

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP (TRACT 8670) & PLANNED DEVELOPMENT
REZONING APPLICATION NO. MTA-23-0001**

DRAFT FINDINGS FOR APPROVAL

Zone Change Findings to Planned Development (PD) District

Pursuant to HMC Section 10-1.2535, the decision-making body shall make the following findings prior to recommending approval or approving a zone change requires to PD District:

A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.

The proposed project is consistent with the Limited Medium Density Residential (LMDR) land use designation in the *Hayward 2040 General Plan*, which allows a residential density range of 8.7 to 12.0 dwelling unit per net acre. The designation allows for detached residential units, attached residential units and supportive compatible uses. The project proposes a detached single-family residential project with a density of 9.8 dwelling units per net acre, consistent with the General Plan. The project is also consistent with the following policies of the General Plan:

- *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.
- *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.
- *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.
- *LU-3.7: Infill Development in Neighborhoods.* The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

The project will complement the existing neighborhood, which primarily consists of detached residential developments. Notably, the Long Court Townhouses located to the northeast and the Eden Village I and Eden Village II projects adjacent to the project site have similar densities and scale of that of the proposed development. The proposed development pattern also aligns with General Plan policy LU-3.7, which encourages the development of small lot detached residential subdivisions in this area.

A variety of architectural styles, including farmhouse, cottage, and craftsman, are proposed for the development. These architectural styles are compatible with the

surrounding neighborhood with craftsman style development seen along Baron Way, Continental Avenue and Gerald Way and cottage style development seen along Mohr Drive and West Street. The farmhouse architectural style is also seen sporadically throughout the area and serves as an ode to the area's rich history as a farming community. The six color scheme options are consistent with Eden Village I, Eden Village II and the surrounding development in that they include cool and warm neutral tones with brighter accent colors.

B. Streets and utilities, existing or proposed, are adequate to serve the development.

The project site will be adequately served by the existing surrounding streets such as I-880, SR-92, and Mohr Drive. A new private street ranging from 21 to 27 feet wide will provide two-way vehicular and emergency vehicle access from Mohr Drive. The proposed private street will also include a hammerhead, allowing for fire apparatus turnaround.

The project site will also tie into the existing utilities which have adequate capacity to serve the development. An Environmental Consistency Checklist was prepared for the project and found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in Environmental Impact Report (EIR) prepared for the *Hayward 2040 General Plan*. Any project impacts will be mitigated with the application of the Standard Conditions of Approval found in Attachment III.

C. The development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development or neighborhoods.

The proposed development will create a residential environment of sustained desirability and stability in that it will replace an underutilized site with 12 new detached residential units with eight Junior Accessory Dwelling Units. As noted in Zone Change Finding A, the scale and design of the proposed residences are compatible with the existing neighborhood. The units will be served by both private and public open space within the development. Each unit will have usable private front porches and outdoor rear yards, and the project provides approximately 2,837 square-foot common open space area. There are also two public parks in the vicinity of the project site, Rancho Arroyo Park and Greenwood Park, for recreational purposes.

The development will also be well-integrated into the existing neighborhood with the new private street and a new four-foot-wide sidewalk that will connect residents to local transit and bike facilities. Approximately 0.5 miles east of the project site, there are two AC Transit bus routes (60 and 97) on Hesperian Boulevard, which residents can use to connect to Hayward BART, South Hayward BART, Southland Mall, Bay Fair BART, and Union City BART. There are also Class III bicycle routes present on Eden

Avenue and Clawiter Road. The interconnected nature of the proposed development will ensure that it is a desirable and stable place to live for decades to come.

- D. In the case of a development in increments, each increment provides a sufficient proportion of total planned common open space, facilities, and services so that it may be self-contained in the event of default or failure to complete the total development according to schedule.**

The development is not intended to be phased. The applicant is required to enter into a Subdivision Agreement prior to the approval of the final map that would guarantee completion of all improvements, including the roadway, planned common open spaces and facilities, and stormwater detention areas among other improvements. The Agreement includes surety and insurance to ensure the planned improvements are conducted in a timely manner and prior to occupation of the residential units.

- E. Any latitude or exception(s) to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards, which, in the judgment of the Planning staff provides for a high quality and attractive development.**

As described in Zone Change Finding A, the proposed development is consistent with the applicable General Plan land use designation. However, a Zone Change to PD District is necessary to allow for exceptions from lot standards, setbacks, and a parking requirement. The lot standard exceptions include deviations from lot size, lot area per primary use, lot frontage, average lot width, average lot depth and lot coverage. The setbacks exceptions range from one to ten feet in the required front, side and rear yard setbacks.

