CITY OF HAYWARD
STAFF REPORT

AGENDA DATE 10/21/04
AGENDA ITEM 2

To: Planning Commission

From: Richard Patenaude, Principal Planner

Subject: PL-2004-0489 SPR – Installation of SolarPort at Southland Mall – Tom Young for Swearingen Systems Inc. (Applicant) / Southland Mall LLP (Owner)

The Project Is Located on La Playa Drive opposite Calaroga Avenue in a Central Business (CBB20) District

RECOMMENDATION:

Staff recommends that the Planning Commission 1) find that the project is Categorically Exempt from CEQA pursuant to Section 15332 of the Guidelines, *In-Fill Development Projects*, and 2) approve the Site Plan Review application subject to the attached findings and conditions of approval.

DISCUSSION:

The project was continued from the Planning Commission meeting of October 7, 2004, to allow the applicant additional time to investigate the costs associated with the recommended conditions of approval. Staff since met with the applicant to clarify the requirements associated with the conditions.

The project would be located in the southerly parking lot of Southland Mall off La Playa Drive opposite Calaroga Avenue; it would span the distance generally between Olive Garden Italian Restaurant and Firestone Tire & Service Center. The project would consist of a series of parallel carports installed over 43 rows of parking spaces (approximately 863 spaces); the drive aisles would remain uncovered (see Exhibit A). The carports would be 34 feet wide with 10 feet of headroom. The overall height of the carports would be 12 feet. The columns supporting the carports would be located 20 feet apart. The design of the carports would be simple and contemporary, with clean lines, to not clash with the design of the Mall (see Exhibit B). Staff recommends that the columns be painted to complement the cream and beige colors of the Mall buildings with a darker color on the columns and a lighter color on the "roof" structure. The roofs of the carports would be formed by solar module arrays.

A series of solar module arrays would be mounted on the carports at a 14-degree angle. The northerly end of each array would be lifted off the carport structure by 18 inches. Each array, measuring 7.75 feet by 32 feet, would consist of 18 solar modules. The southerly direction and

angle of the arrays would provide for optimum sun capture. The low angle of the arrays would limit the view of the solar modules. Furthermore, each carport "roof" would be surrounded by a 12-inch valance, hiding all but the upper 6 inches of the solar arrays; staff recommends that a three-dimensional relief pattern be incorporated into the valance (see Exhibit C). From most ground locations, the arrays would not be visible. The arrays would not provide a solid cover; there is a 3.25-foot gap between each array that would be open to the sky. This gap is important so that one array does not shield another from the sun. Additionally, a solid roof would require the installation of fire sprinklers.

Demand for electricity keeps growing while the construction of power plants and transmission lines in urban areas becomes more and more challenging. Solar energy installations produce pollution-free electricity during peak summer hours when demand is high, electricity prices are soaring and the grid is strained to the point of browning or blacking out. The project's solar arrays would provide 1 megawatt of power (an equivalent of the need of 500 homes) to Southland Mall, which is 50-60 percent of the Mall's electric need. The project would provide immediate and long-term energy benefits to the Mall and to the community. Power produced by the arrays would be fed into the Mall's electric panels; when there is a surplus, the excess power would be returned to PG&E's power grid for use by the community. The Mall would never be disconnected from the power grid. The applicant plans to provide community education by which the community could learn about solar power by way of data stations inside the mall and tours for the public and school children. These displays could encourage residents to consider solar energy for home application.

The only parking lot trees in this area exist along the Mall's building frontage and along two of the parking rows between Macy's and La Playa Drive; they would not be disturbed by the installation of carports. Staff recommends that landscape end caps be added to the southerly end of each row of parking spaces. These landscape areas would be planted with shrubs to soften the view of the carport ends from the street; trees would not be recommended in this case as they would hamper security monitoring. Staff also recommends that a landscape plan be submitted for the parkway strip along the entire east-west length of La Playa Drive between Hesperian Boulevard and the Nimitz Freeway; such plan should include the requisite number of street trees. Presently, the street trees are not continuous, and the other plantings do not present a consistent design theme.

Carports, while open-sided, could give customers a sense that they are in an enclosed space as compared to an open parking lot. A number of measures would be undertaken to increase a sense of security. Lighting levels on the parking spaces would be increased. Ceiling-mounted fixtures would provide an average of 2 foot-candles whereas typical parking lot lighting is required to provide an average of 1 foot-candle. Mall security currently maintains cameras to monitor the parking lot; new security cameras would be mounted to capture the space under the carport canopies. Staff also recommends the installation of emergency call boxes.

The City Council Commercial Center Improvement Committee reviewed this project on June 28, 2004. While the Committee members expressed support for the concept, they also had concerns regarding overall aesthetics and the need for additional street trees along La Playa Drive. The conditions of approval requiring colors and materials consistent with the Mall buildings, and the addition of landscaping, should address those concerns. The Committee recommended that this project be reviewed by the Planning Commission.

ENVIRONMENTAL REVIEW:

It has been determined that this project is Categorically Exempt from review under the California Environmental Quality Act, pursuant to Section 15332 of the Guidelines, *In-Fill Development Projects*. In addition, it is estimated that the project would reduce CO_2 emissions by 2.5 million pounds annually.

