



DATE: January 23, 2024

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Eden Village III: Proposed Demolition of Two Existing Detached Residences and Construction of a New 12 Unit Small Lot Detached Residential Subdivision on a 1.45-Acre Site Located at 24764 and 24656 Mohr Drive (Assessor's Parcel Numbers (APNs) 441-0074-009-00 and 441-0074-009-00), Requiring Approval of a Zone Change to Planned Development District, Vesting Tentative Tract Map and Approval of an Environmental Consistency Checklist Associated with Application No. MTA-23-0001. Applicant: Jeffrey Lawrence, Nuvera Homes. Owners: Robert A. Pratt, F TRS Roberta, Anne C. Wu, and Ngai M. Wang

RECOMMENDATION

That the City Council considers the Planning Commission's recommendation and introduces the Ordinance (Attachment II) approving the Zone Change to a Planned Development District and adopts the Resolution (Attachment III) approving the Planned Development Rezoning, Vesting Tentative Map (Attachment IV) and Consistency Checklist prepared for the project (Attachment V), based on the analysis set forth in the staff report and based on the Findings and subject to the Conditions of Approval contained in the resolution.

SUMMARY

The applicant is requesting approval of a Planned Development Rezoning and Vesting Tentative Tract Map (8670) Application No. MTA-23-0001 to construct 12 detached single-family residential units with a private street and other site improvements at 24764 and 24656 Mohr Drive. The 1.45-acre project site is currently zoned Single-Family Residential - Min. Lot Size - 4,000 sf (RSB4) and Medium Density Residential - Min. Lot Area -3,500 sf (RMB3.5) with a Limited Medium Density Residential (LMDR) land use designation in the *Hayward 2040 General Plan*.

The project requires a Tentative Tract Map to subdivide the property and a Zone Change from RSB4 and RM3.5 to a Planned Development (PD) District, to allow for exceptions to lot standards, setbacks, and parking location requirements. To offset these exceptions, the development will include an entry pilaster, decorative LED streetlights, greater capacity rooftop solar panels, electric vehicle charging stations, additional rainwater collection barrels, Junior Accessory Dwelling Units (JADUs), security measures for the JADUs, a high

strength mailbox in a secure location, a donation of lumber to the La Vista Park development, reuse of the removed trees on-site, and a programmed common open space area.

BACKGROUND

On September 16, 2014¹, the City Council approved a Planned Development Rezoning and Tentative Tract Map for the Eden Village I development, located immediately west of the project site. Eden Village I includes 13 detached residences, a tot lot, an outdoor patio, and a private street (Wonderland Way).

On October 29, 2019², the City Council approved a Planned Development Rezoning and Tentative Tract Map for the Eden Village II development, also located immediately west of the project site. Eden Village II includes five detached residences, an open space and continuation of the Eden Village I private street.

On January 11, 2023, the Planning Division received Planned Development Rezoning and Vesting Tentative Tract Map Application No. MTA-23-0001 to construct Eden Village III. The proposed project is a distinct subdivision that serves as a continuation of the Eden Village I and II development pattern. Eden Village I and II are located along Wonderland Way which is directly east of the project site, across Mohr Drive.

On October 12, 2023³, the Planning Commission held a public hearing on the proposed project and continued the item to a future meeting to allow the applicant to revise their project based on the Commission's feedback. Following the hearing, the applicant revised the proposed project and added additional amenities to address the Commission's feedback.

On December 7, 2023⁴, the Planning Commission held a second public hearing on the proposed project where the Commissioners unanimously recommended the City Council approved the proposed project.

Existing Conditions: The project site is located within the Mt. Eden neighborhood, which is in northwestern Hayward. The site is composed of two existing parcels that total approximately 1.45 acres. Parcel 1 is a rectangular parcel that totals approximately one acre and is located at 24764 Mohr Drive (Assessor's Parcel Number (APN) 441-0074-009-00). Parcel 2 is an approximately 0.45-acre rectangular parcel and located directly north of Parcel 1 at 24656 Mohr Drive (Assessor's Parcel Number (APN) 441-0074-009-00). Combined, Parcels 1 and 2 extend for approximately 92 feet along Mohr Drive.

