

CITY COUNCIL MEETING

SEPTEMBER 28, 2021

PRESENTATIONS

PUBLIC HEARING

ITEM #10

PH 21-080

**LA VISTA RESIDENTIAL
APPEAL**

Appeal of Planning Commission Approval of Site Plan Review, Administrative Use Permit & Density Bonus

**Proposed 176-unit Affordable Housing Development
with a 36,000 square foot Public Community School
on Caltrans Parcel Group 3 at Tennyson Road and 16th
Street**

City Council Appeal Hearing
September 28, 2021
Elizabeth Blanton, AICP, Senior Planner





MOREAU
CATHOLIC
HIGH SCHOOL

PARCEL
GROUP 3

FUTURE LA VISTA PARK

MISSION BLVD

EAST 16TH STREET

TENNYSON ROAD

0.5 MILES



SOUTH
HAYWARD
BART STATION



ALTA MIRA
SENIOR & FAMILY
APARTMENTS



N.T.S



Project Location

- ✓ Parcel Group 3 (28.5 acres)
- ✓ City owned land
- ✓ North of Tennyson Road between 16th Street and the planned La Vista Park
- ✓ Proposed development will be located in southwest corner (approx. 7 acres)

Project Site

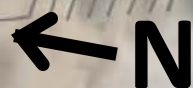
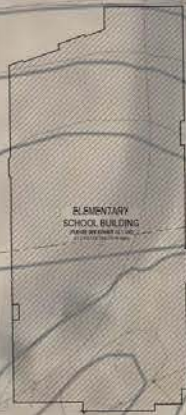
FAULT SETBACK

FUTURE
NEIGHBORHOOD
PARK

FAULT SETBACK

LANDSLIDE AREA

EAST 16TH STREET





Project Site

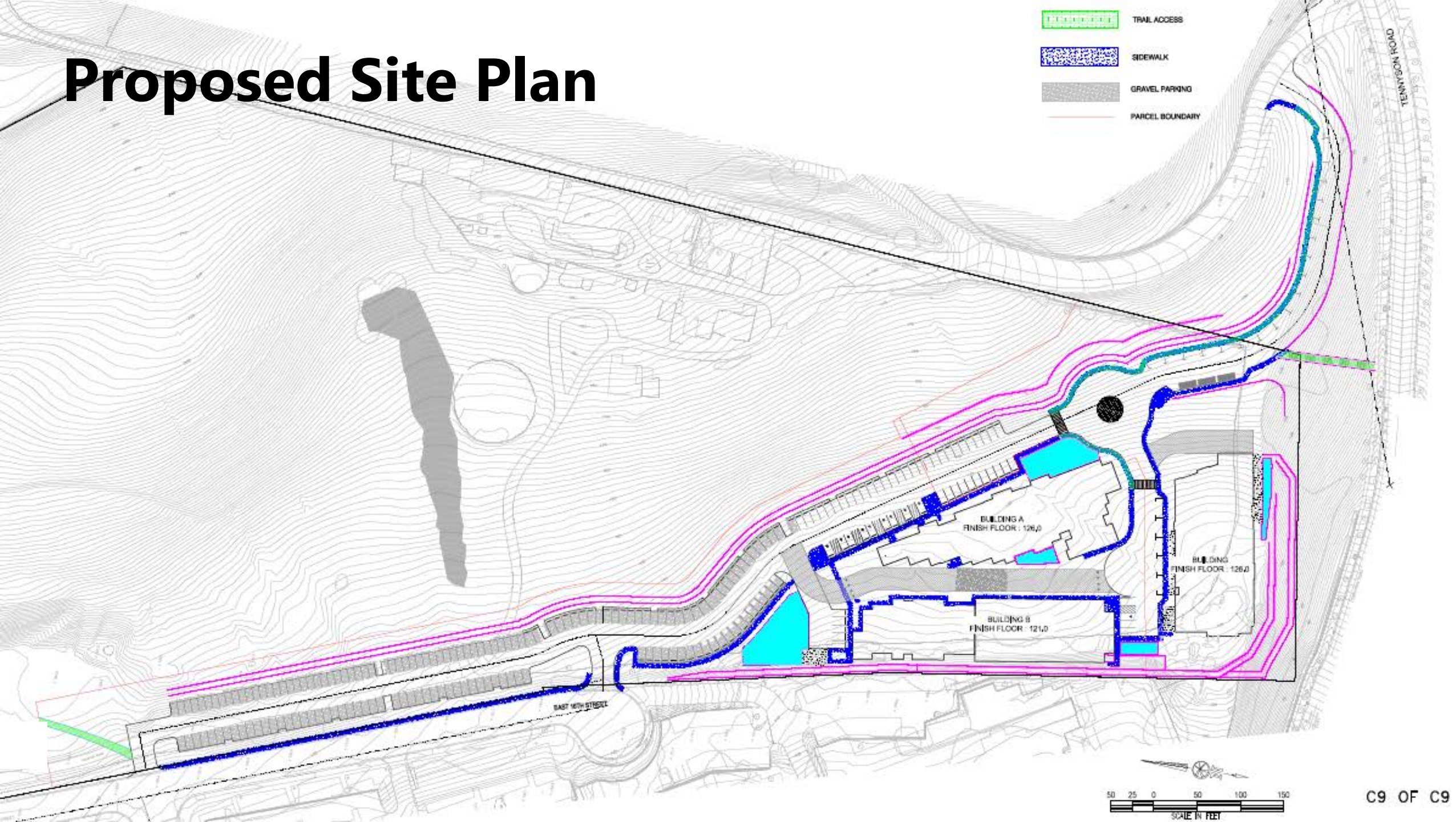
Zoning Districts

- ✓ Open Space (OS)
- ✓ *Medium Density Residential (RMB4)*
- ✓ Single Family Residential (RS)
- ✓ *Special Design Overlay District 7 (SD-7)*

General Plan Land Use Designations

- ✓ Low Density Residential (LDR)
- ✓ *Limited Medium Density Residential (LMDR)*
- ✓ Limited Open Space (LOS)
- ✓ Parks and Recreation (PR)

