

## **SUBJECT**

**Eden Ranch:** Proposal to Subdivide an Existing 4.8-Acre Site to Allow for the Construction of 72 Three-Story Townhouse-Style Condominiums, Including Eight Affordable Units, Requiring Approval of Vesting Tentative Tract Map for Condominium Purposes (Tract 8766), Site Plan Review and Density Bonus Application No. TM-25-0006 at 29312 Mission Boulevard (APNs 078C-0455-001-08, 078C-0455-001-05 and 078C-0455-002-00), and a Finding that the Project is Categorically Exempt from the California Environmental Quality Act (CEQA) Pursuant to Section 15332 of the CEQA Guidelines. Applicant/Developer: Kian Malek of City Ventures; Property Owner: Pristine Homes LLC.

## **RECOMMENDATION**

That the Planning Commission approve Vesting Tentative Tract Map, Site Plan Review and Density Bonus Application No. TM-25-0006 and find that the project is categorically exempt from CEQA pursuant to CEQA Guidelines Section 15332, based on the Findings in Attachment II and subject to the Conditions of Approval in Attachment III.

## **SUMMARY**

The Applicant is requesting approval of an application for a Vesting Tentative Tract Map for Condominium Purposes (Tract No. 8766), Site Plan Review and Density Bonus to construct a 72-unit three-story townhouse-style condominium subdivision on a vacant 4.8-acre site at 29312 Mission Boulevard (APN 078C-0455-001-08, 078C-0455-001-05 and 078C-0455-002-00). The project would consist of nine new residential buildings along with related site improvements, including internal private streets with ingress/egress from Mission Boulevard, open space, guest parking and landscaping. The proposed units will range in size from 1,224 to 1,760 square feet and include a minimum of three bedrooms, three full bathrooms, and two-car garages. Seven of the units will be deed-restricted for low-income households and one for moderate-income households. The rearmost, steeply sloped  $\pm 1.5$  acres of the site will be permanently preserved as open space through the recordation of an open space easement that will encumber it in perpetuity.

## **BACKGROUND**

The first known use of the project site was for agricultural purposes dating back to the 1930s. Over the ensuing decades, the site was developed with a single-family dwelling, two small industrial buildings, a bar, and a paved outdoor contractor's storage yard. All of the structures were ultimately demolished with permits in 2018, and currently only some paving and remnants of the old building foundations remain.

On December 17, 2017, the City Council approved an application for a Zoning Text Amendment, Vesting Tentative Tract Map, Site Plan Review with Grading Permit, and two Warrants and one Exception from the South Hayward BART/Mission Boulevard Form-Based Code (Application No. 201700782) to construct the Mission Seniors project, a 200-unit market-rate condominium project for seniors, along with three new single-family lots at the eastern end of the project site at 794 Overhill Drive. Due to fiscal challenges, the Mission Seniors project was unable to complete the subdivision process and obtain building permits to construct the development and, after multiple approval extensions were granted by the Planning Director, the approvals ultimately expired on June 15, 2024.

Shortly thereafter, the parcel at 794 Overhill Drive was purchased by a third party that went on to obtain the approvals necessary for the completion of the subdivision of that parcel into the three previously approved single-family lots. Around this same time, the Applicant/Developer entered into contract to purchase the remainder of the site and eventually submitted the subject application on August 13, 2025.

*Public Outreach:* On August 21, 2025, the Planning Division mailed out 475 Notices of Receipt of Application (NOR) for the proposed project to the owners and occupants of all properties within a 300-foot radius of the site, as well as to the Fairway Park Neighborhood Association, Mission-Garin Neighborhood Task Force, South Hayward Neighborhood Group and South Hayward Parish. Staff received emails from two neighbors in response to the NOR, both of which expressed concerns about the impact the project could have on parking in the surrounding area.

On June 12, 2025, a total of 488 public hearing notices were mailed to the owners and occupants of all properties within a 300-foot radius of the project site, as well as the same neighborhood groups and community associations that received the NOR. A public hearing notice was also published in *East Bay Times* newspaper on this same date. As of the date of the writing of this staff report, Planning Division staff has not received any comments from members of the public regarding the proposed project.

