

**FINDINGS FOR GENERAL PLAN AMENDMENT,
ZONE CHANGE, VESTING TENTATIVE MAP (TRACT 8428)
APPLICATION NO. 201704129**

Findings for General Plan Amendment: Pursuant to Hayward Municipal Code (HMC) Section 10-1.3425(b), the decision-making body shall make the following findings prior to recommending approval of or approving an amendment to the General Plan:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience and general welfare of the residents of Hayward;

The proposed General Plan amendment from various land use designations to Sustainable Mixed Use and Parks and Recreation will provide a consistent land use designation across 21 scattered sites in order to develop a cohesive, mixed-use, transit oriented development with 472 mixed income, multi-family townhouse units, and approximately 20,000 square feet of ground floor retail within one-half mile of the South Hayward BART Station. The proposed development will be connected through a series of trails, pedestrian paseos and sidewalks, bicycle paths while consistent landscaping, street furniture and decorative paving would provide a cohesive identity for the large-scale development.

The proposed development will promote public health, safety and convenience and general welfare of the residents of Hayward in that it will result in development of a disaggregated set of vacant, underutilized parcels that would difficult to develop individually due to their varying sizes and locations as infill parcels surrounded by existing development. It will support public health and environmental sustainability in that it will place high density transit oriented development near high frequency transit. The project will include a robust pedestrian and bicycle network that will be activated and enhanced through the implementation of transportation demand management measures; construction of off-site improvements such as installation of mid-block crossings; and, expansion of bicycle parking to support and facilitate walking and bicycling throughout the development and to BART.

The development will support the general convenience and welfare of Hayward residents in that it will result in construction of 472 new housing units with a variety of housing types: rental, for sale, multi-family apartments and stacked and row townhomes, at varying levels of affordability and include a public park and commercial space, which will serve the residents of the project and neighboring areas.

B. The proposed change is in conformance with the purposes of the Zoning Ordinance and all applicable, officially adopted policies and plans;

The proposed mixed-use, transit oriented development is consistent with the overall vision for development along Mission Boulevard and the South Hayward BART/Mission Boulevard Form Based Code (Hayward Municipal Code Chapter 10,

Article 24), in that it would place the highest density, mixed use development along the Mission Boulevard corridor while reducing the intensity and density of the development further from the commercial arterial. The project will provide a diversity of housing types at varying levels of affordability and will allow for multi-modal access through an interconnected network of multi-use roadways, open spaces and paths. In addition, the project adheres closely to Form Based Code standards related to building form, height, limited parking, open space design, orientation on the lot and interaction with public spaces.

The proposed development is consistent with multiple General Plan goals and policies to:

- Support development of compact, mixed use and walkable neighborhoods within the City's Priority Development Areas; near regional transit; within the South Hayward neighborhood; and that integrates a mix of land uses into new and established neighborhoods (General Plan Land Use Goal 2 and Policies LU-1.5, LU-1.6, and LU-2.8).
- Create complete neighborhoods with a mix of densities and uses and that provide convenient access to parks and other community amenities and foster commercial and social activity for nearby residents and businesses (LU Goals 3 and 4 and Policies LU-3.5, LU-4.1, and LU-4.3).
- Design mixed use neighborhoods to place retail frontages and outdoor gathering spaces along the public right-of-way while locating parking at the rear of the building; and enhance development with landscaping, lighting, planters and other amenities. Develop highly connected block and street networks; provide alley loaded garages for townhome development; locate parking for multifamily development below apartment buildings; and ensure that windows front streets and public right-of-way (Policies LU-3.4 and LU-3.5).
- Develop a comprehensive, integrated and connected network of transportation facilities to serve all modes of travel (Mobility Goal 1 and Policy M-8.4).
- Encourage active lifestyles and the development of urban infill parks where traditional, large-scale neighborhood and community parks are not appropriate; and construct infrastructure improvements in existing neighborhoods to enable people to drive less and walk, bike or take public transit more (Health and Quality of Life Goal 2 and Policies HQL-10.4 and HQL-11.2)

The proposed land use amendment from Parks and Recreation to Sustainable Mixed Use will result in a reduction of approximately 7.6-acres of land currently designated for Parks and Recreation thereby reducing the land available for future potential development of park and recreation uses and potentially making accomplishment of General Plan Policy HQL-10.2, to establish minimum park acreages per resident, more difficult to achieve. While the amendment would result in a reduction of acreage designated Parks and Recreation, the subject properties are currently vacant and

fenced-off from public use and there are no plans or funding sources available to develop a park or other recreational uses on the subject properties. In contrast, the proposed project will result in near-term development of the currently vacant property into a large scale, mixed use development with a variety of open spaces and trails including the relocation, expansion and redevelopment of the Valle Vista Park. Further, there is adequate acreage designated Open Space throughout the City to accommodate the City's ultimate goals related to park acreage per resident upon identification of other funding sources.

