

FINDINGS

**Haymont Townhomes
and Apartment Mixed Use Project
26601 Mission Boulevard
(Mission Boulevard and Sorenson Road)
KB Home and Robert Telles (Applicants)**

Site Plan Review, Mitigated Negative Declaration (MND), Zone Text Amendment in the South Hayward BART/Mission Boulevard Form-Based Code T4 Urban General Zone (17.5 DU/ac min; 35 DU/ac max), and T5 Urban General Zone (35 DU/ac min; 55 DU/ac max) to allow residential density transfer/averaging among like-zone development sites, Site Plan Review, Warrants, and Vesting Tentative Tract Map 8335 for a Mixed-Use Commercial/Residential project to be developed with 35 Townhomes and 39 Apartments with 1,020 square feet of commercial use along with covered and open resident and guest parking Application No. 201601022

Findings for the Zoning Code Text Amendment

- **SEC.10-1.110 PURPOSE**

- a. The proposed text amendment to the Zoning code promotes and satisfies the public health, and furthers the purpose of promoting the public health, safety, general welfare of the City.

The proposed zoning code text amendment logically allows the transfer or averaging of residential density for adjacent properties of like-zoning within the defined area of the South Hayward BART/Mission Boulevard Form-Based code area.

- b. The proposed text amendment to the Zoning code satisfies, promotes, and enhances the preservation of aesthetic quality by establishing regulations that ensure an appropriate mix of land uses in an orderly manner.

The proposed zoning code text amendment would allow the development of various residential product types to be built as part of an integrated site plan within the South Hayward BART/Mission Boulevard Form-Based code area.

- c. The purpose of the proposed text amendment furthers the City's goals of achieving a pattern and distribution of land uses that generally:

- (1) Retain and enhance established residential neighborhoods, commercial and industrial districts, regional-serving uses, and recreational amenities.
- (2) Allow for the infill and reuse areas at their prevailing scale and character.
- (3) Accommodate expansion of development into vacant and underutilized lands within environmental and infrastructure constraints.
- (4) Maintain and enhance significant environmental resources.
- (5) Provide a diversity of areas characterized by differing land use activity, scale and intensity.
- (6) Establish Hayward as a unique and distinctive place in the heart of the San Francisco Bay Area with a high quality of life in an attractive, secure environment for the City's residents and businesses.

The proposed zoning code text amendment to allow the transfer or averaging of residential density for adjacent properties of like-zoning within the defined area of the South Hayward BART/Mission Boulevard Form-Based code area achieves all of the above six standards by providing flexibility to meet the desired residential density for critical mass transit ridership and jobs-work balance. Such flexibility allows for the development of diverse land uses in terms of scale of intensity which contributes toward creating a unique and distinctive place in the City and region.

The proposed zoning code text amendment to allow the transfer or averaging of residential density for adjacent properties of like-zoning with the defined area of the South Hayward BART/Mission Boulevard Form-Based code area also allows for a more flexible use of in-fill, reuse, and/or redevelopment of dilapidated, vacant, or underutilized properties. It also provides the ability to upgrade environmental improvements and protection measures.

- **SEC. 10-1.115 - AUTHORITY AND GENERAL PLAN CONSISTENCY.**
 - a. The proposed text amendment is a tool for implementing the goals, objectives, and policies of the Hayward General Plan, pursuant to the mandated provisions of the State Planning and Zoning Law, the California Environmental Quality Act, and other applicable State and local requirements. It does not change the density permitted, but allows different housing types to be developed providing diversity of product and increasing housing opportunities.
 - b. The proposed text amendment is consistent with the existing General Plan designation of Sustainable Mixed Use and policies related to residential density and availability of a variety of housing types by maintaining the emphasis on the

development of mixed use while expanding ways to incorporate different types of housing by maintaining the emphasis on the development of mixed use while expanding ways to incorporate different types of housing.

- c. The proposed text amendment is consistent with the following Hayward General Policies Plan.

LU-3.7 Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

H-3.1 Diversity of Housing Types: The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low density single-family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

H-3.3 Sustainable Housing Development: The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.

H-3.4 Residential Uses Close to Services: The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

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

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

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

- d. As determined by the Initial Study and Negative Declaration, the propose Zoning code text amendment will have no significant impacts or adverse impacts on surrounding development that already have been addressed in previously adopted environmental documentation and would be subject to implementation

of mitigation measures.

