



SUBJECT

Proposed Development with 176 Affordable Housing Units and an Approximately 36,000 Square Foot School on the Southern Portion of Parcel Group 3 Located North of Tennyson Road between 16th Street and the Future La Vista Park, Assessor Parcel Nos 078C-0626-00309, 078C-0626-003-16, 078C-0626-001-07, 078C-0641-010-01, 078C-0635-013-03, 078C0640-007-06, 078C-0641-001-00, Requiring Approval of Site Plan Review, Administrative Use Permit, and Density Bonus Application 202001594. Eden Housing, Inc. (Applicant) on Behalf of the City of Hayward (Property Owner). (Continued from June 24, 2021)

RECOMMENDATION

That the Planning Commission approve the Site Plan Review, Administrative Use Permit, and Density Bonus application based on the analysis set forth in this report and the required Findings (Attachment II), and subject to the Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval of a Site Plan Review, Administrative Use Permit, and Density Bonus application to construct a development composed of two five-story residential buildings and a two-story school building on the southern portion of Parcel Group 3, located north of Tennyson Road between 16th Street and the future La Vista Park. The development will include 176 affordable rental housing units, a public community school for up to 384 preschool and elementary students, 233 parking spaces, indoor and outdoor amenity spaces, and new site landscaping throughout. Site Plan Review is required for the entire project, while the Administrative Use Permit is required to allow the proposed school use and the Density Bonus is required based on the number of residential units proposed for the site.

The new development will encompass approximately seven (7) acres of the Parcel Group 3 properties. The remaining land will be retained by the City for incorporation into the future La Vista Park. Currently, the parcel group is primarily open space with barns and corrals for horses. These will be relocated to accommodate the new development and future expansion of La Vista Park.

Parcel Group 3 is located within the Open Space (OS), Medium Density Residential (RMB4), Single Family Residential (RS) and Special Design Overlay District 7 (SD-7) zoning districts and is designated as Low Density Residential (LDR), Limited Medium Density Residential (LMDR), Limited Open Space (LOS), and Parks and Recreation (PR) in the *Hayward 2040 General Plan*. However, the new development proposed as part of this application is located

entirely within the RMB4 zoning district and Limited Medium Density Residential (LMDR) General Plan land use designation.

BACKGROUND

After abandoning the Route 238 Bypass Project in the 1970s, Caltrans began selling parcels that had previously been acquired for the planned freeway. In order to ensure that future development of the 238 parcels located in Hayward align with the City's land use policies and overall vision, the City negotiated a Purchase and Sale Agreement (PSA) with Caltrans to assume responsibility for the sale of some of these properties to private developers.

The City-controlled 238 properties are divided into ten "parcel groups." In April 2018, the City Council approved the issuance of a Request for Proposals (RFP) for the cluster of parcels located north of Tennyson Road and east of 16th Street, referred to as "Parcel Group 3." The RFP process was intended to facilitate the re-sale of the parcels through a competitive process to ensure the best price and land use for the City. Three proposals were received in response to the RFP, and in July 2018, the Council authorized the City Manager to negotiate and enter into an Exclusive Negotiating Rights Agreement (ENRA) with Eden Housing Inc. and The Pacific Companies based on their proposal to construct a minimum of 150 affordable housing units and a public community school on the Parcel Group 3 properties.¹

Public Outreach. On May 20, 2020, a Notice of Application Receipt was sent to 566 addresses, including all property owners, businesses, and residents within a 300-foot radius of the project site, as well as interested parties including the Mission-Garin Neighborhood Task Force and South Hayward Parish. In response to this notice, staff received seven emails and calls from members of the public. Primary concerns expressed included the impact to parking on 16th Street, increased traffic and congestion, the loss of open space views along 16th Street, concern about proximity to fault lines, the dislike of the architecture, and general concerns about the amount of housing development in the area and whether the neighborhood needs an additional school.

