



DATE: October 16, 2018

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT: Proposal to Subdivide Two Existing Parcels Totaling 17.23-acres into 74 Parcels to Allow the Construction of 59 Townhome Residences with Common Open Space Areas and Related Site Improvements on a Site South of the New Tennyson Road Extension Between Mission Boulevard and Vista Grande Drive (APNs 078C-0461-001-13 & 078C-0461-001-14) by Chris Conklin of The Grupe Company (Applicant) on Behalf of Hayward Tennyson, LLC (Owner) Requiring Introduction of an Ordinance and Adoption of a Resolution to Approve a Vesting Tentative Tract Map, Planned Development (PD) Rezone, and Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP) Application No. 201705848

RECOMMENDATION

That the City Council introduces the attached Ordinance (Attachment II) approving the Planned Development (PD) Rezone and adopts the attached Resolution (Attachment III) approving Vesting Tentative Tract Map No. 8439 and adopting the related Mitigated Negative Declaration (MND) with a Mitigation Monitoring and Reporting Program (MMRP) for the proposed development.

SUMMARY

The applicant is requesting approval of Vesting Tentative Tract Map No. 8439, PD Rezone Application No. 201705848, and the adoption of a Mitigated Negative Declaration (MND) with a Mitigation and Monitoring Reporting Program (MMRP) to subdivide two existing parcels totaling 17.23-acres into 74 parcels to allow the construction of 59 townhomes with common open space areas and private streets on a site south of the new Tennyson Road extension between Mission Boulevard and Vista Grande Drive. The project site is currently zoned RM (Medium Density Residential) District and AB10A (Agriculture) District. The site is also designated as MDR (Medium Density Residential) and LOS (Limited Open Space) in the *Hayward 2040 General Plan*. The project site is also subject to the *Mission-Garin Area Neighborhood Plan* to ensure the vision, policies and strategies are met for this part of South Hayward.

BACKGROUND

The project site is currently undeveloped and may, at one time, have been used for some of the La Vista Quarry operations. Current site conditions involve undeveloped hillside downslope from the La Vista residential development where DR Horton is constructing new single-family homes. Most of the site is grassy with some existing mature trees that are scattered throughout the site. Caltrans owns parcels along the western property boundary of the site.

The project would be the last one grandfathered under the City's previous Inclusionary Housing Ordinance. The applicant has indicated to City staff that they plan on paying the inclusionary housing fee. In addition, 12 of the 59 townhome units are proposed to include Accessory Dwelling Units (ADUs) on the ground floor. The applicant is adding these units in an effort to provide different and more affordable housing opportunities in South Hayward. The applicant and the City staff are not aware that an ADU type unit has ever been previously incorporated into a townhouse development in the city.

Planning Commission. On September 27, 2018, the Planning Commission held a public hearing on the proposed project. No members of the public spoke at the hearing either in favor of or opposition to the project. On a 7-0 vote, the Planning Commission expressed support for the project and recommended that the City Council also approve the proposed development request.

DISCUSSION

Existing Conditions. The 17.23-acre project site consists of two existing parcels, which are currently undeveloped and slope downward in an east to west direction. There are a total of 55 trees protected by the City's Tree Preservation Ordinance on site and 42 protected trees that are off-site. The site was previously used as a source of soil for the La Vista Quarry operations. An existing quarry road is near the site's westerly edge. Existing single-family homes are located south and southeast of the site's southeasterly border. Those homes are set back from existing, large mature trees.

The site is known as the Piombo Corporation site in the *Mission-Garin Neighborhood Plan* and is also within the "hill area development." It's envisioned that this area will develop with a mixture of Medium, Low and Suburban Density residential development, including single-family homes and apartment complex(es). The existing area is characterized by older single-family homes and multi-family residential properties, which are mostly one to two stories in height. The proposed La Vista destination park will soon be underway and the park site is north of the development site across the Tennyson Road extension. Also, the 179-unit La Vista single-family home development is east of the site with about half of the homes constructed.

The project site is currently zoned both RM (Medium Density Residential) and AB10A (Agriculture) District and contains MDR (Medium Density Residential) and LOS (Limited Open Space) land use designations in the *Hayward 2040 General Plan*.