PUBLIC NOTICE:

A referral notice was mailed to all property owners and residents within 300 feet of the project site. Notice was also provided to the Southgate Area Homeowners Association, the Longwood Area Neighborhood Association, and to members of the Longwood-Winton and Southgate Neighborhoods Task Forces. On September 27, 2004, a Notice of Public Hearing for the Planning Commission hearing was mailed.

The applicant met with the Southgate Area Homeowners Association on August 4, 2004, to discuss the project. In their letter dated September 20, 2004, a majority of the Board expressed support for the project concept while raising certain concerns including:

- blocking views of the Mall;
- the need for security cameras and emergency call boxes under the carports;
- the need for adequate light under the carports;
- the provision of adequate landscape at the ends of the carports; and
- a desire for a solid roof for additional weather protection.

The conditions of approval require that the colors and materials of the carports be compatible with the Mall buildings, and that adequate cameras, call boxes and lighting be required. Beside the requirement for landscaped end caps, the applicant would be required to improve the landscape strip along La Playa Drive. The project, as proposed, would provide good weather protection for at least half of the parking spaces, and partial protection for most others; this protection is not provided by the open parking lot.

CONCLUSION:

The proposal is consistent with the City's regulations and policies for the Central Business District and would provide a community benefit by the provision of a clean source of energy for one of the City's major facilities. The project would also provide weather protection for customers of Southland Mall.

Prepared by:

Richard E. Patenaude, AICP
Principal Planner

Recommended by:

Dyana Anderly, AICP
Planning Manager

Attachments:

A. Site Plan
B. Renderings
C. Cross-Sections
D. Findings of Approval
E. Conditions for Approval
F. Letter from Southgate Area HOA Board

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

FINDINGS FOR APPROVAL
PL 2004-0489 SPR
1 Southland Drive
Tom Young for Swearingen Systems, Inc. (Applicant) /
Southland Mall LLP (Owner)

Based on the staff report and the public hearing record:

1. No significant or potentially significant impacts are expected as a result of the project and the project is considered a Class 32 Categorical Exemption (infill development), per the California Environmental Quality Act;

2. The development is compatible with the adjacent Southland Mall buildings in that the proposed height, bulk and scale are appropriate and provide a transition from the street and the taller Mall buildings. Also, the design, color and materials will be consistent with those of the Mall buildings;

3. The development and recommended conditions of approval take into consideration physical and environmental constraints, taking advantage of the existing parking and circulation patterns;

4. The development complies with the intent of City development policies and regulations for the Central Business District and the General Plan, providing customer amenities and a clean energy source for Southland Mall and the community; and

5. The development will be operated in a manner determined to be acceptable and compatible with surrounding development in that the proposed use is similar to, and compatible with, other development in the area.

CONDITIONS OF APPROVAL
PL 2004-0489 SPR
1 Southland Drive
Tom Young for Swearingen Systems, Inc. (Applicant) /
Southland Mall LLP (Owner)

Planning Division

1. PL 2004-0489 SPR to accommodate a solarport at Southland Mall shall be constructed according to these conditions of approval and the plans approved by the Planning Commission on October 7, 2004.

2. This approval is void one year after the effective date of approval unless prior to that time an extension is approved. Any modification to this permit shall require review and approval by the Planning Director. A request for a one-year extension-of-time, approval of which is not guaranteed, must be submitted to the Planning Division by September 7, 2005.

3. If a building permit is issued for construction of improvements authorized by the site plan review approval, the site plan review approval shall be void two years after issuance of the building permit, or three years after approval of the application, whichever is later, unless the construction authorized by the building permit has been substantially completed or substantial sums have been expended in reliance upon the site plan review approval.

4. Unless otherwise required, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the Planning Director prior to final inspection and occupancy of any structures.

5. 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.

6. Tenant management shall take reasonable necessary steps to assure the orderly conduct of employees, patrons and visitors on the premises to the degree that surrounding commercial uses would not be bothered and that loitering is not permitted and to assure the safety of the customers. Measures to do so shall include the provision of security cameras and emergency call boxes within the carports; coverage shall be as recommended by the Police Department.

7. The applicant, owner(s) and/or tenants shall maintain in good repair all structures (including dents and chipped paint from auto-related damage), lighting, driveways and parking areas. The premises shall be kept clean. Any graffiti painted on the property shall be painted out or removed within 72 hours of occurrence.

8. Should the carport structures fall into disrepair and/or the solar arrays no longer be effective for generating electricity, as determined by the Planning Director, all structures shall be removed and the parking lot surface repaired to the satisfaction of the City Engineer.

9. Violation of these conditions is cause for revocation of permit, after a public hearing before the duly authorized review body.

Design

10. Color consistency of all structural elements shall be consistent with the colors of Southland Mall to the satisfaction of the Planning Director. A darker color shall be used on the columns with a lighter color used on the fascias. The fascias shall contain a 3-dimensional relief pattern consistent with features on the Mall buildings.