On September 30, 2020, a virtual neighborhood meeting was hosted by the project applicants via Zoom. Flyers advertising the meeting were sent or delivered to a list of 1,117 property owners, businesses, residents, and interested stakeholders within a 500-foot radius of the project site. In addition, each of the members of the public who responded to the original Notice of Receipt were invited to the meeting via individual emails from the applicant. Approximately ten community members attended the virtual meeting. Comments made were similar to the concerns voiced in response to the Notice of Receipt, including concerns about parking, traffic, and the loss of open space. In addition, there was a concern expressed about construction related impacts related to dust and noise.

On June 9, 2021, a Notice of Public Hearing for this Planning Commission public hearing was circulated to a mailing list of 1,126 property owners, businesses, residents and interested stakeholders within an increased 500-foot radius of the project site as well as published

¹ City Council Meeting, July 17, 2018, Staff Report for Consent Item 18-511:
<https://hayward.legistar.com/LegislationDetail.aspx?ID=3553045&GUID=FA151DA2-059B-47E5-B601-CD7E50335106&Options=&Search=>

within The Daily Review newspaper as a Legal Ad. As of the writing of this report, staff has received three emails from the same person about the proposed project. Specifically, the member of the public expressed concern about high density residential housing being built in such close proximity to an earthquake fault, especially given the recent condo collapse in Florida. Instead, it was suggested that a park or low-density housing would be better suited for the site. In addition, the member of the public generally questions the need for more high-density housing in this location, as well as the need for a new school, given that the area already has both.

PROJECT DESCRIPTION

Existing Site Conditions. Parcel Group 3 is an approximately 28.5-acre site situated north of Tennyson Road between 16th Street and the future La Vista Park. The site has a number of physical constraints that limit the developable area, including fault traces, landslide areas, and steep topography. These can be viewed on the project plans included as Attachment IV to this staff report. The majority of the site is currently open space with barns and corrals for horses. The parcel group also includes some smaller residential lots between Webster Street and Broadway Street that are currently vacant and are not intended to be developed as part of this application.

Surrounding development and land uses include existing and planned single and multifamily residential development to the north, south, and west. La Vista Park, an approximately 50-acre regional park will be located immediately adjacent to the site to the east. As planned, the park will feature ball fields, trails, playgrounds, picnic areas, and a range of other community amenities. The South Hayward BART station is located within a half-mile of the project site, providing access to destinations throughout the Bay Area. There are also some commercial and auto service uses located nearby on Mission Boulevard. Caesar Chavez Middle School is less than a mile to the west and Bowman Elementary School, St. Clement Catholic School, and Moreau Catholic High School are just over a half-mile to the north.

Proposed Project. As shown in the project plans (Attachment IV), the proposed development will be clustered in the southwestern portion of the site to avoid the fault zone and landslide areas in the central and northern portions of the site. The project features two five-story residential buildings and a two-story school building. As shown on the project plans, each of the two residential buildings house 88 units for a total of 176 rental units. With the exception of two manager units, all units will be rented at rates affordable to Moderate- to Very Low-Income households based on Area Median Income as determined by HCD. When calculated based on the California Tax Credit Allocation Committee levels (which differ slightly from HCD's), all units will be affordable to Low-Income households (Attachment V). The project includes a mix of studios and one-, two-, and three-bedroom units that range in size from 416 to 986 square feet. Additionally, the residential buildings contain a leasing office, community room, laundry rooms on each floor, and a mail room.

The school will be contained within an approximately 36,000 square foot building and serve as an elementary public community school operated by The Primary School. This will be the

Primary School's second site, as they presently operate one campus in East Palo Alto.² A primary school space for preschool aged students will be housed in the first floor of Residential Building B, immediately across from the elementary school building. As detailed in the School Program Overview (Attachment VI), the Primary School will slowly grow enrollment over a period of eight years to a maximum of 384 students in grades pre-kindergarten to fifth grade. The Primary School aims to support the whole family by offering access to a range of services, including medical, mental health, dental, and social service care and a parent wellness program that provides counseling and coaching on parenting, financial security, and educational attainment. The Hayward Campus will actively target recruitment toward low-income families with the highest need who would most benefit from the organization's approach and supports. This would include direct outreach to the future families that will be housed in the adjacent residential buildings.