The Off-Street Parking Regulations currently require that a detached residential unit that abuts a street with no on-street parking lane provide two covered spaces and two uncovered spaces which do not block access to the covered parking. The development proposes 48 required off-street parking spaces and six perpendicular on-street parking spaces for visitors and guests. The requested exception would allow the driveway area to count towards the required uncovered parking, which is necessary to construct a small lot subdivision at the proposed scale and density consistent with the abutting Eden Village I and II projects.

To offset these requested exceptions, the project proposes amenities that will create a high quality and attractive development. The amenities aim to improve the neighborhood aesthetics and feel, the City's sustainability and the City's housing stock.

The neighborhood aesthetics will be enhanced with the proposed 2,837 square foot common open space area programmed with two benches, a picnic table, a decorative trash receptacle, planters, a tic-tac-toe playboard, percussion play equipment, a precast concrete corn hole game and a community art sign. The benches, picnic table, planters and community art sign will be constructed out of lumber from the removed

trees or reclaimed wood, while prime lumber from the removed trees will be donated to the La Vista Park Development. Furthermore, the stone veneer pilaster with signage and decorative LED streetlights amenities will create a focal and inviting entrance for residents.

Other amenities include providing two additional rooftop solar panels that exceed the requirements by 15 to 20 percent and electric vehicle chargers in each residential garage. Based on the 2021 Greenhouse Gas (GHG) Emissions Inventory, 35,844 metric tons of carbon dioxide equivalent come from electricity usage and 345,905 metric tons of carbon dioxide equivalent come from transportation in the City. These amenities will reduce emissions, bringing the city closer to its goal of reducing GHG emissions by 30 percent below 2005 levels by 2025. Furthermore, a second rainwater collection barrel will be provided to each residence to reduce water irrigation needs. With the likely increased frequency of storm events and periods of drought due to climate change, an additional collection barrel will be beneficial to support landscaping needs regardless of the weather.

Lastly, the project includes eight Junior Accessory Dwelling Units (JADUs). According to the recently adopted 6th Cycle Hayward Housing Element (Appendix B: Housing Needs Assessment), seniors and college students have more difficulty finding affordable housing. In the City of Hayward, over 27 percent of households include seniors and almost nine percent of households include college students. These JADUs will be affordable by design and create housing opportunities for these households. The JADUs will also be secure as there will be a solid core door and a double locking (hotel style) dead bolt system connecting the JADU to the primary residence.

Vesting Tentative Tract Map Findings

Pursuant to Hayward Municipal Code Section 10-3.150 and the Subdivision Map Act, in order for a vesting tentative tract map to be approved, the decision-making body shall make the following findings:

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

The proposed development is consistent with the overall vision of the Limited Medium Density Residential (LMDR) General Plan land use designation and policies in the Hayward 2040 General Plan as detailed in Zone Change Finding A above.

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

The proposed Planned Development (PD) district is subject to the development standards within the Single-Family Residential -Min. Lot Size – 4,000 sf (RSB4) district and the Medium Density Residential – Min. Lot Area -3,500 sf (RMB3.5). The project meets the development standards of the RSB4 and RMB3.5 districts related to building height, driveway length, landscaping and allowed uses.

The PD rezoning allows for exceptions to certain development standards if they are

adequately offset by amenities. The proposed development is requesting exceptions related to lot standards, setbacks, and parking. To offset these exceptions, the project will provide amenities that will enhance the project aesthetics and feel, the City's sustainability and the City's housing stock. The exceptions and amenities are detailed in Zone Change Finding E above. With the inclusion of these amenities, the proposed subdivision meets the requirements of the Hayward Municipal Code (HMC).

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

As proposed, the new Planned Development district would establish the zoning development standards for this project. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions to the requirements of the HMC.

California Environmental Quality Act

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183.3, an Environmental Consistency Checklist was prepared for this project with the finding that no additional environmental review is required. The purpose of an Environmental Consistency Checklist is to streamline the environmental review process for eligible projects by limiting the topics subject to review at the project level where the effects of development have been previously addressed in a planning-level decision or would be addressed by uniformly applicable development policies. The Environmental Consistency Checklist for this project tiers off the Environmental Impact Report (EIR) that was certified for the Hayward 2040 General Plan and confirms that the project would not have any significant effects on the environment that either have not already been analyzed in the Hayward 2040 General Plan EIR, are more significant than previously analyzed, or would not be substantially mitigated by uniformly applicable development policies included as conditions of approval for the proposed development.