Project Overview. The project requires a rezoning and subdivision of two existing parcels into 74 parcels to allow the construction of 59 townhomes with common open space areas and private streets that provide vehicular access from the new Tennyson Road extension. A zone change from the existing RM and AB10A Districts to a PD, Planned Development District, is required to allow for exceptions to the development standards for townhomes related to lot size, lot coverage, and setbacks. More detail regarding the requested exceptions is provided later in this report under the “zoning ordinance” section of the report. The proposed townhome residential lots range in size between 1,356 and 2,592 square feet and will include open space, Geologic Hazard Abatement District (GHAD) area, and a water quality control basin for stormwater treatment. The project will also include various parcels created for group open space, private streets, and landscaping. There are also other site and frontage improvements that involve on-site water and sewer utilities.

The Hayward Fault lies east of the project site and the site is near several unnamed fault traces. After additional study by the applicant’s geotechnical engineer of the larger development site, the developer team carefully located the proposed townhome structures outside of all recognized seismic areas, thus the residential structures will be built on the most stable soils identified on the site.

The proposed town home product would offer potential homebuyers a different housing type other than single-family detached adjacent to this project site. This is in keeping with the policies and strategies identified in the *Mission-Garin Neighborhood Plan*.

Building Architecture. The development includes both duplex and triplex townhome plan types with two floor plans: one a 3-bedroom, 3-bathrooms (Plan 1) and the other a 4-bedroom, 3-bathroom floor plan. Each floor plan offers the option of having one of the bedrooms to be used as a den. The townhomes range in size between 1,871 and 1,962 square feet. Each new home will contain three stories, with a maximum height of 37 feet, 6 inches. The architectural style of the development is modern-farmhouse, incorporating a mix board and batten, stucco, and horizontal wood siding (hardi-board) with the roofing material shown as composition shingle material (Certainteed landmark). All proposed building elevations are uniformly treated with no blank wall planes. The proposed building colors consist of a variety of colors which act as highlights to the proposed building architecture. The proposed color scheme includes shades of beige, blue and dark brown with the proposed trim being a darker brown color. Architectural details also include metal awnings, decorative light fixtures, and decorative gables.

Parking and Circulation. Each home will contain a two-car garage. The proposed network of 24-foot wide private streets will provide vehicular access from the new Tennyson Road extension to the homes. The private streets, which will be maintained by the HOA, will also provide 21 on-street parking spaces for guests. Also, adequate turnaround space has been incorporated into the site design for fire and emergency vehicle apparatus.

Landscaping and Open Space. The project's preliminary landscaping and open space plans focus on the project entrance and areas in and around the proposed townhomes. The applicant intends to plant 147 new trees on the project site. Along with these new trees will be a varied pallet of shrubs, vines/espalier, and ground covers.

During the Precise Plan phase of the project, the applicant will be required to submit the final landscape and tree removal plans for all other areas of the development site. The applicant is hoping to preserve all the healthy on-site trees, but preservation will depend on the final grading plan. The proposed common open space area contains 10,234 square feet and will be located in the central part of the development site. Each home will also contain private open space areas. 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 a new bioretention treatment area.

Tree Removals. The applicant provided an arborist report, which evaluated a total of 97 trees, including 42 trees located off-site. Overall, 88 trees total, including 83 trees that are subject to the City's Tree Preservation Ordinance and can be preserved (42 off-site, 46 on-site). Ten trees, 9 of which are protected by the City's Tree Preservation Ordinance, are recommended for removal based on poor condition or having low suitability for preservation. City staff also recommends that seventeen off-site trees, all of which are protected, should also be removed based on their poor condition or low suitability rating. Staff is recommending a total of 27 trees be removed as part of project approval. A tree removal permit for the project will be considered in the Precise Plan phase of the project. Pursuant to HMC Chapter 10, Article 15, 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's Landscape Architect. As mentioned above in the "Landscaping and Open Space" section, a final tree mitigation and replanting plan will be produced for the project once final grading plans have been produced. This will occur during the Precise Plan phase of the project. At that time, the City's Landscape Architect will review final landscape plans to confirm that proposed mitigation costs match or exceed the appraised value of all proposed trees scheduled for removal prior to the issuance of a building permit for the project.