Site and Building Design. As described above under Existing Site Conditions, the significant environmental constraints of the project site leave a relatively small developable area in the southwest corner of the parcel group on which the proposed development is clustered. There is a significant grade change between the developable area and Tennyson Road below. To diminish the perceived massing and scale of the project to better fit in with the surrounding environment, the smaller two-story school building is positioned closest to Tennyson with the taller residential buildings tucked behind. As shown in the renderings included in Attachment IV, this results in a reduced visual impact from Mission Boulevard and Tennyson Road. While the project still has a significant presence from 16th Street, the entire development is situated adjacent to existing multifamily development located just south of the terminus of 16th Street, leaving the land adjacent to the single-family homes on the northwest side of the parcel group as open space that will be incorporated into the future La Vista Park. The project's buildings themselves are designed with varied wall planes, and a mix of colors and materials for a modern, appealing aesthetic.

Landscaping and Open Space. The site also features all new landscaping, to further beautify and soften the appearance of the new development. A central courtyard with a playground and outdoor seating is situated between the two residential buildings to provide residents with on-site outdoor recreation space. Additionally, the school has two separate play spaces – one for the elementary school and one for the primary school. A total of 158 new trees are planned across the development, featuring a mix of species including bay laurels, Chinese pistache, canary island pines, and crepe myrtles. No trees are proposed to be removed as part of the project. The project complies with the criteria of the Hayward Bay-Friendly Water Efficient Landscape Ordinance.

Circulation and Parking. As designed, primary access to the school portion of the site will be via an access road connecting to Tennyson Road while access to the residential parking areas will be from two driveway entries off 16th Street. The access road from Tennyson and on-site traffic circle will provide space for school drop off queuing. Fire and emergency vehicle access is provided via the project's main entrances from Tennyson Road and 16th Street as well as from two road stubs that run between the residential buildings. The road stubs will

² The Primary School, East Palo Alto: <https://www.theprimaryschool.org/east-palo-alto>

be blocked by bollards and feature grass pavers with reinforced substrate so that when not used for emergency access, will provide an extension to the outdoor courtyard space for play and community gathering.

As proposed, the project will include a total of 233 vehicle parking spaces, with 183 spaces dedicated to the residential units and 50 dedicated to the school. Of these, 24 will have EV charging stations, 10 will be ADA accessible, and 17 will be compact parking spaces. Parking for the school is located immediately north of the on-site traffic circle, with additional drop off spots in front of the primary school and elementary school as well as along the access road from Tennyson.

As previously noted, the project site is immediately adjacent to the future La Vista Park. To ensure that residents have easy access to this high-quality recreational amenity, two trail connections are proposed, one at the northern end of the site from the edge of the parking lot, and another from the access road stemming off of Tennyson Road. As conditioned, the trail at the edge of the northern parking area will be accessible to the larger public, providing convenient park access to the La Vista Park trail system to the residential neighborhood surrounding 16th Street. The project also includes a staircase leading from the southeast portion of the project site down to Tennyson to shorten the walking distance to the South Hayward BART station. Alternatively, the BART station is also accessible via 16th and Hancock Streets, a walking or biking route that does not involve stairs. As conditioned, new crosswalk infrastructure across Tennyson at the project site entrance and at the Tennyson and Mission intersection will help provide safe routes to the development from the south and west and increase connectivity to the planned portions of the Hayward Foothill Trail to the south.

Sustainability. As part of the proposed project, the applicant has committed to incorporating several sustainable features that meet or exceed all the requirements of the California Building Code and City's REACH Code with the exception of EV charging infrastructure as outlined below due to density bonus law (see Table 1 below). Specifically, the project proposes the following:

1. All Electric Building. As proposed, both the affordable housing and the school buildings will be constructed to be all-electric in full compliance with the Reach Code.
2. Solar Panels. The applicant proposes to exceed the building and REACH code requirements by installing solar panels for the affordable housing building.
3. EV Charging Stations. The applicant proposes to include 5% EV Ready spaces and 5% EV Installed spaces for the affordable housing component, which exceeds the Building Code requirements, and proposes to fully comply with the REACH Code EV parking requirement for the school.