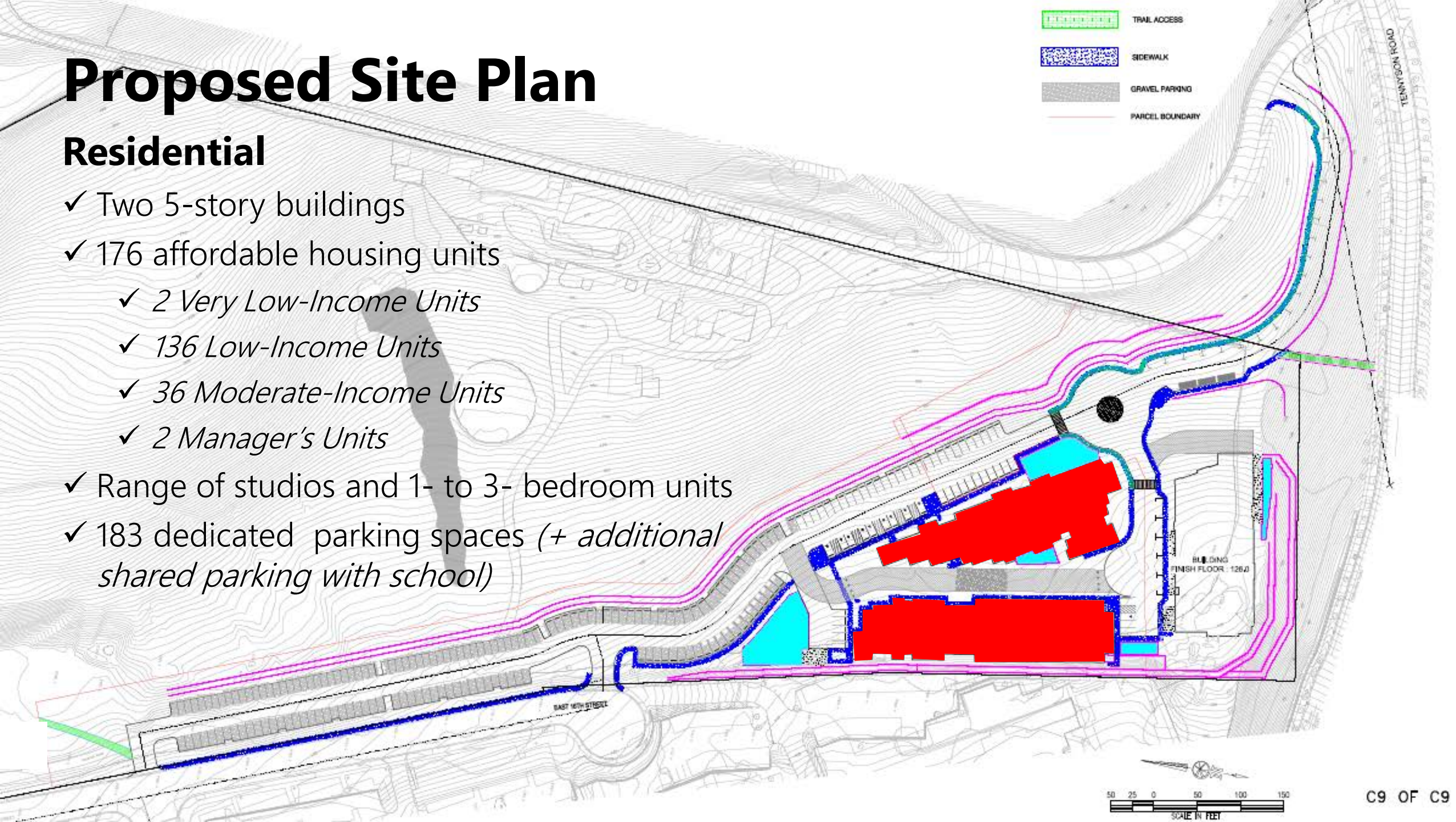
Proposed Site Plan



Proposed Site Plan

Residential

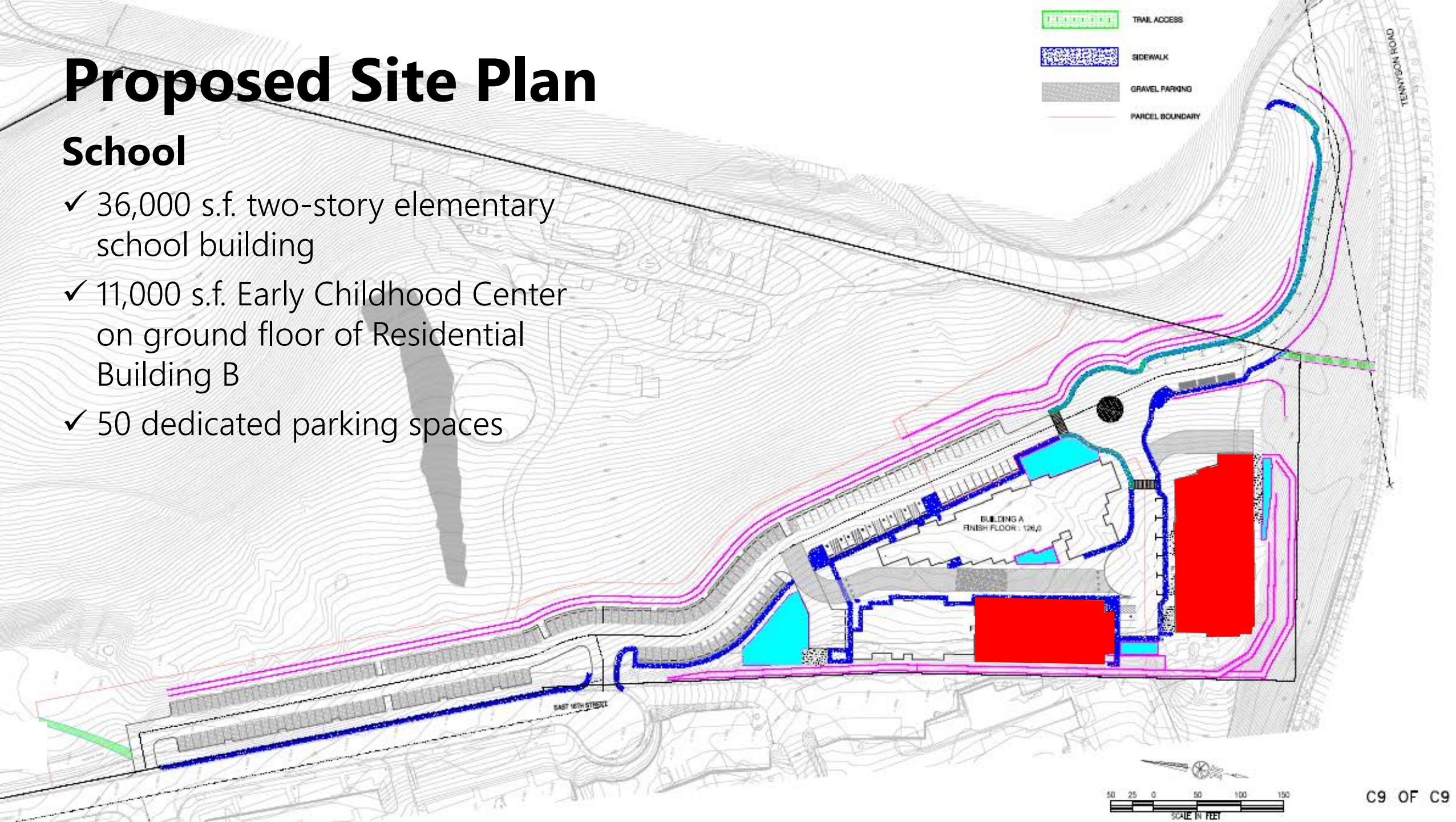
- ✓ Two 5-story buildings
- ✓ 176 affordable housing units
 - ✓ 2 Very Low-Income Units
 - ✓ 136 Low-Income Units
 - ✓ 36 Moderate-Income Units
 - ✓ 2 Manager's Units
- ✓ Range of studios and 1- to 3- bedroom units
- ✓ 183 dedicated parking spaces (+ additional shared parking with school)



