



SUBJECT

Proposed Demolition of an Existing Vacant Office Building and Development of 58 Residential Townhouse-Style Condominium Units and Related Site Improvements on a 2.4 Acre Site at 24041 Amador Street (APN: 431-0064-001-01), Requiring Approval of a Vesting Tentative Tract Map, Site Plan Review, Density Bonus and Findings that the Project is Exempt from the California Environmental Quality Act (CEQA) Pursuant to California Public Resource Code Section 21080.66, Application No. TM-25-0004. Applicant: Kian Malek, City Ventures. Owners: Nejasmich-Horn Family Trust, et al.

RECOMMENDATION

That the Planning Commission approves the proposed Vesting Tentative Tract Map 8757, Site Plan Review and Density Bonus application and finds the proposed project is exempt from CEQA pursuant to California Public Resource Code Section 21080.66, subject to the attached Findings (Attachment II) and Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval of Vesting Tentative Tract Map, Site Plan Review and Density Bonus Application No. TM-25-0004 to demolish an existing 18,432 square foot vacant office building and construct 58 residential townhouse-style condominium units on a 2.4-acre site at 24041 Amador Street. The project proposes constructing eight new residential buildings and related site improvements, including internal streets with ingress/egress from Amador Street, new open space areas and landscaping. The proposed three-story units will range in size from 1,419 to 1,886 square feet and include three bedrooms, up to three bathrooms and two car garages. Four of the units will be deed restricted for very low-income households and one of the units will be deed restricted for moderate-income households.

BACKGROUND

From approximately 1939 to 1971, the subject property was used as agricultural land. On January 12, 1972, the Building Division finalized the construction of an office building and related improvements to the site. The office building was occupied by multiple tenants over the years including Alameda County Welfare Department and Marelich Mechanical Company. However, the building has been vacant since August 30, 2024.

On May 27, 2025, the Planning Division received Vesting Tentative Tract Map, Site Plan Review and Density Bonus Application No. TM-25-0004 to demolish the existing vacant office building and construct 58 residential townhouse-style condominium units and related site

improvements at the subject property. The Planning Division also received a Senate Bill 330 (SB 330) preliminary application for the project on that day to vest the fees and regulations in place at that time. This ensures that the applicant's financial and development assumptions do not change throughout the review process. The preliminary application was deemed complete on June 10, 2025.

Public Outreach: On June 4, 2025, a Notice of Receipt (NOR) of Application was mailed out to 249 property owners, residents, businesses, and community groups (Santa Clara Neighborhood Task Force) within 300 feet of the project site. Staff received no public comments in response to the NOR.

On February 6, 2026, notices of this public hearing were sent to all property owners and residents within a 300-foot radius of the project site and were published in *The Daily Review*. To date, staff has not received any correspondence from the public on this project.

PROJECT DESCRIPTION

Existing Conditions: The project site is located within the Santa Clara neighborhood in North Hayward. The site is a 2.4-acre rectangular parcel (Assessor's Parcel Number (APN) 431-0064-001-01) along Amador Street. The project site is generally flat and developed with a vacant, 18,432 square foot office building and associated parking lot, both which will be demolished as part of the residential project.

The project site is surrounded by a mixture of uses with Centennial Park to the north, a 155-unit townhouse development to the east, an Alameda County office building and United Credit Union office building to the south and an AT&T facility to the west.

The project site is located approximately 400 feet north of AC Transit bus route 56, 60 and 86 on West Winton Avenue, and approximately 0.75 miles west of Downtown Hayward BART station. These public transit facilities provide service to unincorporated Alameda County, Union City, California State University-East Bay, Chabot College, Southland Mall and the greater Bay Area.

Vehicular access to the site is from Amador Street which connects to several arterials including West Winton Avenue and Jackson Street. The project site is also located approximately 0.3 miles northeast of Interstate 880 (I-880) which also provides access to Hayward and the greater Bay Area.

Within the vicinity of the site, there are also Class III bicycle facilities and sidewalks located on Amador Street and West Winton Avenue which connect to a larger network throughout the city. The site is also in proximity to many public facilities including Centennial Park, Cannery Park, Birchfield Park, Hayward Police Department, United States Post Office, Alameda County Offices, Winton Middle School and Park Elementary School.

