



NOTICE OF RECEIPT OF UPDATED APPLICATION & COMMUNITY MEETING

Dear neighbor/interested party,

On January 7, 2020, Allied Housing Inc. filed an updated application for a 125-unit multi-family development at 2595 Depot Road. The applicant submitted the updated application because certain State Laws went into effect on January 1, 2020, allowing the applicant to streamline the approval process provided that the development meets certain criteria. The City reviewed the application materials and determined that the project meets the criteria outlined under State Law and must be approved as proposed within 60 days of the application submittal date.

Enclosed please find an information sheet with specific questions and answers related to the application submittal and the applicable State Laws. The City will hold a community meeting to take questions about the updated application and next steps. The community meeting will take place as follows:

Wednesday, March 4
6:30 p.m. to 8:30 p.m.
California Crosspoint Academy
25500 Industrial Boulevard

Please feel free to review the project details on the project webpage at <https://www.hayward-ca.gov/content/allied-housing-depot-road-project> or reach out to me at leigha.schmidt@hayward-ca.gov or 510-583-4113.

Thank you,

Leigha Schmidt
Project Planner



Allied/Abode Project at 2595 Depot Road – Application Overview

On January 14, 2019, Allied Housing Inc., which is affiliated with Abode Services, filed Application No. 201900177, requesting approval of a multi-family development consisting of 125 micro units to serve as a permanent supportive housing development at 2595 Depot Road. The project would be constructed on the same site as the existing 32-bed Cronin House, which would remain in place and continue to operate in the existing structure.

Why did Allied file this application? In order to build a high-density multi-family development on this site, the applicant needs certain approvals from the City. The approvals for this project included:

- General Plan Amendment to change the land use designation from *Limited Medium Density Residential* which allows up to 12 units per acre to *High Density Residential* which allows up to 34.8 units per acre, and
- Zone Change from A (Agricultural) District to RH (High Density Residential) District, and
- A density bonus.

What is permanent supportive housing? Permanent supportive housing provides non-time limited affordable housing with wrap around services for people experiencing homelessness and for people with disabilities. The proposed project would set aside half of the units (62 units) for formerly homeless individuals and the remaining 62 units would be set aside for low-income households earning between 20 to 60 percent of the area median income as well as one manager's unit.

The development would operate like a typical apartment building with the addition of on-site supportive housing services including case management, job counseling and training classes for the residents.

What is a micro unit? Micro units are studios that will accommodate one to two individuals per unit. They range in size from 281 to 296 square feet.

What is happening with this application? On January 7, 2020, the applicant submitted a new application invoking certain state laws that allow for a streamlined review process and unlimited density bonus. A streamlined review process would not require public hearings or environmental review provided that the project meets certain criteria. In addition, the applicant is requesting an unlimited density bonus because the project is 100% affordable and located within half mile of a bus stop that serves two bus lines that provide 15-minute headways.

Please give me some more information about these state laws. The state laws that the applicant is invoking are Senate Bill 35 (Streamlined Approval Process) and Assembly Bill 1763 (Density Bonus). Senate Bill 35 went into effect in 2017, and AB 1763 went into effect on January 1, 2020. Each one is described in detail below and includes direct links to the laws.

[Senate Bill \(SB\) 35](#) established a streamlined approval process for developments in localities that have not yet met their housing targets, provided that the development is on an infill site and complies with existing residential and mixed-use zoning.

- Hayward is subject to streamlining under SB 35 because the City has not permitted a sufficient number of housing units to meet its State mandated regional housing need. According to the [SB 35 Determination Summary](#) released by the State Department of Housing and Community Development in 2019, a project may be streamlined if it includes a minimum of 10% affordable units, will provide prevailing wage, and use a skilled and trained labor force. The proposed project would meet all of these criteria.
- While the site is zoned A (Agricultural) District, the site has a *Limited Medium Density Residential* General Plan designation which allows for multi-family development up to 12 units per acre. Where the zoning and General Plan are inconsistent, the General Plan land use designation will prevail according to Gov. Code Sections 65913.4(a)(5).
- Gov. Code Section 65913.4(a)(5)(A), SB 35 allows a development to request a density bonus that would exceed the maximum allowable density and still qualify for streamlining provisions.

[Assembly Bill \(AB\) 1763](#), amended Density Bonus Law to allow for larger density bonuses if the project meets certain criteria. Specifically, a project may have an 80% density bonus if 100% of the units are deed restricted for lower income households; and a project may be entitled to an “unlimited density bonus” if the site is located within one-half mile of a major transit stop.

What is a Major Transit Stop? A major transit stop consists of a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.

The project site is located within one-half mile to the AC Transit Stop at Depot Road and Industrial Boulevard where the 83 and 86 bus lines operate in alternating intervals to ensure 15-minute headways. According to a representative from AC Transit, the “two lines combine to provide 15-minute frequency” resulting in “a bus every 15 minutes in both directions between Industrial/Depot and the South Hayward BART station.” Further, according to the transit planner, there are no plans to change or relocate either of these lines in the foreseeable future.

What is an unlimited density bonus? An unlimited density bonus means that there is no cap on the total number of residential units per acre permitted on the site. However, there are other restrictions, such as height limits, that have a practical limiting effect on the number of units that can be built.

Isn't there a historic building on the property? To allow for development of the site, the existing Herman Mohr house, which was constructed in approximately 1900, must be demolished. An architectural historian with Michael Baker International prepared a Cultural Resources Identification and Evaluation Memo for the Herman Mohr house and concluded that the Herman Mohr house is not listed on a Local, State or National Register and that it appears ineligible for listing in those registers due to lack of integrity.

Integrity is defined as the ability of a resource to convey its historic significance. The report concludes that the structure lacks integrity of setting due to the existence of the Cronin House on the site; and, lacks integrity in design, materials, workmanship, feeling and association due to the extensive alterations to the exterior of the building. Therefore, the project will not result in demolition of a listed historic building.

Don't you have to conduct environmental analysis on this project? SB 35 projects are exempt from CEQA per [Senate Bill \(SB\) 765](#) (2018).

What comes next? Staff reviewed the application checklist, references and submittal materials and determined that the project is eligible for streamlining and an unlimited density bonus. Therefore, staff must approve the project within the timeframes established by state law. Following that approval, the applicant can submit a building permit application.

If I don't support this project, what can I do? As discussed above, State law has eliminated the City's discretion to deny projects that meet specified objective criteria. Because this project is not subject to discretionary review, there is no public hearing or City appeal process. You may still write to your state representatives about these specific state laws and express your displeasure about the lack of local control. You may also consult an attorney to determine if you have any legal recourse.