

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED MULTI-FAMILY RESIDENTIAL DEVELOPMENT
LOCATED AT 21659 MISSION BOULEVARD
VESTING TENTATIVE TRACT NO. 8520
SITE PLAN REVIEW AND DENSITY BONUS APPLICATION NO. 201902713**

FINDINGS FOR APPROVAL

SITE PLAN REVIEW

Pursuant to Hayward Municipal Code Section 10-1.3025, the Planning Commission or other approving authority may approve or conditionally approve an application when all of the following findings are made:

1. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

The proposed development will be compatible with surrounding structures and uses in that the project consists of a new multi-family residential development on a vacant site. The development of the vacant 1.12-acre infill site will result in the construction of 27 three-story, townhome-style condominiums and an apartment building with 18 dwelling units (including 4 total units of affordable housing). Along the western frontage of the project site (Montgomery Street), the project site is bordered by existing single-family and multi-family residential properties, and along the eastern, northern, and southern boundaries toward Mission Boulevard, there are commercial land uses.

Further, the project site and adjacent parcels are located within the Mission Boulevard Coddior Form-Based Code (FBC) area, which allows for the construction of denser, mixed-use developments between two- and four-story structures given their proximity public to transit. To date, numerous new housing, mixed-use, and commercial developments have been approved in the Form Based Code area that will transform the the Mission Boulevard corridor within the next 5 to 10 years. As proposed, the new three-story townhomes is generally the same height of surrounding structures and aligns with the intent, goals, and policies of the FBC and the Sustainable Mixed-Use (SMU) land use designation of the *Hayward 2040 General Plan*.

The proposed buildings will all share a common contemporary, modern architectural approach incorporating flat and shed roofs coupled with varying wall planes, materials, and reliefs to avoid blank, monotonous facades. In addition, the buildings are proposed with compact setbacks along their street frontages to align with the intent of the Form-Based Code for a more urban, dense form. Both the townhomes and apartments will utilize consistent materials such as cement plaster, fiber cement siding, metal awnings, and El Dorado stone veneer. The proposed primary colors for the development consist of robust orange, lighter blue, darker blue with secondary colors of darker gray and aged white for building trims, bases, and awning features. In addition, the project will include approximately 31 total trees, 12 of which will be street trees, along with new street frontage improvements including landscaping, sidewalks, curb and gutter to beautify the street and enhance pedestrian connections. Thus, the project will be an attractive addition to the City of Hayward.

2. The development takes into consideration physical and environmental constraints;

The development takes into consideration physical and environmental constraints in that the proposed project situated on a vacant 1.12-acre infill site that will accommodate a multi-family residential building, on-site parking, common open space, emergency vehicular access, functional site circulation and off-street trash service. The undeveloped site is relatively flat with no site improvements and will not require the demolition of any existing buildings or structures. Eleven (11) trees will be removed and will require mitigation to be incorporated on-site to the satisfaction of the City Landscape Architect per the City's Tree Preservation Ordinance. The proposed residential buildings also took into consideration the existing development pattern along both streets by situating the less dense townhomes along Montgomery Street and the denser apartments towards Mission Boulevard. Thus, the proposed development has taken into consideration the physical and environmental constraints of the project site.

3. The development complies with the intent of City development policies and regulations; and

The project site is within the Urban General Zone (MB-T4-1H) of the Mission Boulevard Corridor Form Based Code area with a corresponding land use designation of Sustainable Mixed-Use (SMU). Of the subdistricts within the FBC, the MB-T4-1 zone is of moderate intensity with respect to development given that it is envisioned to consist of higher density mixed-use buildings that accommodate retail, office, and residential uses, along with townhouses and apartment buildings with a density range of 17.5 - 35 units per net acre. The project is deemed consistent with the development standards of the form-based code, with the exception of the requested concessions/incentives through density bonus law for modifications to the common open space requirements and height limitations. Staff believes that the modification to the open space requirement and height limitations are considered an actual cost reduction in the project pursuant to State law. To offset the impact of not meeting the common open space requirement, the applicant has incorporated private open space areas into the units to compensate.

