

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED AFFORDABLE HOUSING AND CHARTER SCHOOL DEVELOPMENT
LOCATED AT PARCEL GROUP 3, NORTH OF TENNYSON ROAD BETWEEN 16TH STREET
AND THE FUTURE LA VISTA PARK
SITE PLAN REVIEW, ADMINISTRATIVE USE PERMIT, AND DENSITY BONUS
APPLICATION NO. 202001594**

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 project consists of a multifamily residential and charter school development approximately one-half mile from the South Hayward BART station. Development of the largely vacant 28.5-acre "Parcel Group 3" infill site will result in the construction of two five-story residential buildings with 176 dwelling units of affordable housing coupled with a two-story, approximately 36,000 square foot charter school facility. The three buildings will be clustered at the southwestern corner of the project site, with the remaining approximately 21 acres to the north to be retained by the City as part of the future La Vista Park. As a result, the proposed development will be adjacent to existing and planned multifamily residential uses immediately to the west and south, leaving the land on the northern side of the project site, which is adjacent to existing single family residential housing, to be used as open space as part of the future park. The horse corrals and related structures currently on-site will be relocated as part of the Development Agreement for this project.

The development has been designed with a contemporary approach incorporating varied wall planes, colors and materials along all sides of each structure to avoid blank, monotonous facades. New landscaping throughout the project site will further serve to beautify and soften the perceived massing of the new development. Thus, the project will be an attractive addition to the City of Hayward.

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

The project site has a number of physical constraints that limit the developable area, including fault traces, landslide areas, and steep topography, generally in the northeastern portion of the site. As a result, the proposed development has been clustered into the southwestern corner, approximately seven acres in size, so as to avoid siting residential units and habitable structures on the less seismically stable portions of the site. Several geotechnical studies have been conducted as part of this project as well as part of the neighboring La Vista Park development. As conditioned, the applicant will be required to follow the recommendations of these studies to ensure slope stability, seamless grading between the proposed project and the neighboring La Vista Park, and the protection of buildings and access roads in the case of a seismic event.

The lack of developable area presents a site design challenge due to required emergency vehicle access for the Fire Department in the event of an emergency. Accordingly, the residential buildings were designed with two access road stubs in between them that will allow emergency vehicles to “nose in” between the structures. These road stubs will be blocked by bollards and paved using a permeable, reinforced grass paver system, which will allow the space to serve as extension of the project’s central courtyard area when not needed for emergency vehicle access.

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

Parcel Group 3 is located within the Open Space (OS), Medium Density Residential (RMB4), and Single Family Residential (RS) zoning districts and is designated as Low Density Residential (LDR), Limited Medium Density Residential (LMDR), Limited Open Space (LOS), and Parks and Recreation (PR) in the *Hayward 2040 General Plan*. However, the developable portion of the project site is entirely within the Medium Density Residential zoning district with a minimum lot size requirement of 4,000 square feet (RMB4) and is designated as Limited Medium Density Residential (LMDR) by the *Hayward 2040 General Plan*.

The RMB4 district intends to promote and encourage a suitable environment for family life in areas where a compatible mingling of single-family and multiple-family dwellings is possible. The project is deemed consistent with the development standards of the RMB4 district, with the exception of the requested concessions, incentives, waivers, and reductions permitted through State Density Bonus Law for modifications to the overall project density, required rear setback, residential open space requirements, building height, and amount of residential parking. The project site is also within the Hayward Foothills Trail Special Design Overlay District (SD-7). The purpose of this special district is to ensure the development of a continuous bike and pedestrian trail as the 238 properties are developed. To meet the requirements of the SD-7 District, the project has provided trail connections to the elaborate trail system in the future La Vista Park.

The LMDR General Plan land use designation allows for a residential density range of 8.7 to 12.0 units per net acre, and up to a maximum floor area ratio (FAR) of 0.5. The LMDR land use designation generally applies to suburban areas that contain a mix of housing types, including apartment and condominium buildings. As is permitted by State Density Bonus Law, the project exceeds the residential density permitted by the LMDR designation by approximately 19 percent. However, it meets the FAR standard.

Significantly, the project will include a mix of studio, one-, two-, and three-bedroom units of affordable housing targeted for Moderate-, Low-, Very Low-, and Extremely Low-income households. 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 and neighborhood amenities, such as La Vista Park and the proposed charter school on site.

Overall, the proposed development 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's s to improve transit ridership and to reduce automobile use, traffic congestion, and greenhouse gas emissions.
- Land Use Policy LU-1.6 – Mixed-Use Neighborhoods. The City shall encourage the integration of a variety of compatible land uses into new and established neighborhoods to provide residents with convenient access to goods, services, parks and recreation, and other community amenities.
- Land Use Policy LU-2.8 – South Hayward BART Urban Neighborhood and Mixed-Use Corridor. The City shall encourage the development of vibrant, compact, mixed-use, and walkable urban neighborhoods within the South Hayward BART Neighborhood and the South Hayward BART Mixed-Use Corridor.
- Land Use Policy LU-3.1 – Complete Neighborhoods. The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- 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 two multifamily residential buildings, similar to those abutting the project site. In addition, the proposed school use is located at the southern edge of the project site to be primarily accessed via Tennyson Road. This will reduce the likelihood of the existing residential neighborhood along 16th Street from experiencing congestion and delays due to school drop off and pick up traffic. Additionally, as noted above, the vast majority of the project site, including all land to the north, across from the lower density single family homes along Webster and Calhoun Streets will be retained by the City as open space for incorporation into the future La Vista Park.