PD Amenities. The project requires a PD Rezone to provide flexibility in the site layout, specifically since the development is proposed on the side of a hill with fault traces throughout. PD Rezoning requests also allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. Any requested exceptions to development regulations or policies must be adequately offset or compensated for by providing amenities not otherwise required or exceeding required development standards.¹ The developer has requested exceptions for minimum lots size, minimum lot frontage, minimum average lot width, minimum lot depth, maximum lot coverage,

¹ Planned Development findings for approval:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD_S10-1.2535FIRE

minimum front setback, minimum side yard setback, minimum street side yard setback, and minimum rear yard setback. To offset these requests, the project is proposing to include the following amenities:

1. Project exceeds required common and private open space square footage by almost double (14,750 sf required --- 29,214 sf proposed)
2. Art project in lower or upper park.
 - a. This art project will be similar to the collaboration that occurred in 2017 between The Grupe Company and students at Hayward High School for the Highland Villas community. Grupe, contractors, and the Hayward High School art department spent months designing, fabricating and installing a mosaic piece within the project that all can enjoy.
3. Design & install an upgraded entry feature.
4. Solar on 33 of the homes. The developer determined that 33 homes have optimal sun exposure and would benefit from installed solar.
5. Install a 24-inch box tree at entry or a designated area within the project.
6. All homes will have EVA charging stations within the garage.
7. Colored interlocking pavers will be installed at project entry and two other highly visible determined areas within the project site.
8. The project will be leaving over 60% of the Ersted property untouched. This large percentage of land will remain native and continue to show off the beauty of the natural surroundings.
9. Affordable housing by design. An option will be provided for approximately 20% of the 59 homes to have a suite created on the first floor. These will be designed to provide privacy for both the homeowner and suite residents. The suite could be used for multi-generational family living or a 3rd party renter. This affordable housing by design will be offered in addition to the City's required prior affordable housing in lieu fee payment. Accessory Dwelling Units may be counted toward the City's Regional Housing Needs Assessment goals.
10. Bocce court(s) in common area/parks.
11. Natural unpaved trail system for walking, hiking and jogging.
12. Fix It Bike Station – A Fix It Bike Station will be strategically placed in one of the community parks. These stations allow riders to repair bikes, inflate flat tires, etc. when in need.
13. Dog Washing Stations (2) in common areas/parks.

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&Rs) 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 bio-retention areas, landscaped areas, preservation and replacement of trees, and decorative paving. The CC&Rs will also contain a standard condition that if the HOA fails to maintain the common areas, private streets, lights and utilities, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these

areas and special assessment and/or lien the properties for their proportionate share of the costs.

Utilities and Street Improvements. Utilities will be brought to the site from Tennyson Road. The proposed site utilities include sanitary sewer, water, and storm drain systems. Each necessary utility has sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within new public utility easements within the project site and connect to the existing utilities in Tennyson. As previously discussed, the project will be served by new private streets. It should be noted that Tennyson Road has sufficient capacity to accommodate the additional traffic generated from the project.

Hayward 2040 General Plan. The project site has two General Plan land use designations: MDR (Medium Density Residential) and LOS (Limited Open Space). Approximately half the site is designated MDR and the other half is designated LOS as shown on the City's General Plan map. The MDR land use designation allows for a density range of 8.7 to 17.4 dwelling units per net acre. Properties with the MDR land use designation are typically characterized by suburban and urban areas that contain a mix of housing types. The LOS land use designation allows for a maximum of 0.2 dwelling units per net acre. Properties with the LOS land use designation are typically characterized by open space and detached single-family homes on large lots. It should be noted that a minimum density is not required by the LOS land use designation. Policy LU-3.5 of the *Hayward 2040 General Plan* allows for individual parcels within a development to be developed at higher or lower densities than allowed, provided that the net density of the entire development is within the allowed density range. The project is consistent with the *Hayward 2040 General Plan* in that it is a townhome residential development with a total net density of 8.7 dwelling units per net acre, which is within the allowed MDR density range where the new 59 townhomes will be located and the area within the LOS will have no proposed dwelling unit and remain as open space on the project site. The project is also consistent with applicable General Plan policies in 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 Resolution (Attachment III).

