

**DRAFT FINDINGS FOR ZONE CHANGE AND
VESTING TENTATIVE TRACT MAP (8637) APPLICATION NO. 20203054
APPROVING A ZONE CHANGE TO PLANNED DEVELOPMENT DISTRICT
AND CONSTRUCTION OF A 74 LOT RESIDENTIAL SUBDIVISION AND RELATED
ADDEUNDUM IMPLEMENTING THE PARCEL GROUP 5 MASTER DEVELOPMENT PLAN
FOR TRUMARK PROPERTIES, COMPOSED OF MULTIPLE PARCELS LOCATED ALONG
BUNKER HILL BOULEVARD AND MAITLAND DRIVE**

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. In July 2014, the City Council certified a Final Program Environmental Impact Report, adopted the Statement of Overriding Considerations, approved the Mitigation Monitoring and Reporting Program, Adopted the Hayward 2040 General Plan, and Approved related amendments to the General Plan Land Use Map for certain properties in the Planning Area.
- B. Pursuant to CEQA Guidelines Section 15164, LSA prepared an Addendum, dated June 2019, analyzing the proposed land use changes and associated development project for Route 238 Corridor Lands Parcel Group 5 Master Development Plan. Pursuant to CEQA Guidelines 15164(g), an Addendum need not be circulated for public review but can be included in or attached to the Final EIR. That there has been no substantial change proposed in the project or the circumstances under which the project is being undertaken, nor is there any new information that would require additional environmental review; therefore, the previously certified Mitigation Monitoring and Reporting Program and related Technical Memoranda remain valid.
- C. The adopted Final EIR identified all potential significant adverse impacts and feasible mitigation measures that would reduce impacts to a level of less than significant, and that all the applicable mitigation measures identified in the Mitigation Monitoring and Reporting Program and related to the proposed project will be implemented, if applicable, as described in the Addendum. Based on the Final EIR and the Addendum, there is no substantial evidence that the project would have a significant effect on the environment.
- D. On January 15, 2021, LSA and Kittelson prepared a memo evaluating the addition of four existing single-family homes to the Zone Change application to allow for subdivision of those lots into two lots each. According to the Memo, no new impacts nor an increase in the severity of impacts would occur as a result of the project modification.
- E. The project complies with CEQA, and that the previously certified Final EIR, Mitigation Monitoring and Reporting Program, Addendum and various Technical Memoranda was reviewed and considered prior to approving the project.

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

The proposed Zone Change from Residential Natural Preserve District and Open Space District to Planned Development District is consistent with the development standards, improvements and affordable housing obligation set forth in the Parcel Group 5 Master Development Plan, which was adopted by the City Council in July 2019, to ensure a coherent and consistent development project on the former Caltrans 238 site. Trumark's proposed development plan is consistent with the standards and overall vision set forth in the adopted Master Plan.

The proposed development is also consistent with the *Suburban Density Residential* General Plan land use designation in that the average lot size for the PD District as a whole, including the four privately owned properties, will not exceed 10,180 square feet. Inclusion of the four single family homes in the PD District and allowing for future lot splits and development on those lots consistent with the Single-Family Residential District standards, would allow existing property owners adjacent to the project site to benefit from the same flexibility as the developer.

In addition to consistency with the General Plan allowable density, the proposed hillside development is consistent with the following goals and policies of the *Hayward 2040 General Plan*, including but not limited to the following:

- Policy Land Use (LU)-1.4 to encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Policy LU-3.6 to implement residential design strategies such as creating a connected block and street network, designing new streets with sidewalks, planting strips, street trees, and pedestrian-scaled lighting and ensuring that windows are provided on facades that front streets or public spaces.
- Policy LU-3.7 to protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.
- Policy LU-3.5 to encourage infill residential developments where individual parcels within the development may be developed at higher or lower densities than allowed by the General Plan provided that the net density of the entire site is within the allowable density range.
- Land Use Goal LU-7 and numerous policies related to hillside development to preserve the rural and natural character of hillside development areas; to ensure that grading, building and landscaping design mitigates visual impacts and blends the development with natural features of the hillside; to require curvilinear streets that respect natural topography; to cluster development to preserve sensitive habitat and natural open space; and, to provide public trail improvements that link to regional open space and trails (Policy LU-7.2, LU-7.3, LU-7.5 and LU-7.6).

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

The proposed project site was previously developed with residential uses, and currently there are a few residences along Bunker Hill Boulevard and Maitland Drive. The City of Hayward has adequate capacity to provide water and sanitary sewer services to the proposed development; however, the applicant will be required to upgrade water and sewer lines and to install a sewer pump station to serve portions of the development pursuant to the conditions of approval. Access to the site would be provided through existing public streets that would be improved as part of the proposed project, as well as construction of a new roadway connector from Bunker Hill Boulevard to Carlos Bee Boulevard. An Addendum prepared for the proposed development found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in the Environmental Impact Reports (EIR) prepared for the General Plan.

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 would create an environment of sustained desirability and stability in that it would result in development of a primarily vacant and underutilized site with new, high end residential development, including eighteen Accessory Dwelling Units that would be deed restricted for Very Low-Income households.

