

**CITY OF HAYWARD PLANNING COMMISSION  
VESTING TENTATIVE TRACT MAP 8104 & SITE PLAN REVIEW  
APPLICATION NO. TM-23-0003  
SEQUOIA GROVE – 123 A STREET**

**DRAFT FINDINGS FOR APPROVAL**

**VESTING TENTATIVE MAP**

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 Planning Commission 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 map is consistent with the General Plan in that it features a density of 13.3 units per net acre while the Medium Density Residential land use designation of the *Hayward 2040 General Plan* allows a range of 8.7 to 17.4 units per net acre. Furthermore, the subdivision is also consistent with the following General Plan goals and policies:

- Land Use Policy LU-1.4: The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Housing Goal H-2: Assist in the provision of housing that meets the needs of all socioeconomic segments of the community.
- Housing Policy H-2.1: The City shall encourage the development of ownership housing and assist tenants to become homeowners to reach a 60 percent owner-occupancy rate, within the parameters of federal and state housing laws.
- Housing Policy H-3.1: 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: The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- Housing Policy H-6.8: The City shall facilitate and encourage the development of larger rental and ownership units for families with children, including lower- and moderate-income families, and the provision of services such as childcare and after-school care, when feasible.
- Community Health & Quality of Life Policy HQL-5.3: The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes on the street” to enhance public safety in these areas.

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

The project complies with the intent of City development policies and regulations in that the Medium Density Residential General Plan land use designation and the development standards of the Planned Development District established for the site by the City Council in 2015 both allow for multi-family residential development at the density, layout, size and scale being proposed. The design of the proposed subdivision is consistent with the density range prescribed for residential projects by the Medium Density Residential (MDR) General Plan land use designation, as well as specific goals and policies outlined in Finding (A), above. The proposed internal street is designed to accommodate the anticipated traffic that the project will generate and complies with the applicable City standards for a private driveway, and all necessary utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development and be required to be constructed in accordance with City standards.

The project site is surrounded by existing commercial and residential uses and does not contain any environmentally sensitive habitat except for 14 existing trees. The proposed development will include Standard Conditions of Approval that will reduce potential impacts to protected bird species that may be nesting or foraging in these trees to a less-than-significant level by requiring pre-construction surveys of the trees in accordance with the requirements of the Federal Migratory Bird Treaty Act. Furthermore, the design of the subdivision and related improvements will not cause substantial environmental damage in that there are existing utilities in place within A Street and Walnut Street that the project will be able to connect to without requiring significant extensions or upsizing, and a geotechnical investigation was conducted for the project which confirmed that the subdivision could be developed safely on the site from a geological standpoint as long as the recommendations in the investigation were followed during its construction (a condition of approval has been included requiring adherence to the investigation's recommendations).

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

The proposed subdivision does not require the approval of any variances or exceptions as the project was previously approved as a Planned Development District with development standards specific to this project. The subdivision will be compliant with the Hayward Municipal Code with respect to the Zoning Ordinance and Subdivision Ordinance.

**SITE PLAN REVIEW**

Pursuant to Hayward Municipal Code Section 10-1.3025, the Planning Commission may recommend approval of an application when all of the following findings are made:

**A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.**

The project is compatible with surrounding development in that the immediate area around the site consists primarily of one- and two-story residential and commercial structures with a mix of flat and pitched roofs and similar siding and roofing materials. It will also be an attractive addition to the City in that it will result in the development of a vacant, underutilized site with an attractively designed residential subdivision with onsite parking and amenities for its residents and guests, as well as all new site landscaping that will further enhance the aesthetic quality of the site. Additionally, several mature native redwood trees will be preserved as a key project feature along the A Street frontage.

**B. The development takes into consideration physical and environmental constraints.**

The site, which originally consisted of nine individual lots fronting along A Street, was previously developed with several single-family homes which were demolished in the late 1980s when the railroad overpass was constructed, and the street was realigned. As such, there are no significant physical or environmental constraints encumbering the site. Nevertheless, the development takes into consideration the existing features to the extent practicable by preserving and incorporating several of the site's large, healthy trees, including five redwood trees along A Street and completely avoiding the toe of the overpass embankment.