Inclusion of conditions of approval related to implementation of a license agreement between the applicant and HARD to allow for continued operation of Valle Vista Park, and the establishment of a time frame for the dedication and completion of the new park within twenty months of issuance of grading permits for the residential development will ensure that the City comes closer to reaching General Plan Policy HQL-10.2, related to expansion of high quality, amenity-rich park area per resident within Hayward.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified; and

The proposed infill project is surrounded by existing streets and has access to all utilities, with adequate capacity to serve the proposed development. In addition, the project will be required to install frontage improvements and underground overhead utilities in front of their project site and fronting any public street. A Mitigated Negative Declaration was prepared for the proposed development and found that all impacts related to streets, public facilities, utilities and agencies could be mitigated to a level of less than significant. All mitigation measures were included as conditions of approval for the project.

D. All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The proposed development consists of a mixed-use, transit oriented development that is consistent with the intent of the underlying South Hayward BART/Mission Boulevard Form Based Code as well as multiple General Plan goals and policies for the site and surrounding area.

The proposed development is consistent with the existing, surrounding development in that it will place the highest density and highest intensity mixed use development along Mission Boulevard, which is a major commercial arterial where such development is envisioned and encouraged. The lower intensity townhome development will be placed along Valle Vista Avenue, within the internal neighborhoods and along Dixon Street, consistent with the existing, surrounding mix of single family and multi-family residential development. Good neighbor fencing, landscaping and well-designed paseos and structures will ensure that the future development is compatible with and a beneficial addition to the neighborhood.

All future development surrounding the project site will be subject to the same standards, requirements, goals and policies therefore the proposed development will also be consistent with future development anticipated and planned within the area.

Findings for 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 proposed development is consistent with the overall vision for development along Mission Boulevard and the South Hayward BART/Mission Boulevard Form Based Code in that it will place the highest density and intensity mixed use development along Mission Boulevard while stepping back development as it moves further from the commercial arterial and high frequency transit. In addition, it adheres closely with Form Based Code development standards related to building form, height, open space design, limited parking, building orientation on the lot and design of building interface with public spaces.

The proposed development is also consistent with multiple General Plan goals and policies to:

- Support development of compact, mixed use and walkable neighborhoods within the City's Priority Development Areas; near regional transit; within the South Hayward neighborhood; and that integrates a mix of land uses into new and established neighborhoods (General Plan Land Use Goal 2 and Policies LU-1.5, LU-1.6, and LU-2.8).
- Create complete neighborhoods with a mix of densities and uses and that provide convenient access to parks and other community amenities and foster commercial and social activity for nearby residents and businesses (LU Goals 3 and 4 and Policies LU-3.5, LU-4.1, and LU-4.3).
- Design mixed use neighborhoods to place retail frontages and outdoor gathering spaces along the public right-of-way while locating parking at the rear of the building; and enhance development with landscaping, lighting, planters and other amenities. Develop highly connected block and street networks; provide alley loaded garages for townhome development; locate parking for multifamily development below apartment buildings; and ensure that windows front streets and public right-of-way (Policies LU-3.4 and LU-3.5).
- Develop a comprehensive, integrated and connected network of transportation facilities to serve all modes of travel (Mobility Goal 1 and Policy M-8.4).
- Encourage active lifestyles and the development of urban infill parks where traditional, large-scale neighborhood and community parks are not appropriate;

and construct infrastructure improvements in existing neighborhoods to enable people to drive less and walk, bike or take public transit more (Health and Quality of Life Goal 2 and Policies HQL-10.4 and HQL-11.2)

As conditioned, the proposed development will support General Plan Policy HQL-10.2, in that will result in the near-term development of an expanded and improved park within the development.

The proposed development also is consistent with the surrounding development in that it will place the highest density and highest intensity mixed use development along Mission Boulevard, where such development is envisioned and encouraged. The lower intensity townhome development will be placed along Valle Vista Avenue, within the internal neighborhoods and along Dixon Street, consistent with the existing, surrounding mix of single family and multi-family residential development.

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

The proposed infill project site is surrounded by existing streets and has access to utilities with adequate capacity to serve the proposed development. In addition, the project will be required to install frontage improvements and underground overhead utilities in front of their project site and fronting any public street. A Mitigated Negative Declaration was prepared for the proposed development and found that all impacts related to streets, public facilities, utilities and agencies could be mitigated to a level of less than significant. All mitigation measures were included as conditions of approval for the project.

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 because it will contain a mix of land uses and housing types within the development. The residential component will include 472 residential units that will be a mix of rental/for-sale units and include various housing types, including multi-family apartments, stacked flat townhomes, and traditional multi-level townhome at a range of affordability levels. The project will also include approximately 20,000 square feet of commercial development and a robust network of multi-user paseos and pedestrian/bicycle facilities to connect the development. Consistent landscaping, street furniture and decorative paving will further provide a cohesive identity for the project.