The SMU land use designation allows for a residential density range of 4.3 to 100 units per net acre, and up to a maximum floor area ratio (FAR) of 2.0. The SMU land use designation generally applies to properties that are transit adjacent and are planned as walkable urban neighborhoods. Typical building types vary based on the zoning of the property, but will generally include single-family homes, duplexes, triplexes, fourplexes, second units, townhomes, live-work units, multi-story apartment and condominium buildings, commercial buildings, and mixed-use buildings that contain commercial uses on the ground floor and residential units or office space on upper floors. SMU areas are expected to change substantially in the future, as properties are planned to be developed or redeveloped at relatively high densities and intensities to create walkable and mixed-use neighborhoods and multi-modal corridors.

The project will include a mix of ownership and rental units within the project including three-bedroom townhome-style condominiums and two-bedroom apartments with a total of four (4) units being affordable units, specifically one (1) very-low income household for rent, and three

(3) moderate-income households for ownership. Providing affordable housing is essential for a healthy community. In addition to a diverse mix of housing types, it is necessary to make available housing for residents of all income levels. As the population growth in the Bay Area continues to grow, it is important that affordable housing and higher density developments are located adjacent to public transit options and neighborhood commercial land uses. Overall, the proposed development with affordable housing will support the following *Hayward 2040 General Plan* goals and policies:

- Land Use Policy 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.
- Land Use Policy LU-1.5 – Transit-Oriented Development. The City shall support high-density transit-oriented development within the city to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- Land Use Policy LU-1.13 – Local Plan Consistency with Regional Plans. The City shall strive to develop and maintain local plans and strategies that are consistent with the Regional Transportation Plan and the Sustainable Communities Strategy to qualify for State transportation funding and project CEQA streamlining.
- Land Use Policy LU-2.12 – Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- Land Use Policy LU-2.13 – Mission Boulevard Specific Plan. The City shall maintain and implement the Mission Boulevard to guide and regulate development within the Mission Boulevard Mixed-Use Corridor.
- Economic Development Policy ED-5.5– Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- Housing Policy H-2.2 – Provide Incentives for Affordable Housing. The City shall promote the use of density bonuses and other incentives to facilitate the development of new housing for extremely low-, very low-, and low-income households.
- Housing Policy H-3.1 – Diversity of Housing Types. The City shall implement land use policies that allow for a range of residential densities and housing types, prices, ownership, and size, including low-density single family uses, moderate-density townhomes, and higher-density apartments, condominiums, transit-oriented developments, live-work units, and units in mixed-use developments.
- Housing Policy H-3.2 – Transit Oriented Development. The City shall encourage transit-oriented developments that take advantage of the City's convenient availability of transit.
- Housing Policy H-3.4 – Residential Uses Close to Services. The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

- Housing Policy H-3.6 – Flexible Standards and Regulations. The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.
- Housing Policy H-4.1 – Flexible Development Standards. The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

The development will be operated in a manner determined to be acceptable and compatible with surrounding developments in that the proposed project will result in the construction of residential building like those abutting the project site along the Montgomery Street frontage. Noted above, the project site does immediately abut commercial land uses along the north, east, and southern boundaries toward Mission Boulevard, and single-family and multi-family residential buildings east of the project site across the street along Montgomery Street. Multi-family residential developments are permitted by-right within the Form-Based Code area. Given that the project site is located along Mission Boulevard, a major arterial street generating traffic-emissions, and includes residential uses within the development – the project is required to adhere Section 10-24.296 of the FBC for air quality mitigation measures which require proper precautions to be taken on the project site such as equipment installation, HVAC systems, site design measures to minimize potential health risks.