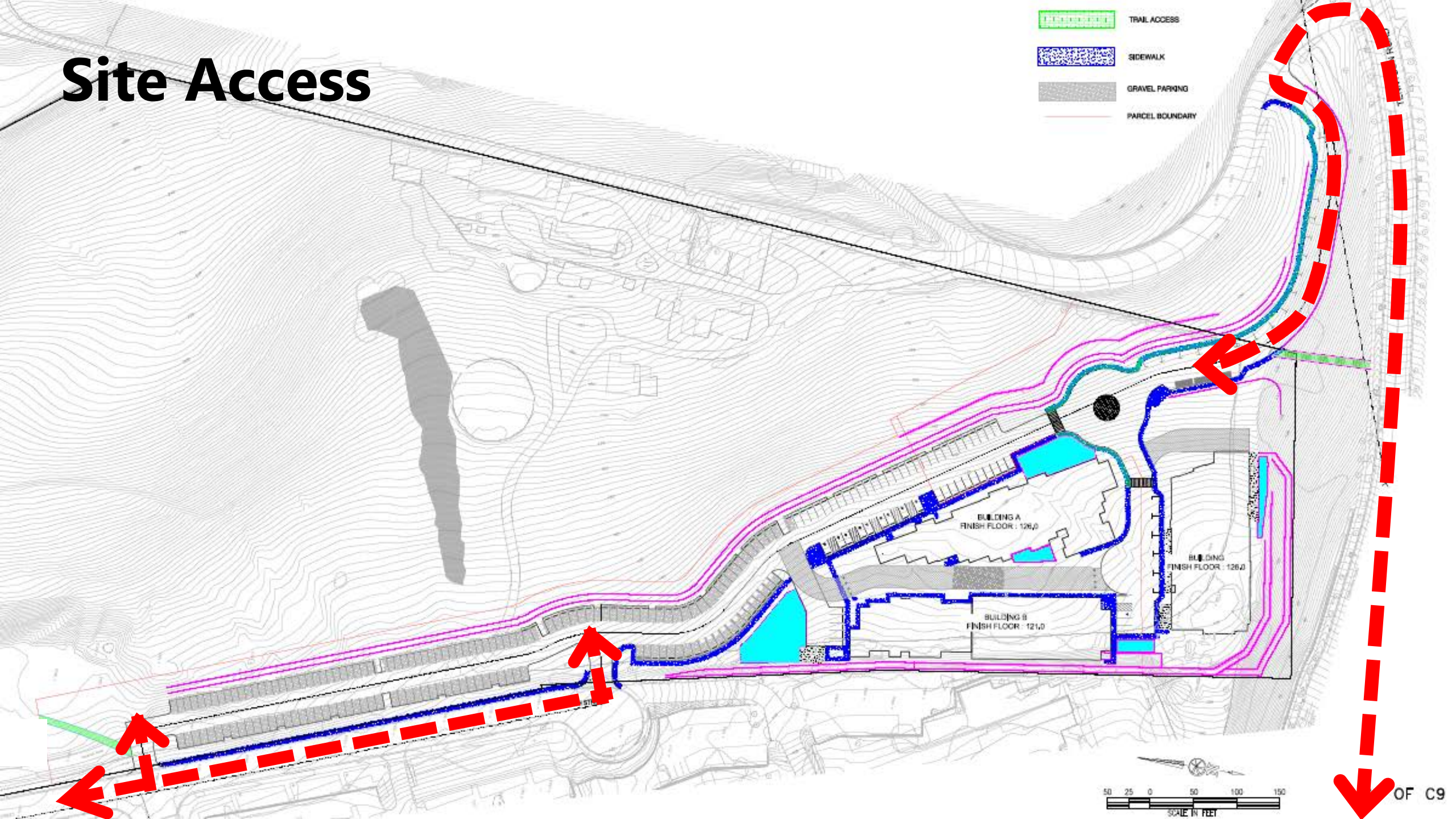
Proposed Site Plan

School

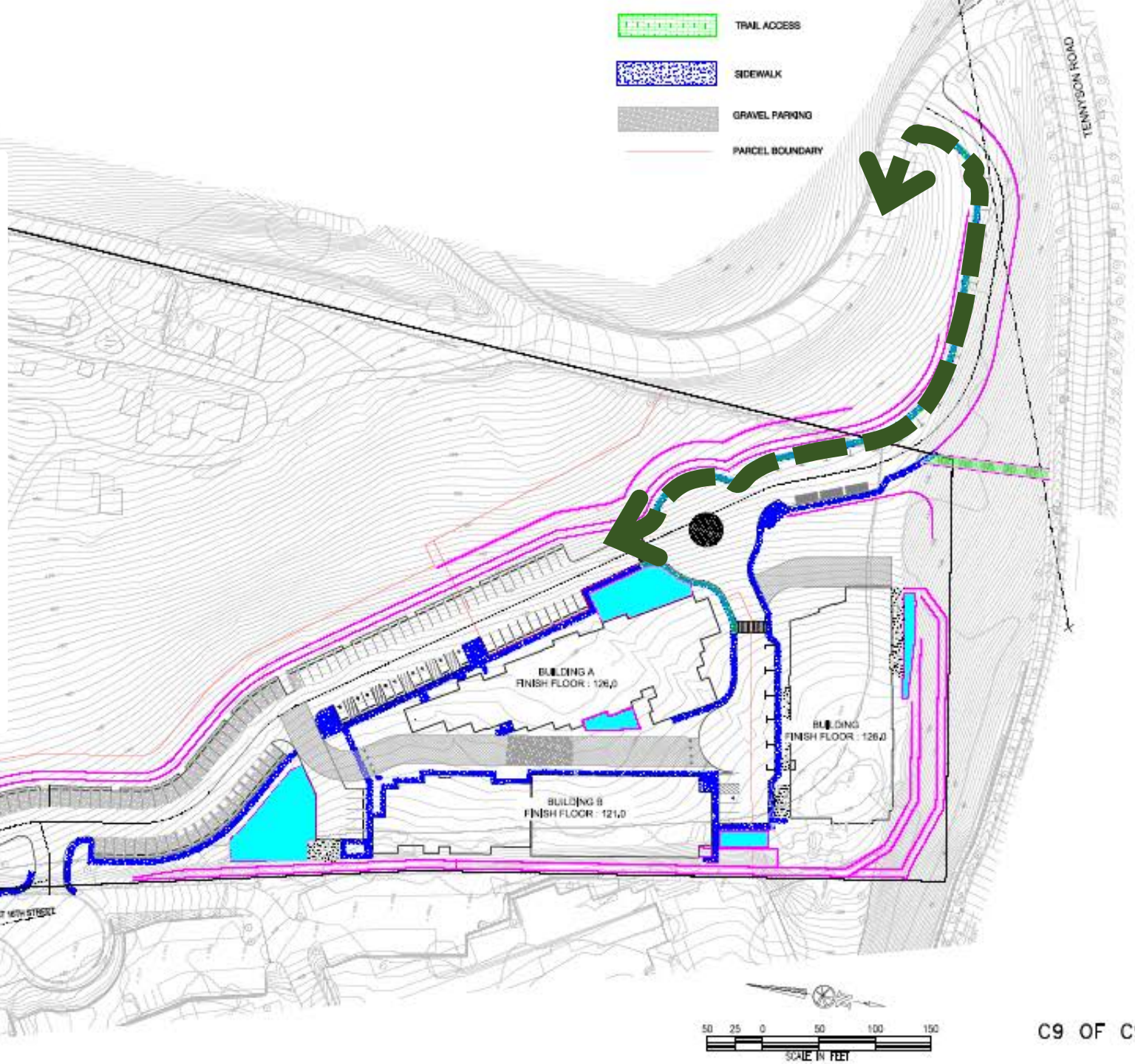
- ✓ 36,000 s.f. two-story elementary school building
- ✓ 11,000 s.f. Early Childhood Center on ground floor of Residential Building B
- ✓ 50 dedicated parking spaces



