

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED MIXED-USE DEVELOPMENT WITH 314 RESIDENTIAL UNITS AND 7,100
SQUARE FEET COMMERCIAL SPACE WITH SITE AND FRONTAGE IMPROVEMENTS
AT 22330 MAIN STREET (APN 428-0061-061-03, 428-0061-061-04)
MAJOR SITE PLAN REVIEW, ADMINISTRATIVE USE PERMIT, AND DENSITY BONUS
APPLICATION NO. 202003725**

FINDINGS FOR APPROVAL

MAJOR SITE PLAN REVIEW

Per Section 10-28.5.3.030 of the Hayward Municipal Code, the project is subject to Major Site Plan Review due to the overall size of the project on a site over three acres. As part of this requirement, the Planning Commission may approve or conditionally approve an application when all the following findings are made:

1. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

The proposed project would include the redevelopment of two large vacant parcels in downtown and a surface parking lot to allow the construction of a large-scale, mixed-use development containing 314 new residential units and 7,100 square feet of ground floor commercial space, including numerous site and landscaping improvements. The proposed site improvements would consist of new bike lanes, curb, gutter, and sidewalk; construction of a new six-level structured parking garage; new site lighting and landscaping; and several courtyards and project amenities including a new pool and hot tub area, EV charging stations, long and short-term bicycle parking, a resident clubhouse, BBQ areas, and on-site fitness center. The proposed development would provide an attractive addition to the City and would result in significant investment on an identified catalyst site, located in close proximity to downtown Hayward. Such investment will result in development of a regional destination that will enhance Hayward's reputation in the Bay Area.

2. The development takes into consideration physical and environmental constraints;

The proposed project takes into consideration physical and environmental constraints in that it will result in upgraded infrastructure designed to serve the development and will include frontage improvements, such as installation of curb, gutter and sidewalks along all frontages, along with new bicycle and pedestrian facilities along McKeever Avenue, Maple Court and Main Street. The project as proposed is well within the allowable FAR and density permitted under the *Central City – Retail Office and Commercial* General Plan land use designation and the UN, Urban Neighborhood and DT-MS, Downtown Main Street zoning district development standards regarding parking, building placement, building height, lot coverage, landscaping, and private open space. As such, the project takes into consideration both the physical and environmental constraints of the property and adjacent sites.

As noted in the project's Initial Study and Mitigated Negative Declaration Addendum, the proposed project would result in *less than significant* impacts or impacts that could be mitigated to a *less than significant* level in all impact areas related to environmental impacts. Mitigation measures that were adopted as part of the original project, and subsequently analyzed with the revised project, are designed to reduce impacts caused as a result of the development. These mitigation measures will also ensure that the project will be constructed and operate at a level with minimal impacts to the environment and the surrounding area.

While the proposed development is consistent with several General Plan goals and policies, the inclusion of photovoltaic solar panels and numerous sustainable building features would bring the proposed project into significant conformance with the City's long-term commitment to Sustainability, as well as General Plan Natural Resources Policies to promote efficient use of energy in design, construction, and operation; to maximize the use of renewable resources. As proposed, the project has been designed with a contemporary approach incorporating varied wall planes, building colors and materials along all sides of each structure to avoid blank, monotonous facades and provide visual architectural articulation. New landscaping, lighting, site and frontage improvements will further serve to beautify and soften the perceived massing of the new development, resulting in a project will be an attractive addition to the City of Hayward.

3. The development complies with the intent of City development policies and regulations; and

The project is located on two underutilized sites in downtown Hayward totaling 3.93-acres and contains a split zoning designation of Urban Neighborhood (UN) and Downtown Main Street (DT-MS). The project has been reviewed against the City's adopted objective development standards for both the UN and DT-MS zoning districts in the Downtown Code, and is deemed consistent with those development standards, with the exception of the requested Density Bonus waiver and concession, which are permitted through State Density Bonus Law. Additionally, the project is consistent with the Central City Retail and Office Commercial (CC-ROC) land use designation of the *Hayward 2040 General Plan*, which allows for residential densities of 40 to 110 units per net acre. This project is consistent with density range identified in the General Plan and will further support the City's efforts to building new residential housing units to meet our Regional Housing Needs Assessment (RHNA) obligations.