¹ September 16, 2014 City Council Public Hearing <https://hayward.legistar.com/MeetingDetail.aspx?ID=454206&GUID=2BD78C70-06D9-477E-9D4C-C7ECB646EB6F&Options=info&Search=Mohr>

² October 29, 2019 City Council Public Hearing: <https://hayward.legistar.com/LegislationDetail.aspx?ID=4205895&GUID=A9F6E4D6-BC70-4B72-8430-C0CF0FCF0612&Options=&Search=>

³ October 12, 2023 Planning Commission Public Hearing <https://hayward.legistar.com/MeetingDetail.aspx?ID=1124737&GUID=67075ADB-9355-409C-A805-663A7D025B3D&Options=info&Search=>

⁴ December 7, 2023 Planning Commission Public Hearing <https://hayward.legistar.com/MeetingDetail.aspx?ID=1142163&GUID=F868AFD1-2E38-4723-A070-A33BEFCF3FEF&Options=info&Search=>

The project site is generally flat and developed with two detached residences, accessory buildings, landscaping, and paved areas for vehicle and pedestrian access. The residences were likely constructed in 1926. Over time, the residences were altered, and the site contained ancillary agricultural uses and a local trucking business (Parcel 1). Both residences have deteriorated considerably due to vandalism, fire, and exposure to the elements and were ultimately vacated in October 2021 and September 2022. Due to its current condition, the site has had an active Code Enforcement case since April 2021 and two previous encampments of unhoused individuals. Currently, there are no encampments on the site.

The project site is predominantly surrounded by residential uses with the Long Court Townhouses to the northeast, Eden Village I and Eden Village II to the west and detached residences to the south. There are also several non-residential uses abutting the property with a religious facility (Iglesia Ni Cristo) to the north and recreational fields associated with Chabot College to the east.

The project site is located approximately 0.4 miles west of I-880, approximately 0.8 miles north of SR-92 and approximately 0.5 miles east of AC Transit bus routes 60 and 97 on Hesperian Boulevard. Direct vehicular and pedestrian access to the site is along Mohr Drive. Within the vicinity of the site, there are also Class III bicycle routes present on Eden Avenue and Clawiter Road.

DISCUSSION

Project Description: The Eden Village III project proposes to subdivide two existing parcels into 17 parcels to allow for the construction of 12 detached residential units, a common open space and private street that will provide access to the site from Mohr Drive. The project includes a Zone Change from RSB4 District and RMB3.5 District to PD District to allow for exceptions from certain development standards. The proposed detached residential lots would range in size between 2,758 to 4,720 square feet. Additional details on the required and proposed development standards are listed in Table 1 below.

Building Architecture: There are three architectural styles proposed for the development, which include Farmhouse, Cottage, and Craftsman elevations. The architecture includes a variety of pitched gabled roofs with multiple roof planes; varied wall planes of stucco, siding, and/or stone veneer; shutters accenting some windows; and porches. There are six color scheme options that include neutral tones with complementary accent colors. The proposed designs are more modern but still consistent with the previously approved architectural designs for the other Eden Villages projects.

The detached residential units range from 2,124 to 2,489 square feet and will feature two floor plans. Floor Plan 1 has four bedrooms, three bathrooms, a coat closet, a loft, and an open concept living room. Floor Plan 2 has three bedrooms, three bathrooms, a loft, an open concept living room and a JADU. The eight JADUs will each have a kitchenette, an independent exterior entrance, and a bathroom. The doorway connecting the JADU to the

primary residence will be a solid core door with a double locking (hotel style) dead bolt system.

