



SUBJECT

Proposed multi-family residential development of 40 townhouse style condominium units and related site improvements at 623-675 Jackson Street (Assessor Parcel Nos. 444-0027-005-02, 444-0027-004-03, 444-0027-005-02, 444-0027-002-00, & 444-0027-001-00), Requiring Approval of Tentative Tract Map 8339, Site Plan Review, and Density Bonus Application 201606492, and approval of a CEQA Infill Consistency Checklist; Joe WU, Seton Pacific Company (Applicant)/ Pine Vista LLC (Owner)

RECOMMENDATION

That the Planning Commission approve the Tentative Tract Map 8339, Site Plan Review, and Density Bonus Application 201606492, and approval of a CEQA Infill Consistency Checklist (Attachment V), based on the analysis set forth in this report and contained within the attached Findings, subject to the Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval of Tentative Tract Map No. 8339, Site Plan Review and Density Bonus Application No. 201606492, and the adoption of an Infill Consistency Checklist to combine 5 parcels totaling 2.06 acres to allow the construction of 40 townhouse style condominiums units, including seven affordable units, with common open space areas and related site and frontage improvements at 623-675 Jackson Street. The applicant is also requesting one development concession. Per Section 10, Article 19 (Density Bonus Ordinance) of the Hayward Municipal Code (HMC), the applicant is entitled to receive two incentive or concession for providing on-site affordable units in excess of the number required by the Affordable Housing Ordinance. The applicant is requesting a reduction in the front setback from 20 feet to 10 feet to accommodate the additional residential units. In addition the applicant is requesting that condition requiring undergrounding of overhead utilities be waived.

BACKGROUND

The 2.06-acre project site consists of five parcels (444-0027-002, -004-03, -005-02, -006-02, and -001-00), on a roughly triangular-shaped site at 623-675 Jackson Street. Two of the parcels contain a single-family dwelling, one parcel has two non-residential buildings, and the remaining two lots are vacant. The site previously contained a religious facility within the two non-residential buildings without the benefit of an approved Administrative Use Permit, however that use is no longer there. The two existing homes, which are currently occupied, are proposed for demolition to accommodate the project.

Public Outreach. Following receipt of the project application, staff conducted the following public outreach:

- On December 9, 2016, a Notice of Receipt of Application was sent to all property owners and interested stakeholders within 300 feet of the subject property.
- On May 10, 2019, a Notice of Public Hearing was published in the Daily Review newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property. To date, staff has not received any comments from the public regarding the project.

PROJECT DESCRIPTION

Existing Conditions. The 2.06-acre project site is located off of Silva Avenue and is bordered by Jackson Street to the northwest, Bay Area Rapid Transit (BART) and Union Pacific Railroad (UPRR) lines to the northeast, and a three-story apartment complex and associated parking lot to the south. Silva Avenue is further south and leads to Jackson Frontage Road, which abuts the western property line of the site. A drainage easement for Ward Creek runs near the southern property line. The project site is relatively flat and contains five buildings, including two residences, two office buildings and a carport. Additionally, there are 43 trees on the site, including 41 proposed for removal. The parcels are zoned RM, Medium Density Residential and designated MDR Medium Density Residential with the exception of 623 Jackson which is designated HDR, High Density Residential in the *Hayward 2040 General Plan*.

Project Overview. The applicant proposes 40 townhouse style condominium units, housed in five, three-story buildings. The development would include 19 two-bedroom units with loft, 18 three-bedrooms units, two four-bedroom units and one five-bedroom unit. The custom floor plans range in size from 1,198 to 2,387 square feet. However, the majority of the units range from 1,385 to 1,797 square feet. Each unit includes a two-car garage, storage area and a patio and/or deck. A separate office/maintenance building is proposed at the rear of the site.

The project also includes new landscaping, frontage and site improvements, and two group open spaces totaling 5,187 square feet, one with a play structure and the other with barbeques and picnic tables. The RM District currently allows up to 35 units on the project site; however, the applicant is requesting a 15 percent density bonus to provide five additional units in exchange for designating 20 percent, or seven units, for moderate income households. The applicant is also requesting one development concession related to a reduction in the required front yard setback. A copy of the project plans with architectural renderings are included as Attachment VII.

