



SUBJECT

Preliminary Review of the Mission Seniors Development (Application No. 201700782).
Applicant: Chu Rao on behalf of Pristine Homes, LLC/Owner: Pristine Homes, LLC.

RECOMMENDATION

That the Planning Commission reviews and provides feedback on the proposed Mission Seniors residential project, located at 29312 Mission Boulevard and 794 Overhill Drive (Assessor's Parcel Nos. 78C-455-1-8, 78C-455-1-5, 78C-455-2, and 83-275-2-7).

SUMMARY

This is a Work Session to provide an opportunity for the Planning Commission and members of the public to review the project plans, hear from the project applicant, and provide comments on the site layout, building architecture, and land use entitlements for the Mission Seniors development. As currently proposed, the project requires the following entitlements:

- Thoroughfare Plan Map Amendment of the South Hayward BART/Mission Boulevard Form Based Code (FBC) to remove New Thoroughfare designation for the project site;
- Form Based Code Exception to allow more than one principal building on a lot and allow the principal entrances for those buildings along non-frontages;
- Form Based Code Warrant to allow a proposed subdivision that contains more than one building per lot and to vary the required lot width standards;
- Form Based Code Warrant to allow a parcel merger of the three existing parcels for parcels not conforming to the required lot width requirements;
- Vesting Tentative Map to create airspace condos and create three single-family lots;
- Grading Permit to allow hillside grading for slopes greater than 20%;
- Density Bonus to increase the maximum density from 35 dwelling units per acre to 42 dwelling units per acre for a designated senior citizen housing development; and
- Site Plan Review for the new buildings, landscaping plan and parking areas.

No formal action is being requested and Commission will have another opportunity to consider the project at a future date once the environmental analysis is complete. The Commission will be an advisory body and will be making a recommendation on the project to the City Council at that future date.

BACKGROUND

Council Economic Development Committee (CEDC) Meetings. This project was originally presented to the CEDC at the [December 7, 2015](#) meeting. At that time, the CEDC provided generally positive feedback on the concept proposal; however, the project did not have specific project designs, including project elevations. Following that meeting, the applicant spent nearly a year developing more detailed plans and completing some due diligence studies, including a geotechnical study in which a fault line was identified on the eastern portion of the project site. Given this physical constraint and the feedback provided at the meeting, the conceptual project was modified and the revised project plans were presented to the CEDC at a regular meeting on [December 5, 2016](#).

While the overall feedback from CEDC members was positive, several members expressed concern with the project density, the amount of hillside grading, the potential impacts to views corridors, and the lack of pedestrian connectivity.

Following the December 2016 meeting, the applicant further enhanced the pedestrian connections between the project site and the adjacent single-family lots on Overhill Drive, but the revisions did not specifically address the Committee's concerns with project density and hillside grading. Given the high visibility of this site along the Mission Boulevard corridor and the physical constraints that encumber the site, staff is requesting feedback from the Planning Commission on the issues raised by the CEDC members as well as the areas identified by staff in this report.

DISCUSSION AND STAFF ANALYSIS

Existing Site Conditions: The entire 5.58-acre project site consists of four parcels: three parcels (4.8-acres) located along Mission Boulevard and one parcel (.78-acres) located along Overhill Drive. Both project sites contain hillside slopes that exceed 20% and are subject to the City's [Hillside and Urban/Wildlife Interface Guidelines](#).

The larger 4.8-acre site along Mission Boulevard currently contains several vacant commercial buildings, an industrial storage use, a parking lot, and a single-family home with detached garage. The project would require the demolition of all the existing structures on site (totaling 15,000 square feet) as well as removal of the surface parking lot and several mature trees.

The smaller .78-acre parcel on Overhill Drive is undeveloped and contains several mature trees, which would be removed. Like the larger development site, this parcel contains slopes more than 20%, requiring a Grading Permit.

Project Overview. The proposed Mission Seniors project is a market-rate, 100% senior housing development designed for residents aged fifty-five years and over that promotes "active lifestyles" in a transit proximate location near the South Hayward BART Station. The Project proposes three, four-story buildings with a total of 200 condo units in a variety of one, two and three bedroom floorplans. Each unit has been designed for "independent living" and offers their own kitchen, laundry and private open space, incorporating either a

private balcony or deck terrace that faces the landscaped gardens, surrounding neighborhoods, or the natural hillside.

The applicant is proposing Mission Seniors to be a gated community where the main vehicular entry gate will be card access, to maintain security and privacy for the residents. The gates at each end of the pedestrian corridor are proposed to be open during the day and closed after dark, as well as monitored by surveillance cameras to ensure security of the residents.