11. Lighting fixtures shall be maintained that are adequate for the illumination and protection of the premises. The fixtures shall be decorative and shall be mounted such that they do not extend below the lower level of the valance, subject to approval by the Planning Director. Within the parking lot, the minimum requirement is 1-foot candle of light across the entire surface. The lighting, and the related photometric, plan shall be reviewed and approved by the Planning Director.

Landscaping

12. The applicant shall submit detailed landscaping and irrigation plans prepared by a licensed landscape architect for review and approval by the City. Landscaping and irrigation plans shall comply with the City's Water Efficient Landscape Ordinance and the following requirements:
    a. The southerly ends of the parking rows shall be capped by landscaped islands. Shrubs, which shall have a mature height of 3 feet, shall be planted in the islands.
    b. Where any landscaped area adjoins driveways or parking area pavement, Class B Portland Cement concrete curbs shall be constructed to a height of six inches above the adjacent finished pavement.
    c. One 24" box street tree is required for every 20-40 lineal feet of frontage along La Playa Drive between Hesperian Boulevard and I-880. Trees shall be planted to fill vacancies in the street tree pattern and to replace any dead or dying trees. Spacing is dependent on the species. Trees shall be planted according to City Standard Detail 122. Street trees shall be planted away from sanitary sewer lines.
    d. Screen landscaping shall be installed along the La Playa frontage, which shall have a mature height of 3 feet.

13. Landscaping shall be installed and a Certificate of Substantial Completion and an Irrigation Schedule shall be submitted prior to issuance of a Certificate of Occupancy.

14. Landscaping shall be maintained in a healthy, weed-free condition at all times and shall be designed with efficient irrigation practices to reduce runoff, promote surface filtration, and minimize the use of fertilizers and pesticides, which can contribute to runoff pollution. The owner's representative shall inspect the landscaping on a monthly basis and any dead or dying plants (plants that exhibit over 30% dieback) shall be replaced within ten days of the inspection. Trees shall not be severely pruned, topped or pollarded. Any trees that are pruned in this manner shall be replaced with a tree species selected by, and size determined by the City Landscape Architect, within the timeframe established by the City and pursuant to the Municipal Code.

Parking/Driveways

15. All parking stalls and maneuvering areas shall meet the minimum standards of the City Parking Ordinance. The applicant shall be responsible to repair and resurface any pavement area's damaged during construction and to replace parking stall and traffic control striping damaged, to the satisfaction of the City Engineer. Aisles, approach lanes, drive-through lanes and maneuvering areas shall be marked and maintained with directional arrows and striping to control traffic flow during construction. All temporary markings shall be completely removed at the completion of the project.

16. The new island area shall be either signed or posted as No Parking, Fire Lane, or the curbs painted red.

Engineering/Transportation Division

17. A soils report shall be submitted for review and approval of the Building Department and City Engineer prior to the issuance of a building permit.

18. The applicant shall pay the appropriate Supplemental Building Construction & Improvement Tax prior to receipt of a certificate of occupancy.

19. The civil site plan shall show existing on-site drainage systems, including catch basins, and shall be reviewed and approved by the City and Alameda County Flood Control prior to the issuance of the building permit.

20. The civil site plan shall also show water and sanitary sewer lines through the site to ensure that the project and existing facilities are not in conflict. Details shall be provided of any new crossings. The civil site plan and any details shall be reviewed and approved by the City Engineer prior to the issuance of any permits. An encroachment permit may be necessary for the construction of any facilities that cross City facilities.

S O U T H G A T E

September 20, 2004

Richard Patenaude, AICP
City of Hayward, Planning Division
777 B Street
Hayward, California 94541

Re: PL-2004-0489 SPR
Installation of solarport on carports at Southland Mall

Mr. Patenaude,

At our August 4th meeting The Homeowners Association received a presentation form Robert Gold of SolarGen Properties, explaining the proposal to install and operate a photovoltaic system on top of carports to be constructed in the south parking lot at Southland Mall.

Association members expressed concern about carport structure blocking the view of not only the mall but also the view of the parking lot. Members were concerned that the addition of the carports would make the lot less desirable, having a negative effect on the mall. Other concerns are outlined below.

Security:
Members said that they believed additional video surveillance was a must because some of the current cameras would be unable to provide a view underneath the carports.
Emergency call buttons were also suggested as many new parking structures are featuring them.

Lighting:
Lighting was very important and that the low height of the structure would mean a larger number of light fixtures would be required to provide a minimum of two candlepower under the entire carport area.

Landscaping:
The landscaping shown in the SolarGen presentation consisted of plantings in containers at the end of the carports. The board believes that in ground planters forming end caps bordered with a concrete curb is appropriate. This design will be in keeping with the city standards and provide a better level of protection from vehicles that may otherwise damage the ends of the carports.

Structure and Design:
The presentation included artist's renderings but no details of the design. There was an interest in making the carport roof solid, providing more protection from rain. However members were unsure how this might change the fire protection requirements.

A majority of the board is in support of the concept of providing for a photovoltaic electrical power generation facility while addressing the concerns outlined in this letter.

Thank you for keeping us informed of projects in the neighborhood, we are always happy to provide suggestions.

The Southgate Area Homeowners Association Board

ATTACHMENT F