Building Architecture. The project consists of an adaptation of traditional style row houses with the units facing open space or landscaped areas. The development includes two basic floor plan types, that are reversed or modified. In addition, there are eleven other custom floor plans that are designed to maximize the number of units on this triangular shaped site. The buildings will be stucco with composite shingle roofs. The building colors consist of warm shades of brown, tan, salmon and grayish lavender with contrasting off white trim. Architectural details include decks, detailed garage doors, front porches and sill treatments. Every unit is provided with a minimum of 90 cubic feet of storage space within the garages.

Parking and Circulation. Each home will contain a two-car garage. A 26-foot-wide private street is proposed to provide vehicular access to the site. The private street, which will be maintained by the HOA, provides thirteen street parking spaces for guests and the street layout provide adequate turnaround space for fire apparatus. The project includes the replacement of the sidewalk on the project frontage along Jackson Street. The project also includes an interior pathway providing direct pedestrian access from the units to Jackson Street and the group open spaces.

Landscaping and Open Space. The project proposes to plant 105 new trees throughout the project site with a varied palette of shrubs and groundcover in the common open space area and front yards of the units. Two common open space areas will be provided. One common open space area located near Jackson Street and bioretention basin will be 1,371 square feet in size and will contain a fenced playground with a play structure and a bench. The bioretention basin and playground will give the frontage a park like feeling. The second common open space area will be located along the southern property line and will be 3,816 square feet of landscape area with barbeques and picnic tables. Each home will also have a private outdoor patio or deck ranging from 120 to 138 square feet. All proposed landscaping and irrigation will meet the City's landscape water efficiency standards. Additionally, the project will treat storm water run-off on-site with five new bioretention treatment areas.

Tree Removals. The project requires the removal of 41 trees, 35 which are protected by the City's Tree Preservation Ordinance¹. The City's Tree Preservation Ordinance requires mitigation equal in value to the total appraised value of all protected trees to be removed through replacement trees or alternative forms of mitigation acceptable to the City Landscape Architect. The project proposes mitigation in the form of 105 larger trees. As conditioned, the City's Landscape Architect will review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of a building permit.

Noise Study. A noise study for the project was conducted by Vibro-Acoustic Consultants in February 2016. Two long-term measurements were taken along the project boundary, along the western property line at the Jackson Street Frontage Road and near the southeastern property line adjacent to the BART line. The measurement along Jackson resulted in a 63dBA equivalent sound level (Leq) and along BART resulted in a 60 dBA Leq measurement. These measurements taken at the property boundary are below the City of Hayward's "normally acceptable" exterior noise level threshold for multi-family residences and as such no additional mitigation is required.

Homeowners Association: As part of the standard conditions of approval, the project is required to form a new Homeowners' Association (HOA) with required Covenants, Conditions and Restrictions (CC&R's) to ensure the future homeowners will be responsible for maintaining all the project components, including the private street, street lights, utilities, and other privately owned common areas and facilities on the site, including the

¹ Tree Preservation Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR

bio-retention areas, landscaped areas, preservation and replacement of trees, and decorative paving.

Utilities and Street Improvements. The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easement within the project site and connect to the existing utilities on Jackson Street. The project will be served by two private streets. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks to meet the City's street standards. In addition, the Public Works Department is requiring that the existing overhead utilities be underground (See Attachment III, Condition No. 67)

Sustainability Features. The project is required to meet CALGreen and 2016 California Energy Code standards for energy efficiency, as well as the City's requirements for water efficient landscaping. Additionally, the project will comply with the City standards for recycling of waste during construction and operation and will comply with the Municipal Regional Stormwater requirements for storm water runoff prevention and treatment.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The project site contains a land use designation of MDR, Medium and HDR, High Density Residential², in the *Hayward 2040 General Plan*, which allows a residential density range of 8.7 to 17.4 and 17.4 to 34.8 dwelling units per net acre respectively. Properties with the MDR land use designation are typically characterized as suburban or urban and HDR land use designation are typically characterized by urban areas along arterial roads. The project is consistent with the *Hayward 2040 General Plan* in that it is a multi-family residential development with a density of approximately 16.9 dwelling units per net acre, which is within the allowable density exclusive of a density bonus.