Parking and Circulation: Each residence will include a two-car garage and 20-foot-long driveway to accommodate two additional vehicles. Along the proposed private street, there will also be six on-street parking spaces for guest parking. The private street, which ranges from 21 to 27 feet wide, will provide two-way vehicular and emergency vehicle access from Mohr Drive and will include a hammerhead allowing for fire apparatus turnaround. Along the southern side of the private street, there will also be a new four-foot-wide sidewalk that provides pedestrian access to the site and open space areas. A stone veneer pilaster with signage is proposed at the entrance to the subdivision and the private street will include decorative LED streetlights.

Mailbox: Based on Commission feedback, the mailbox was relocated from the frontage along Mohr Drive to the common open space area near the rear of the project site. The new mailbox location will be in view of several residences, providing for more “eyes on the street⁵”. It will also be on a dead-end street, rather than a thoroughfare, making it hard to break into unnoticed. The cluster mailbox was upgraded to a higher strength model made of heavy-duty aluminum with stainless steel hardware.

Landscape and Open Space: New landscape plantings are proposed along Mohr Drive, in front yards, common open space areas and along the northeastern side of private street. The plantings will include a variety of drought-tolerant shrubs and groundcovers consistent with the Bay Friendly Water Efficient Landscape Ordinance⁶. The project proposes 45 trees total, with 15 existing trees to be preserved and 30 new trees to be planted. The tree species include western redbud, crape myrtle, flaxleaf paperbark, flowering plum, chinese pistache, and coastal live oak. The project also proposes the removal of 47 protected trees, which is discussed in greater detail in the Code Compliance Section below. However, many of these trees will be reused on- and off-site. As such, usable lumber selected by City staff from the removed trees will be donated to the La Vista Park Development for benches and seating.

Abutting the Chabot recreational fields, the project proposes an approximately 2,837 square foot common open space area bound by a wooden corral fence. The open space is centered around an existing 77-inch diameter redwood tree and includes a mix of permeable pavers, turf block, and native plantings. To ensure the protection of the 77-inch diameter redwood, a rolled curb was added at the end of the street to further limit grading in and around the dripline of the tree. Several large boulders will also be placed to provide protection for the base of the tree.

⁵ “Eyes on the Street”, popularized by Urbanist Jane Jacobs, is a planning concept which notes that residents monitor the street in the course of their activities therefore making the street safer.

⁶ Bay Friendly Water Efficient Landscape Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART12BIEWAEFLA_OR

The common open space will be programmed with two benches, a picnic table, a decorative trash receptacle, planters, a community art sign with a plaque, a tic-tac-toe playboard, percussion play equipment, and a precast concrete corn hole game. The benches, picnic table, planters, and community art sign will be refashioned from any remaining usable lumber from the removed trees. The plaque will commemorate the 77-inch diameter preserved redwood on site as it is one of the largest trees in the Eden Valley area and nature's unmatched Public Art project. If there is no remaining usable lumber on-site, these items will be constructed out of reclaimed lumber. Illustrations of these elements are shown on Sheet L2-L3 in Attachment IV. The remaining branches and leaves will be processed and used as mulch in the common open space and residence's yards.

Lastly, there are three bioretention areas planned for the project: two along Mohr Drive and one located in the southeastern corner of the site. The bioretention areas will provide a total area of 1,135 square feet of storm water treatment and connect to a new storm drain in accordance with the Municipal Regional Stormwater Permit (MRP) C.3. requirements⁷. These areas will also be planted with a mixture of shrubs and groundcovers.

Utilities: The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. A new eight-inch sanitary sewer line, eight-inch water line and twelve-inch storm drain will be installed within the project site and connect to the existing utilities on Mohr Drive.

Homeowners Association: As part of the standard conditions of approval, the project is required to form a Homeowners' Association (HOA) with required Covenants, Conditions and Restrictions (CC&R's) to ensure the future homeowners will be responsible for maintaining all the project components, including the private street, utilities, and other privately owned common areas and facilities on the site, including landscaped areas, stormwater detention areas, preservation and replacement of trees, and decorative paving.