The parcel on Overhill Drive is proposed to be subdivided into three 11,000 square foot lots to allow the construction of three single-family homes, each containing approximately 4,000 square feet of living space. Each home would maintain vehicular access on Overhill Drive and include an attached two-car garage. Additionally, a new pedestrian pathway with dedicated access easement would be constructed between Lots 3 and 4 to provide access between Mission Boulevard and Overhill Drive.

Architecture. Each of the residential towers would be built to the maximum 57' height limit, while incorporating different finished floor elevations that reflect the topography of the existing hillside. The architect, Dahlin Group, has designed each of these buildings to reflect a "contemporary California Spanish" architecture and incorporated a three-tone color palette with a variety of materials and textures to create more articulated façades. The dark brown cementitious trim, panel and siding on the top floor creates a stark contrast with the off-white stucco wall planes and helps to break up the overall building mass. To avoid monotony, the architect has incorporated windows with awnings and trellises, which provide shade on south and south-west facing walls.

Parking & Circulation. The South Hayward BART Form-Based Code (FBC) limits the amount of parking for each residential condominium to 2.0 spaces per unit and requires the project to include 10% of the total spaces for visitor parking and additionally provide short and long-term bicycle parking. As proposed, the project is providing 259 parking spaces, including 28 visitor spaces and 72 bicycle spaces (18 short- and 54 long-term), compliant with the FBC.

The main access to the site would be from a two-way, 26-foot wide drive aisle from Mission Boulevard that provides access to an open, unrestricted parking areas for visitors and leads residents to a secured parking area beneath each residential building. The driveway has been designed to accommodate loading trucks and service vehicles as well as emergency vehicles and larger fire apparatus. A turn-around area and designated loading zone near Building B will also provide residents and visitors easy access to the main lobby without impacting site circulation. Several parking spaces located adjacent to the main drive aisle will provide overflow parking and serve as a primary staging area for trash pickup on site.

Landscaping, Open Space and Tree Removals. A preliminary landscaping and open space plan has been submitted proposing a variety of new trees, shrubs and groundcovers. Per the FBC, developments within the T4-2 zone are required to provide a minimum of 15% of the site for open space. As currently shown, the project is proposing nearly 74,000 square

feet (34%) of open space, which will be provided as both private and public open space areas. Bio-swales are also incorporated throughout the site.

An Arborist Report was prepared for the project site and evaluated 24 trees located on and off-site which are subject to the City's Tree Preservation Ordinance. The total value of the trees proposed for removal is approximately \$53,000. While the replacement landscaping will need to mitigate the loss, staff continues to work with the applicant to refine the landscaping plan to ensure compliance with Tree Preservation Ordinance and the City's Water Efficiency Landscape Ordinance. A copy of the landscape concept plan is shown on Sheet L-3 in Attachment III, Project Plans.

Zoning and General Plan. The entire 5.58-acre 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 district with 10,000 square foot 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 will generally include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, and mixed-use 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 substantially in the future, as properties are planned to be 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 proposed, the Mission Seniors project proposes 41.6 dwellings per acre (with density bonus), which is consistent with the permitted densities of both the FBC 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 two-story, 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*.

While the General Plan contains several policies that support the redevelopment of this site for residential uses, there are other policies in the General Plan that support environmentally sensitive projects which minimize grading and impacts to hillside areas.

Hillside Design and Urban/Wildlife Interface Guidelines. The Mission Seniors project is located on hillside parcels subject to the *Hillside Design and Urban/Wildlife Interface Guidelines* (HDG). Any grading on these parcels with slopes greater than 20% will require the issuance of a Grading Permit by the City Council. The applicant submitted a Geotechnical Report (Cornerstone Earth Group, January 2017) that identifies mitigation measures and construction methods required to build the project on this site, including the construction of multiple retaining walls and establishing a 50-foot “building exclusion zone” due to a potentially active earthquake fault.

Aside from the Geotechnical issues that need to be addressed, there are several components of the project which are inconsistent with *Hillside Design and Urban/Wildlife Interface Guidelines* and as such, staff is requesting feedback from the Planning Commission on the issues identified below.