## **PROJECT DESCRIPTION**

*Existing Conditions:* The project site is a previously partially-developed, 4.8-acre property that is currently vacant except for some paving and remnants of foundations of some buildings that previously occupied the property. The property is surrounded by a mix of new multi-family residential and mixed-use commercial/residential developments to the north and south and across Mission Boulevard to the west, as well as an automotive glass repair business next-door to the north. A mix of single-family homes and undeveloped land border the site uphill to the east. The property slopes gradually uphill to the east but is relatively level for the westernmost half of the site beginning at Mission Boulevard. Two existing, mature trees are located on the sloped portion of the property.

Vehicular access to the site from Mission Boulevard is currently provided via a shared driveway with the property next-door containing the automobile glass repair shop. The shop

property currently benefits from an access easement which runs through the project site to the Mission Boulevard public right-of-way which will be required to be preserved. The project site is approximately 0.45 miles southwest of the South Hayward BART Station and is served by AC Transit bus route number 9, which runs along Mission Boulevard between the San Leandro and Union City BART Stations at 15- to 20-minute headways all day long. The public schools assigned to the neighborhood include Treeview Elementary, Cesar E. Chavez Middle, and Tennyson High.

***Project Description:*** The project proposes to remove all remaining pavement and portions of old foundations from the site and construct 72 townhouse-style condominium units that will be accessed via a system of five private streets and alleys that branch inward from Mission Boulevard. The units will be located in nine separate buildings containing between six and nine units each. Each unit would feature a three-story floor plan ranging in height from 36.5 to 38.5 feet. The rearmost 1.5-acres of the site where the terrain begins to slope steeply uphill to the east will be left in its natural state and preserved in perpetuity as open space.

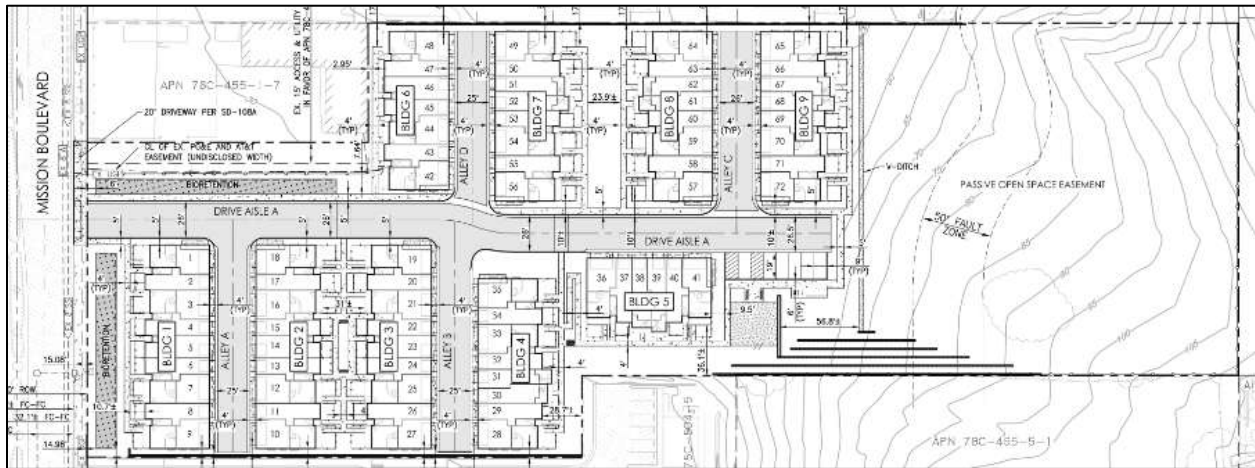
The proposed buildings incorporate a craftsman architectural style that includes gable roofs, multiple large windows, a mix of siding materials including board and batten and stucco, and an earth-toned color palette as shown in Figure 1, below. The proposed units will range in size from 1,224 to 1,760 square feet and include a minimum of three bedrooms with an optional fourth bedroom available in 29 of the units, three full bathrooms, and two-car garages with a mix of tandem and side-by-side parking configurations. Six uncovered guest parking spaces will be provided at the rear of the site adjacent to a common open space.