The project is also consistent with the several long-term goals and policies of the Downtown Specific Plan in that the Plan was intended to provide the City with "a strategy to achieve the community's vision of a resilient, safe, attractive, and vibrant historic downtown by clearly outlining an implementation plan, delineating an inclusive, multi-modal circulation system, integrating public open spaces, and establishing new regulations that clearly establish Downtown Hayward as the heart of the City and a destination for visitors and residents." As noted in the Specific Plan, significant infill development in downtown Hayward is anticipated over the next 20 plus years and the Plan envisioned up to 3,430 new housing units and 1.9 million square feet of non-residential space such as retail, hospitality, office, and education. The proposed project aligns with this vision and is consistent with the following policies of the Downtown Specific Plan, including:

- Policy LU 1 Diversity of Uses to attract more downtown visitors, including families and college students and faculty from Cal State University, East Bay, and Chabot College, by offering a wide array of retail, dining, services, and entertainment uses that create a dynamic environment and depend on pedestrian foot traffic.
- Policy LU 2 Transit Supportive Development that creates an urban environment and development regulations in the Plan Area for transit supportive development that benefits from and promotes a rapid transit public transportation system.
- Policy LU 3 Opportunity Sites that encourage the development and improvement of sites that have the potential to attract developer interest in the Downtown and generate more economic activity.
- Policy CD 2 Coordinate Public and Private Investments by improving the quality and appearance of new and existing structures and streetscapes.
- Policy H 1 Housing Supply that encourages residential development at the maximum density allowed in the General Plan, where feasible, to spur more housing production including affordable and market rate housing and attract a wide spectrum of people to live Downtown.
- Policy H 2 Affordable Housing that results in the production of on-site affordable housing in the Plan Area, including options for extremely low, very low, low, and moderate-income households consistent with the inclusionary housing ordinance.
- Policy TP 2 Manage and market transportation demand management (TDM) programs to provide employers, employees, and residents with transportation alternatives to single-occupancy vehicle use and to reduce parking demand.
- Policy ED 5 Skilled Labor Force. Contribute to the stabilization of regional construction markets by spurring applicants of housing and nonresidential developments to require contractors to utilize apprentices from state-approved, joint labor-management training programs, and to offer employees employer-paid health insurance plans.

As previously noted, the project will include a mix of studio, one-, two-, and three-bedroom units of rental housing, including 19 units targeted for low- and very low-income households. Providing a mix of market rate and affordable rental housing is essential for a healthy community to meet demand for renters. In addition to a diverse mix of housing types, it is necessary to make available housing for residents of all income levels. As the population growth in the Bay Area continues to grow, it is important that projects with higher land use densities are located in areas close to public transit, parks and commercial areas, such as those located in downtown Hayward. Overall, the proposed development will support the following *Hayward 2040 General Plan* goals and policies:

- LU-1.3 Growth and Infill Development that supports local population and employment growth toward infill development sites within the city, especially the

catalyst and opportunity sites identified in the Economic Development Strategic Plan.

- LU-1.4 Revitalization and Redevelopment. The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
 - LU-1.5 Transit-Oriented Development that creates high-density transit-oriented development within the city's Priority Development Areas to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
 - LU-1.6 Mixed-Use Neighborhoods that support the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.
 - LU-2.5 Downtown Housing that provides a variety of urban housing opportunities including housing units above ground floor retail and office uses, in the Downtown to increase market support for businesses, extend the hours of activity, encourage workforce housing for a diverse range of families and households, create housing opportunities for college students and faculty, and promote lifestyles that are less dependent on automobiles.
 - LU-2.6 Downtown BART Station that includes a mix of commercial, office, high-density residential and mixed-use development in the area surrounding the Downtown BART Station.
 - LU-3.4 Design of New Neighborhood Commercial and Mixed-Use Development to have a pedestrian-scale and orientation by placing the building and outdoor gathering spaces along or near the sidewalk; locating parking to the rear of the building or along the internal side yard of the property; designing the building with ground floor retail frontages or storefronts that front the street; and enhancing the property with landscaping, lighting, seating areas, bike racks, planters, and other amenities that encourage walking and biking.
 - H-3.4 Residential Uses Close to Services to encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
 - M-1.6 Bicycling, Walking, and Transit Amenities to support the development of facilities and services, (e.g., secure term bicycle parking, streetlights, street furniture and trees, transit stop benches and shelters, and street sweeping of bike lanes) that enable bicycling, walking, and transit use to become more widely used modes of transportation and recreation.
- 4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.**

The development will be operated in a manner determined to be acceptable and compatible with surrounding developments in that the mixed-use project is similar to other mixed-use projects in the vicinity, such as Lincoln Landing, and will result in the construction of 314 new rental apartment units in downtown Hayward, including 19 new affordable units. The project will add nearly 7,100 square feet of new ground floor commercial space to downtown Hayward and provide residents in the vicinity additional retail services nearby.

Additionally, during construction, the proposed project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping, etc. The proposed development will be required to adhere to the Conditions of Approvals (within Attachment III) which will require the project to adhere to standard procedures of site preparation and development, including permitted hours of construction activity, as well as the incorporation of Best Management Practices (BMPs) for construction noise, grading, use of equipment to prevent adverse negative impacts onto adjacent properties.

ADMINISTRATIVE USE PERMIT

Pursuant to Hayward Municipal Code Section 10-28.2.3, the Planning Commission or other approving authority may approve or conditionally approve the Administrative Use Permit application required for the charter school use when all of the following findings are made:

1. The proposed use is desirable for the public convenience or welfare.

The proposed commercial space is desirable for the public convenience and welfare in that the use will provide additional tenant spaces for small retail and personal service providers in the City and be located in an area convenient for those living in the project or adjacent neighborhoods.