Policy Context and Code Compliance

Hayward 2040 General Plan: The project site is designated for Limited Medium Density Residential (LMDR) land uses in the *Hayward 2040 General Plan*, which allows residential densities ranging from 8.7 to 12.0 dwelling units per acre. This land use designation allows for detached residential units, attached residential units and supportive compatible uses. The project is consistent with the *Hayward 2040 General Plan* in that the development proposes a density of 9.8 dwelling units per acre, consistent with the General Plan. The project is also consistent with the following policies of the General Plan:

1. *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-

⁷ MRP C3 Requirements: <https://www.hayward-ca.gov/sites/default/files/documents/Stormwater-Requirements-C3-Checklist.pdf>

density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.

2. *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.
3. *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 Resolution (Attachment III).

Zoning Ordinance: The project site is composed of two parcels (Parcel 1 and Parcel 2) that contain different zoning designations. Parcel 1 is located within the RSB4 District where lots 5 through 12 are proposed (see Table 1). Parcel 2 is located within the RMB3.5 District where lots 1 through 4 are proposed (see Table 2). The applicant is requesting to rezone the parcels to PD District to allow for modified development standards related to the lot standards, setbacks and parking as shown in Table 1 and Table 2.

Table 1: RSB4 Zoning Compliance (Parcel 1, Proposed Lots 5-12)

Development Standard	Requirement	Proposed	Consistent
Min. Lot Size	4000 sf	2758-4720 sf	No
Min. Lot Area Per Primary Use	4000 sf	2758-4720 sf	No
Min. Lot Frontage	35 ft	31.85-49.5	No
Min. Average Lot Width	50 ft	46 ft	No
Max. Lot Coverage	40%	32-47%	No
Min. Average Lot Depth	80 ft	67.5 ft	No
Min. Front Setback	20 ft	11-16 ft	No
Min. Side Yard Setback	5 ft	4-5 ft	No
Min. Rear Yard Setback	20 ft	10-32 ft	No
Height	30 ft	28.6 ft	Yes
Min. Driveway Length	20 ft	20 ft	Yes
Parking	2 covered and 2 non-driveway uncovered spaces/unit	2 covered and 2 driveway spaces/unit	No

Table 2: RMB3.5 Zoning Compliance (Parcel 2, Proposed Lots 1-4)

Development Standard	Requirement	Proposed	Consistent
Min. Lot Size	6000 sf	3375-3479 sf	No
Min. Lot Area Per Primary Use	3500 sf	3375-3479 sf	No
Min. Lot Frontage	35 ft	43.5-46 ft	Yes
Min. Average Lot Width	60 ft	46 ft	No
Max. Lot Coverage	40%	44-46%	No

Min. Average Lot Depth	80 ft	67.5 ft	No
Min. Front Setback	20 ft	16-19 ft	No
Min. Side Yard Setback	5 ft	5 ft	Yes
Min. Rear Yard Setback	20 ft	10 ft	No
Height	40 ft	28.6 ft	Yes
Min. Driveway Length	20 ft	20 ft	Yes
Parking	2 covered and 2 non-driveway uncovered spaces/unit	2 covered and 2 driveway spaces/unit	No

The proposed PD rezoning would allow for these modifications if they are adequately offset by providing amenities not otherwise required or exceeding required development standards. As such, the project proposes the following amenities:

- Entry pilaster along Mohr Drive that coordinates with Eden Village I and II projects;
- Decorative, energy-efficient LED streetlights;
- High-strength cluster mailbox located in a secure location;
- Rooftop solar panels exceeding the kilowatt hour requirement of the 2022 California Energy Code by 15 to 20 percent;
- Electric vehicle charging stations in each garage;
- One additional rainwater collection barrel for all residences than required by Code;
- Programmed common open space area;
- Donation of lumber from removed trees to the La Vista Park Development;
- Reuse of remaining usable lumber from the removed trees for a community art plaque, wood planters, picnic tables and benches in the common open space area;
- Reuse of tree limbs and leaves from the removed trees as mulch in the common open space and residence’s yards;
- Protective measures for the existing 77-inch diameter redwood tree;
- Eight JADUs; and
- A solid core door with a double locking (hotel style) dead bolt system between the JADU and primary dwelling unit