**Figure 1 – Street View Elevation**



***Access & Circulation:*** Vehicular access to the development would be provided via a central, 26-foot-wide private street (Drive Aisle “A”) that would run perpendicular to Mission Boulevard and off of which four 25-foot-wide private alleys (Alleys A through D) would branch and provide access to each unit’s garage. A five-foot-wide sidewalk would run along the full length of the northern side of Drive Aisle “A” from Mission Boulevard to the back of the development and connect to a series of internal pedestrian pathways throughout the site that lead to each unit’s front entry. The six guest parking spaces would be located at the southern end of Drive Aisle “A” adjacent to the main common open space.

Figure 2 – Site Layout



**Landscaping & Open Space:** The project includes a variety of private and common open spaces. Each unit has a private second floor balcony ranging in size from 60-108 square feet, and several of the units also feature a spacious covered front porch of similar size as the balconies. Two common open spaces totaling a combined 6,200 square feet are proposed which include seating areas, an open lawn area and landscaping which can be accessed by each unit via a series of pedestrian pathways and paseos. 55 of the units feature a private ground floor patio area outside the front entrance ranging in size from 65-75 square feet that would be enclosed by a low decorative stucco wall with a tubular steel gate. Decorative wood perimeter fencing is proposed along the northern, southern and eastern property lines.

New landscaping is proposed along the front setback and bordering the common open spaces, as well as in the paseos and along the shared walkways between the buildings. The plantings will include a variety of drought-tolerant trees, shrubs and ground cover consistent with the Bay Friendly Water Efficient Landscape Ordinance. The project proposes the removal of both existing trees growing on the hillside at the back of the site and includes the planting of 46 new trees and the preservation of the two existing street trees fronting the site along Mission Boulevard. The rearmost 1.5 acres of the site where the terrain is steepest will otherwise be left undisturbed and preserved in perpetuity as open space through the placement of an Open Space Easement over it when the final subdivision map is recorded. Two large landscape-based stormwater treatment basins will also be provided at the front of the site at its lowest elevation, one parallel to the Mission Boulevard sidewalk, and another perpendicular to it running alongside Drive Aisle "A" at the entrance to the subdivision.

**Sustainability Features:** The project will be required to comply with the California Green Building Standards Code (CALGreen) and the City's Reach Code by featuring all-electric units that contain no gas-powered appliances and garages that are equipped with the electrical wiring necessary for at least one Level 2 electric vehicle (EV)-ready parking space. Each unit will also be required to be furnished with a rooftop solar panel system to help meet its everyday electricity demand. Additionally, all site landscaping will be required to comply with the City's Bay-Friendly Water Efficient Landscape Ordinance.

## POLICY CONTEXT AND STATE LAW & CITY CODE COMPLIANCE

*Hayward 2040 General Plan*: The project site is designated Sustainable Mixed Use (SMU) in the *Hayward 2040 General Plan*<sup>1</sup>. This land use designation allows for both commercial uses and single- and multi-family residential uses, as well as mixed-use developments with ground-floor commercial uses and residential and office uses on upper floors. Residential development on land designated SMU is permitted at a maximum density of between 4.3 and 100 dwelling units per net acre, depending on the accompanying zoning of a property (in this case, the subject property is zoned Mission Boulevard - Corridor Neighborhood (MB-CN), which allows for a density range of 17.5 to 35 units per net acre). The project proposes 72 condominium units on a net 2.6-acre site, resulting in a density of 27.7 units per net acre, within the allowable range prescribed by both the Zoning Ordinance and General Plan. The project is also consistent with a number of General Plan goals and policies including, but not limited to, the following:

- Land Use Goal LU-1: Promote local growth patterns and sustainable development practices that improve quality of life, protect open space and natural resources, and reduce resource consumption, traffic congestion, and related greenhouse gas emissions.
- 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 Goal LU-3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities
- 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-3.4: Residential Uses Close to Services. The City shall encourage the development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

Density Bonus: Pursuant to State Density Bonus Law (Government Code Section 65915-65918<sup>2</sup>) and HMC Chapter 10, Article 19 - Density Bonus Ordinance<sup>3</sup>, a project that provides a certain amount of on-site affordable units is entitled to a density bonus and unlimited waivers from development standards that would prevent the project from being built at the density allowed, as well as incentives or concessions that would result in actual and identifiable cost reductions to provide for affordable housing costs or rents. In this case, the Applicant is entitled to a 20 percent density bonus as afforded by providing 12 percent of the base number of allowable units as affordable to a mix of low-income and moderate-income households. This also affords

<sup>1</sup> [Hayward 2040 General Plan](#)

<sup>2</sup> California Gov Code Section 65915-65918:

[https://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=65915&lawCode=GOV](https://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=65915&lawCode=GOV)

<sup>3</sup> Density Bonus Ordinance:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART19DEBOR](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART19DEBOR)

the project an unlimited number of waivers of any development standards that would preclude the project from reaching the amount of units afforded by the density bonus, as well as one concession. The base number of allowable units in this case is 91 units (35 units per net acre on a 2.6-net-acre site). The Applicant is electing to provide less than the base number of allowable units and refrain from utilizing the density bonus to obtain additional units. Instead, the Applicant is solely utilizing it for the waivers and concessions afforded the project under State Density Bonus Law (SDBL) and the City's Density Bonus Ordinance.

The applicant is requesting eight waivers from various development standards that would preclude the project from being built at the density allowed with the Density Bonus afforded the project. Each standard for which a waiver is being proposed is described in greater detail in "Zoning Ordinance" Section below.

1. Minimum ground floor finish level of 12 inches above grade;
2. Front yard setback range of 6 feet minimum to 24 feet maximum;
3. Minimum amount of building footprint required to be within the façade zone;
4. Minimum landscape buffer of 12 feet between new buildings that are at least 15 feet taller than existing buildings on abutting properties;
5. Minimum of 200 points' worth of open space amenities;
6. Minimum number of façade breaks required to break up building massing;
7. Maximum of one parking space per unit for new developments within ½ mile of the South Hayward BART Station; and
8. Minimum 25-foot separation between driveways on the same property.

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

Furthermore, the Applicant is proposing to use one concession that would result in actual and identifiable cost savings for the project. The City's Utilities Division typically requests that developers of new subdivisions provide a looped water supply system to provide redundancy and ensure minimum Fire Department flow levels and to ensure reliable domestic water pressures for all existing and new developments in the area are maintained. In this case, requiring the Applicant to provide a looped system would require the project to connect to newly built water systems in two large, adjacent multi-family residential developments directly to the north and south of the site. Such connections would require cutting through retaining walls, private streets and landscaping on their private property and tapping into those developments' water lines, before restoring all of those improvements to their current, recently built condition, all of which would be cost-prohibitive for the project. The Applicant conducted a water supply assessment at the request of the Utilities Division, which concluded that the minimum Fire Department flow requirements and residential water pressures could be met without looping the subdivision's water system by connecting to those in the adjacent developments. As such, the Applicant is proposing to utilize a concession to avoid having to provide the looped system, since it would result in significant cost savings for the project and

the minimum required domestic water and fire flows are still able to be met without the requested looping thereby not resulting in a potential adverse impact upon health and safety. Under SDBL, the City may only deny a concession when it: (1) does not result in identifiable and actual cost savings; (2) cause a specific, adverse impact upon public health and safety; (3) harm historical property; or (4) be contrary to law. In this case, none of these circumstances apply; as such, the city must grant the requested concession.