Site Access



Trail Access





**PARCEL
GROUP 3**

FUTURE LA VISTA PARK

0.5 MILES

MISSION BLVD

EAST 16TH STREET

TENNYSON ROAD

Tennyson Road

 **SOUTH
HAYWARD
BART STATION**

 **ALTA MIRA
SENIOR & FAMILY
APARTMENTS**



**PARCEL
GROUP 3**

FUTURE LA VISTA PARK

MISSION BLVD

Hancock Street

EAST 16TH STREET

East 12th Street

0.5 MILES

TENNYSON ROAD



**SOUTH
HAYWARD
BART STATION**



**ALTA MIRA
SENIOR & FAMILY
APARTMENTS**



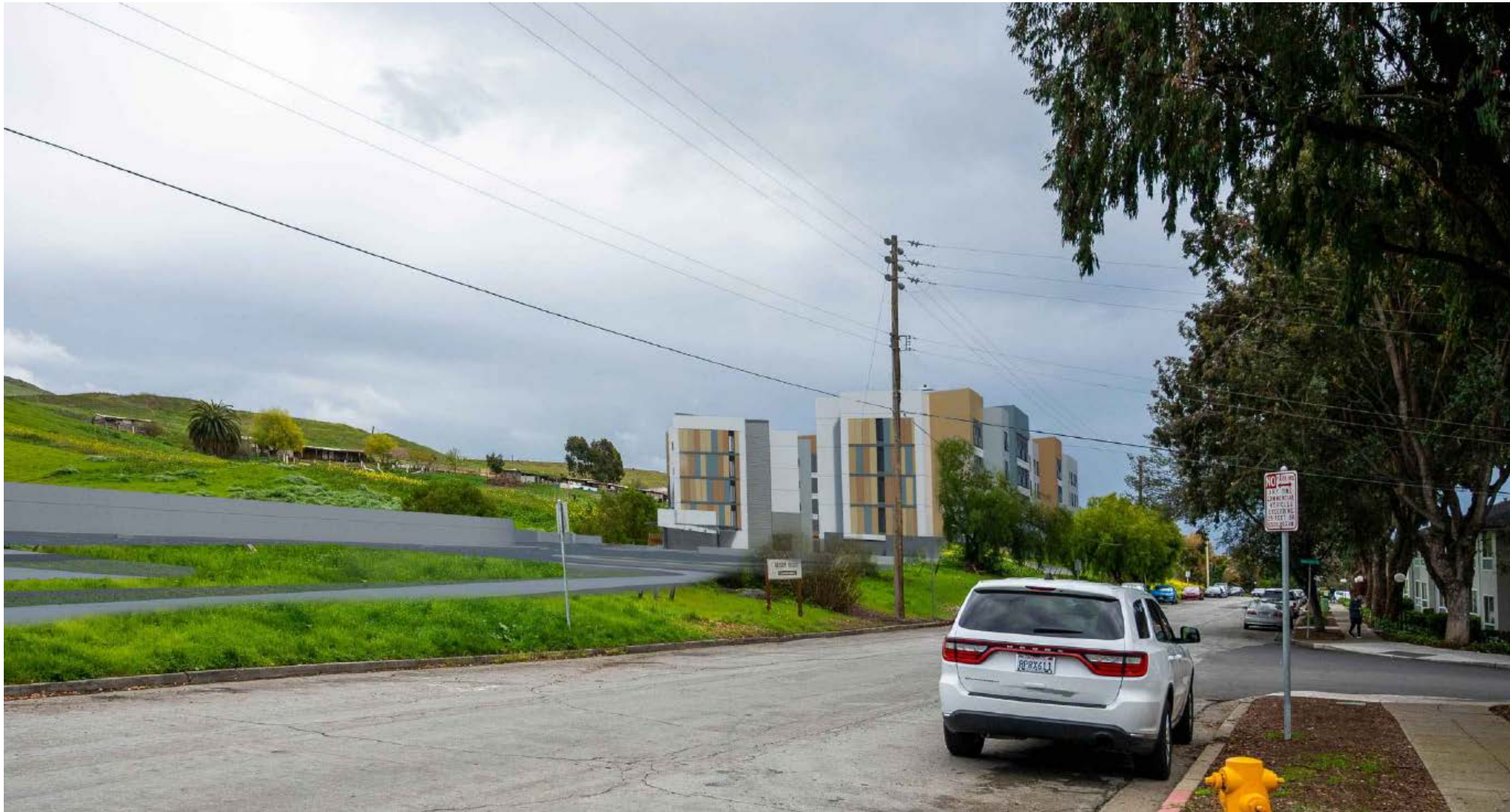
View from Southwest Corner



View from Roundabout



View from Tennyson Rd. and Mission Blvd.



View from 16th Street



View from Future La Vista Park



Density Increase

- ✓ Allowed unlimited density per State law due to proximity to BART

Height Increase

- ✓ Up to 3 additional stories permitted per State law

Parking Reduction

- ✓ A maximum of 0.5 spaces per unit can be required per State law

Waivers/Concessions

- ✓ Reduced open space
- ✓ Reduced rear yard setback
- ✓ Reduced Reach Code compliance for residential EV charging infrastructure

Density Bonus Application



- ✓ A housing development project that **complies with the objective standards of the General Plan and Zoning Ordinance** must be approved by the City.
- ✓ Exceptions if:
 - ✓ City has met RHNA requirement
 - ✓ Impact to public health and safety
 - ✓ Property is agricultural land
 - ✓ Approval would violate State or Federal law
 - ✓ Inconsistent with Zoning or General Plan

SB 330 Housing Crisis Act of 2019

Standard	HMC Requirement	Proposed	Consistent?
Density <i>With Density Bonus</i>	12 du/ac (148 units) Unlimited	14.2 du/ac (176 units)	Yes (<i>with Density Bonus</i>)
Lot Coverage	40% maximum	18%	Yes
Setbacks - Front Side Rear	20' minimum 10' minimum 20' minimum	125' minimum 48' minimum 15' minimum	Yes (<i>with DB</i>)*
Building Height <i>With Density Bonus</i>	40' maximum 73' maximum	63' maximum	Yes (<i>with DB</i>)
Parking - Residential <i>With Density Bonus</i> School Parking	328 spaces 88 spaces 46 spaces	183 spaces 50 spaces	Yes (<i>with DB</i>)
Open Space	150 s.f./unit (26,400 s.f.)	14,960 s.f.	Yes (<i>with DB</i>)*

* Requested Density Bonus Concession

Compliance with Objective Standards

	Building Code	REACH Code	Compliant?
All Electric			
School	Exceeds	Meets	Yes
Affordable Housing	Exceeds	Meets (<i>most sustainable option</i>)	Yes
Solar Panels			
School	Meets (Solar Ready)	Not Required	Yes
Affordable Housing	Exceeds (Solar Install.)	Not Required	Yes
EV Charging			
School	Exceeds	Meets	Yes
Affordable Housing	Exceeds	No*	Yes (<i>with DB</i>)

* Requested Density Bonus Concession

Sustainability Code Compliance



THE PRIMARY SCHOOL

The Primary School

- ✓ Serve up to 384 students in grades Pre-K to 5th/6th
- ✓ Range of Student/Family Services
 - ✓ *Access to medical, dental, mental health care and social services*
 - ✓ *Parent wellness program that provides counseling and coaching on parenting, financial security, and educational attainment*
- ✓ Actively target recruitment toward low-income Hayward families
 - ✓ *Includes direct outreach to families in adjacent housing on site*

School Operations Plan



Attachment VII

CARLSBAD
FRESNO
IRVINE
LOS ANGELES
PALM SPRINGS
POINT RICHMOND
RIVERSIDE
ROSEVILLE
SAN LUIS OBISPO

MEMORANDUM

DATE: June 16, 2021

TO: Jennifer Ott, Assistant City Manager/Development Services Director
Elizabeth Blanton, AICP, Senior Planner

FROM: Theresa Wallace, AICP, Principal
Shanna Guiler, AICP, Associate/Environmental Planner

SUBJECT: California Environmental Quality Act (CEQA) Addendum for the Route 238 Development Project – Parcel Group 3

This document, prepared pursuant to the California Environmental Quality Act (CEQA) and the regulations and policies of the City of Hayward, provides information and analysis concerning the Route 238 Development Project – Parcel Group 3 (proposed project). This document is an Addendum to the City of Hayward 2040 General Plan Environmental Impact Report¹ (GP EIR), certified by the City of Hayward in July 2014. This Addendum to the GP EIR evaluates whether changes to development assumptions included in the General Plan associated with the proposed project would result in new or substantially more adverse significant effects or require new mitigation measures not identified in the GP EIR. See Attachment A for a full description of the proposed project. The City of Hayward is the Lead Agency under CEQA. In accordance with CEQA Section 21093(b) and CEQA Guidelines Section 15152(a), this Addendum tiers off the GP EIR, certified in July 2014, which is hereby incorporated by reference. This Addendum also serves as a written checklist to confirm that the environmental effects of the proposed project were adequately covered in the GP EIR pursuant to CEQA Guidelines 15168(c)(4).

