

**CITY OF HAYWARD PLANNING COMMISSION
MAJOR SITE PLAN REVIEW, DENSITY BONUS AND ENVIRONMENTAL REVIEW
APPLICATION NO. SPR-23-0006
MIXED-USE DEVELOPMENT AT 966 B STREET**

DRAFT FINDINGS FOR APPROVAL

Findings for Major Site Plan Review Approval – As required pursuant to Hayward Municipal Code Section 10-1.3081 - Findings, the following findings are made in support of approval of Major Site Plan Review application SPR-23-0006:

A. The proposed development is consistent with the General Plan, Zoning Ordinance, Design Guidelines, and any other applicable plan or program.

The project site is designated City Center – Retail and Office Commercial in the *Hayward 2040 General Plan* which allow commercial, office and mixed-use developments that include multi-family residential uses such as apartments and condominiums at a density ranging from 40 to 110 dwelling units per net acre. The project site measures 0.17 acres. With the base density prescribed by its City Center – Retail and Office Commercial land use designation, the site would be allowed a maximum of 19.36 units (110 units per net acre x 0.17 acres), or 20 units. Pursuant to State Density Bonus Law (SDBL), projects that provide 15 percent of its units as affordable to very low-income households are entitled to a 50 percent density bonus, or a total of 30 units, in addition to whatever waivers of development standards are necessary in order to accomplish the make the project feasible. Pursuant to State Density Bonus Law, a development shall be deemed consistent with the applicable density and development standards if it complies with the minimum affordability requirements set forth by State law.

Further, as a high density mixed-use, mixed-income development close to transit and commercial services, the project is consistent with several goals and policies of the *Hayward 2040 General Plan* and the Downtown Specific Plan, including:

Hayward 2040 General Plan

- Land Use Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
- Land Use Policy LU-1.4 – Revitalization and Redevelopment: The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Land Use Policy LU-1.5 – Transit-Oriented Development: The City shall support high-density transit-oriented development within the city to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- Land Use Goal LU-2: Revitalize and enhance Hayward’s Priority Development Areas to accommodate and encourage growth within compact, mixed-use, and walkable

neighborhoods and districts that are located near the city's job centers and regional transit facilities.

- Land Use Policy LU-2.4 – Downtown Retail Frontages: The City shall require retail frontages and storefront entrances on new and renovated buildings within the “retail core” of Downtown Hayward, which includes properties along B Street between Watkins Street and Foothill Boulevard and Main Street between A Street and C Street.
- Land Use Policy 2.5 – Downtown Housing: The City shall encourage the development of 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
- Housing Goal H-2: Assist in the provision of housing that meet the needs of all socioeconomic segments of the community.
- Housing Policy H-2.3 – Inclusionary Housing: The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households.
- Housing Policy 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.
- Housing Policy 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.

Downtown Specific Plan

- Goal #1 – Land Use: Downtown is transformed into a vibrant, walkable City center that serves as regional destination to live, work, and play for City residents, neighboring communities, and local college students.
- Goal #3 - Housing: A wide variety of housing types are available to meet the economic and physical needs of a diverse population.
- Policy LU 2 – Transit Supportive Development: Create an urban environment ... in the Plan Area for transit supportive development that benefits from and promotes a rapid transit public transportation system.

- Policy LU 3 – Opportunity Sites: Encourage the development and improvement of opportunity sites that have the potential to attract developer interest in the Downtown and generate more economic activity.
- Policy H 1 – Housing Supply: Encourage 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: Strongly encourage 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.
- Long Term Vision Goal 2.2: Downtown Hayward is a regional destination, celebrated for its distinct history, culture, and diversity; providing shopping, entertainment, employment, and housing options for residents and visitors of all ages and backgrounds; that is accessible by bike, foot, public transit, and car.

In addition, the proposed building features attractive 360-degree architecture with well-articulated elevations and a variety of classic and contemporary building materials. The residential component of the development would increase the residential population downtown which, in turn, would have cascading benefits in that the new residents will patronize retail shops, restaurants and other commercial services in the area, and also help to improve safety and security by introducing more “eyes on the street.” Furthermore, the site’s location just over ¼-mile away from the Hayward BART Station and several major AC Transit bus routes will encourage transit ridership by residents and help to reduce Vehicle Miles Travelled throughout the City.

B. The proposed development is consistent with the purpose, intent, and standards of the applicable zoning district and General Plan or Specific Plan designation and applicable design guidelines.

As described in Finding A above, the proposed project is consistent with the purpose, intent, and development standards of the DT-MS zoning district and the applicable General Plan and Downtown Specific Plan designations as modified by the requested Density Bonus. The project features a mixed-use development with 30 mixed-income residential units and ground-floor commercial space that will help to activate the public realm at street level on a key street corner in the heart of the downtown.

C. The subject site is physically suitable for the type and intensity of the land use and development being proposed.

The site is suitable for the type and intensity of the development proposed in that all utilities and other infrastructure needed to serve the project are already in place. In addition. The project site is zoned to allow for high density, mixed-use developments of up to seven stories in height. In addition, a geotechnical investigation was conducted

by a licensed geotechnical engineer in accordance with the requirements of the State Alquist-Priolo Special Studies Zone Act, which concluded the site could be developed safely for provided that the recommendations contained in the investigation are adhered to during the project's structural design and construction. The recommendations were included as conditions of approval for the project.

D. The proposed development will be compatible with the planned land use character of the surrounding area and make a positive impact to the site and surrounding area.

The General Plan and Downtown Specific Plan both envision higher density, mixed-use, transit-oriented development of high architectural quality for the future of the downtown area. The Downtown Code allows buildings up to seven stories in height, and the proposed building with six floors of residential uses, ground floor commercial space and structured parking is consistent with that Code. Furthermore, the project will have a positive impact on the site and surrounding area in that it will result in redevelopment of a site that has been vacant and underutilized at the center of downtown. Further, it will increase the downtown residential population who will patronize the surrounding businesses and increase overall activity in the area.

E. The proposed development will not have a substantial adverse effect on surrounding development and land uses.

The proposed project is the first large-scale, mixed-use development subject to the Downtown Specific Plan and related Development Code and will be significantly taller than the surrounding building. However, the project is consistent with the vision of the General Plan and Downtown Specific Plan, both of which call for large-scale, high density mixed-use developments that increase pedestrian and commercial activity, increase transit usage in support of the City's climate goals, and contribute to the overall vibrancy of downtown Hayward. Additionally, the project will result in cascading economic benefits from the new residents, introduce additional "eyes on the street" which will support safety and security downtown, increase transit ridership, and reduce overall Vehicle Miles Travelled (VMT).

California Environmental Quality Act:

- A. The project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15195, Residential Infill Exemptions, which exempts certain residential infill projects from environmental review that meet certain criteria set forth as described in Attachment III and incorporated herein by reference.
- B. On July 2, 2019, the City Council reviewed and certified an Environmental Impact Report (EIR) for the Downtown Specific Plan and Regulating Code. The EIR prescribed a number of mitigation measures for all future development projects in the Downtown Specific Plan area designed to reduce each project's impacts on air quality/public health, greenhouse gas emissions, noise, transportation and circulation,

and utilities/water conservation. All mitigation measures applicable to the proposed project from the EIR have been included as conditions of approval for the development.

- C. A Health Risk Assessment was conducted for the project by the City's consultant, Ascent Environmental, on July 27, 2023, which concluded that the construction of the project would not pose a significant health risk to nearby sensitive receptors such as residential uses, schools, daycare facilities and hospitals, as required by the Final Environmental Impact Report for the Downtown Specific Plan.