Per Section 10-1.2535 ⁸of the Hayward Municipal Code, the following findings are required to approve the PD rezoning:

1. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;
2. Streets and utilities, existing or proposed, are adequate to serve the development;
3. 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,

⁸ PD Rezoning Findings:
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2500PLDEDIPD_S10-1.2535FIRE

and the development will have no substantial adverse effect upon surrounding development;

4. 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
5. Any latitude or exceptions 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.

The project's consistency with these Findings is discussed in Attachment III.

Tentative Tract Map: The project proposes to create 17 new parcels, including 12 detached residential lots and five parcels that contain open space, landscaping, and a private street. The purpose of the Subdivision Ordinance⁹ 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. As such, the following Tentative Tract Map findings are required for the project.

1. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
2. The proposed subdivision meets the requirements of the City Zoning Ordinance; and
3. No approval of variances or other exceptions are required for the approval of the subdivision.

The project's consistency with these Findings is discussed in Attachment III.

Tree Preservation Ordinance: The proposed project is subject to requirements set forth in the Tree Preservation Ordinance¹⁰ to protect significant trees and ensure removal of trees provides benefits for the neighborhood. There are currently 67 trees on the project site; 62 of which are considered "protected" and subject to the Tree Preservation Ordinance. As noted above, the project proposed to remove 47 protected trees, protect 15 existing trees and plant 30 new trees. To mitigate the loss of protected trees, the project will upsize the 30 new trees, include 5,543 square feet of permeable pavement and contribute \$44,962 to the La Vista Park development. Due to the site constraints, off-site mitigation in the form of a one-time contribution for tree plantings at the La Vista Park development was included as a condition of approval for the proposed development (Attachment III).

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-

⁹ Subdivision Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR

¹⁰ Tree Preservation Ordinance:

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

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 12 above-moderate income units and eight JADUs to the City's above moderate- and moderate-income housing unit totals, respectively.

The proposed project is also subject to the requirements set forth in Hayward Municipal Code Chapter 10, Article 17-Affordable Housing Ordinance¹¹. An applicant may satisfy the requirements of the ordinance by paying an affordable housing in lieu fee or including affordable units within the proposed development. The applicant has elected to pay the applicable in-lieu fees for the project. As conditioned, the affordable housing in-lieu fees shall be paid either prior to issuance of a building permit or prior to approval of a final inspection or issuance of an 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.

Park Impact Fees: Hayward Municipal Code 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. Pursuant to the ordinance, the applicant must pay fees in lieu of land dedication (also referred to as park impact fees). Currently, the park impact fee rates are \$18,817 for a three-bedroom unit, and \$26,175 for a four-bedroom unit. The proposed development features eight three-bedroom units and four four-bedroom units. As such, the developer would be obligated to pay \$255,236 in park impact fees under the current fee rates.

Traffic Impact Fees: Hayward Municipal Code Chapter 10, Article 30 -Property Developers – Traffic Impact Fees¹³ sets forth traffic impact fees obligations for certain new developments which contribute additional burden upon the City's local transportation system. Under the current rates, the applicant would have to pay a total of \$41,700 in traffic impact fees, \$3,475 for each detached residential unit.

Staff believes the City Council can approve of the proposed project based on the analysis below and per the findings and conditions of approval (Attachment III). Staff also believes the project complies with the intent of City development policies and regulations, including the Hayward 2040 General Plan, the Zoning Ordinance, and the Subdivision Ordinance. Key findings from staff's analysis are described below.