Per the HDG, “*development located near or on a ridge line must be sensitive to the surrounding environment and the homes should blend into the topography, creating minimal visual disturbance to existing ridge lines and panoramic views. Additionally, development along ridgelines should consist of larger lots with wider frontages and wider setbacks between structures to allow for “view corridors”. Buildings should exhibit varied elevations, floor plans, setbacks, and quality architecture to enhance the hillside setting. Front elevations should be articulated with well-proportioned windows, roof lines, entries, wall offsets, materials and/or other details. Side and rear elevations should also be attractively designed; design elements and materials should relate to the front elevation, with the level of articulation based on visibility from the surrounding area.*” Staff notes that while the proposed subdivision will result three similarly sized 11,000 square foot lots, the home designs are architecturally the same. Staff recommends that the architecture be revised to create three distinct designs that reflect “custom home”, consistent with the Guidelines. Staff also recommends revisions to the landscaping plan for a more natural “clustering” of the plant materials to minimize the visual impacts of structures and walls.

The Guidelines also state that “*massive multi-family developments should be avoided by dividing long or large buildings into smaller structures and providing variations and offsets in rooflines, building walls, windows, and balconies. Multi-family housing should be designed to provide for view corridors to adjacent open space and vistas. Where multi-family housing abuts a single-family zoning district, a transition should be provided by designing the multi-family units with lower heights and/or additional setbacks along the common boundary*”. Staff notes that while all the buildings incorporate some variations and offsets in the rooflines, wall planes, and windows, the overall building mass, scale and height of Building “C” remains large and will impact existing view corridors on and off-site. Lowering the building height and/or reducing the building size of Building C could help preserve the existing view corridor and minimize visual impacts from the adjacent neighborhood.

Despite efforts to step the building with the natural topography, the project proposes several retaining walls, which are required to build on the hillside. Per the HDG, “*all developments should minimize grading and the use of retaining walls. If retaining walls are unavoidable, they should be designed with native rock or should exhibit a natural-looking*

texture or veneer. Walls should be buffered with landscaping". Staff notes that the most significant retaining walls proposed are a 27-foot high wall located on the northwest corner of the lot; and a landscaped, stepped wall located behind Lots 2, 3 and 4. While the landscaped wall will mostly be shielded from public view behind Building C, several other retaining walls will be visible from around the project site that range in height from 1-foot to 16-feet tall. While many of these retaining walls are necessary to stabilize the soil, the applicant should continue to look for ways to minimize site grading and the height of these walls. Additionally, the architectural design of these retaining walls could be modified to appear more natural-looking, consistent with the Design Guidelines.

Form Based Code

Although many aspects of the Mission Seniors project are consistent with development standards of the South Hayward BART Station FBC, the project as currently proposed will require a New Thoroughfare Map Amendment, two Warrants and one Exception. A *Warrant* is a deviation that would permit a practice that is not consistent with a specific provision of the FBC, but is justified by its ability to fulfill the FBC's intent while not compromising its goals, policies and actions. An *Exception* is a deviation that would permit a practice that is not consistent with a specific provision of the FBC that is critical to the furtherance of its goals, policies and actions. In both cases, findings must be made prior to any approval.

Thoroughfare Map Amendment. The project requires a Map Amendment of the South Hayward BART FBC's Thoroughfare Plan (Figures 1-2 and 1-3) to remove the *New Thoroughfare* roadway designation from the project site. The applicant is requesting the Map Amendment due to the existing site constraints (topography and fault line), the unique characteristics of the residential use proposed, and the proximity of the New Thoroughfare to Mission Boulevard.

In exchange for the removal of the *New Thoroughfare* designation, the applicant is proposing to build a new 10-foot wide pedestrian pathway within a newly dedicated 15-foot public access easement that would provide safe pedestrian access between the project site and adjacent sites which lead to the South Hayward BART Station. Generally, staff supports new pedestrian path but recommends this facility be upgraded and widened to meet Class I standards to accommodate bicycle users. While upgrading this facility may require a redesign of the current path shown, staff believes the new facility would facilitate increased bicycle and walking opportunities for residents and help reduce the total number of single-occupancy vehicle trips that typically results from the construction of a new roadway. Additionally, staff believes that upgrading the pedestrian-only path to a multi-user facility is consistent with the City's Complete Communities and Complete Streets Initiatives, which support the expansion of new bicycle and pedestrian facilities that connect neighborhoods. Staff is requesting feedback from the Planning Commission on the elimination of the proposed *New Thoroughfare* on the site, as well as the feedback on the proposed path. A copy of the New Thoroughfare Plan Maps is included as Attachment IV.

Warrants. Per Section 10-24.280.c.iii (Subdivision Standards) of the FBC, condominium subdivisions containing more than one building shall include nominal

parcels conforming to lot width standards in the FBC. As proposed, the condominium project will not result in the creation of a nominal parcel which conform to the required lot width standards. As such, the project will require a warrant.