INTRODUCTION

Parcel Group 3 comprises approximately 28.5 acres and includes seven parcels (Assessor Parcel Numbers [APNs]: 078C-0626-001-07, 078C-0626-003-09, 078C-0626-003-16, 078C-0640-007-06, 078C-0635-013-03, 078C-0641-001-00, and 078C-0641-010-01). The proposed project would be confined to the southwestern portion of Parcel Group 3, on portions of APNs 078C-0626-001-07, 078C-0626-003-09, and 078C-0626-003-16 (hereinafter referred to as the "project site").

Surrounding land uses include the former La Vista Quarry, planned for a future regional park, and undeveloped open grassland to the east; Calhoun Street and riparian woodlands to the north; and

¹ Hayward, City of, 2014. *Final Environmental Impact Report City of Hayward General Plan*. May.

Addendum to General Plan EIR

- ✓ Project is within the scope of what was analyzed in the GP EIR
- ✓ Project will have no new or more severe significant effects than what was previously analyzed in the GP EIR
- ✓ No new mitigation measures are required

Environmental Review

Support

- ✓ Support for affordable housing in South Hayward
- ✓ Interest in renting one of the proposed units



Concerns

- ✓ Impact to parking on 16th Street
- ✓ Increased traffic and congestion
- ✓ Loss of open space views along 16th Street
- ✓ Proximity to fault lines
- ✓ Dislike of architecture
- ✓ Construction related impacts
- ✓ Suitability of high-density housing/school at this location

Public Comments



Planning Commission approved the application 5:1

Commission Discussion

- ✓ *Support of affordable housing, proximity to BART and La Vista Park, and school's wrap around services*
- ✓ *Concern about proximity to fault, topography, parking, height*

Public Comment

- ✓ *Vast majority supportive of project*
- ✓ *Some concern about lighting along 16th Street and potential shading*

Planning Commission Hearing

The Planning Commission's decision was appealed by a group of neighbors.

Main concerns included:

- ✓ *Proximity to Fault Line*
- ✓ *Public Outreach*
- ✓ *Traffic Congestion*
- ✓ *Parking*
- ✓ *Technology Issues*
- ✓ *Impact to Tennyson as Evacuation Route*

Appeal

August 2nd, 2021

Dear Mayor Barbara Halliday and
Ms. Elizabeth Blanton, Senior Planner

RE: Appeal of the Hayward Planning Commission's Decision on Parcel Group 3 Project (176 units Affordable Housing Development and Charter School)

We are residents of The Reserve community which is situated above the mentioned Parcel Group 3. The streets address of our homes are Vista Grande Drive, Cantera Drive and Mountain View Drive, Hayward, 94544, CA

On July 22, 2021, the Hayward Planning Commission approved PH 21-063 (176 Affordable Housing units and a charter school). We are writing this letter to appeal the Planning Commission's approval based on the following:

1. Not being informed or consulted about the project

- We, the residents of The Reserve community are only finding out that we have never been made aware or consulted about this project.
- In addition, many residents living near the project were also not aware of the project.
- We understand that some residents from other neighborhoods of the City requesting postponement of the City's July 22nd public hearing not receive the notice or could not attend the virtual hearing since residents are not tech savvy and aren't familiar with Zoom.
- Nonetheless, their requests for postponement were ignored.
- We feel that as residents we should have a say in shaping our neighborhood that our voices were curbed despite several of the residents requesting the public hearing that impacts all of us in ways that might impact lives and that of the future residents of the proposed project.

2. Safety of the future residents due to the proximity to Hayward fault proposed project

- The project will be located by the Hayward fault line.
- We understand (also highlighted in the East Bay times) that the CC Robert Stevens objected to the project voted against the project of a multistory unit in this location and mentioned that the location is for housing or a school due to potential danger to the lives of the school children.
- In addition, resident Joanne Lam (highlighted in Easy Bay times) was also wary of the project highlighting the high fatality risk for the building regardless of how well the building is constructed due to the Hayward has the potential to release a 6.8 – 7.0 magnitude earthquake.
- We are not aware if the City conduct seismic hazard analysis to determine if the ground is stable and safe enough to accommodate two 5-story buildings.

June 29, 2021

Dear Mayor Barbara Halliday and
Ms. Elizabeth Blanton, Senior Planner

RE: Appeal of the Hayward Planning Commission's Decision on Parcel Group 3 Project (176 units Affordable Housing Development and Charter School)

Jihong(Julia) Zhang, reside at 818 Webster Street, Hayward, CA 94544 – just less than 500 feet from the project site.
Nancy Quintero, reside at 826 Webster Street, Hayward, CA 94544 – just less than 500 feet from the project site.
Joanne Lam, reside at 27827 East 16th Street, Hayward, CA 94544 – just less than 500 feet from the project site.

On July 22, 2021, the Hayward Planning Commission approved PH 21-063 (176 Affordable Housing units and a charter school). We are writing this letter to appeal the Planning Commission's approval based on the following:

- The project will be located by the Hayward fault line. Did the City conduct seismic hazard analysis to determine whether the ground is stable and safe enough to accommodate two 5-story buildings and a school without endangering the lives of up to 500-600 residents and 300+ school age children? The City should have Geologists/scientists, who are experts in this field, conduct studies to determine if the ground will be stable enough to support the structures in the event of an earthquake on the Hayward fault line - lives of tenants and school children depend on this. (For guidance we referred to information found in SB 1155 and the CEQA.)
- Many residents living near the project were not aware of the project; we discovered that some residents sent emails to the City requesting postponement of the City's July 22nd public hearing because they did not receive the notice and could not attend the virtual hearing, also some are not tech savvy and aren't familiar with Zoom. Nonetheless, their requests for postponement were ignored. Many residents, impacted by this project, heard about it when Julia informed them by going door-to-door. We have collected signatures from 95+ residents who signed a petition against the project, one signature per house address, it represents 200 to 500 residents (see the attached file). We shall drop off the original signed petitions at City Hall.



- ✓ **Proximity to Fault Line.** Fault Hazard Evaluation and Geotechnical Evaluation determined the site is suitable for the proposed development.
- ✓ **Public Outreach.** Three postcard mailers were sent out, two to an expanded radius; Applicant held two virtual community meetings.
- ✓ **Traffic Congestion.** Local Transportation Analysis recommendations included as conditions; Vehicular entrances for school and residential are separated.

