING TENTATIVE MAP FINDINGS

In order for a Vesting Tentative Tract Map to be approved, the City Council shall make the following findings:

A. That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act.

The project site is located within the Mission-Garin neighborhood plan, which anticipates increased residential uses in proximity to transit stations. The project, as proposed, is two blocks from the South Hayward BART Station and is within the South Hayward BART/Mission Boulevard Form Based Code area; however, no Specific Plan applies to the Project Site. The proposed Vesting Tentative Tract Map 8394, as conditioned, conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the *Hayward 2040 General Plan*.

B. That the design or improvement of the proposed subdivision is consistent with applicable general plan and specific plans.

The proposed subdivision, as demonstrated by the findings associated with the Zoning Text Amendment and Site Plan Review, is consistent with the *Hayward 2040 General Plan*. The proposed project is consistent with the FAR and density prescribed by the Sustainable Mixed-Use land use designation. Although there is no specific plan for the project site, the project site is within the Mission-Garin Neighborhood Plan area, which has been superseded by the South Hayward BART/Mission Boulevard Form-Based code. Approval of the proposed warrants and exceptions would allow the project to be constructed to provide condominium units and single-family lots, consistent with other development recently approved in the immediate vicinity.

C. That the site is physically suitable for the type of development.

The Geotechnical Investigation prepared by Cornerstone Earth Group in January 2017 identified the presence of an existing fault rupture on the project site but determined that with the appropriate setback and incorporation of specific geotechnical recommendations contained within the report, the project is feasible and could be constructed. The project area varies in topography but as proposed, the project provides sufficient driveway widths and ingress/egress points, pedestrian facilities and infrastructure locations (water and sewer lines, storm drains and stormwater treatment areas) to support the proposed building locations and number of units proposed.

D. That the site is physically suitable for the proposed density of development.

The Geotechnical Investigation prepared by Cornerstone Earth Group in January 2017 indicated that the proposed project is feasible and the proposed subdivision would occur on a

site suitable for the proposed development. There are some portions of the project site that will require the dedication of a 50' "building exclusion zone" due to the presence of a fault line but the proposed density is not a factor that makes the site suitable or less suitable for development.

Additionally, the traffic analysis performed by the City's Public Works - Transportation Division found that the project would not result in significant impacts to traffic beyond those previously anticipated with the adoption of the City's Form Based Code EIR. As proposed, the multi-family project would not generate sufficient amounts of additional traffic that would cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site.

E. That the design of this project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The Vesting Tentative Map Tract 8394, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The proposed project incorporates Best Management Practices for water quality and stormwater runoff and includes standard conditions of approval to ensure the project will be constructed and operate in a safe manner as to not cause environmental damage or substantially or avoidably injure wildlife or habitats on the site as a result from the project.

F. That the design of the subdivision or type of improvements are not likely to cause serious public health problems.

The project has been designed with numerous project amenities to enhance and improve public health for the senior residents of this project. Additionally, adequate capacity exists to provide the necessary utilities to the project site, including water, sewer and electric service to the site and measures to incorporate bio-treatment of stormwater runoff have been included in the project plans and are required as standard conditions of approval. The project will be designed to meet all California Building and Safety Codes and as such, the Project is not likely to cause serious public health problems.

G. That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

The building improvement plan shall reflect all easements needed to accommodate the project development. The internal driveway for the project, along with the additional roadway improvements on Overhill Court, would contain the necessary easements related to Public Utility Easements (PUE), Public Assess Easements (PAE), Water Line Easements (WLE), Sanitary Sewer Easements (SSE), and Emergency Vehicle Access Easements (EVAE). Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS

I. Introduction

On September 13, 2011, the Hayward City Council certified the South Hayward BART/Mission Boulevard Form-Based Code Supplemental EIR (SEIR). This document tiers from the 2006 South Hayward BART/Mission Boulevard Concept Design Plan Program EIR and the 2009 Route 238 Bypass Land Use Study Program EIR.

Senate Bill (SB) 743, enacted in 2013, amended CEQA to provide that “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site within a transit priority area shall not be considered significant impacts on the environment.” Aesthetics and parking will no longer be considered in determining if a project has the potential to result in significant environmental effects, provided a project meets the following three criteria:

1. The project is in a transit priority area; and
2. The project is on an infill site; and
3. The project is residential, mixed-use residential, or an employment center.

The project meets the above criteria as it is within 0.5 mile of the South Hayward BART Station, is located in an urban area that has previously been developed, and is a residential project. Because of the project’s consistency with SB 743 criteria, aesthetics issues are not considered to be impacts under CEQA and are not addressed in this Infill Checklist.

II. General Findings

In accordance with CEQA Guidelines Section 15183.3, if the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an infill EIR if the written checklist shows that the effects of the infill project would be potentially significant.

This project’s environmental assessment was completed using an Infill Checklist, which tiers off the South Hayward BART/Mission Boulevard Form-Based Code SEIR. The checklist concludes that the Mission Seniors project would *not* have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, the California Environmental Quality Act (CEQA) does not apply to such effects. The Infill Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.