Table 1: Sustainability and Code Compliance

	Building Code	REACH Code	Compliant?
All Electric			
School	Exceeds	Meets	Yes
Affordable Housing	Exceeds	Meets	Yes
Solar Panels			
School	Meets (Solar Ready)	Not Required	Yes
Affordable Housing	Exceeds (Solar Installation)	Not Required	Yes
EV Charging Stations			
School	Exceeds	Meets	Yes
Affordable Housing	Exceeds	No*	Yes (with DB)*

*Requested Density Bonus Concession Detailed Below

By adding solar panels, the project will exceed California Building Code standards, which only require that 15% of the total roof area be made solar-ready, or able to accommodate future installation of solar panels. The installation of solar panels is voluntary and not required by either the California Building Code or the City's REACH Code.

Although the proposed school will meet the REACH Code for the installation of EV Charging stations, the affordable housing component is requesting a concession to reduce the REACH Code requirement for EV Charging stations to 10%. Additional details on this concession request are detailed below. Staff notes that despite the reduction in the number of EV Charging Stations, the applicant is proposing to include 5% EV Ready and 5% EV Installed spaces, which still exceeds the California Building Code requirement. Staff believes that the voluntary inclusion of solar panels, EV charging infrastructure in excess of the Building Code, and meeting all other REACH Code requirements, including all-electric buildings, advance the City's overall sustainability objectives and help reduce carbon emissions.

In addition to the sustainable features identified to the buildings on site, the project is also subject to the Bay-Friendly Water Efficient Landscape Ordinance and includes permeable paving at various parking locations, including the emergency vehicle access road to allow on-site absorption of rainwater.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. Parcel Group 3 is designated as Low Density Residential (LDR), Limited Medium Density Residential (LMDR), Limited Open Space (LOS), and Parks and Recreation (PR) in the *Hayward 2040 General Plan*³. However, the proposed development is situated entirely within the area designated as Limited Medium Density Residential (LMDR), which allows for a residential density range of 8.7 to 12 dwelling units per net acre, and up to a maximum floor area ratio (FAR) of 0.5 for non-residential uses. Based on the cumulative area of the site designated as LMDR (approximately 12.4 acres), a range of 107 to 148 dwelling units would fall within the permissible density range established by the General Plan. However, given that 100 percent of the proposed residential units are affordable, and the project is within a half mile of a major transit stop (South Hayward BART station), the

³ Hayward 2040 General Plan: <https://www.hayward2040generalplan.com/>

project is eligible for an unlimited Density Bonus. Additionally, the FAR of the school facilities is well below the maximum cap of approximately 270,000 square-feet of floor area.

The LMDR land use designation generally applies to suburban areas that contain a mix of housing types, including apartment and condominium buildings. The project is consistent with numerous goals and policies of the General Plan in that the development will increase the affordable housing stock within the City of Hayward and take advantage of close proximity to the nearby South Hayward BART station. The project consistency with the *Hayward 2040 General Plan* goals and policies is further discussed in the Required Findings for Site Plan Review (required for the entire project) and the Administrative Use Permit (required for the proposed school use). (Attachment II).

Zoning Ordinance. Parcel Group 3 is zoned Open Space (OS), Medium Density Residential (RMB4), and Single Family Residential (RS); however, the proposed development is situated entirely within the RMB4 district.⁴ The RMB4 district intends to promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. As proposed, the development complies with the development standards of this zoning district, as demonstrated in Table 1 shown below.

The project site is also within the Hayward Foothills Trail Special Design Overlay District (SD-7).⁵ The purpose of this special district is to ensure the development of a continuous bike and pedestrian trail as the 238 properties are developed. To meet the requirements of the SD-7 District, the project has provided trail connections to the elaborate trail system in the future La Vista Park.