Zoning Ordinance. The project site is currently zoned RM (Medium Density Residential)² and AB10A (Agriculture)³ but the applicant is requesting to rezone the site to PD District to allow for modified development standards related to lot size, lot coverage, and setback

² RM Zoning Regulations:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H10PLZOSU_ART1ZOOR_S10-1.400MEDEREDIRM

³ Agriculture Zoning Regulations & Combining District Regulations:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H10PLZOSU_ART1ZOOR_S10-1.2000AGDIA &
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H10PLZOSU_ART1ZOOR_S10-1.2400SPLOSTCODIB

requirements. Pursuant to Section 10-1.2505 of the HMC, the purpose of the PD District is to facilitate development of land in an innovative fashion to allow for flexibility in site design and encourage development that is sensitive to environmental and site-specific considerations. The project site is on the side of a hill with known earthquake fault traces throughout it, which limits the buildable area and number of dwelling units the site can accommodate under the RM development standards. As such, modified standards are necessary to allow the project to provide more dwelling units and comply with the maximum allowable density in the *Hayward 2040 General Plan*. The project will meet the development standards of the RM District related to building height, lot frontage, and off-street parking but the project proposes to modify the development standards as shown in the table below.

Development Standard	HMC Requirement	Proposed Project
Min. Lot Size	5,000 sq. ft. (interior) 5,914 sq. ft. (corner)	(avg.) 1,973 sq. ft. ¹
Min. Lot Frontage	35 ft.	19 to 34 ft. ¹
Min. Average Lot Width	60 ft. (interior & corner)	35 ft. ¹
Min. Average Lot Depth	80 ft.	61 sq. ft. ¹
Max. Lot Coverage	40%	(average) 61% ¹
Min. Front Yard Setback	20 ft.	2 to 5 ft. ¹
Min. Side Yard Setback	5 ft. or 10% of lot width (10 ft. max.)	3 to 6 ft. ¹
Min. Side Street Yard Setback	10 ft.	3 to 9 ft. ¹
Min. Rear Yard Setback	20 ft.	10 to 14 ft. ¹
Max. Building Height	40 ft.	37 ft. 6 in.
Min. Off-Street Parking Req.	59 covered; 65 open	118 covered; 21 open

1. The PD Rezone is required to allow for an exception to this development standard.

Per Section 10-1.2535⁴ of the HMC, the following PD Rezone findings are required for the project:

- The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;
- Streets and utilities, existing or proposed, are adequate to serve the development;
- In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development;
- In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall

⁴ Planned Development District Findings, https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD

planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development; In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule; and

- Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

Staff has provided additional analysis of the required PD findings listed above within Attachment III (Resolution).

Mission-Garin Neighborhood Plan. The project site is located within the Mission-Garin Neighborhood Plan. The purpose of the plan is “(1) to provide a bridge between the General Plan and specific development and improvement projects and (2) to provide greater involvement of citizens in the planning process.” The plan allows for a more focused application of General Plan policies to a specific area or neighborhood and it creates “short-term implementation measures in addition to long range planning which will assist in fulfilling the longer-range policies and programs of the General Plan.”

Under “Policies and Strategies for Implementation; Land Use Consideration,” the project should:

- Encourage a mixture of housing types.
- A mixture of dwelling units for homeownership and renter occupancy should be encouraged in the study area.
- Residential development should be encouraged to be processed under the Planned Development (PD) District provisions of the Zoning Ordinance.
- Require high quality design and compatibility with natural and man-made surroundings during site plan review of new development.
- Multiple family developments should be required to provide buffering when proposed adjacent to single family development through the use of lower profile structures, open space buffers, and other barriers and screening materials.
- In order to maximize open space qualities of the study area, encourage future development to be clustered.
- Residential clusters in the hill area should be placed on slopes less than 25 percent to preserve the hillsides and to maximize development hazards. Residential clusters in the hill area should be located so as to preserve natural features such as tree clusters and natural creeks.

Staff believes that the project meets all applicable key land use policies and strategies contained in the *Mission-Garin Neighborhood Plan*.

