

**CITY OF HAYWARD PLANNING COMMISSION  
TENTATIVE TRACT MAP & SITE PLAN REVIEW APPLICATION NO. TM-23-0004  
TO DEVELOP 12 TOWNHOMES CONDOMINIUM UNITS  
ON A 0.39-ACRE SITE AT 22872 MAIN STREET**

**FINDINGS FOR APPROVAL**

**SITE PLAN REVIEW**

Per Section 10-28.5.3.020 of the Hayward Municipal Code, the project is subject to Site Plan Review. The Planning Commission may approve or conditionally approve an application for Site Plan Review when all 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.**

The proposed project would include the demolition of an existing restaurant and redevelopment of a parcel in Downtown Hayward to create new housing units. The development is designed to integrate well with the surrounding multi-family and commercial uses in that the development consists of two separate structures that is set back to the lower density development at the side of the project site. The development will result in an incremental contribution to the housing stock contributing to the City's Regional Housing Needs Allocation. The project is an attractive addition to the neighborhood with modulation of façades by using plane breaks, and varying architectural elements, including a multi-tone color palette and complimentary building materials. Further, the project includes two car garages, private open space, new landscaping, and new pedestrian access.

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

The project site takes into consideration physical and environmental constraints in that it will result in redevelopment of an underutilized site in downtown Hayward. The site is flat and L-shaped with frontages along E Street, Main Street and Armstrong Street. The proposed site layout results in an efficient use of space with primary building entrances along two frontages and a two-way drive aisle that provides access to alley loaded garages along the other frontage. In addition, the project includes large landscaping plantings along the frontages and eastern property line to further break up the massing.

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

The project would result in the redevelopment of one small, underutilized, 0.39 acres site in downtown Hayward. The subject site has a City Center- Retail and Office Commercial (CC-ROC) land use designation in the *Hayward 2040 General Plan*. The CC-ROC designation applies to properties surrounding the core of downtown Hayward, and allows for residential and mixed-use development, including townhomes, live-work units, apartment, and condominium buildings with a maximum allowed density that ranges from 40 to 110 dwelling units per net acre and a maximum Floor-to-Area Ratio (FAR) of 1.5. The development proposes 12 residential units on a 0.39-acre lot, resulting in a density of 30.7

dwelling units per net acre and a FAR of 1.25, consistent with the General Plan. The project is also consistent with several General Plan goals and policies, including but not limited to the following:

- Land Use Policy LU-1.4: The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Land Use Goal LU-2: Create an urban environment and development regulations in the Plan Area for transit supportive development that benefits from and promotes a rapid transit public transportation system.
- Land Use Policy LU-2.5: The City shall encourage the development of a variety of urban housing opportunities, including housing units above ground floor retail and office uses.
- Housing Goal H-1: Maintain and enhance the existing housing opportunities, viable housing stock and neighborhoods within Hayward.
- 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-3.5: The City shall encourage compatible residential development in areas with underutilized land.

The project is also consistent with goals and policies of the Downtown Specific Plan and Downtown Code. As described in the Specific Plan, significant infill development in downtown Hayward is anticipated over the next 20 plus years and the Plan envisioned up to 3,430 new housing units and 1.9 million square feet of non-residential space such as retail, hospitality, office, and education. The proposed project would result in construction of high-density housing on an underutilized site within walking distance of transit and commercial services thus contributing to the population and vibrancy of the Downtown area. Furthermore, the project is consistent with all the applicable recently adopted objective standards and regulations within the Zoning Ordinance.

**4. The development will be operated in a manner determined to be acceptable and compatible with surrounding development.**

The proposed residential development will operate in a manner similar to the surrounding residential neighborhood. During construction, the project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping, including standard procedures of site preparation and development, including permitted hours of construction activity, as well as the incorporation of Best Management Practices (BMPs) for construction noise, grading, use of equipment to prevent adverse impacts.

**TENTATIVE TRACT MAP**

Pursuant to Section 10-3.1502 of the Subdivision Ordinance of the HMC, the Planning Commission must make the following findings in order to approve the Tentative Tract Map:

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

As noted above, the subject site has a land use designation of City Center- Retail and Office Commercial (CC-ROC) in the *Hayward 2040 General Plan*. The CC-ROC land use designation applies to properties surrounding the core of Downtown Hayward, and allows for residential and mixed-use development, including townhomes, live-work units, apartment, and condominium buildings with a maximum allowed density that ranges from 40 to 110 dwelling units per net acre and a maximum Floor-to-Area Ratio (FAR) of 1.5. The development would result in 12 residential units on a 0.39-acre lot resulting in a density of 30.7 dwelling units per net acre and a FAR of 1.25, which makes it consistent with the City's General Plan. The project is also consistent with several General Plan goals and policies as detailed in in Site Plan Review Finding 3.

The project is also consistent with the goals and policies of the Downtown Specific Plan. As described in the Specific Plan, significant infill development in downtown Hayward is anticipated over the next 20 plus years and the Plan envisioned up to 3,430 new housing units and 1.9 million square feet of non-residential space such as retail, hospitality, office, and education. The proposed development would result in construction of a high-density condominium project on a underutilized site within walking distance of transit and commercial services thus contributing to the population and vibrancy of the Downtown area.

**2. The proposed subdivision meets the requirements of the City Zoning Ordinance.**

The subject site is zoned UN District. The proposed project complies with all applicable standards set forth in the UN District and the Downtown Code, as detailed in the staff report , including but not limited to density, building design, building height, lot coverage, FAR, setbacks, and parking. No variances are being requested with this application as previously mentioned, the project meets all the applicable objective standards for residential development per the Hayward Municipal Code.

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

As indicated above, no other variances or exceptions are required for the approval of the subdivision which is entirely consistent with the applicable General Plan designation, Downtown Specific Plan and UN District.

**CEQA ENVIRONMENTAL REVIEW FINDINGS**

This project is exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15182 (c), Residential Project Implementing Specific Plans, because the project is a residential project pursuant to and in conformity with the Downtown Specific Plan for which there was an Environmental Impact Report (EIR) prepared.