Standard and project specific conditions of approval would ensure that the proposed development would be operated in a manner acceptable and compatible with surrounding development. During construction, the project would be subject to control measures for air quality, traffic, construction noise, grading and other construction-related activities to minimize impacts on surrounding businesses and neighbors. Post-construction, a property management firm would be required to submit a property management plan to the City for review and approval.

2. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The proposed use will not impair the character and integrity of the zoning district and surrounding area. Although the proposed residential building will be five stories and taller than surrounding developments, it will be similar in height and scale to the nearby Lincoln Landing mixed-use project currently under construction. The building will be attractively designed and incorporate architectural features, design elements and building colors which will upgrade the existing site, which has previously been cited for blight and public nuisance issues. In addition, the six-level parking garage will be screened from view around the property via the residential building and the implementation of a variety of transportation demand management measures such as shuttle service, shared car program, unbundled

parking, and on-site secured bicycle storage facility will reduce trips from the site. As indicated in the project's Initial Study/Mitigated Negative Declaration, traffic impacts are anticipated to be less-than-significant due to these measures as to not impact the surrounding areas. Additionally, conditions of approval require development of a parking permit program should it be determined via surveys that spillover parking from the development is occurring in the neighborhood.

3. The proposed use will not be detrimental to the public health, safety, or general welfare; and

The proposed use will not be detrimental to the public health, safety, or general welfare in that the project and proposed commercial uses in that the existing and updated infrastructure, including new sewer and water mains; curb, gutter and sidewalks upgrades, and the new bicycle facilities will help improve overall public health, safety, and general welfare and be located in close proximity to the downtown Hayward BART Station to allow for increasing opportunities for walking and biking. Additionally, the proposed Parking Management Plan and Transportation Demand Management Plan will reduce potential traffic impacts, which are anticipated to be less-than-significant. The project will provide a new mixed-use project that will meet minimum Building, Energy, and Fire Code standards in effect at time of building permit application submittal and will incorporate numerous sustainable features including EV charging stations, solar panels, bike/care share, and all-electric units. Lighting and landscaping will be required to be upgraded along the property frontages to enhance safety for pedestrians, including at night, with lighting on the building required to be directed away from surrounding properties.

4. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The proposed mixed-use project with 7,100 square feet of commercial space, as conditioned, will be consistent with and operate in harmony with the applicable City policies and the zoning districts applicable to this site. As previously noted, the proposed commercial use part of the larger residential project which was reviewed and determined to be consistent with the Urban Neighborhood (UN) and Downtown Main Street (DT-MS) zoning districts of the Downtown Code and the Central City Retail and Office Commercial (CC-ROC) land use designation of the *Hayward 2040 General Plan*, including related goals and policies of the Downtown Specific Plan.

CEQA ENVIRONMENTAL REVIEW FINDINGS

1. On February 7, 2017, the City Council approved a Mitigated Negative Declaration, Initial Study, Mitigation Monitoring and Reporting Program in conjunction with the approval of a mixed-use project that included 192 Market-Rate Apartments, 48 Apartments Affordable to Very Low Income Households, Rehabilitation of a 48,800 Square-Foot Medical Office Building, and Approximately 5,500 Square-Feet of Retail Space, Located Generally Within the Block Bounded by A Street, Main Street, McKeever Avenue and Maple Court in Downtown Hayward.

2. Pursuant to CEQA Guidelines Section 15164, Impact Sciences prepared an Addendum, dated May 2022, analyzing the proposed project to allow a revised mixed-use project with 314 apartment units, including 19 affordable units, and 7,100 square feet of ground floor commercial space at the subject address. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR or MND.
3. There has been no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review. New CEQA analysis related to Vehicle Miles Traveled (VMT) found that the proposed project would not result in a significant impact in that the employer will implement Parking Management Plan and Transportation Demand Management measures and ongoing monitoring and reporting as part of the project. Therefore, the previously certified IS/MND and Mitigation Monitoring and Reporting Program remains valid.
4. The adopted MND identified all potential significant adverse impacts and feasible mitigation measures that would reduce impacts to a level of less than significant, and the vast majority of those mitigation measures have yet to be implemented. The applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program include ongoing measures tied to Air Quality, Biological Resources, Cultural Resources, Geology, Hazards and Hazardous Materials, and Noise. Based on the MND, the Addendum, and the whole record before the Planning Commission, there is no substantial evidence that the project would have any new or more significant effects on the environment.
5. That the project complies with CEQA, and that the previously certified MND, Initial Study, Mitigation Monitoring and Reporting Program and Addendum was presented to the recommending and deciding bodies, which reviewed and considered the information contained therein prior to forming a recommendation related to the project.