Vesting Tentative Map. The project proposes to create a total of 74 new parcels, including 59 townhome parcels and 15 parcels that contain open space or bioretention areas, common areas space, landscaping, and private streets. Pursuant to Section 10-3.010 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.⁵ Per Section 10-3.150 of the HMC, the following Vesting 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 will be required to submit a Final Map and improvement plans to the City for review. The City Engineer must determine that the Final Map and improvement plans are in substantial compliance with the approved Vesting Tentative Tract Map prior to approving the Tract Map. Prior to approval of the Tract Map, the developer shall 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 Vesting 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 the Subdivision Map Act. A copy of the Vesting Tentative Tract Map is included within the Project Plans (Attachment IV).

Affordable Housing Ordinance. The project is subject to the City's Affordable Housing Ordinance (AHO), which allows residential development projects either provide affordable units on site or pay an affordable housing in-lieu fee. The applicant has decided to pay the in-lieu fee, which is calculated at the point the project application is deemed complete. In this case, the project application was deemed complete on December 19, 2017 and as such, the previous in-lieu fee schedule applies. The applicable in-lieu fee rate for this project is mid-level fee of \$9.09 per square foot of habitable space if paid prior to issuance of a building permit (approximately \$1,013,235), or the fee will be increased by 10% per square foot of habitable space (increased to \$1,114,558.50) if paid prior to issuance of a certificate of occupancy.

Staff Analysis. As referenced above and pursuant to the required findings for a Vesting Tentative Tract Map and PD Rezone included in Attachment II, staff believes the project complies with the intent of City development policies and regulations, including the *Hayward 2040 General Plan*, the Zoning Ordinance, the Subdivision Ordinance, and is consistent with intent and development guidelines of the Mission-Garin Neighborhood Plan. The project also

⁵ **Subdivision Ordinance; Purpose Section:**

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_C_H10PLZOSU_ART3SUOR_S10-3.010PU

supports several of the City's Strategic Initiatives. Overall, staff believes the project is well-designed and appropriate for the neighborhood. The project is considered an in-fill development and will replace a vacant and underutilized site with attractive homes to complement the existing neighborhood.

Land Use Compatibility. The project would be compatible with the land uses and development pattern of the existing neighborhood, which consists of a mix of housing types. Although the project proposes some lots that are smaller than the other multi-family developments nearby, those developments are parcels with less slope. Additionally, the proposed density is in keeping with other multifamily developments in the vicinity and the project provides a unique architectural style not found in the neighborhood. Also, the size and scale of the project is similar to other home developments in the neighborhood. The project is also consistent with the policies and strategies contained in the *Mission-Garin Neighborhood Plan*.

Building Architecture. Overall, the homes are attractively designed and compatible with the existing character of the neighborhood. The development provides varied building colors and materials to provide a diverse and interesting street scene. The new townhomes incorporate modern building façade architecture, or elevations, that have enough articulation to provide visual interest from all sides of each home, especially the front elevations, which incorporate recesses and projections through windows and awnings that breaks up the building mass.

Vehicular and Pedestrian Circulation. The project will be integrated into the existing neighborhood. The private street network provides vehicular and pedestrian access to each home within the development. The new private streets will be designed to meet the City's street standards and will provide adequate circulation throughout the development and from Tennyson Road. The project also provides street parking within the private streets to accommodate the vehicles of guests and minimize street parking on the nearby public street.

PD Amenities. Staff believes the project amenities adequately offset the requested exceptions. The rooftop solar panels on a majority of the units result in a more environmentally-sensitive development and the multigenerational-friendly floor plan allows the homes to accommodate a more diverse population. The group open space area, which will be maintained by a homeowner's association, provides future residents with a usable outdoor area for recreation and public interaction. The group open space is of ample size and will be improved with features designed, reviewed, and approved in the Precise Plan phase of the project if approved. Staff envisions anything from exercise stations, outdoor seating, and a barbeque area that might be designed into the group open space area.

Overall, staff believes the project is well-designed and appropriate for the neighborhood. The project is considered an in-fill development and will replace a vacant and underutilized site with attractive townhomes to complement the existing neighborhood.