**Zoning Ordinance:** The project site is zoned Mission Boulevard – Corridor Neighborhood – 17.5 to 35 Units/Acre (MB-CN)<sup>4</sup>. This zoning designation is intended to allow for the creation of a mixed-use neighborhood environment with moderate-density, medium-scale residential or mixed residential/commercial uses along the boulevard within short walking, biking or bus distance of neighborhood-serving retail and service uses. As a 72-unit condominium project featuring a proposed density of 27.7 units per net acre, the proposed subdivision complies with the property’s zoning designation.

**Development Standards Compliance:** As permitted under SDBL, the Applicant is proposing waivers for a number of development standards and one concession as described above, but use of Density Bonus (DB) waivers and concessions does not constitute inconsistency with a jurisdiction’s objective standards under SDBL. When factoring in the allowable DB waivers, the proposed project is consistent with the applicable MB-CN development standards as shown in Table 1, below. The underlying reason for the majority of waiver requests is due to the Applicant’s intentional efforts to avoid cutting into the hillside at the rear of the site to provide additional level land upon which more units and common open space and amenities could be developed.

**Table 1: Zoning Compliance**

Development Standard	MB-CN Requirement	Proposed	Consistent
Minimum Site Landscaping	15%	15%	Yes
Minimum Open Space	150 sq. ft. per unit	150 sq. ft. per unit	Yes
Maximum Building Height	57 feet	38.5 feet	Yes
Minimum Ground Floor Finished Elevation	12 inches above grade	8 units to be at grade; all others 12 inches above	Yes, with DB Waiver
Front Yard Setback	Min. 6 feet, max. 24 feet	40 feet	Yes, with DB Waiver
Side Yard Setback	0 feet	5 feet	Yes
Minimum Rear Yard Setback	Min. 3 feet	20 ft	Yes
Building Within Façade Zone	Min. 60%	0%	Yes, with DB Waiver
Minimum Landscape Buffer Required when a New Building is at Least 15 Feet Taller Than an Adjacent, Existing Building	Min. 12 feet	10 feet	Yes, with DB Waiver

- Minimum Ground Floor Finish: The project includes eight units designed to be accessible for disabled occupants, and these units feature a zero-inch threshold that is flush with grade. Because of this, the project is unable to meet the minimum 12-inch finished floor elevation requirement.
- Front Yard Setback & Minimum Building Within Façade Zone: The plans propose a large, landscape-based stormwater treatment area at the front of the development

<sup>4</sup> [Hayward Municipal Code Section 10-24.2.2.040 – Mission Boulevard – Corridor Neighborhood \(MB-CN\)](#)

where the site's elevation is lowest, and this feature requires the front-most building to be set back 40 feet from the property line when the maximum allowable front setback is 24 feet. This design feature also prevents the front-most building from complying with the minimum 60 percent façade zone encroachment requirement.

- Minimum Landscape Buffer: The plans do not provide the minimum 12 feet of landscaped buffer between proposed Building 6 and the adjacent building containing the auto glass repair shop next-door at 29290 Mission Boulevard due to insufficient space left over on the site between the boulevard and the bottom of the slope.

**Open Space Compliance:** HMC Section 10-1.204(l)(5)<sup>5</sup> requires all new multi-family residential developments to achieve a minimum of 200 points in the provision of common open space amenities using values from Table 10-1.204.2. As shown in Table 2, below, the proposed plans do not achieve the minimum 200-point requirement, so the Applicant is requesting a waiver from this standard as well. Providing enhanced common open spaces with significant amenities such as a playground, swimming pool, or picnic area with a shade structure would require either significantly more grading of the hillside at the back of the site, or the removal of units from the level portion to free up sufficient space to accommodate them.

**Table 2: Open Space Compliance**

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

**Façade Design Compliance:** The proposed architecture is consistent with the applicable façade design standards of the MB-CN set forth in HMC Section 10-24.3.2.010(B). The proposed façade designs incorporate a total of 165 design points when only 70 points are required, as shown in Table 3, below.