Additionally, during construction, the proposed project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping etc. The proposed development will be required to adhere to the Conditions of Approval (within Attachment III) which will require the project to adhere to standard procedures of site preparation and development, including permitted hours of construction activity, as well as the incorporation of Best Management Practices (BMPs) for construction noise, grading, use of equipment to prevent adverse negative impacts onto adjacent properties.

VESTING TENTATIVE TRACT MAP

Per Section 10-3.150 of the Hayward Municipal Code, if the tentative map is a tentative tract map or vesting tentative tract map, the Planning Commission shall have final jurisdiction to approve, conditionally approve or disapprove the tentative map where:

1. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

The proposed vesting tentative tract map is consistent with the goals and policies of the Hayward 2040 General Plan and Mission Boulevard Corridor Specific Plan in that the project includes a proposed multi-family residential development that aligns with the overall vision for growth along the Mission Boulevard corridor to support compact, urban development to create a more multi-modal network of walking and biking to nearby services.

2. The proposed subdivision meets the requirements of the City Zoning Ordinance.

The proposed subdivision meets the requirements of the City's Zoning Ordinance in that the project site is within the Urban General Zone with Height Overlay (MB-T4-1H) of the Mission Boulevard Corridor Form Based Code area which allows for a residential density range of 17.5 to 35 dwelling units per net acre. Based on the project lot area, the maximum dwelling unit cap for the site is 39 dwelling units; however, the applicant has requested to incorporate a density bonus to increase the total unit count to 45 dwelling units (14% increase). As proposed, the development complies with most of the development standards such as minimum/maximum setbacks, lot coverage, building design and materials, frontage buildout except for those standards requested to be reduced and/or waived through state Density Bonus law.

3. No approval of variances or other exceptions are required for the approval of the subdivision.

As mentioned above, the proposed development incorporates a Density Bonus that includes a request for two (2) concessions/incentives to deviate from the height limitations as well as the minimum common open space requirements of the Form-Based Code. No variances are being requested to accompany this application; rather, the project will utilize the State's zoning tool for density bonus concessions since the residential project will include on-site affordability.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines for in-fill development as described below:

- A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. As stated previously, the proposed development of the residential building is a permitted land use within the MB-T4-1H zoning district is consistent and is within the maximum floor area ratio of 2.0 of the SMU land use designation.
- B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. The proposed development is located within the MB-T4-1H district of the City of Hayward and the project site is approximately 1.12-acres in size surrounded by existing residential and commercial developments along the south, north and east of the site, and west of the project site.
- C. The project site has no value as habitat for endangered, rare, or threatened species. According to the Figure 7-1, Existing Vegetation Communities of the City of Hayward General Plan Background Conditions Report (2014), the project site is identified as "developed" and "ruderal" which include properties that have been disked and previously disturbed in some manner, and/or consist of existing development dominated by human use which do not offer suitable habitat for sensitive species. The site is currently a paved lot with minimal trees that will be mitigated in accordance with the City's Tree Preservation Ordinance.

- D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- Traffic. According to the Institute of Transportation Engineers (ITE) Trip Generation Manual 9th Edition, the project will generate twelve (12) trips at the PM peak hour for the apartments (Code 220) and fourteen (14) trips at the PM peak hour for residential townhome/condominium (Code 230) for a total of 26 trips during the PM peak hour which will not cause significant traffic impacts.
 - Noise. Construction and operational noise impacts for the project will be subject to the City's existing Noise Ordinance within Chapter 4, Article 1 of Hayward Municipal Code that limits construction hours and acceptable decibel levels.
 - Air Quality. With respect to air quality, the proposed project is less than the thresholds set for operational-related criteria pollutant screening sizes and construction-related screening sizes as prescribed by the 2017 Bay Area Air Quality Management District (BAAQMD) CEQA Guidelines.
 - Water Quality. The proposed project shall be required to satisfy the requirements and standards with the County of Alameda Clean Water Program Municipal Regional Stormwater Permit (MRP 2.0).