Staff Response to Appellant's Concerns



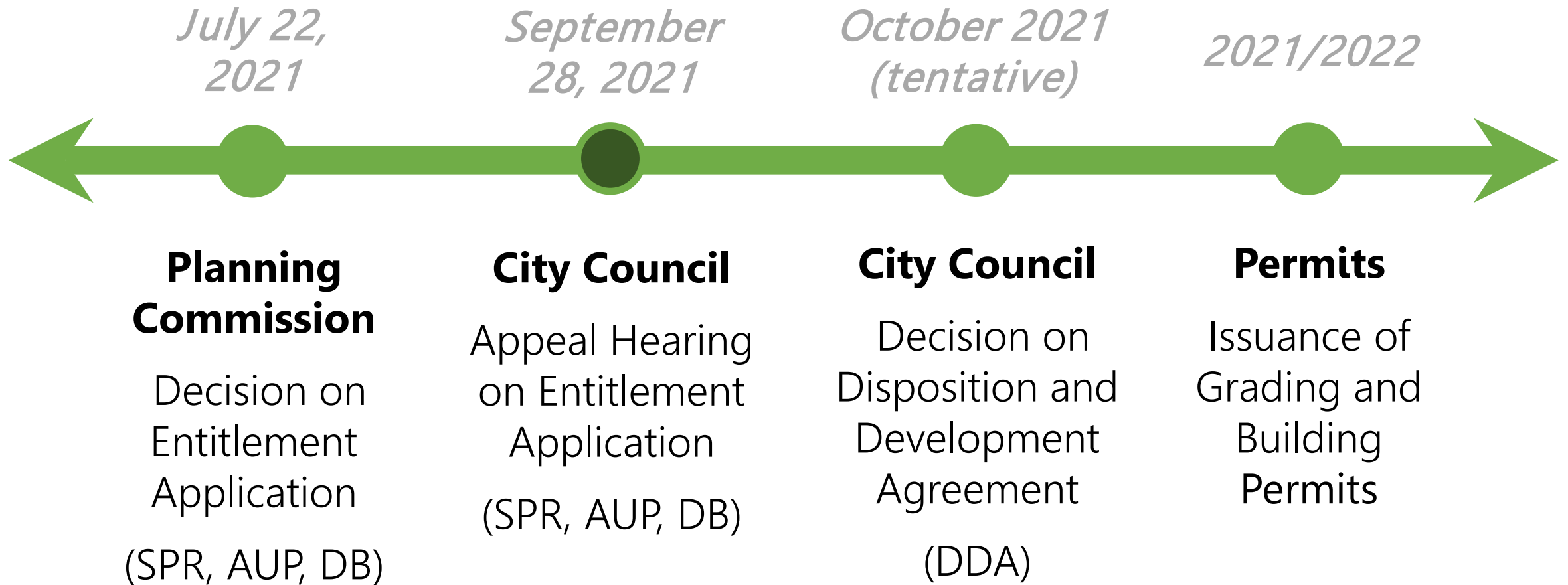
- ✓ **Parking.** Applicant is providing more than double the amount of residential parking required by State law. School meets local parking requirements.
- ✓ **Technology Issues.** Appellant's comments to staff were included in Planning Commission staff report and presentation.
- ✓ **Impact to Tennyson as Evacuation Route.** Project meets fire access requirements. Transportation analysis found no deficiencies on Tennyson.

Staff Response to Appellant's Concerns



- ✓ **Consistent with City Council approved conceptual plan** for Parcel Group 3 (150+ affordable housing units and school)
- ✓ **Complies with objective development standards** of the RMB4 zoning district (with Density Bonus allowances)
- ✓ Within a half mile of **BART**
- ✓ **Trail connections** to planned La Vista Park
- ✓ **Clustered development appropriate** given the site constraints and preservation of open space views for single family homes along 16th Street
- ✓ Provides critical **affordable housing**
- ✓ **School program is high quality** with wrap around services

Additional Staff Analysis



Next Steps

A nighttime photograph of a city and a bridge. The bridge, with its lights, spans across a body of water. The city lights are visible in the background, and the foreground shows a dark, silhouetted landscape.

STAFF RECOMMENDATION

That the City Council

- ✓ Deny the appeal and adopt the resolution approving the proposed Site Plan Review, Administrative Use Permit, and Density Bonus application