¹¹ Affordable Housing Ordinance:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOOR

¹²Property Developers – Obligations for Parks and Recreation:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART16PRDEBLPAR

¹³ Property Developers- Traffic Impact Fees:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART30PRDERAIME
[S10-30.00AU](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART30PRDERAIME)

Potential Impacts to Future Residents: As noted in the Public Contact section, Chabot Las Positas Community College District requested future residents be notified about the lighting and noise associated with the active educational, athletic, and community activities that run year-round adjacent to the property. Staff did not include a condition that requires notification as staff believes this is a private matter between property owners and the disclosure of any noise, or other impacts, would already be required as part of sale of the homes between the developer and the new homeowner. Furthermore, staff notes that the proposed residences are setback at least 32 feet from the Chabot College property, which is more than a typical 20-foot rear yard setback requirement of most single-family developments and that this requirement was not conditioned for either Eden Village I or II projects.

Neighborhood Compatibility: Staff believes the project will complement the existing residential neighborhood, which primarily consists of detached single-family homes. Notably, the surrounding developments (Eden Village I and II) which are located to the west, have similar densities and scale to the project being proposed. The proposed development pattern is also in alignment with several General Plan policies that encourage infill development to match surrounding development, including the small lot detached residential subdivisions between West Street and Depot Road. Furthermore, a variety of architectural styles, including farmhouse, cottage, and craftsman, will provide complexity and variation in the development while reflecting surrounding development. These architectural styles are seen along Baron Way, Continental Avenue, Gerald Way, Mohr Drive and West Street. The farmhouse architectural style also serves as an ode to the area's rich history as a farming community.

The development will also be well-integrated into the existing neighborhood with the new private street and sidewalk connecting residents to local transit, bike facilities and open space. There are two nearby AC Transit bus routes (60 and 97) on Hesperian Boulevard which residents can use to get to Hayward BART, South Hayward BART, Southland Mall, Bay Fair BART, and Union City BART. There are also Class III bicycle routes present on Eden Avenue and Clawiter Road. In addition to the proposed common open space, there are two public parks (Rancho Arroyo Park and Greenwood Park) within the immediate vicinity of the project site for residents to use. The interconnected nature of the proposed development ensures it will remain a desirable and stable place to live for decades to come.

Planned Development Exceptions and Amenities: As described above, a Zone Change to the PD District is necessary to allow for exceptions to lot standards, setbacks, and parking location requirements. The lot standard exceptions include deviations from lot size, lot area per primary use, lot frontage, average lot width, average lot depth and lot coverage. The setback exceptions range from one to ten feet deviations from the required front, side and rear setbacks.

The Off-Street Parking Regulations currently require that detached residential units that abut a street with no on-street parking lane provide two covered spaces and two uncovered spaces which do not block access to the covered parking. It is important to note the development will provide all 48 required off-street parking spaces and another six perpendicular on-street

parking spaces. The requested exception is only to allow the driveway spaces to count towards the required uncovered parking and these exceptions are necessary in order to construct the small lot subdivision consistent with the abutting Eden Village I and II projects. Eden Village I and II were granted similar exceptions from lot standards, setbacks, and parking requirements.

To offset these requested exceptions, the project proposes numerous amenities that will improve the neighborhood aesthetics and feel, support City goals towards sustainability and expand the City's housing stock. The neighborhood aesthetics will be enhanced with the proposed 2,837 square foot common open space area in addition to the proposed stone veneer pilaster with signage and decorative LED streetlights amenities, which help create an inviting entrance for residents.

Other amenities are the inclusion of rooftop solar panels that exceed the kilowatt hour requirement by 15 to 20 percent, electric vehicle chargers in all residence's garages, an additional rainwater collection barrel for all residences and the reuse of the removed trees. Based on the 2021 Greenhouse Gas (GHG) Emissions Inventory, 35,844 metric tons of carbon dioxide equivalent come from electricity usage and 345,905 metric tons of carbon dioxide equivalent come from transportation in the city. The proposed project amenities will reduce emissions, bringing the city closer to its goal of reducing GHG emissions by 30 percent below 2005 levels by 2025.