While the proposed development meets the minimum points required, the Applicant is requesting a waiver from the massing break-up standards of HMC Section 10-24.3.2.010(A). This Code section requires building façades between 75 and 125 feet in length to include a minimum of one vertical break at least 8 feet wide and 2 feet deep every 75 feet, and façades greater than 125 feet in length to include one vertical break at least 15 feet wide by 10 feet deep every 125 feet. In order to comply with these minimum requirements, the Applicant would need to significantly reduce the square footage of several of the units in each building and potentially eliminate some units altogether.

<sup>5</sup> HMC Section 10-1.204 0 Minimum Design Standards Applicable to All Districts:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.200REDI\\_S10-1.204MIDESTAPALDI](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200REDI_S10-1.204MIDESTAPALDI)

**Table 3: Façade Design Compliance**

Design Element	Point Value	Points Received
Use of at least two distinct building materials that each make up at least 25% of the total building facades	35	Yes
Balconies on at least 50% of street-facing units with no dimensions less than 5 feet	50	Yes
Roof overhangs of at least 2 feet along all street-facing facades	35	Yes
Windows covering at least 20% of the total surface area of the front-facing facades	35	Yes
Total Points Received		165

*Off-Street Parking Regulations:* Table 4, below, contains the parking requirements for the proposed project. The MB-CN zoning district prescribes a maximum limit of 1.0 parking space per unit for all new projects located within ½ mile of the South Hayward BART Station. As such, the maximum allowed for the project is 72 spaces.

The Applicant is proposing to exceed the maximum limit by providing two-car garages for each unit, with an additional six guest parking spaces at the back of the site. The Applicant is proposing to utilize a waiver to exceed the maximum parking limit on the grounds that each unit will have at least three bedrooms and will not be easily marketed to households having at least two drivers and two vehicles without standard two-car garages.

**Table 4: Parking Requirements**

Parking Type	MB-CN Requirement	Proposed	Consistent
Maximum Vehicular Parking	1.0 space per unit	2 spaces per unit	Yes, with DB Waiver
Minimum Short-Term Bicycle Parking	1.0 space per 10 units; Min. 2 spaces	8 spaces	Yes
Minimum Long-Term Bicycle Parking	1.0 space per 4 units; Min. 2 spaces	72 spaces (1 designated space in each garage)	Yes

In addition to the waiver to exceed the maximum vehicular parking limit, the Applicant is also requesting to use a waiver to allow two driveways to be located closer together than the City's standard for minimum driveway separation. Access to the site from Mission Boulevard is currently provided via a single, shared driveway with the adjacent parcel containing the automobile glass repair shop. The shop's parcel currently benefits from an access easement which runs through the project site to Mission Boulevard, and this easement must be preserved because it provides the only access for the shop to the Mission Boulevard public right-of-way. To prevent the sharing of a single driveway by the shop's traffic and the residents of the proposed project, the Applicant is proposing to convert the single driveway into two smaller, separate driveways that would only be separated by 20 feet instead of the minimum 25 feet required by the City's standard design details for private driveways. If the Applicant were forced to provide the minimum 25 feet of separation, it would result in the loss of several units from the project due to the need to shift Drive Aisle "A" five feet to the south.

*Subdivision Ordinance*<sup>6</sup>: In accordance with the Subdivision Map Act, in order to approve an application for a Vesting Tentative Tract Map, the Planning Commission must make the following findings:

1. The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451;
2. The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
3. The site is physically suitable for the type of development being proposed;
4. The site is physically suitable for the proposed density of development;
5. The design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
6. The design of the subdivision or type of improvements is not likely to cause serious public health problems; and
7. The design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision.

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

*Site Plan Review*: In accordance with HMC Section 10-1.3025<sup>7</sup>, Site Plan Review is required for all projects that materially alter the appearance and character of the property. As such, the development of 72 townhouse-style condominium units on a vacant parcel requires Site Plan Review. The Planning Commission may approve or conditionally approve a Site Plan Review application when 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;
2. The development takes into consideration physical and environmental constraints;
3. The development complies with the intent of City policies and regulations;
4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