Project Description: The project proposes to demolish an existing vacant office building to allow the construction of 58 residential townhouse-style condominium units. The units will be located in eight buildings that contain between five and eight residential units each. All the buildings are rectangular and contain three-stories of living area at a height of 39 feet.

The proposed buildings incorporate a craftsman architectural style that includes gable roofs, large windows, a mix of materials and an earth-toned color palette as shown in Figure 1. The residential units have three bedrooms, up to three baths, and range in size from 1,419 to 1,886 square feet. Each unit will feature a two-car garage. There are an additional four uncovered visitor parking spaces on the site for a total of 120 parking spaces.

Figure 1- Front (Amador Street) Elevation



Proposed Circulation and Access: Vehicular access to the townhomes would be from a 27-foot-wide internal street (Street A) that runs perpendicular to Amador Street and two other internal streets (Drive Aisle A and Drive Aisle B) that run parallel to Amador Street as shown in Figure 2. The site is accessible via a driveway entrance from Amador Street. All the internal streets will accommodate two-way vehicular traffic. The project also proposes a new five-foot-wide sidewalk that runs parallel to Street A for pedestrian access which connects to a series of internal pedestrian pathways throughout the site. In addition to the proposed accessways, the applicant is providing bicycle parking near Amador Street.

Figure 2- Illustrative Site Plan



Landscaping and Open Space: The project includes a variety of private and common open spaces. Each unit has a private upper floor balcony and access to the shared open space. The shared open space includes seating areas, an open lawn area and landscaping which can be accessed via the series of shared pedestrian pathways. Additionally, 33 units have a private ground floor patio area delineated by decorative fencing. There is additional perimeter fencing along northern, southern and western property lines.

New landscape plantings are proposed along all property lines, between the buildings and within the open space. The plantings will include a variety of drought-tolerant trees, shrubs and ground cover consistent with the Bay Friendly Water Efficient Landscape Ordinance. The project proposes the removal of 38 trees, the preservation of 38 trees and the installation of 11 new trees. 34 of the removed trees are protected which is discussed in greater detail in the Code Compliance Section below. A copy of the site and landscaping plans are included as Attachment IV.

Sustainability Features: The project is required to comply with the California Green Building Standards Code (CALGreen) and the City's Reach Code by featuring all-electric homes that contain no gas-powered appliances, being solar-ready, and providing parking spaces that are electric vehicle-ready. Additionally, all landscaping is required to comply with the City's Bay-Friendly Water Efficient Landscape Ordinance for irrigation and drought tolerant materials.

POLICY CONTEXT AND CODE COMPLIANCE

SB 330 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 65589.5¹), 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. As described below, the project complies with all the objective development standards therefore the city must approve the project.

Density Bonus: Pursuant to State Density Bonus Law (Government Code Section 65915-65918²) and Hayward Municipal Code (HMC) Chapter 10, Article 19- Density Bonus Ordinance³, a project that provides a certain amount of on-site affordable units is entitled to a density bonus, an unlimited number of waivers from development standards that would

¹ California Gov Code Section 65589.5: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65589.5&lawCode=GOV

² California Gov Code Section 65915-65918: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV

³ Density Bonus Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART19DEBOOR

prevent the project from being built at the density allowed, and, in the case of this project, up to two incentives or concessions that would result in actual and identifiable cost reductions to provide for affordable housing costs or rents.

The applicant is entitled to a 32.50 percent density bonus as afforded by providing 12 percent of the base number of allowable units (five out of the 42 units) as affordable to very low-income and moderate-income households. Furthermore, the applicant is entitled to an additional 5 percent density bonus afforded by providing universal design features within at least 20 percent of the units. The universal design features include 20 dwelling units with ground-floor living areas (34 percent of units), 6 ADA accessible dwelling units (10 percent of units) and an option package for varied-height cabinets/countertops, flexible appliances, wider doorways, accessible bedrooms/bathrooms, slip-resistant flooring and sliding doors. The proposed 37.5 percent Density Bonus would bring the total number of units to 58, and an overall density of 24.2 units per net acre.