Findings for the Site Plan Review - Staff recommends the following findings to the Planning Commission pursuant to Section 10-1.3025:

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

The proposed project would replace dilapidated buildings and replace them with new housing and retail uses envisioned for the Sustainable Mixed Use land use designation. Surrounding structures typically are older residential neighborhoods and reviving commercial limited by a large regional cemetery and hillside to the east. The area is planned for rejuvenation and intensification. The residential development provides diversity between ownership and rental - a) three-story walk-up townhomes, and b) a 4-story mixed use/apartment structure. The density is compatible with the zoning. While the proposed project would represent some of the first higher density housing in the area, the proposed density also complies with the zoning and character anticipated. The residential uses would serve demands for new housing opportunities and provide critical mass of occupants as a customer base for transit ridership and new commercial uses.

(b) The development takes into consideration physical and environmental constraints.

The project site generally is flat. Development is constrained on three sides by an existing single-family neighborhood to the west, Mission Boulevard to the east, and Sorenson Road to the south. The project site is designed with appropriate access and vehicular circulation and is not further constrained.

(c) The development complies with the intent of City development policies and regulations.

The proposed project would allow the reuse of dilapidated, abandoned, or underutilized properties within an existing urban area. With the requested zoning text amendment to allow residential density transfer/averaging between and among adjacent, like-zoned properties, the proposed project complies with the intent and uses anticipated for T4 Urban General (17.5 DU/acre; 35 DU/acre) transect zone of the South Hayward BART/Mission Boulevard Form-Based Code and is consistent with Sustainable Mixed Use land use designation.

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

Residential use would be compatible with this part of the city and nearby transit facilities. Both home ownership and rental units provide options for housing. The provision of commercial space on Mission Boulevard carries through the commercial character. Older adjacent uses to the north eventually will transition to new development. New residential occupancies will provide customers for revitalizing commercial uses to the south.

Findings for approval of Warrant pursuant to the South Hayward BART/Mission Boulevard Form-Based Code – Some Warrants and Exceptions typically would be subject to Administrative approval by the Director of Development Services. Because of the other requested applications, this approval has been referred to the Planning Commission. Staff recommends the following findings to the Planning Commission pursuant to Section 10-24.410:

(a) Policy Consistency. The Warrant is consistent with the General Plan and overall objectives of this Code.

Excess Parking - The warrant to allow excess parking for attached multi-family units will, in fact, be an enhancement to the ownership nature of the townhome development. More vehicles of residents would be safely contained, and guest parking would be accommodated with less competition for available spaces thereby contributing to an orderly interaction of uses.

Roof Pitch – The proposed lower roof pitch of 4:12 complements building design and the mass and silhouette of the buildings.

First Story Clear Glazing less than 30% - As designed, only 12% of the first floor of the townhomes is glazed with clear glass. The lower level of glazing for the townhomes helps with noise attenuation and allows for more energy-efficiency and residential character to those elevations.

For the mixed use/apartment building, clear glass on the first floor makes up approximately 25% along Mission Boulevard and 13% along Sorenson Road. The ground floor elevation has been redesigned to include both fixed spandrel glass and translucent light-transmitting glass in addition to the clear shopfront glazing of the commercial area. While not all of it is clear, first floor exterior materials would be more than 30% glass.

Parking within the Layer 2 Setback - A portion of only one guest parking space is situated within the Layer 2 setback area of the townhomes. It is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines that are unobtrusive to the Mission Boulevard frontage.

(b) 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.

None of the requested Warrants would negatively impact the character envisioned for Hayward Mission Boulevard Corridor planning area or for the Sustainable Mixed Use land use designation.

Excess Parking - Market demand dictate that for-sale/condominium townhome residential products typically are provided with two covered spaces per unit, and guest spaces are provided for convenience and for ease of use.

Roof Pitch - The proposed roof pitch of 4:12 on portions of both the townhomes and the mixed use/apartment building provide continuity between both residential products and reflect the exterior design.

First Floor Clear Glazing Less than 30% - The proposed glazing levels on the first floor of both the townhomes and the mixed use/apartment building of reflect a style that is typical for the type and use of those structure. Appropriate materials, including fixed opaque spandrel glass and translucent light transmitting glass.

Parking Within the Layer 2 Setback – The portion of that one guest parking space for the townhomes situated within the Layer 2 setback area is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines are unobtrusive to the Mission Boulevard frontage.

(c) 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.

Approval of the Warrants would not be detrimental to the public health, safety, or welfare, or injurious to the property or improvements in the vicinity and in the same zoning district.

Excess Parking - In fact, the excess parking for the residential townhomes enhance the public health, safety, and welfare by improving vehicular circulation. Designated guest parking areas would minimize the potential for impacts between pedestrians/residents and vehicles.

Roof Pitch – The variation in roof pitch in minor in comparison to the required 5:12, and is not detrimental to any other property.