The *General Plan* also provides goals and policies which serve as guiding principles and provide a host of strategies for future development in the City. The proposed project was evaluated and determined to be consistent with several goals and policies, including that it will increase the housing inventory for the City of Hayward, is located close to services and amenities, and is considered an in-fill development that will result in a more complete neighborhood. The project's consistency with the *Hayward 2040 General Plan* and its specific goals and policies is discussed in greater detail in the project findings (Attachment II).

Zoning Ordinance. The project site is located within the RM (Medium Density Residential) zoning district. Pursuant to Section 10-1.400³, the RM district allows for multi-family residential units, including condominiums and townhomes. The RM District allows up to a maximum of 35 dwelling units (8.7 to 17.4 dwelling unit per net acre). With the exception of

² Hayward 2040 General Plan:

<https://www.hayward2040generalplan.com/land-use/residential>

³ Medium Density Residential District:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.400MEDEREDIRM

the front setback, the development complies with all the development standards for the RM District including lot size, lot frontage, lot coverage, and building height.

Tentative Tract Map. The project proposes to subdivide the project site consisting of five (5) existing parcels to create 40 residential condominium units. Pursuant to Section 10-3.010⁴ of the Hayward Municipal Code (HMC), the purpose of the Subdivision Ordinance is to ensure that all proposed subdivisions are consistent with the procedures, policies, and programs of the *Hayward 2040 General Plan*, underlying zoning district, and Subdivision Map Act. Per Section 10-3.150 of the HMC, the following Tentative Tract Map findings are required for the project:

- The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
- The proposed subdivision meets the requirements of the City Zoning Ordinance; and
- No approval of variances or other exceptions are required for the approval of the subdivision.

If approved, the applicant would be required to submit a Final Map and improvement plans to the City Engineer for review and approval. The City Engineer must determine that the Final Map and improvement plans are in substantial compliance with the approved Tentative Tract Map prior to approving the Final Map. Prior to approval of the Final Map, the developer shall complete all required public improvements or enter into a Subdivision Agreement and post bonds with the City at which time the map can be recorded with the Alameda County Recorder's Office and commence construction activities. In accordance with HMC Section 10-3.246, approval of this Tentative Tract Map shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act. A copy of the Tentative Tract Map is included within the Project Plans (Attachment VII).

Site Plan Review. The purpose of the Site Plan Review is to foster development that complies with the intent of City development policies and regulations and is operated in a manner determined to be acceptable and compatible with surrounding development. Per Section 10-1.3025⁵ of the HMC, the Planning Commission may approve or conditionally approve this application when all the required findings below are made:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and

⁴ Subdivision Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR_S10-3.010PU

⁵ Site Plan Review Findings:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE_S10-1.3025FI

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

Staff evaluated the project application and believes the Commission can make the required findings for approval, based on the detailed analysis included in Attachment II.

Density Bonus Ordinance. The Density Bonus Ordinance⁶ requires that the City provide the developer with a density bonus or other incentives or concessions for the production of lower income housing units within the development if the developer meets certain requirements, including a requirement that the applicant agree or propose to construct a specified percentage of the total units for specified income households or qualifying residents.

If the applicant proposes to construct a condominium project in which at least 10 percent of the total dwelling units are reserved for persons and families of moderate income, a density bonus of at least 5 percent shall be granted. If the applicant increases the number of affordable moderate-income units, for each 1 percent increase above 10 percent of the percentage of units affordable to moderate-income households, the density bonus shall be increased by 1 percent up to a maximum of 35 percent. In this case the applicant is requesting a 15 percent density bonus and will be providing 20 percent of the units for moderate-income households. All the units in the development will to be offered to the public for purchase.