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

*SB 330 and Housing Crisis Act*: In 2019, the State of California adopted new legislation (SB 330) that was intended to address the State's housing crisis. SB 330 strengthened the Housing Accountability Act (Government Code Section 65589.5), which states that a housing development that complies with the objective standards of the General Plan and Zoning Ordinance must be approved by the City, unless the City is able to make written findings based on a preponderance of evidence in the record that either: (1) the City has already met its Regional Housing Needs Assessment (RHNA) requirement; (2) there is an impact to the public

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<sup>6</sup> [Hayward Municipal Code Chapter 10, Article 3 – Subdivision Ordinance](#)

<sup>7</sup> Site Plan Review Findings:

[https://library.municode.com/ca/hayward/codes/municipal\\_code?nodeId=HAYWARD\\_MUNICIPAL\\_CODE\\_CH10PLZOSU\\_ART1ZOOR\\_S10-1.3000SIPLRE\\_S10-1.3025FI](https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE_S10-1.3025FI)

health and safety and this impact cannot be mitigated; (3) the property is agricultural land; (4) approval of the project would violate State or Federal law and this violation cannot be mitigated; or (5) the project is inconsistent with the zoning and land use designation and not identified in the General Plan Housing Element RHNA inventory. “Objective” means involving no personal or subjective judgment by a public official and being uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development Applicant or proponent and the public official.

As mentioned earlier, the project complies with the objective development standards of the MB-CN zoning district with a total of eight exceptions that were afforded the Applicant under the City’s Density Bonus Ordinance and SDBL, through the use of waivers and concessions.

*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 6<sup>th</sup> Cycle Housing Element (2023-2031) was adopted by the City Council on February 7, 2023, and subsequently certified by the State Department of Housing and Community Development (HCD). 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 1,717 units that are approved or otherwise pending at various income levels during the upcoming cycle. The proposed development would add 64 new above moderate (market-rate) units, one moderate-income affordable unit and seven low-income affordable units to the City’s totals.

**Table 5: 2025 RHNA Goal Progress in the City of Hayward**

Income Category	Unit Goal	Reported 2025		Approved		Pending Approval		Estimated Compliance	
		Units	% of Goal	Units	% of Goal	Units	% of Goal	Units	% of Goal
<b>Very Low</b>	1,075	192	18%	134	12%	19	2%	345	32%
<b>Low</b>	617	206	33%	24	4%	15	2%	245	40%
<b>Moderate</b>	817	238	29%	7	1%	7	1%	252	31%
<b>Above Moderate</b>	2,115	797	38%	1,164	55%	347	16%	2,308	109%

The proposed project is subject to the requirements of the City’s Affordable Housing Ordinance (AHO) set forth in HMC Chapter 10, Article 17<sup>8</sup>. 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. In accordance with HMC Section 10-17.210, in all new residential projects that elect to provide affordable units on-site, 12 percent of the units shall be for-sale affordable units, with 50 percent affordable to moderate-income households and 50 percent to low-income households.

<sup>8</sup> [Hayward Municipal Code Chapter 10, Article 17 – Affordable Housing Ordinance](#)

In this case, the Applicant is required to provide 8.64 units, or 12 percent of the 72 total units, with at least four (4) affordable to moderate-income households and four (4) to low-income households. However, to be eligible for the concessions and waivers afforded projects under the City's Density Bonus Ordinance and SDBL, the Applicant has elected to exceed the minimum requirements of the AHO by providing seven units to low-income households and one unit to moderate-income household. The Applicant will also pay the in-lieu fee for the additional 0.64 fractional unit. Affordable housing in-lieu fees are required to be paid either prior to issuance of a building permit for each dwelling unit or prior to approval of a final inspection or issuance of an occupancy permit for the unit.

*Parkland Dedication:* The project is subject to the requirements of the City's Obligations for Parks and Recreation Ordinance (HMC Chapter 10, Article 16<sup>9</sup>). This Ordinance sets forth the parkland dedication requirements for private development based on residential unit count and size. Pursuant to this Ordinance, the Applicant may elect to pay fees in lieu of dedicating parkland (also referred to as Park Impact Fees). Currently, Park Impact Fee rates are \$18,798 for a three-bedroom unit and \$26,148 for a four-bedroom unit. Fees for all affordable units are discounted 50 percent.