First Story Glazing less than 30% - The requested level of first story glazing is consistent with residential town homes and the first floor glazing provided for the mixed use/apartment building (while not all of it is clear) is an adequate amount for storefront visibility, parking screening, and residential privacy.

Parking Within the Layer 2 Setback – The portion of that one guest parking space for the townhomes situated within the Layer 2 setback area is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines that are unobtrusive to the Mission Boulevard frontage.

(d) 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.

All of the requested warrants would not affect substantial compliance with this code or constitute the granting of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district.

Excess Parking - The provision to allow the additional 8 on-site, guest parking spaces for the townhomes would, in fact, be a benefit to the function of the residential community and would exceed requirements while remaining within the intended character of the zoning district.

Roof Pitch - A roof pitch of 4:12 or even a flat roof is typical of residential buildings. The pitched roof is used as an accent feature and to provide articulation on the townhomes rather than a flat roof. It is used only over one 2-story portion (the commercial space) of the mixed use/apartment building and is unobtrusive.

First Story Glazing less than 30% - The requested level of first story glazing is consistent with residential town homes. For the mixed use/apartment building, the proposed glazing is more than the existing commercial building and still presents a commercial boulevard image intended for the design of this thoroughfare and zone.

Parking Within the Layer 2 Setback – The portion of that one guest parking space for the townhomes situated within the Layer 2 setback area is properly screened by landscaping and a community wall. The 10 parking spaces within the Layer 2 setback on the ground floor of the mixed use/apartment structure are situated behind a wall or wire-framed green screens with vines that are unobtrusive to the Mission Boulevard frontage.

Findings for Vesting Tentative Tract Map 8335 - In order for a Vesting Tentative Tract Map to be approved, the City Council shall make the following findings, as

recommended by the Planning Commission. Staff recommends the following findings to the Planning Commission:

- (1) That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act. [Subdivision Map Act §66474(a)]**

The project site is located within a neighborhood plan area. However, No Specific Plan applies to the Project Site. Vesting Tentative Tract Map 8335 with Conditions of Approval substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Plan. Also, it would not be inconsistent with the Neighborhood Plan for the Mission Garin neighborhood which allows increased residential use and emphasis on use of transit facilities.

- (2) That the design or improvement of the proposed subdivision is consistent with applicable general plan and specific plans. [Subdivision Map Act §66474(b)]**

The proposed subdivision, as demonstrated by the findings associated with the Zone Change Application and Site Plan Review, is consistent with the City's General Plan. The proposed project is consistent with the FAR and density prescribed by the Sustainable Mixed Use land use designation. There is no specific plan. The South Hayward BART/Mission Boulevard Form-Based Code serves a similar purpose. Approval of the proposed amendment to allow density transfer/averaging between and among adjacent like zoned parcel satisfies any potential inconsistencies regarding density. The project site is within the Mission-Garin Neighborhood Plan area which essentially has been superseded by the South Hayward BART/Mission Boulevard Form-Based code.

- (3) That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]**

The Geotechnical Investigation prepared by *Stevens, Ferrone & Bailey* in March 2016 demonstrates that the proposed project is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the proposed buildings, number of units, and commercial uses being proposed.

- (4) That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]**

The Geotechnical Investigation prepared by *Stevens, Ferrone & Bailey* in March 2016 demonstrates that the proposed project is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. Density is not a factor that makes the site suitable or less suitable for development.

A Traffic Operations Analysis prepared by *Hexagon Transportation Consultants, Inc.* in May 2017 prepared for the Project determined that, with the proposed Conditions of Approval the project would not result in significant impacts to traffic beyond those currently identified since it would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site.

- (5) That the design of this project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]**

The approval of Vesting Tentative Map Tract 8335, as conditioned, will have no significant impact on the environment, cumulative or otherwise. The proposed project incorporates Best Management Practices for water quality and stormwater runoff. The Mitigated Negative Declaration prepared for the Project determined that, with the proposed Conditions of Approval demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed project.

- (6) That the design of the subdivision or type of improvements are not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]**

Adequate capacity exists to provide sanitary sewer service to the Project site. Measures to ensure bio-treatment of stormwater runoff are included as Conditions of Approval thereby reducing the likelihood of serious public health problems. There are no other aspects of the Project with the potential to cause serious public health problems.

- (7) That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]**

The building improvement plan shall reflect all easements needed to accommodate the project development. The private streets shall be designated as a Public Utility Easement (PUE), Public Assess Easement (PAE), Water Line Easement (WLE), Sanitary Sewer Easement (SSE), and Emergency Vehicle Access Easement (EVAE). Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.