The Density Bonus Ordinance allows the applicant to request up to three concessions or incentives depending on the amount of affordable housing provided. Concessions or incentives may include a waiver or reduction of development standards in order to meet the proposed density. Specifically, a concession or incentive may mean:

- A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission, resulting in identifiable, financially sufficient, and actual cost reductions, or
- A reduction in setback and square footage requirements; or
- A reduction in the ratio of vehicular parking spaces and/or configurations as set forth in Government Code Section 65915(p); or
- Approval of mixed use zoning in conjunction with the Residential Development Project if commercial, office, industrial, or other land uses will reduce the development cost of the Residential Development Project and if the commercial, office, industrial, or other land uses are compatible with the Residential Development Project and the existing or planned development in the area where the proposed housing project will be located.

Based on the percentage of moderate-income units proposed, the applicant is allowed two incentive/concession. The applicant has requested for a reduction in the required front yard setback from 20 feet to 10 feet. In addition, the applicant request that Condition No. 67 (See Attachment III), which requires the undergrounding of overhead utilities along Jackson Street, be waived. The applicant has provided a supplemental letter that addresses this request,

⁶ Density Bonus Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART19DEB00R

included as Attachment IV. Additionally, staff has provided additional analysis in the Staff Analysis section below.

Affordable Housing Ordinance. The project must also comply with the City's Affordable Housing Ordinance⁷, which was adopted to increase the supply of affordable units for low and moderate-income households. It went into effect February 1, 2018 and applicable to new developments with 2 or more units. It requires that 10 percent of the units must be made affordable to households earning no more than 110% of the Average Median Income (AMI) adjusted for family size appropriate for the unit. As an incentive the City may approve an increase in the number of units per acre in a residential development if the increase is consistent with the City's density bonus ordinance. The applicant would meet this requirement with the seven proposed moderate affordable units.

Strategic Initiatives. The project supports several of the City's Strategic Initiatives, including Complete Communities and Complete Streets. The purpose of the Complete Communities strategy is to create and support services and amenities that provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. The purpose of the Complete Streets Strategic Initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. The project, as proposed, will create new housing opportunities that provide a mix of housing in the City and will require the construction of a new private street that will be designed to accommodate vehicles and pedestrians. The project supports the following Strategic Initiative goals and objectives that were established by the City Council:

Complete Communities

- Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.
- Objective 4: Create resilient and sustainable neighborhoods.
- Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.
- Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.

Complete Streets

- Goal 1: Prioritize safety for all modes of travel.
- Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

STAFF ANALYSIS

Following review and evaluation, staff believes the project is well-designed and appropriate for the neighborhood. The project is an in-fill development and will replace an underutilized site with attractive townhouse style condominium to complement the

⁷ Affordable Housing Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOOR

existing neighborhood. As referenced above and pursuant to the required findings, staff believes the project complies with the intent of City development policies and regulations, including the *Hayward 2040 General Plan*, Zoning Ordinance, Density Bonus Ordinance and Subdivision Ordinance as discussed below.

Land Use Compatibility. Staff believes the project is compatible with the land uses and developmental pattern of the existing neighborhood, which consists of multi-family residential adjacent and on the same side of Silva. The project complements the mix of housing types in the neighborhood and is consistent with surrounding land use densities.

Building Architecture. Overall, staff believes the homes are attractively designed and compatible with the existing character of the neighborhood. The development provides two basic plan types and eleven custom plans with varied building colors. The development is open to Jackson Street and provides an interesting contrast to other residential developments that are walled off from Jackson Street. The building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate building projections, balconies, front entry porches and give the appearance that the development is a mixture of duplexes and individual units.

Vehicular and Pedestrian Circulation. Staff believes the project is well-integrated into the existing neighborhood. The private street and interior walkway provide vehicular and pedestrian access to each home from Jackson Street, which is a public street. The new private street will be designed to meet the City's public street standards and will provide adequate circulation throughout the development and from the Jackson Street frontage road. The project also provides guest parking within the private street which helps to minimize street parking on the Jackson Street frontage road. Improvements on Silva include a left turn lane on the Jackson frontage road, handicapped ramps and crosswalk.