The proposed plans feature 43 three-bedroom units and 29 additional three-bedroom units that offer an optional fourth bedroom on the ground floor. If all 29 of the optional 4<sup>th</sup>-bedroom units exercised the option, the Applicant would be obligated to pay \$1,491,414 in Park Impact Fees under the current fee rates. A condition of approval is included requiring the Applicant to pay the applicable Park Impact Fees in effect at the time of building permit issuance.

## **STAFF ANALYSIS**

Staff believes the Planning Commission can approve the project based on the brief analysis below and the more detailed Findings set forth in Attachment II, subject to the recommended Conditions of Approval in Attachment III. Staff also believe the project complies with the intent of City development policies and regulations, including the *Hayward 2040 General Plan*, the Zoning Ordinance, the Subdivision Ordinance and Density Bonus Ordinance. Some key findings from staff's analysis are described below.

The proposed project will result in redevelopment of an underutilized infill site with new housing that has been designed to integrate well with the surrounding development along Mission Boulevard, much of which is of similar size and scale, and that would be located near a wide variety of commercial uses and services, public facilities, and major transportation routes offering robust transit service. In addition, the design of the proposed subdivision is consistent with the density range prescribed for residential projects by the SMU General Plan land use designation and MB-CN zoning district, as well as the specific General Plan goals and policies outlined above.

All infrastructure necessary to serve the subdivision is already in place within the Mission Boulevard right-of-way, including water, sewer, gas/electricity and storm drain facilities, and

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<sup>9</sup> [Hayward Municipal Code Chapter 10, Article 16 – Property Developers-Obligations for Parks and Recreation](#)

no significant upgrades to any utilities are required. Although the site is located a short distance from the Alquist Priolo Fault Zone, a Geotechnical Investigation was conducted in November 2025 which concluded that the site could be safely developed with the proposed housing, provided that the recommendations presented in the report are adhered to. As a result, conditions of approval have been included requiring adherence to the recommendations contained in the investigation.

Finally, the project would also contribute to the City's Regional Housing Needs Allocation (RHNA) goals set forth in the Hayward 2023-2023 Housing Element by providing 64 above-moderate income (market-rate) units, seven low-income units and one moderate-income unit to the City's totals. Although the project does not comply with some of the City's applicable development standards, pursuant to SDBL, the City must grant the eight waivers and one concession being requested by the Applicant and approve the development as proposed since they would not have an adverse impact upon health and safety, and in that the project otherwise complies with all applicable objective standards.

### **ENVIRONMENTAL REVIEW**

The project is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-fill Developments, in that the project is: (1) is consistent with the applicable general plan designation and all applicable general plan policies as well as with the applicable zoning designation and regulations; (2) is located within the City limits on a site of no more than five acres substantially surrounded by urban uses; (3) is located on a site that has no value as habitat for endangered, rare or threatened species; (4) would not result in any significant effects related to traffic, noise, air quality, or water quality; and (5) is located on a site that can be adequately served by all required utilities and public services. The project's consistency with these conditions is discussed further in Attachment II.

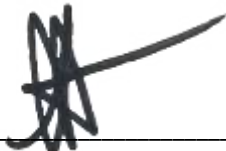
### **NEXT STEPS**

Following the Planning Commission's decision, a 10-day appeal period will take place. If no appeal is received, then the Commission's decision will become final, and the Applicant will then be able to proceed with the applications for the Final Map and Subdivision Improvement Plans and building permits for the project. If an appeal is filed, then a hearing by the City Council will be scheduled for a date to be determined and the public will be duly notified of said hearing.

*Prepared by:* Steve Kowalski, Senior Planner

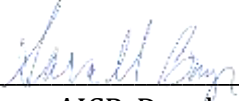
*Recommended by:* Elizabeth Blanton, AICP, Senior Planner

*Approved by:*



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Leigha Schmidt, Planning Manager



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Sara Buizer, AICP, Development Services Director