Lastly, the project includes eight JADUs. According to the recently adopted 6th Cycle Hayward Housing Element (Appendix B: Housing Needs Assessment), seniors and college students have more difficulty finding affordable housing. In the City of Hayward, over 27 percent of households include seniors and almost nine percent of households include college students. These JADUs will be affordable by design and create housing opportunities for these households.

Environmental Review

CEQA Environmental Consistency Checklist. The project's environmental assessment was completed using a Consistency Checklist (Attachment V), which tiers off the General Plan Environmental Impact Report which was certified by the City Council in 2014 with the adoption of the Hayward 2040 General Plan. The Infill Checklist was prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.

A Consistency Checklist is intended to streamline the environmental review process for eligible projects by limiting the topics subject to review at the project level where the effects of development have been addressed in an EIR. In accordance with CEQA Guidelines Section 15183, if the project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare a Mitigated Negative Declaration or EIR if the written checklist shows the effects of the infill project would be potentially significant.

The Consistency Checklist, prepared for the proposed project and included as Attachment V to the staff report, concluded that the project would not have significant effects on the environment that either have not been analyzed in a prior EIR or are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, such effects are exempt from further CEQA review.

STRATEGIC ROADMAP

This project supports the Strategic Priority of Preserved, Protect and Produce Housing for All; however, it is not tied to implementation of any specific projects.

ECONOMIC IMPACT

The proposed project would result in the redevelopment of an underutilized site in an existing residential setting. The proposed development would connect to existing public utilities and services and is not expected to have a negative result 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 and services 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 \$24,324 in annual revenue from property and utility user taxes and approximately \$23,735 in annual costs related to City Services, resulting in a net positive impact of approximately \$589 per year.

SUSTAINABILITY FEATURES

The project includes sustainability features to improve energy efficiency, reduce greenhouse gas emissions and conserve water. All the residences will be fully electric in accordance with Hayward's Reach Code (also known as the 2022 All-Electric & Electric-Ready Ordinance)¹⁴. Rooftop solar panels will be installed on all the residences. The solar panels will exceed the kilowatt hour requirement of the 2022 California Energy Code by 15 to 20 percent. Furthermore, an electric vehicle charger will be installed in all residence's garages exceeding Hayward's Electric Vehicle Charging Infrastructure requirements¹⁵.

As noted previously, the proposed landscaping will be drought resistant in accordance with the Bay Friendly Water Efficient Landscape Ordinance and all the residents will be

¹⁴ Reach Code Requirements:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH9BURE_ART82022AECELADOR_EWCO

¹⁵ EV Charging Infrastructure Requirements:

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART20REPARE_VIII_REEVCHIN

provided with two 55-gallon rain barrel located at the rear of unit that connects to the gutter downspout. The rain barrels will capture water that can be used to irrigate planting areas and reduce water runoff. The common open space and driveways will have permeable pavement to further reduce water runoff. The site will be graded to ensure the majority of water runoff will be diverted to the three bioretention stormwater treatment areas.

PUBLIC CONTACT

On January 18, 2018, a Notice of Receipt of Application was mailed out to 180 property owners, residents, businesses, and community groups (Mt. Eden Neighborhood Task Force and South Hayward Parish) within 300 feet of the project site. Staff received the one public comment from Chabot Las Positas Community College District requesting future residents be notified about the lighting and noise associated with the active educational, athletic and community activities that run year-round adjacent to the property (see Discussion below for additional information on this topic).

On September 29, 2023, notices of October 12th Planning Commission 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. Staff received the same comment as noted above from the Chabot Las Positas Community College District.

On November 17, 2023, notices of the December 7th Planning Commission 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. Staff received two public comments in support of the project.

NEXT STEPS

If the City Council approves the proposed project, the applicant will apply for all necessary post-entitlement permits to complete their project.

Prepared by: Taylor Richard, Associate Planner

Recommended by: Sara Buizer, AICP, Development Services Director

Approved by:



Kelly McAdoo, City Manager