Overall, the proposed site layout and architecture will lend to the sustained desirability of the neighborhood in that the lot configuration, lot size, setbacks, building heights, and building orientation would change depending on placement of the homes on flat, uphill or downhill slopes. The design is intended to minimize massing by building into and along the adjacent slope. Further, each of the house types (flat, uphill and downhill) would have different floor plans, elevations and color schemes. The variation in building standards, placement, building elevations and colors are intended to reflect the surrounding topography and create variety and complexity as viewed from the right-of-way. Inclusion of the four existing single family lots within the Planned Development District would provide additional flexibility to existing homeowners.

The proposed project will not have a substantial adverse impact on surrounding development or neighborhoods provided that the developer installs and contributes to funds for installation of traffic calming and establishes Transportation Demand Management strategies to minimize traffic related impacts in surrounding neighborhoods; and, if the planned Foothill Trail is constructed in accordance with the approved plans, remains open and accessible by the public, and is maintained in

perpetuity by a Community Facilities District or similar assessment/funding mechanism.

- 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 applicant is required to comply with the Subdivision Ordinance requiring improvements that comply with the current standards of the City of Hayward and other agencies. Compliance with the Ordinance guarantees completion of all improvements including planned common open spaces and facilities in accordance with the approved plans and includes surety and insurance to ensure that the planned improvements are conducted, inspected and approved prior to occupancy 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 above, the proposed development is consistent with the overall vision of the Parcel Group 5 Master Development Plan, the General Plan land use designation, and numerous General Plan goals and policies for residential and hillside development. In fact, the proposed Zone Change to PD District would enable the project to be consistent with the vision of the adopted Master Development Plan. The proposed development would meet the purpose and intent of the PD District zoning in that it would cluster the development on the flattest and most developable areas of the site allowing approximately half of the site to remain open space. Additionally, the project will result in construction of eighteen Accessory Dwelling Units that would be deed restricted for Very Low-Income households; and, approximately 3,000 lineal feet of the Foothill Trail, with overlooks and site furniture, that will be publicly accessible and maintained in perpetuity through property assessments.

VESTING TENTATIVE MAP

- A. That the proposed map is consistent with applicable general and specific plans as specified in Section 65451. [Subdivision Map Act §66474(a)]**

The proposed development is consistent with the adopted Parcel Group 5 Master Development Plan and the applicable *Suburban Density Residential* General Plan land use designation as detail in Zone Change Finding A above. The proposed project requires a Zone Change to Planned Development District to allow for development consistent with the Master Development Plan, and to retain approximately half of the project site as undeveloped open space.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]

The proposed subdivision would contain a range of lot sizes from just over 5,000 square feet to just over 23,000 square feet with an average lot size of about 10,180 square feet, which is consistent with the adopted Parcel Group 5 Master Development Plan and the *Suburban Density Residential* General Plan land use designation, in addition to various General Plan goals and policies as outlined in Zone Change Finding A above.

The existing roadways would be reconstructed to meet current City standards, and all utilities would be installed in accordance with City standards per conditions of approval. Utilities, including water, sewer, and storm drain facilities, will be provided and/or upgraded as necessary to accommodate the proposed development. Further, an Addendum prepared for the proposed development found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in the Environmental Impact Reports (EIR) prepared for the General Plan.

C. That the site is physically suitable for the type of development. [Subdivision Map Act §66474(c)]

Engeo prepared a Preliminary Geotechnical Feasibility Report (2016) and Geotechnical Exploration Report (2017) for Parcel Group 5. Following development of the proposed site plan, Baez Geotechnical Group prepared a Geotechnical and Geologic Due Diligence Investigation (2020) in which they reviewed the previous studies and made recommendations based on Trumark's proposed site plan and structures. The Baez analysis concluded, with recommendations, that additional fault trench analysis and submittal of design level geotechnical analysis be submitted with the site improvement plans and building permits. Per conditions of approval, the additional analysis will be submitted, and recommendations and standards will be incorporated into the Improvement Plans and Building Permits for the proposed project thus ensuring that the site is physically suitable for the type of development proposed.

D. That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

As described in Vesting Tentative Tract Map Finding C above, several geotechnical studies and reports were prepared to determine if and how the site would be physically suitable for the proposed density of development. As conditioned, those specific recommendations will be required to be incorporated into the Improvement Plans and Building Permit applications for the proposed project thus ensuring that the site is physically suited for the proposed project.

E. That 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. [Subdivision Map Act §66474(e)]

WRA prepared a Biological Site Assessment and Botanical Survey (April 15, 2020, and April 29, 2020) and determined that there is no potential for special-status plant species on the site based on the proposed site plan which set aside approximately half of the site, including the steepest slopes and areas, as untouched, open space.

F. That the design of the subdivision or type of improvements is not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]

The proposed project is a residential subdivision that will not cause serious public health problems. The proposed improvements which include grading, reconstruction of streets, installation of stormwater control measures, construction of a new roadway connector from Bunker Hill Boulevard to Carlos Bee Boulevard, and the construction of the Foothill Trail along the eastern boundary of the site will not result in public health problems, as conditioned.

G. That 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. [Subdivision Map Act §66474(g)]

The proposed project will not conflict with existing easements for access through or use of the property in that the City entered into an agreement with California State University, East Bay in order to construct the proposed roadway connector from Bunker Hill Boulevard to Carlos Bee Boulevard and for portions of the Foothill Trail, as proposed.