The applicant is requesting four waivers from various development standards that would preclude the project from being built. Each waiver is listed below and described in greater detail in "Zoning Ordinance" Section below.

1. Minimum 10-foot Side Setback
2. Vertical Breaks of at least 15 feet wide by 10 feet deep be provided once every 125 feet
3. Minimum of 150 square feet of Open Space per Dwelling Unit
4. Minimum of 200 points of Open Space Amenities

In accordance with California Government Code Section 65915, the City may deny a density bonus waiver when doing so would either: (1) cause a public health or safety problem; (2) cause an environmental problem; (3) harm historical property; or (4) be contrary to law. As described below and detailed in the project Findings (Attachment II), none of these circumstances exist so the City must grant the requested waivers.

Furthermore, the applicant is requesting one concession that would result in actual and identifiable cost reductions to the project. Instead of providing publicly owned individual water meters for each residential dwelling unit, the applicant is requesting one master domestic water meter to serve the development, with individual sub-meters located in the garage of each home.

City staff typically requires publicly owned individual water meters for each dwelling unit because it allows residents to better monitor and manage their water consumption and limit the extent of service disruption in the event of a meter or water pipeline failure. In accordance with California Government Code Section 65915, the City may only deny a concession when it: (1) does not result in identifiable and actual cost reduction; (2) causes a specific, adverse impact upon public health and safety; (3) harms historical property; or (4) is contrary to law. None of these circumstances exist so the City must grant the requested concession in accordance with State Law.

Hayward 2040 General Plan: The project site is designated Retail and Office Commercial (ROC) in the *Hayward 2040 General Plan*⁴, which allows residential densities up to 17.4 dwelling units per net acre. The project is consistent with the *Hayward 2040 General Plan* and *Density Bonus Law*, in that the development proposes attached residential units with a density of 24.2 dwelling units per net acre and is also consistent with the following policies:

- *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-3.4 Residential Uses Close to Services.* The City shall encourage the development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- *LU-1.3 Growth and Infill Development.* The City shall direct 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.

The project's consistency with the *Hayward 2040 General Plan* is discussed further in the project Findings (Attachment II).

Zoning Ordinance: The project site is located within the Commercial Office (CO) zoning district⁵, which allows the development of multi-family dwellings consistent with specific development, open space and design standards. Besides the allowable Density Bonus waivers, the proposed development is consistent with all development standards as shown in Table 1.

Table 1: Zoning Compliance

Development Standard	CO Requirement	Proposed	Consistent
Minimum Lot Size	5000 sf	104,544 sf	Yes
Minimum Lot Frontage	35 ft	216.4 ft	Yes
Minimum Average Lot Width	50 ft	254.5 ft	Yes
Maximum Lot Coverage	50%	38.8%	Yes
Minimum Average Lot Depth	80 ft	330.5 ft	Yes
Minimum Front Setback	10 ft	12 to 25 ft	Yes
Minimum Side Yard Setback	10 ft	8 to 10 ft	Yes, with Density Bonus Waiver
Minimum Rear Yard Setback	20 ft	20 ft	Yes
Building Height	40 ft	39.4 ft	Yes
Minimum Open Space Area	150 sf/unit	146.7 sf/unit	Yes, with Density Bonus Waiver

The project is also consistent with all the open space requirements with the allowable Density Bonus waivers. A minimum of 150 square feet of open space per dwelling unit is required for which the project is requesting a waiver to provide a total of 146.7 square feet instead. Additionally, a total of 200 points in open space amenities are required for which the project is also requesting a waiver from as shown in Table 2.

⁴ Hayward 2040 General Plan: <https://www.hayward-ca.gov/2040-General-Plan>

⁵ CO Zoning District: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17Z00R_S10-1.1100COOFDICO

Table 2: Open Space Compliance

Open Space Amenity	Point Value	Points Received
Courtyard with seating and/or table for at least 4 people	15	Yes
Open lawn areas with no dimension less than 10 feet	15	Yes
Total Points Received		30

Furthermore, the proposed buildings are consistent with all the applicable building massing and façade design standards within the allowable Density Bonus waivers. For facades greater than 125 feet long, the code requires a vertical break of at least 15 feet wide by 10 feet deep provided every 125 feet. The project is requesting a waiver from this for three buildings which provide a vertical break of 16.25 feet wide by 10 inches every 42 feet. The buildings also incorporate a total of 135 façade design points when only 125 points are required, as shown in Table 3.