Similar to the Subdivision Standard listed above, Section 10-24.280.c.iv (Subdivision Standards) of the FBC 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 FBC. Although the FBC does allow lot line adjustments and lot mergers for parcels not conforming to the lot width requirements to occur so long as they bring the parcels closer to conformance, the proposed lot merger for the Mission Seniors project would only *increase* the lot width and exacerbate the existing non-conformity. As such a warrant is required. To approve a warrant, the City Council will be required to make the following findings:

- Policy Consistency. The Warrant is consistent with the General Plan and overall objectives of this Code.
- Compatibility. 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.
- No Adverse Impact. 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.
- Special Privilege. 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 applicant has indicated that the unique character of the residential project type and the need to consolidate the project amenities and services on one parcel has necessitated the need for the warrants. If the buildings and lots were subdivided into multiple parcels, it would create service and operational issues for the project as well as result in several parcels being undeveloped and unusable due to the steep topography and requirement for a 50-foot wide “building exclusion zone”.

Exceptions. Per Section 10-24.225.a (Building Disposition) of the FBC, 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. Because 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* will be required. To approve an Exception, the City Council will be required to make the following findings:

- Uniqueness. 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.
- Self-Created Hardship. 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.

- Minimal Deviation. 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.
- Neighborhood Character. 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.

While the FBC limits the placement of one primary building per lot, the project is proposing three large structures on the project site, with each building having their primary entrance from the private driveway that serves the site. None of the buildings are proposing their principal entrance along Mission Boulevard, which is what the Form Based Code envisions for a pattern of development consistency along the Corridor.

While findings for both warrants and the exception are required for the project and will be considered at a future date, staff is requesting general feedback from the Planning Commission on the requests.

Density Bonus. As proposed, the applicant is requesting a Density Bonus from the South Hayward BART Station Form Based Code to increase the maximum number of dwelling units from 35 to 42. Per Section 10-19.130.c of the HMC, the City shall grant a Density Bonus when the Applicant for a residential development project agrees to construct a residential development project meeting the requirements and definition of a Senior Citizen Housing Development. For a Senior Citizen Housing Development project, the density bonus is 20%.

Following review of the City's Density Bonus Ordinance and the California Civil Code, staff believes the proposed project would be eligible for a 20% density bonus from the density maximum established in the South Hayward BART FBC. In this case, the FBC allows up to 35 dwelling units per acre but the 20% density bonus would increase that number to 42 dwellings per acre. The Mission Seniors project, as currently shown, proposes 41.6 dwellings per acre, which falls within the maximum density bonus allowed for the site. Future consideration of the density bonus request will be required by the City Council following the Planning Commission recommendation to approve or deny.

Vesting Tentative Map. An application for a Vesting Tentative Map 8394 has been submitted that would reconfigure and merge three parcels on Mission Boulevard into one larger, 4.8-acre lot for the airspace condominium structures, access easements and public common areas. The applicant also proposes to subdivide a .78-acre parcel on Overhill Drive to three lots to allow for three new single-family dwelling units. A copy of the Vesting Tentative Map is shown on Sheet C1.0 of Attachment III, Project Plans.

ENVIRONMENTAL REVIEW

An Initial Study (IS) is being prepared in accordance with the California Environmental Quality Act (CEQA) to determine if and to what extent the project will have a significant effect on the environment. The impact analysis in the Initial Study will determine whether an Environmental Impact Report (EIR) or a Negative Declaration/Mitigated Negative Declaration (ND/MND) will be prepared for the project.

SUSTAINABILITY FEATURES

The proposed project has undergone an initial GreenPoint rating process to quantify sustainable building and site elements. Per the checklist prepared for the project, the proposed development would achieve GreenPoint certification with a total of 104 points, where a minimum of 50 points is needed. Sustainable site and building elements include, but are not limited to, the installation of highly efficient appliances and fixtures, expanded bicycle and pedestrian access, low-emitting flooring, and use of recycled materials within the building construction. Staff continues to work with the applicant to enhance and expand the project's sustainability component.

PUBLIC OUTREACH

On February 28, 2017, a Notice of Preliminary Meeting was sent to all property owners, public agencies and interested stakeholders located within a 300-foot radius of the project site, including the Mission-Garin Neighborhood Association. On June 11, 2017, a Notice of Public Hearing for the Planning Commission Work Session was sent to all property owners and interested stakeholders within a 300-foot radius of the project site.

NEXT STEPS

Following the work session, environmental analysis will be completed and circulated for public review and comment. Following the required circulation period, the project will be considered at a future noticed Planning Commission hearing.

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Approved by:



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