Density Bonus. The applicant is requesting a Density Bonus and height increase, three concessions/incentives from the Hayward Municipal Code, and a reduction in parking pursuant to Section 65915 of the Government Code.⁶ A density bonus is a zoning tool granted by State law that allows for an increase in density with concessions and/or incentives to development standards when affordable housing units are included on-site. According to the submitted Affordable Housing and Density Bonus Plan (Attachment V), the applicant is proposing to restrict all units (other than two manager units) as affordable to Moderate-, Low-, Very Low-, and Extremely Low- Income households in accordance with State Density Bonus Law. Further, as specified in the Plan, all units will be affordable to Low-Income households per California Tax Credit Allocation Committee Area Median Income levels. In addition, the project is located less than one-half mile from a major transit stop. As such, the project is entitled to an unlimited increase in density. However, the applicant is only requesting a 19 percent density bonus for a total of 176 dwelling units.

In addition to increased density, State Law also affords density bonus projects an additional three stories or 33 feet in height to accommodate the additional units. Further, for projects

⁴ Medium Density Residential (RM) Zoning District:

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

⁵ Hayward Foothills Trail Special Design Overlay District (SD-7):

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2600SPDEOVDISD_S10-1.2640HAFOTR

⁶ Section 65915 of Government Code (State Density Bonus Law):

http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915.&lawCode=GOV

located within a half mile of a major transit stop with at least 11 percent of units for Very Low-Income households or 20 percent of units for Low-Income households, a maximum of 0.5 parking spaces per unit may be required by the local jurisdiction. Given the project's proximity to the South Hayward BART Station and its proposed affordability breakdown (Attachment V), the project meets the requirements for the reduced parking standard.

In exchange for restricting all dwelling units as affordable, the project is entitled to four concessions or incentives per State Density Bonus Law. Concessions/incentives are defined as a reduction in site development standards or a modification of zoning code, or other regulatory incentives or concessions which result in identifiable and actual cost reductions. In addition, pursuant to State law, the City *shall* grant the concessions or incentives proposed by the developer unless it finds that the proposed concession or incentive does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. Accordingly, the applicant has requested the following concessions/incentives:

1. *Concession #1 –Open Space:* The proposed design involves 13,160 square feet of on-site public courtyard space in between the two residential buildings. This space will be programmed for outdoor recreation and will include a play structure for children as well. In addition, the project includes an 1,800 square foot interior amenity space in Residential Building A. Although these spaces do not meet Hayward's requirement of 150 square feet per unit of open space, the project will be located directly adjacent to the new La Vista Park that is currently in development. The park will include over 50 acres of programmed open space, and as part of the applicant's Development Agreement with the City of Hayward, the proposed project will be providing pedestrian access from the doorstep of both the residential and school buildings up to the future La Vista Park and SD-7 Foothill Trail.
2. *Concession #2 –Rear Yard Setback Requirements:* The RMB4 zoning district requires a 20-foot minimum rear yard setback. The project proposes a 15-foot, 2-inch setback due to limited space and site constraints as shown in the site plan.
3. *Concession #3 - City of Hayward's Reach Code Electric Vehicle Charging Requirements:* The City of Hayward's Reach Code requires that 75 percent of the project's dwelling units with one or more parking spaces be provided with at least one Level 2 EV Ready space and that the remaining 25 percent of project's units be provided with at least one Level 2 EV Capable space.⁷ Due to the considerable cost associated with fully meeting the Reach Code's electric vehicle charging requirement (almost 10 times the cost of meeting just the Building Code requirement according to the applicant's estimates) and the estimated funding gap, the project will instead meet the electric vehicle charging requirements of the California Tax Credit Allocation Committee (CTCAC), which are dictated by the 2019 California Building Standards Code, resulting in 10 percent of spaces being EV Ready. For this project, the applicant is proposing to provide 5% EV Ready, and 5% EV Installed. This is an allowable

⁷ Reach Code Checklist for New High-Rise Residential:

<https://www.hayward-ca.gov/documents/reach-code-checklist-new-high-rise-residential-and-new-motelhotel-buildings>

concession given the City's adopted Reach Code goes beyond what is required by State law. As detailed in the Sustainability section, the applicant is voluntarily installing solar panels for the housing component in exchange for the reduction in number of EV stations that would be required per the REACH Code.