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 Approvals (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.

ADMINISTRATIVE USE PERMIT

Pursuant to Hayward Municipal Code Section 10-1.3125, the Planning Commission or other approving authority may approve or conditionally approve the Administrative Use Permit application required for the charter school use when all of the following findings are made:

1. The proposed use is desirable for the public convenience or welfare.

The proposed charter school is desirable for the public convenience and welfare in that the use will provide a high quality choice to the Hayward community for preschool and elementary school. The school operator, The Primary School, aims to support the whole family by offering access to a range of services, including medical, mental health, dental, and social service care and a parent wellness program that provides counseling and coaching on parenting, financial security, and educational attainment. The Hayward Campus will actively target recruitment toward low-income families with the highest need who would most benefit from the organization's approach and supports. This would include direct outreach to the future families that will be housed in the adjacent residential buildings.

2. The proposed use will not impair the character and integrity of the zoning district and surrounding area.

The proposed charter school will not impair the character and integrity of the zoning district and surrounding area in that the use will be a supportive use to residents within nearby existing and planned housing to the north, west, and south, as well as to the future families in the proposed residential housing on site. Furthermore, the proposed use is consistent with the purpose of the RMB4 District, which is to promote and encourage a suitable environment for family life. The Primary School's existing campus in East Palo Alto has a strong track record of supporting families with a range of educational, health care, and counseling services, and the Hayward Campus proposes to provide the same to South Hayward families.

3. The proposed use will not be detrimental to the public health, safety, or general welfare; and

The proposed charter school, as conditioned, will not be detrimental to the public health, safety, and general welfare as the proposed use will be required to conform to the maximum occupancy standards, accessibility requirements, and fire alarm systems as set forth in the California Building Code (CBC) and the California Fire Code (CFC). The use will adhere to all City ordinances and State standards for health and safety.

4. The proposed use is in harmony with applicable City policies and the intent and purpose of the zoning district involved.

The proposed charter school, as conditioned, will be consistent with and operate in harmony with the applicable City policies and the zoning district. The proposed use is consistent with the Limited Medium Density Residential (LMDR) land use designation in that the proposed use is compatible with the residential uses in the immediate vicinity as well as consistent with the following goals and policies of the Hayward 2040 General Plan:

- Education and Lifelong Learning Goal EDL-1. Improve access to quality childcare and early childhood development programs so that more children succeed in school and life.
- Education and Lifelong Learning Policy EDL-1.1 (Childcare and Early Childhood Development Centers): The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.
- Education and Lifelong Learning Policy EDL-1.5 (Pre-School and Pre-Kindergarten): The City shall promote the benefits and value of early childhood education to encourage parents to enroll their children in pre-school and pre-kindergarten programs.
- Education and Lifelong Learning Policy EDL-2.3 (Achievement Gap): The City shall encourage local school districts to establish strategies to assist under-performing students and reduce the achievement gap (the educational performance gap between socio-economic groups). Strategies may include the establishment of specialized programs that provide customized instruction to small groups of students with similar learning profiles and needs.

- Education and Lifelong Learning Policy EDL-2.11 (Parent Involvement): The City shall encourage local schools to maintain and further develop parent-involvement programs to increase parent participation in student education and to enhance school pride.
- Education and Lifelong Learning Policy EDL-3.2 (High Performance Design): The City shall encourage local school districts to incorporate high performance design practices in school renovation and new construction projects to enhance student learning by creating comfortable and inspiring learning environments with proper lighting, air temperature, humidity, and noise levels.
- Education and Lifelong Learning Policy EDL-3.4 (Multi-Story Schools): The City shall encourage school districts to construct multi-story schools to maximize the efficiency of available acreage for playgrounds, sports fields and courts, school gardens, and other recreational resources.
- Education and Lifelong Learning Policy EDL-3.9 (School Site Criteria): The City shall encourage new schools on sites that are:
 - Centrally located within the service area of the school;
 - Located near established and/or planned public transit routes;
 - Located away from heavy traffic, excessive noise, and incompatible land uses; and
 - Accessible to an established and/or planned network of walkways, bicycle paths, or greenways that link the school with surrounding neighborhoods.
- Land Use and Community Character Policy-3.1 (Complete Neighborhoods): The City shall promote efforts to make neighborhoods more complete by encouraging the development of a mix of complementary uses and amenities that meet the daily needs of residents. Such uses and amenities may include parks, community centers, religious institutions, daycare centers, libraries, schools, community gardens, and neighborhood commercial and mixed-use developments.
- Land Use and Community Character Policy-5.1 (Mix of Uses and Activities): The City shall encourage a mix of retail, service, dining, recreation, entertainment, and cultural uses and activities in regional and community centers to meet a range of neighborhood and citywide needs.

ENVIRONMENTAL REVIEW

The City certified the EIR for its 2040 General Plan in 2014. The 2040 General Plan represents the community's view of its future and expresses the community's conservation and development goals through the year 2040. An Addendum to the General Plan EIR was prepared pursuant to Section 15164 of the CEQA guidelines which states, "The lead agency or a responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred."

The proposed modifications to the General Plan EIR described in the Addendum would not require major revisions to the General Plan EIR due to new or substantially increased significant environmental effects. The analysis contained in the Environmental Checklist confirms that the modified project is within the scope of the General Plan EIR and will have no new or more severe significant effects and no new mitigation measures are required. Therefore, no subsequent or supplemental EIR or further CEQA review is required.