Environmental Review. Pursuant to CEQA Guidelines Section 15220, an Initial Study was prepared by David J. Powers and Associates on behalf of the City of Hayward (Lead Agency) for this project with the finding that a Mitigated Negative Declaration (MND) was appropriate

because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures. The Initial Study found that the project would result in potential impacts to Biological Resources, Cultural Resources, Geology and Soils, Hazards and Hazardous Materials, Noise, Tribal Cultural Resources, and Mandatory Findings of Significance. With mitigation, any potential impacts would be reduced to a level of less than significant.

A Notice of Intent (NOI) to adopt the MND with a Mitigation and Monitoring Reporting Plan (MMRP) was posted at City Hall and delivered to the Hayward libraries, and copies of the NOI were sent to interested parties and property owners within 300 feet of the project site on August 27, 2018. The NOI was filed with the Alameda County Clerk on August 27, 2018. The public comment period for the MND was August 27, 2018 thru September 27, 2018 and no public comments were received on the project.

Copies of the MND and MMRP are attached to this report for the Council's review and consideration (Attachments V and VI).

As part of the formal consultation process established by California Assembly Bill 52 (AB 52), the City of Hayward invited the Ione Band of Miwok Indians to provide written comments related to the development request. The City did not receive any comments on the project from the Ione Band of Miwok Indians.

ECONOMIC IMPACT

The proposed project would result in the development of a currently vacant lot in an existing residential setting. The proposed development would connect to existing public utilities and services and is not expected to have a negative impact on the City regarding public utilities or public services. Furthermore, the project would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs in the City's economy.

FISCAL IMPACT

According to the City of Hayward Fiscal Impact Model (2017) prepared by Applied Development Economics, Inc., the project would generate an estimated \$144,088 in annual revenue from property and utility user taxes and approximately \$140,250 in annual costs related to City services, resulting in a net positive impact of approximately \$3,839 per year.

STRATEGIC INITIATIVES

The project supports the Complete Communities Strategic initiative. The purpose of the Complete Communities initiative 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. This project supports the following goals and objectives:

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.

The project also supports the Complete Streets Strategic Initiative. 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. This project supports the following goal and objective:

Goal 1: Prioritize safety for all modes of travel.

Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

The project, as proposed, will create new housing opportunities near public transit stops and provide a mix of housing in the City. The project will require the construction of new private streets that will meet City standards and be designed to safely accommodate various modes of transportation.

SUSTAINABILITY FEATURES

The project will provide rooftop solar panels on 33 of the 59 townhomes, the installation of EV chargers in the garages, and will be required to meet the CALGreen and 2016 California Energy Code standards for energy efficiency as well as meet the City's requirements with respect to water efficient landscaping. Additionally, the project will comply with 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.

PUBLIC CONTACT

Following receipt of application, staff conducted the following public outreach:

- On October 17, 2017, a Notice of Receipt of Application was sent to all property owners and interested stakeholders within 300 feet of the subject property. No neighbors or other members of the public have forwarded comments regarding this notice.

- On August 27, 2018, a Notice of Intent (NOI) to adopt a Mitigated Negative Declaration (MND) and Notice of Public Hearing were posted at City Hall and delivered to the Hayward libraries. Copies of the NOI and Notice of Public Hearing were also sent to interested parties and property owners within 300 feet of the project site and published in the Daily Review newspaper for a public comment period that extends to September 27, 2018. To date, the City has not received any additional public comments regarding the MND or the project.

On August 28, 2018, the applicant's project team also met with the Fairway Park Neighborhood Association (FWPNA). According to both parties, the project was well received by the president of the FWPNA. It was noted by the FWPNA president that the developer team was receptive to incorporating suggested improvements to the project.

NEXT STEPS

Following City Council approval, the Ordinance approving the Planned Development rezone will return to the City Council for a second reading, after which the applicant may proceed with submitting a Precise Development Plan, 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 Vesting Tentative Map and recommend to the City Council for approval and recordation with the Alameda County Recorder's Office. Once the Precise Plan, Final Map, and improvements plans are approved by the City, the applicant may then proceed with obtaining building permits.

Prepared by: Damon Golubics, Senior Planner

Recommended by: Laura Simpson, AICP, Director of Development Services

Approved by:



Kelly McAdoo, City Manager