SB330 and Housing Crisis Act. In 2019, the State of California adopted new legislation (SB330) that is intended to address the State's housing crisis. SB330 strengthens the Housing Accountability Act (Government Code Section 65589.5), which states that a housing development project that complies with the objective standards of the General Plan and Zoning Ordinance must be approved by the City, unless the City is able to make written findings based on the preponderance of the evidence in the record that either: (1) the City has already met its Regional Housing Needs Assessment (RHNA) requirement; (2) there is an impact to the public health and safety and this impact cannot be mitigated; (3) the property is agricultural land; (4) approval of the project would violate State or Federal law and this violation cannot be mitigated; or (5) the project is inconsistent with the zoning and land use designation and not identified in the General Plan Housing Element RHNA inventory. "Objective" means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official.

SB330 applies to housing projects, including mixed use projects with at least two-thirds of square footage dedicated to residential units. The residential portion of this project makes up approximately 78 percent of the overall project square footage, which means that the provisions of SB330 apply. In addition, SB330 specifies that use of a density bonus and related incentives, concessions, or waivers does not make a project ineligible for SB330. As shown in Table 2, the project complies with the objective development standards of the zoning district with the allowed Density Bonus provisions, incentives, concessions, and waivers permitted by State law.

Table 2: Zoning Compliance with Density Bonus

Standard	HMC/GP Requirement	Proposed	Consistent?
<i>Density With Density Bonus</i>	12 du/ac (148 units) Unlimited	14.2 du/ac (176 units)	Yes (<i>with Density Bonus</i>)
<i>Lot Coverage</i>	40%	18%	Yes
<i>Setbacks</i>			Yes (<i>with DB</i>)*
<i>Front</i>	20' minimum	125' minimum	
<i>Side</i>	10' minimum	48' minimum	
<i>Rear</i>	20' minimum	15' minimum	
<i>Building Height With Density Bonus</i>	40' maximum 73' maximum	63' maximum	Yes (<i>with DB</i>)
<i>Parking</i>			Yes
<i>Residential With Density Bonus</i>	328 spaces 88 spaces	183 spaces	
<i>School</i>	46 spaces	50 spaces	
<i>Open Space</i>	150 s.f./unit (26,400 s.f.)	14,960 s.f.	Yes (<i>with DB</i>)*

*Requested Density Bonus Concession

Housing Element, RHNA & Affordable Housing. Local jurisdictions report progress annually on meeting their Regional Housing Needs Allocation (RHNA) goals which are included in the City’s Housing Element. The Table below demonstrates progress made toward meeting Hayward’s RHNA goals for the period between 2015-2023 as of the last report year (2020), which is shown in the column titled “Reported 2020.” The State allows local jurisdictions to “report” the units when building permits are issued to construct the units. The “Approved” and “Pending Approval” columns provide an estimate of potential compliance by counting both entitled projects and projects going through the entitlement process.

Table 3: 2023 RHNA Goal Progress in the City of Hayward

Income Category*	Unit Goal	Reported 2020		Approved		Pending Approval		Estimated Compliance		Estimated Deficiency	
		Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal
<i>Very low</i>	851	65	8%	203	24%	88	10%	356	42%	524	58%
<i>Low</i>	480	153	32%	70	15%	122	25%	345	72%	135	28%
<i>Moderate</i>	608	72	12%	58	10%	10	2%	140	23%	472	77%

*The City has achieved the Above Market Rate RHNA housing goals for the 2015-2023 RHNA cycle.

The proposed project is subject to the requirements set forth in HMC Chapter 10, Article 17, Affordable Housing Ordinance.⁸ An applicant may satisfy the requirements of the ordinance by paying an affordable housing in lieu fee or including affordable units within the proposed development. Pursuant to HMC Section 10-17.215, rental projects shall deed restrict no less than 6 percent of units on-site for Low- and Very Low-Income households. Further, the affordable units shall be integrated within the proposed residential development, shall be of similar or the same quality and provide access to the same amenities as the market rates units pursuant to HMC Section 10-17.220. As specified in Attachment V, the applicant is meeting the AHO requirements by providing a total of four units as affordable to Very Low- and Extremely Low-Income households.