Density Bonus. As proposed, the reduction in the front yard setback would allow for the 40 units to be developed on this atypical shaped site. As previously mentioned, the City can deny the request only if the reduction would have an adverse impact upon the health, safety, or the physical environment and where there is no feasible method to mitigate or avoid the impact. Staff believes the proposed reduction would not have an adverse impact upon health, safety, or the physical environment and supports the proposed reduction in development standards because the reductions would improve the overall development by providing needed housing, including affordable units

Undergrounding Overhead Utilities. The Public Works Department's Condition No. 67 would require underground placement of existing overhead electrical and telecommunication utilities fronting the project. The existing overhead utilities are located in a landscaped median between the frontage road and Jackson Street. Public Works condition for utility undergrounding is consistent with the City's past condition for Harvest Park Tract 8240, located north of Jackson Street immediately west of the Union Pacific Railroad tracks. Utilities to be undergrounded by this project are also located in a landscaped median between Jackson Street and its frontage road (Diadon Drive).

For over ten years, the City has required underground placement of existing overhead electrical/telecommunication utilities across the project frontages except for projects with short frontages. Through such conditions and other measures, the City has created an underground utilities corridor along Jackson Street, north of Soto Road except for the frontage of Pine Vista Condominium project. Benefits of utility undergrounding include:

- a. Improved service reliability, greater public safety, and enhanced aesthetics
- b. Positive impact on property values
- c. View enhancement

The City currently does not have an adopted ordinance that requires developments to underground existing overhead utility lines, but the policy has been consistently applied on most land development projects.

Unlike most development projects, this site is a triangular shaped lot and has more frontage than a typical rectangular lot of equal size. In addition, Harvest Park was a zone change to Planned Development. This allowed for exceptions to the development standards so that more units could be built and in return were required to provide offset or compensated for by providing functional amenities or amenities not otherwise required or exceeding other required development standards. In this case the applicant is asking for a Density Bonus which allows for the applicant to build more units than is allowed under the general Plan density, however, must provide a greater percentage of the units for affordable housing. In return are allowed incentives/concessions depending on the density bonus. However, waiving of the undergrounding of the overhead utilities is not an incentive or concession that can be granted through the Density Bonus Ordinance because it is not a reduction in the development standards.

ENVIRONMENTAL REVIEW

CEQA Environmental Infill Checklist. On July 1, 2014, the City of Hayward adopted the 2040 General Plan. It includes goals and policies that convey the City's long-term vision and guide local decision making to reach that vision. The General Plan EIR assessed impacts from the implementation of the General Plan and was certified in 2014 when the City Council approved the General Plan.

Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the general plan. In approving a project meeting the requirements of Section 15183 of the CEQA Guidelines, a public agency must limit its examination of environmental effects to those the agency determines in an Initial Study or other analysis:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Was not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;

3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; and
4. Are previously identified significant effects which, as a result of substantial new information which was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR

An Infill Consistency Checklist is prepared by a lead agency to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. 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.

The project's environmental assessment was completed using a CEQA Infill Consistency Checklist (Attachment V), which tiers off the *Hayward 2040 General Plan* EIR. The checklist concludes that the Pine Vista 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.

NEXT STEPS

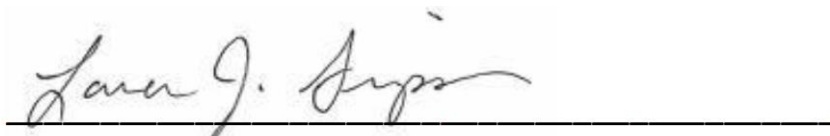
If the project is approved by the Planning Commission, the applicant may proceed with submitting a Final Tract Map and improvement plans to the City for review. The City Engineer must find that the Final Map and site improvement plans are in substantial compliance with the approved Tentative Tract Map and the map recorded with the Alameda County Recorder's Office. Once the Final Map and improvement plans are approved by the City and the Final Map is recorded, the applicant may then proceed with obtaining building permits.

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Approved by:



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Laura Simpson, AICP, Development Services Director