ITEM #11

PH #21-077

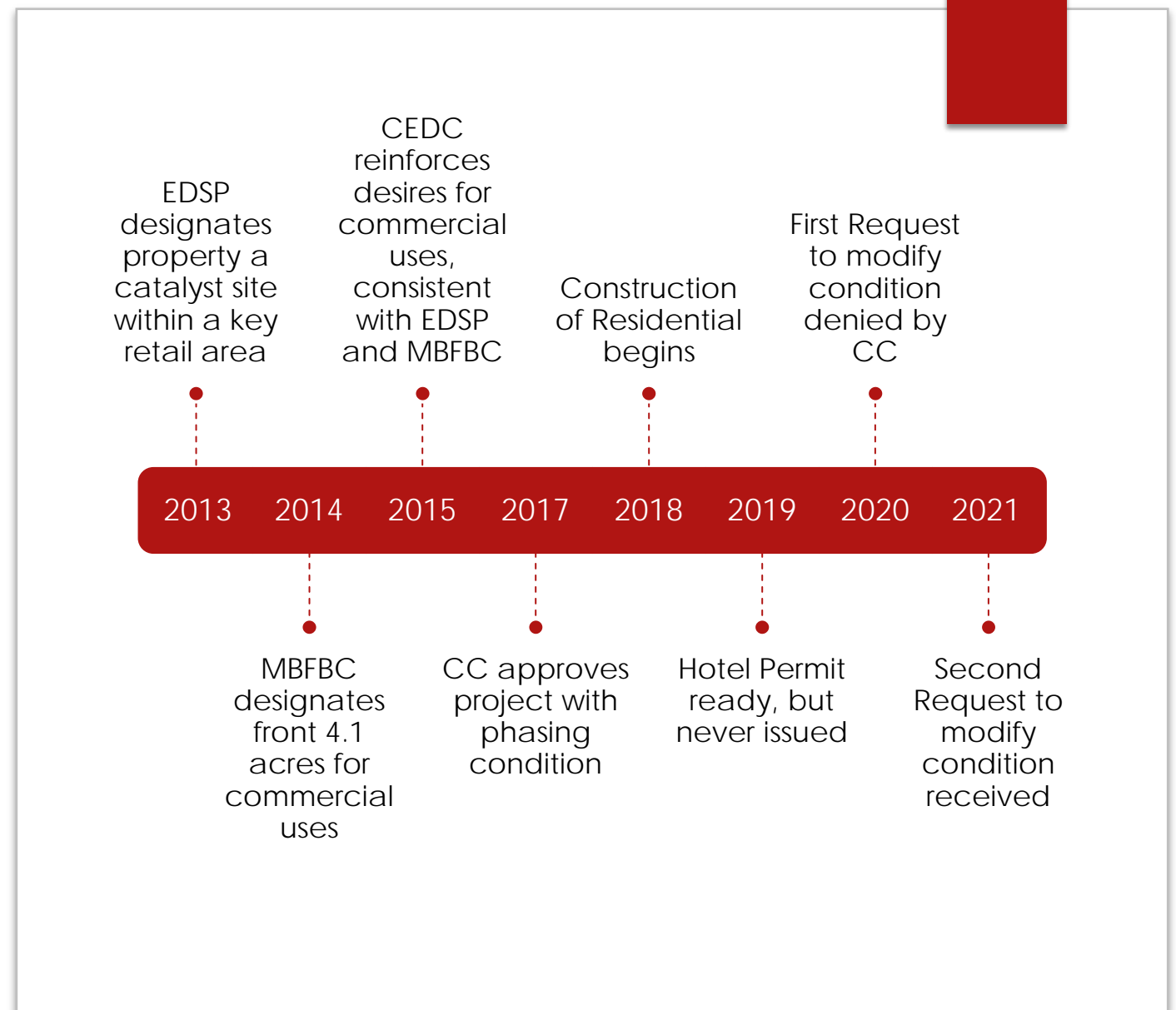
**MISSION CROSSINGS
DEVELOPMENT**

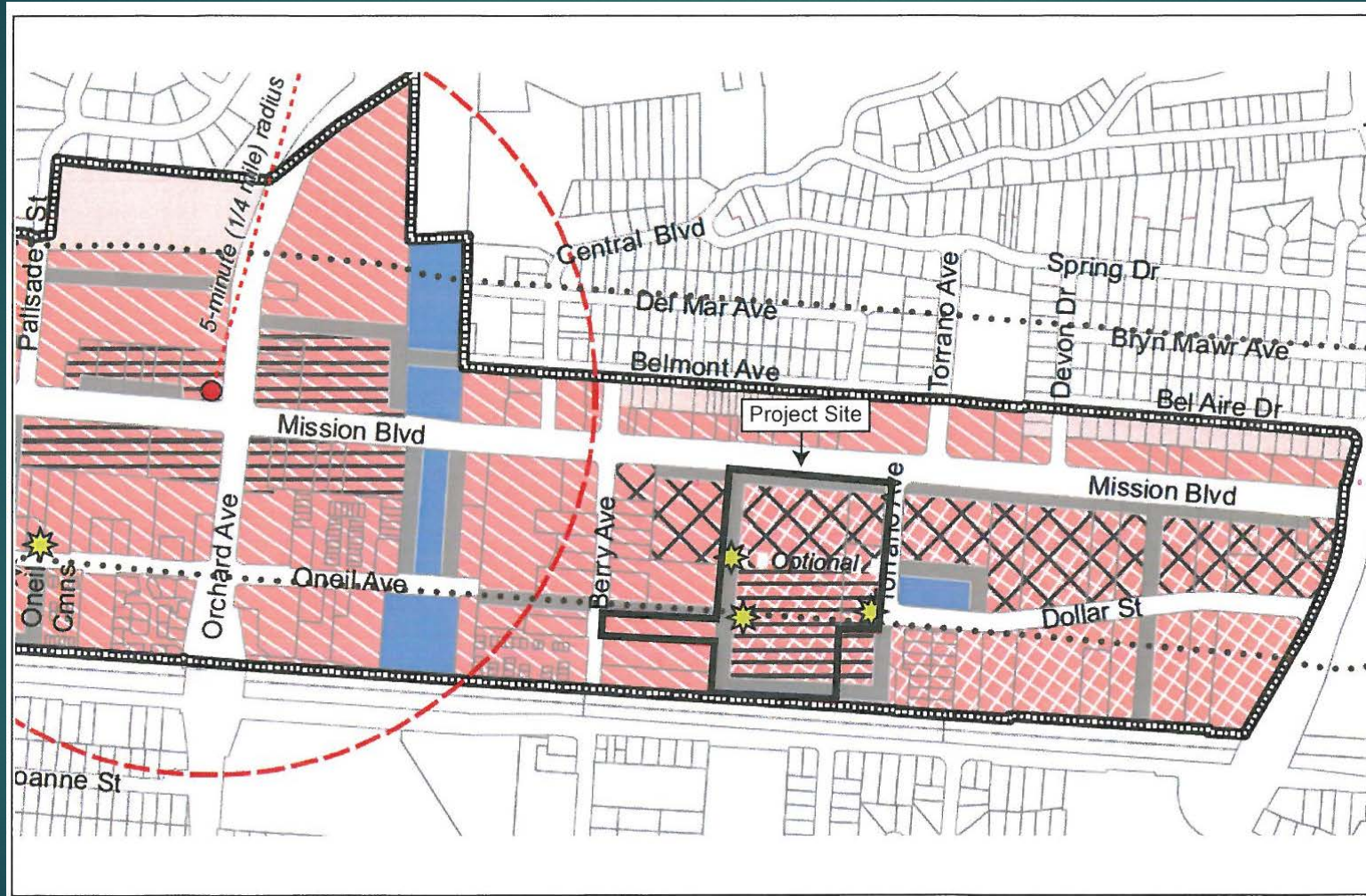


Mission Crossings

REQUEST TO MODIFY CONDITIONS OF APPROVAL

Project Background







Aerial View of Mission Crossings



Current Status of the Development

Building	# Units	Current Status
1, 2, 3	12	Permits issued, slab construction only, no vertical construction
4	3	Constructed, model home complex, no occupancy permits issued
5, 9, 13	14	Permits still pending with the City
7,8	11	Constructed, but no occupancy permits issued
6, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27	100	Constructed and occupancy permits issued

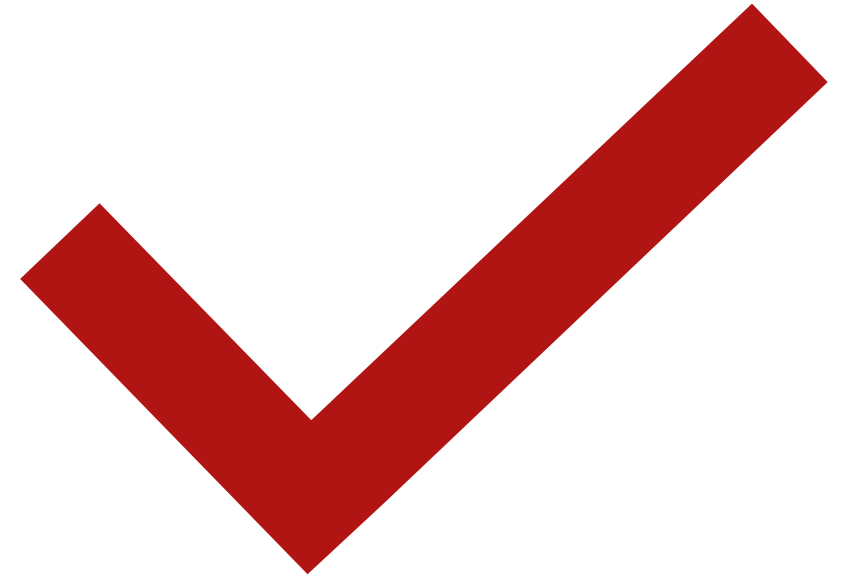
Mission Crossings Proposal

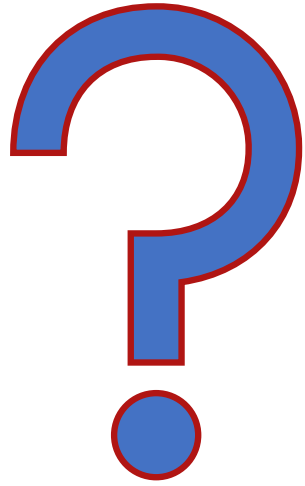
Summary of Proposed Modifications and Additions to Conditions of Approval

1. Applicant/Developer paying all outstanding permit and impact fees prior to issuance of any additional certificates of occupancy (*Modification to Condition of Approval #4, Fees*);
1. Applicant/Developer entering into an Affordable Housing Agreement deed restricting 14 units for moderate income households including equally dispersing the moderate income units within Buildings 1, 2, 3, 5, 9 and 13 (*Modification to Condition of Approval #164*);
1. Applicant/Developer beginning construction of Buildings 2 and 3 next so that the community garden/urban farm can be opened for the community's use (*Modification to Condition of Approval #166*);
1. Applicant/Developer preparing and implementing a plan, with costs not to exceed \$200,000, for improving aesthetic and visual quality, including improvements to support interim use of the hotel site (*Addition of New Condition of Approval #167*); and
1. Applicant/Developer shall within 30 days submit a plan for the City review, which outlines a plan for providing safe interim pedestrian access to the project site from Dollar Street/Torrano Avenue with the goal of maintaining the access throughout the balance of construction (*Addition of New Condition of Approval #168*) .