The development utilizes an infill site surrounded by existing infrastructure with adequate capacity to serve the proposed subdivision. The improvements to be installed for the subdivision, including the necessary infrastructure as well as the designs of the grading, foundations, and buildings will be required to comply with the applicable engineering and life safety standards which ensure that they function properly and safely with no adverse effects on the public health and welfare.

In addition, a Geotechnical Investigation was prepared by Rockridge Geotechnical on July 19, 2012, which demonstrates that the site is physically suitable for the proposed type of development provided that the developer adheres to all recommendations presented in the report for site preparation and compaction, as well as the design of all in-ground and subsurface structures and facilities, including foundations, retaining walls, and driveways. Conditions of approval have been included requiring adherence to the recommendations contained in the Geotechnical Investigation.

**C. The development complies with the intent of City development policies and regulations.**

The project complies with the intent of City development policies and regulations in that the Medium Density Residential General Plan land use designation and the development standards of the Planned Development District established for the site by the City Council in 2015 both allow for multi-family residential development at the density, layout, size and scale being proposed. Furthermore, the design complies with the applicable Hayward Design Guidelines in that it features traditional architecture compatible with the surrounding residential development, with plentiful articulation

and an attractive variety of building materials and trim elements and recessed front entries that face the street and private drive, attractively landscaped common open spaces with useable amenities for residents, and the preservation and incorporation of several mature, native redwood trees located along the property's A Street frontage into the site plan.

**D. 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 that is acceptable and compatible with the surrounding development in that it will feature 10 residential units on a parcel that is surrounded almost entirely by single-family and multi-family residential uses along Walnut Street and B Street. The units will be used to house 10 separate households and, as such, will not differ significantly from the existing uses in the surrounding neighborhood.

As previously mentioned, the development utilizes an infill site surrounded by existing infrastructure with adequate capacity to serve the proposed subdivision. The improvements to be installed for the subdivision, including the necessary infrastructure as well as the designs of the grading, foundations, and buildings will be required to comply with the applicable engineering and life safety standards which ensure that they function properly and safely with no adverse effects on the public health and welfare.

**ENVIRONMENTAL REVIEW**

A Mitigated Negative Declaration was previously adopted by the Hayward City Council in accordance with the requirements of the California Environmental Quality Act (CEQA) on January 27, 2015 for the original Vesting Tentative Tract Map and Planned Development Rezoning applications (PL-2013-00291 and PL-2013-00290, respectively) related to the proposed project which adequately addressed its environmental impacts and included mitigation measures which would reduce all identified impacts to less-than-significant levels. The proposed project is essentially the same as the one for which the Mitigated Negative Declaration was adopted, with the only changes being those required to bring the project into compliance with current Municipal Code, California Building Code, and Subdivision Map Act requirements. The proposed layout of the subdivision, total number of units, and size of the units are all substantially the same as those proposed in the original project for which the Mitigated Negative Declaration was adopted. Furthermore, no changes to the project site have occurred since the Mitigated Negative Declaration was adopted that could result in new effects on the environment that were not already analyzed during the review of the original project. Therefore, in accordance with Section 15162 of the CEQA Guidelines, no subsequent environmental analysis is required in that:

- (1) No substantial changes are proposed in the project which require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and

- (2) No substantial changes will occur with respect to the circumstances under which the project is undertaken which require major revisions of the previous Mitigated Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; and
- (3) No new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Mitigated Negative Declaration was adopted, shows any of the following:
  - (a) The project will have one or more significant effects not discussed in the previous Mitigated Negative Declaration;
  - (b) Significant effects previously examined will be substantially more severe than shown in the previous Mitigated Negative Declaration;
  - (c) Mitigation measures previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measures; or
  - (d) Mitigation measures which are considerably different from those analyzed in the previous Mitigated Negative Declaration would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measures.