Table 3: Façade Design Compliance

Design Element	Point Value	Points Received
At least one of the following building material treatments: <ul style="list-style-type: none"> Use of a siding or cladding material on the ground floor building facades that differ from the materials used above the ground floor Use of at least two distinct building materials that each make up at least 25 percent of the total building facades 	35	Yes
Use of horizontal window overhangs with a depth of at least 18 inches covering the entire length of the windows	35	Yes
At least one sconce light fixture every 15 feet along the street-facing facades	25	Yes
At least one horizontal decorative band that is either: <ul style="list-style-type: none"> Building materials that are different from abutting façade materials Projects at least 2 inches along at least 50 percent of the building facades 	20	Yes
Decorative molding at least 4 inches wide on all windows	20	Yes
Total Points Received		135

Off Street Parking Regulations: In accordance with State Density Bonus Law (Government Code Section 65915-65918⁶), a City shall not require more than 1.5 off-street parking spaces for each three-bedroom unit. Therefore, a total of 87 parking spaces are required for the proposed project. The development includes 120 parking spaces, exceeding the State's requirement by 33 parking spaces.

Site Plan Review: In accordance with Section 10-1.3025⁷ of the HMC, Site Plan Review is required for all projects that materially alter the appearance and character of the property. As such, the development of 58 residential townhouse-style condominium units requires Site Plan Review. The Planning Commission may approve or conditionally approve a Site Plan Review application when the following findings are made:

⁶ California Gov Code Section 65915-65918: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV

⁷ Site Plan Review Findings: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE_S10-1.3025F1

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the city;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City policies and regulations;
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The project's consistency with these Findings is discussed below and in Attachment II.

Tentative Map: The project includes a Vesting Tentative Tract Map (No. 8757) for condominium purposes to allow each of the 58 residential units to be owned separately. Pursuant to Section 66474 of the State Subdivision Map Act⁸, the Planning Commission must also make the following findings in order to approve the Vesting Tentative Tract Map:

- The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451;
- The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- The site is physically suitable for the type of development being proposed;
- The site is physically suitable for the proposed density of development;
- The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- The design of the subdivision or type of improvements is not likely to cause serious public health problems; and
- The design of the subdivision or the 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.

The project's consistency with these Findings is discussed below and in Attachment II.

Regional Housing Needs Allocation & Affordable Housing Ordinance: Local jurisdictions report progress annually on meeting their Regional Housing Needs Allocation (RHNA) goals which are included in the City's Housing Element. The 6th Cycle Housing Element (2023-2031) was adopted by the City Council on February 7, 2023, and subsequently certified by the State Department of Housing and Community Development in July 2023. In the next eight-year cycle (2023-2031), the City is required to build 4,624 units at a variety of income levels. According to the Housing Element, Appendix C, Table C-3, Planned, Approved and Pending Projects, there are a total of 2,073 units that are approved or otherwise pending at various income levels during the upcoming cycle. The proposed development would add 53 above- moderate income units, 4 very-low-income units and 1 moderate-income unit to the City's totals.

⁸ Subdivision Map Act Tentative Map Findings: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=66474

Table 4:2025 RHNA Goal Progress in the City of Hayward

Income Category	Unit Goal	Reported 2024		Approved		Pending Approval		Estimated Compliance	
		Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal
Very Low	1,075	175	16%	130	12%	22	2%	327	30%
Low	617	189	31%	24	4%	27	4%	240	39%
Moderate	817	221	27%	6	1%	8	1%	235	29%
Above Moderate	2,115	961	45%	1,025	48%	560	26%	2,546	120%

The project is subject to the requirements set forth in HMC Chapter 10, Article 17-Affordable Housing Ordinance⁹. An applicant may satisfy the requirements of the ordinance by paying an affordable housing in lieu fee and/or including affordable units within the proposed development. The applicant has elected to provide four very-low income and one moderate-income units on-site and pay a fractional in-lieu fee equivalent to 0.04 of a unit for the project. Under the current Master Fee Schedule¹⁰, the fractional affordable housing in-lieu fee for the project will be approximately \$18,928 if paid at building permit issuance or \$20,821 if paid at the issuance of the occupancy permit. The affordable housing in-lieu fee will be used to increase the supply of affordable housing in the city by funding new construction, acquisition of affordability covenants and substantial rehabilitation of existing housing. A copy of the Affordable Housing Plan is included as Attachment V.