Staff Recommendation

- ▶ **Staff is recommending that the Council approve the request by adopting the attached resolution, which memorializes the revised request from Meritage and incorporates modifications to original conditions of approval (COA # 4, 164, and 166), as well as includes the addition of new conditions of approval (COA #167 and 168)**





Questions

LEGISLATIVE BUSINESS

ITEM #12

LB #21-044

LA VISTA PARK FINAL DESIGN



La Vista Park – Final Design & CEQA Addendum

Illustrative Site Plan



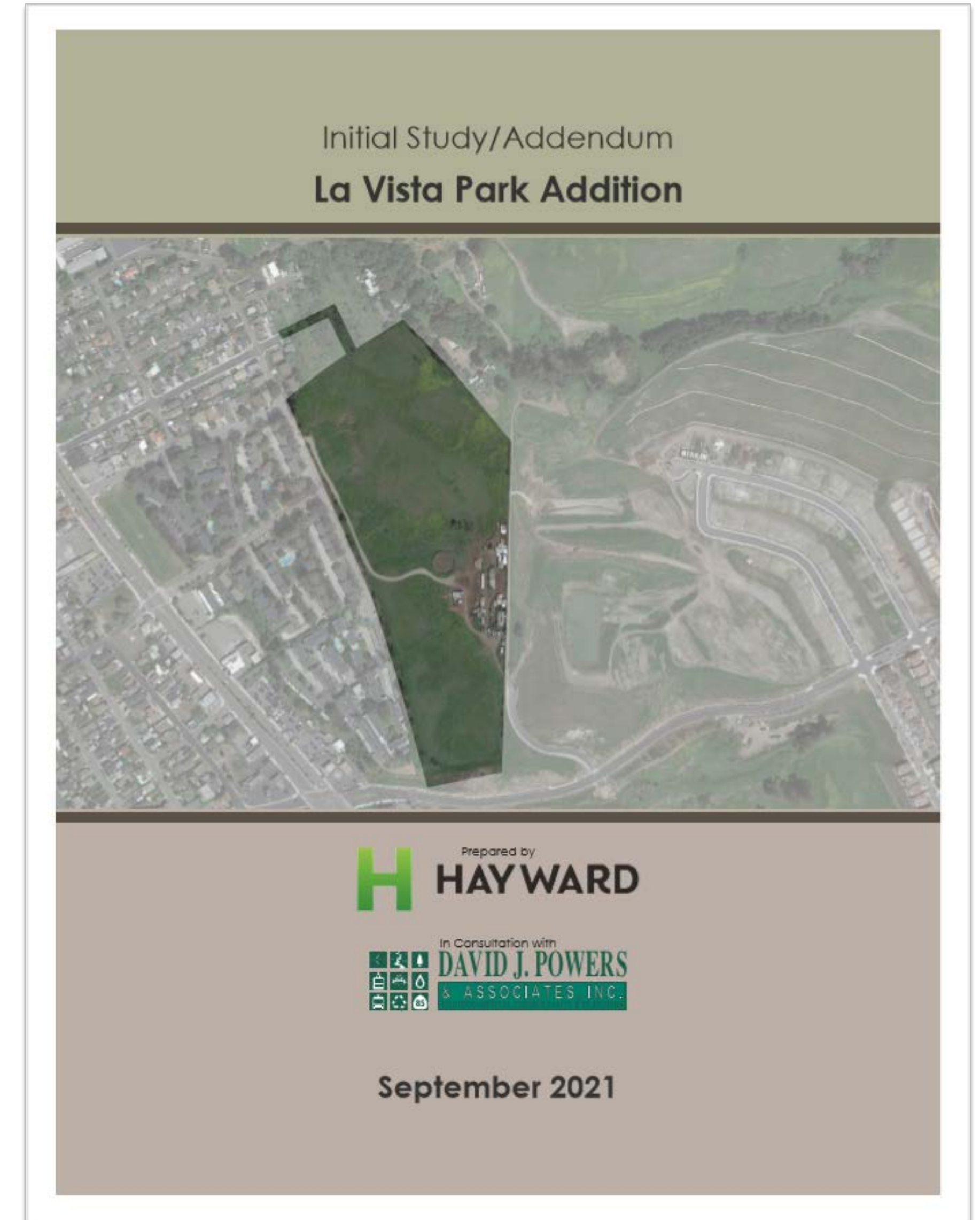
City Council Meeting - 9/28/2021



Park Extension Environmental Review- La Vista Park Project

Addendum to 2005 IS/MND

- ✓ Park extension is within the scope of what was analyzed in the previous IS/MND for the La Vista Development Project.
- ✓ Project will have no new or more severe significant effects than what was previously analyzed.





May 2018 Conceptual Design - La Vista Park Project

- Incorporated feedback from two separate community meetings and a joint City Council and HARD Board meeting from October 2017.
- This design concept was approved by the HARD Board in April 2018.
- City Council accepted this conceptual design in May 2018 and authorized staff to begin requests for consultant proposals.





July 2020 Council Infrastructure Committee Design Update - La Vista Park Project

- Revised design to incorporate geotechnical recommendations to ensure site stability.
- Revised design to protect existing wetland identified in the park extension area.
- Revised grading to eliminate dirt off-haul and reduce construction costs.





May 2021 Council Infrastructure Committee Design Update - La Vista Park Project

- Sealed an existing man-made well which reduced existing wetland area.
- Revised design to preserve smaller remaining wetland area.
- Added park programming from reduction of wetland area.
- Coordinated boundary at adjacent PG3 development





Recommendation

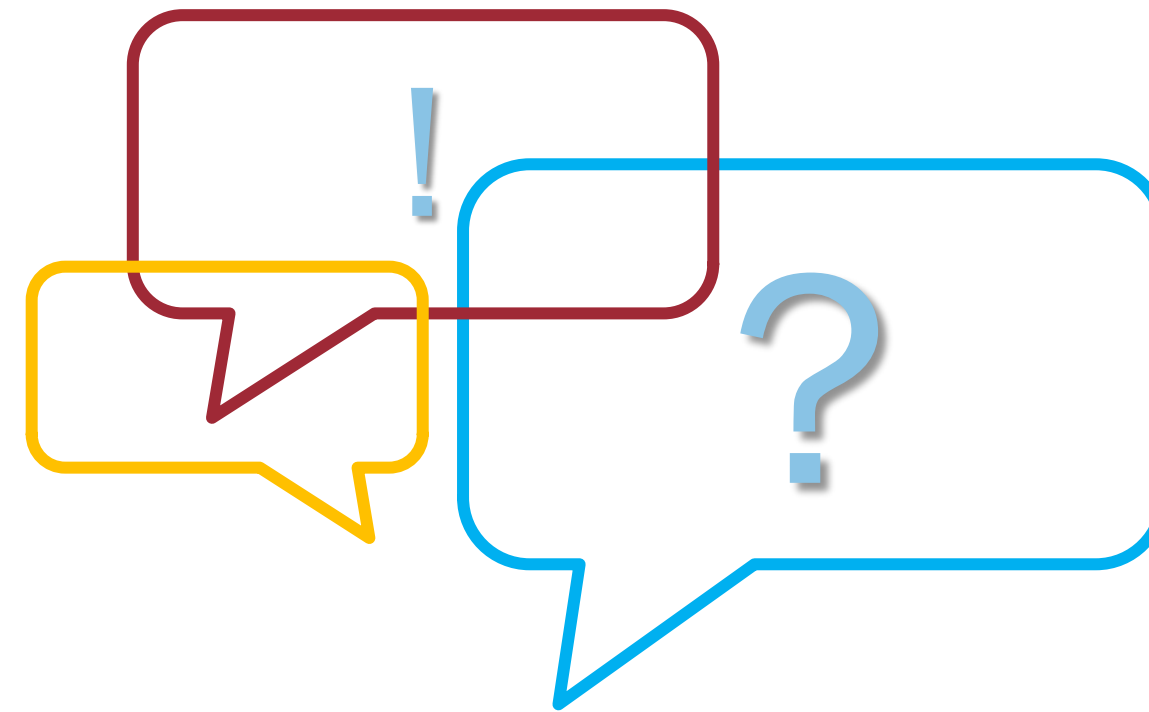
- Staff recommends that Council adopt the attached resolution approving the La Vista Park final design and authorize staff to begin the Phase 2 design construction drawings.

Next Steps

- Complete the 100% slide mitigation repair and 100% construction documents for construction bidding.
- After completion of the 65% construction documents, provide cost estimate and fiscal impact update to Council.

Project Schedule

Complete 100% Slide Mitigation Repair Plans	Spring 2022
Start Slide Mitigation Repair Construction	Summer 2022
Complete Slide Mitigation Repair Construction	End of 2022
Complete 100% La Vista Park Construction Plans	Fall of 2022
Start La Vista Park Construction	Spring of 2023
Complete La Vista Park Construction	Summer of 2024



Questions & Discussion