STAFF ANALYSIS

Staff believes that the Planning Commission can make the required Findings to approve the Site Plan Review, Administrative Use Permit, and Density Bonus application based on the analysis provided herein and included within the required Findings. The proposed project complies with the applicable objective development standards and meets the intent of the RMB4 zoning district as well as the goals and policies of the *Hayward 2040 General Plan*.

The proposed development includes a 100 percent affordable housing project with a range of unit sizes at different affordability levels, which will provide Hayward’s lower income households with desperately needed housing units. In addition, the proposed school will provide Hayward families with a high-quality preschool and elementary school choice that offers ample supportive services to students and their families. The school operator will

⁸ HMC Chapter 10, Article 17, Affordable Housing Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOUR

target low-income South Hayward families, including families in the adjacent housing on-site to ensure that this valuable educational opportunity serves the community's families who could most benefit from it. Further, the project is consistent with the City Council's approved terms for the Parcel Group 3 Exclusive Negotiating Rights Agreement, which specify that the development include a minimum of 150 residential mixed-income multifamily affordable units and a public community school.

The South Hayward BART station is within walking and biking distance, allowing for easy commuting to and from the site. The primary entrances for the residential and school portions of the site are separated so as to improve circulation and reduce the impact of school traffic to the existing residential community on 16th Street. Additionally, as conditioned, new crosswalk infrastructure and traffic calming measures will help promote walking and biking and reduce the impacts of additional vehicular traffic on the surrounding neighborhood. The project also provides connections to the trail system of La Vista Park, as required by the Special Design Overlay District (SD-7) and a stairway down to Tennyson Road to improve the pedestrian connection to the Mission Boulevard corridor and nearby BART station.

As designed, the project is compatible with the surrounding neighborhood as the proposed multifamily housing is clustered at the southern end of the site, adjacent to existing multifamily housing. The remainder of the parcel group, including the central and northern portions that are adjacent to the lower density single family homes along 16th and Webster Streets will be developed as part of the future La Vista Park, maintaining an open space appearance, which was voiced as important by the neighborhood. Additionally, the positioning of the school closest to Tennyson Road reduces the visual bulk and massing of the project from Tennyson Road and Mission Boulevard. As shown in the project renderings included in Attachment IV, while the development will be clearly visible from the future La Vista Park, it will not block the park's stunning views of the city and Bay.

ENVIRONMENTAL REVIEW

In 2014, the City certified the EIR for the *Hayward 2040 General Plan*.⁹ The General Plan represents the community's view of its future and expresses the community's conservation and development goals through the year 2040. An Addendum to the General Plan EIR (Attachment VII) was prepared pursuant to Section 15164 of the CEQA guidelines which states, "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

The proposed modifications to the General Plan EIR described in the attached Addendum would not require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. The analysis contained in the Environmental Checklist confirms that the modified project is within the scope of the General Plan EIR and will have no new or more severe significant effects and no new mitigation measures are required. Therefore, no subsequent or supplemental EIR or further CEQA review is required.

⁹ Hayward 2040 General Plan EIR: <https://www.hayward-ca.gov/your-government/documents/planning-documents>

NEXT STEPS

If the Planning Commission approves the Site Plan Review, Administrative Use Permit, and Density Bonus application, then a 10-day appeal period will commence from the date of decision. If no appeal is filed, then the decision will be deemed final. If an appeal is filed within the 10-day time frame, then the application will be heard by the Council for final disposition on the entitlement application.

Once entitled, the sale of Parcel Group 3 will be subject to a Disposition and Development Agreement between the City and the applicant for the sale and disposition of the former Caltrans-owned properties. This is anticipated to be brought before the City Council in the fall.

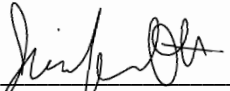
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Approved by:



Sara Buizer, AICP, Acting Deputy Development Services Director



Jennifer Ott, Assistant City Manager/Development Services Director