Tree Preservation Ordinance: The proposed project is subject to requirements set forth in the Tree Preservation Ordinance¹¹ to protect significant trees and ensure removal of trees provides benefits for the neighborhood. There are currently 76 trees on the project site; 69 which are considered “protected” and subject to the Tree Preservation Ordinance. The project proposes to remove 38 trees including 34 protected trees, protect 38 existing trees and plant 11 new trees. The value of all the protected trees to be removed is \$73,650. To mitigate the loss of the protected trees, the applicant will provide 11 new 36-inch box trees throughout the project site. Please note these 11 trees are beyond the trees required by the HMC. The City’s Landscape Architect has reviewed the request and supports the tree mitigation proposed. A copy of the Arborist Report is included as Attachment VI.

Park Impact Fees: The HMC Chapter 10, Article 16 – Property Developers-Obligations for Parks and Recreation¹², sets forth the parkland dedication requirements for developments based on the residential unit count and type. Pursuant to the Ordinance, the applicant must pay Park Impact fees in lieu of land dedication. In accordance with HMC Section 10-16.11, affordable units are exempt from this requirement. Under the current Master Fee Schedule, the park impact fee rates are \$18,798 for a three-bedroom unit, which would result in a total park fee obligation of \$996,264 for the project. The proposed development features 53 three-bedroom

⁹ Affordable Housing Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOOR

¹⁰ Master Fee Schedule: <https://www.hayward-ca.gov/your-government/documents/master-fee-schedule>

¹¹ Tree Preservation Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR_S10-15.10PUIN

¹²Property Developers – Obligations for Parks and Recreation:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART16PRDEBLPARE

market-rate units and as such, the developer will be obligated to pay \$996,294 in park impact fees.

DISCUSSION

Staff believe the Planning Commission can recommend approval of the project based on the analysis below and per the findings and conditions of approval (Attachment II and III, respectively). Staff also believe 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 Density Bonus Ordinance. Key findings from staff's analysis are described below.

The development will result in redevelopment of an underutilized infill site that is designed to integrate well with the surrounding neighborhood and that is near employment centers, public facilities, and transportation routes. The proposed project makes efficient use of the site by placing two buildings along Amador Street to create an aesthetically pleasing and engaging frontage while other buildings are orientated on-site to create secluded areas for open space. The placement of the buildings also allows for the preservation of several large existing trees along the project frontage and western property.

The project substantially contributes to the City's Regional Housing Needs Allocation (RHNA) goals set forth in the *Hayward 2023-2031 Housing Element* by providing 53 above-moderate income units, 4 very-low-income units and 1 moderate-income unit to the City's totals. In accordance with State Law, the City must approve the proposed housing development project as it complies with all objective standards with the allowable Density Bonus waivers.

ENVIRONMENTAL REVIEW

This project is statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to California Public Resource Code (PRC) Section 21080.66¹³, sometimes referred to as the "AB 130 infill housing exemption" in that the project is a housing development project on a site less than 20 acres that meets all applicable eligibility requirements as noted in Attachment II and VII. Furthermore, in accordance with PRC Section 21080.66, the City invited all California Native American tribes that are traditionally and culturally affiliated with the project to consult on the proposed project on July 15, 2025. The City received zero requests to consult, and thus the consultation period closed on September 13, 2025.

NEXT STEPS

Following the Planning Commission hearing, a ten-day appeal period for the project will occur. If no appeal is received then the Commission's decision will become final, and the applicant can prepare a Final Map for City Council approval and submit applications for site improvement plans and building permits. If an appeal is filed, then a hearing by the City Council on the application will be scheduled for a date to be determined.

¹³ California PRC Section 21080.66: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=21080.66&lawCode=PRC

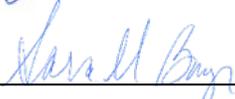
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