

**FINDINGS FOR ZONE CHANGE &
VESTING TENTATIVE MAP (TRACT 8473)
APPLICATION NO. 201802159**

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study (IS) was prepared for this project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of Mitigation Measures that were incorporated as conditions of approval for the Project.
- B. That the MND was prepared by David J. Powers & Associates, Inc. on behalf of the City of Hayward acting as the Lead Agency, and that the IS/MND was circulated with a minimum twenty (20) day public review period between December 13, 2019 and January 6, 2020.
- C. That the proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record; that the Planning Commission recommends that the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. That the proposed MND identified all potential adverse impacts and provided standard or project-based mitigation measures to reduce the effects of such impacts in the areas of Biological Resources, Cultural Resources, Geology and Soils, and Noise. Based on the proposed MND and the whole record before the City Council, there is no substantial evidence that the project will have a significant effect on the environment.
- E. That the project complies with CEQA, and that the proposed MND was presented to the deciding body, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.

Zone Change 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 development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies in that it would result in

development of a single-family detached development on a currently underutilized, infill site. The proposed development would maximize the density on the environmentally constrained site while allowing for a variety of housing types and sizes and remaining consistent with the form and uses permitted in the *Low Density Residential* General Plan land use designation. While the development would deviate from the base RS (Single Family Residential) District standards with regard to lot size and side yard setbacks, the proposed project would result in the development of a detached single family neighborhood with staggered front yards, a meandering pedestrian pathway across the site, alley loaded vehicular access, and a pocket park while keeping much of the site undeveloped, open space.

In addition, the infill development is consistent with the following General Plan Goals and Policies:

- Policy LU-1.3 Growth and Infill Development: The City shall direct local population and employment growth toward infill development sites within the City.
- Policy 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.
- Policy 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.
- Policy H-3.3 Sustainable Housing Development: The City shall improve affordability by promoting sustainable housing practices that incorporate a ‘whole system’ approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.
- Policy 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.
- Policy H-3.5 Compatible Development of Underutilized Sites: The City shall encourage compatible residential development in areas with underutilized land.
- Policy H-3.6 Flexible Standards and Regulations: The City shall allow flexibility within the City’s standards and regulations to encourage a variety of housing types.

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

The proposed infill project site is surrounded by existing streets and utilities with adequate capacity to serve the proposed development. An Initial Study/Mitigated

Negative Declaration prepared for the project determined that it would not have significant impacts related to streets, public facilities, utilities and agencies.

- 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 development will create a residential environment of sustained desirability and stability because it will result in the development of a detached single family neighborhood with varying building heights, staggered front yards, a meandering pedestrian pathway across the site, alley loaded vehicular access, and a pocket park while keeping much of the site undeveloped, open space. The project is consistent with the form and use permitted in the *Low Density Residential* General Plan designation and would continue the pattern of existing single-family residential development to the north and east of the project site.

The development will not have an adverse effect upon surrounding development or neighborhoods in that there is adequate capacity on surrounding roadways to provide access to the site. In addition, the homes will have two car garages and two guest parking spaces per unit reducing the potential for a nuisance related to parking.

- 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 will be completed within one phase ensuring that the infrastructure, services and facilities will be available to all residents in a timely fashion.

- 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.**

The proposed infill project site is constrained by the Alquist Priolo Fault Zone along the western portion of the site, steep slopes along the northern property line, and no vehicular access from Carlos Bee Boulevard. The proposed development would cluster the proposed single-family detached homes on the flattest part of the site while providing vehicular access from a driveway behind the homes.

The proposed development is consistent with the form and use permitted in the *Low Density Residential* General Plan designation; however, the proposed development requires deviation from the base RS District standards for minimum lot sizes and side yard setbacks. Project amenities intended to off-set the requested exceptions to base district standards include installation of solar photo-voltaic systems on each residence to reduce energy consumption; inclusion of six accessory dwelling units within the footprint of the two story units to provide rental housing within walking distance of Cal State East Bay and Mission Boulevard; and, inclusion of a pocket park and meandering pedestrian pathway along the project frontage which would act as a shared yard for the development.

Vesting Tentative Tract Map - In order for a vesting tentative map to be approved, the decision-making body shall make the following findings:

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 map is consistent with the allowable uses and densities permitted in the *Low Density Residential* General Plan land use designation; and the proposed development is not subject to a specific plan.

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 is consistent with the density permitted in the *Low Density Residential* General Plan land use designation as well as specific goals and policies, including but not limited to policies supporting infill development, a diversity of housing types, sustainable housing development, and placement of housing in close proximity to existing infrastructure and services as detailed in the Zone Change findings above. Utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development and there is adequate capacity to provide access to the project site from Overlook Avenue.

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

A Fault Rupture Hazard Evaluation was prepared by *Earth Focus Geological Services, Inc.*, a geologic peer review was prepared by Louis A. Richardson, P.G., C.E.G., and a geotechnical investigation prepared by *Alan Kropp & Associates, Inc.* All of the documentation was reviewed and referenced in the Initial Study/Mitigated Negative Declaration prepared for the project and concluded that the project site is physically suitable for the type of development proposed provided that a condition of approval be included that a project geologic team shall observe excavations and exposures for the existence or nonexistence of active faulting and verify that the locations of specific building sites are in conformance with their recommendations.

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

The proposed development would comply with the Low Density Residential General Plan land use designation, which allow a density range of 4.3 to 8.7 dwelling units per net acre. Further, as described in Vesting Tentative Tract Map Finding C above, several studies and reports were prepared to determine if and how the site would be physically suitable for the proposed density of development provided that those specific recommendations are included as conditions of approval for the proposed development.

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)]

The project site is in an urban neighborhood and is surrounded by residential, commercial and public facilities. According to the Initial Study and Mitigated Negative Declaration prepared for the project, there are no sensitive habitats or wetlands adjacent to or on the property, and there is a low likelihood of any sensitive or special-status species due to the developed nature of the project area.

There are 56 on-site trees of varying health and that are protected under the City's Tree Preservation Ordinance. Pursuant to that Ordinance, Mitigation Measures and conditions of approval would require the applicant protect trees or obtain permits to remove and adequately mitigate any trees being removed.

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 development is an infill site surrounded by infrastructure with adequate capacity to serve the future development. The Initial Study/Mitigated Negative Declaration concluded that the project would not result adverse Air Quality impacts related to construction-related dust and toxic air contaminants with the inclusion of standard measures issued by the Bay Area Air Quality District. With implementation of these measures which are included as a condition of approval, the proposed project will not cause serious public health problems and reduce any potential impacts to a level of less than significant.

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. The proposed private roadways and pedestrian facilities will be open and accessible to the public.