Overall, the proposed architecture of the varied neighborhoods will lend to the sustained desirability of the neighborhoods. It provides a mix of contemporary design

for the mixed-use buildings and cluster townhomes nearest Mission Boulevard, and more traditional residential development within the townhome neighborhoods. The contemporary buildings will have parapet roofs with varying heights, horizontal and vertical plane breaks with building pop-outs, balconies with metal railings, and varied color and materials including a mix of stucco and lap siding. The more traditional townhomes will have hip roofs; balconies with metal railings; building plane off-sets; stucco finish with wood and stone accents; and, varied color palettes.

The site layout for the for the cluster and townhome neighborhoods would be connected through a network of pedestrian trails, sidewalks and small open space nodes that would facilitate community development and engagement with neighbors thus developing neighborhood of sustained desirability and foster stability in the neighborhoods. With the addition of common open space or an off-site private recreational amenity for the multi-family residential development, the multi-family residential component would be a residential environment of sustained desirability and foster community and stability for the subject residents.

As proposed, the development includes relocation and expansion of Valle Vista Park, provided the park be annexed into a Lighting and Landscaping Assessment District to cover ongoing maintenance of the park.

- 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, but it anticipates approval of several different final maps for the various neighborhoods and related improvements. Each final map would provide a sufficient proportion of total planned common open space, facilities and services including off-site improvements provided that those improvements are designed, approved and bonded against or constructed prior to approval of the final maps for the related area. The proposed development also includes the relocation and expansion of the existing park on-site to another location, which is acceptable provided that the new park be dedicated and operational within a certain timeframe of grading permit issuance.

- 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 generally consistent with the overall vision for development along Mission Boulevard and the South Hayward BART/Mission Boulevard Form Based Code. However, the Planned Development designation is needed to ensure maximum flexibility to layout the proposed development with varying development densities

and intensities across the site. The proposed development would meet the purpose and intent of the PD District zoning in that it would result in efficient and attractive space utilization that places mixed use development nearest the commercial arterial and high frequency transit while locating less intense townhome development around a planned park and along a trail parkway.

Any exceptions or latitudes related to blending density across the site or deviation from other applicable zoning standards would be off-set by the placement of solar photovoltaic panels on all of the residential and mixed-use buildings, and installation of off-site improvements such as mid-block crossings on public right-of-way to facilitate walking and bicycling throughout the development and to BART.

Findings for the 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 project is the requires a General Plan Amendment and Zone Change to Planned Development District. If the land use changes are adopted, the proposed subdivision would be consistent with the allowable uses and densities within the Sustainable Mixed-Use land use designation. 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 residential densities for projects in the Sustainable Mixed-Use General Plan land use designation, as well as specific goals and policies outlined in in General Plan Finding B, and Planned Development Zone Change Finding A, listed above.

The existing and proposed internal roadways are designed to accommodate the anticipated traffic. Utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development. Further, the Mitigated Negative Declaration and Mitigation and Monitoring Plan prepared for the project identified adequate mitigation measures to reduce all possible impacts to a level of less than significant.

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

A preliminary geotechnical investigation was prepared by Engeo (dated June 6, 2017), demonstrating that the proposed development is feasible on all of the subject parcels provided that design-level geotechnical investigations are prepared to identify specific design features for future development of the various parcels, and that

recommendations from the reports are reviewed and approved by the City, and subsequently incorporated into the Improvement Plans for the proposed project.

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

A preliminary geotechnical investigation was prepared by Engeo (dated June 6, 2017), demonstrating that the proposed development is feasible on the various parcels. Furthermore, the Initial Study and Mitigated Negative Declaration, including supporting environmental reports identified potential impacts to roadways, and identified feasible mitigation measures for the proposed project that were incorporated as conditions of approval for the 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)]

A Biological Resources Assessment was completed for the site by WRA Environmental Consultants in July 2017. The Assessment and Initial Study prepared for the project concluded that the project area contains one sensitive biological community, the Alameda County Flood Control channel, which would remain in place with the proposed project. Pedestrian bridges proposed over the channel would be designed to avoid the banks and bed of the channel and span the channel to minimize any impact to the facility. In addition, design elements would be installed to catch debris from the pedestrian bridges.

The report also identified moderate potential to impact three special status species; however, those impacts would be reduced to a level of less than significant by conducting pre-construction surveys prior to the issuance of permits for the project. Thus, mitigation measures included as conditions of approval for the proposed project will ensure that the design of the subdivision and proposed improvements will not cause substantial environmental damage or to injure wildlife, fish or their habitat.

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 and proposed Mitigated Negative Declaration concluded that the project could result in adverse Air Quality impacts related to construction-related dust and toxic air contaminants. However, incorporation of mitigation measures included as conditions of approval for the proposed project would ensure that 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 provided that the land sales and swaps are accomplished in accordance with the conditions of approval. The proposed private roadways and pedestrian facilities will be open and accessible to the public, as conditioned.

Finding for Alternative Affordable Housing Ordinance Plan - Pursuant to HMC Section 10-17.230, the Applicant may propose alternatives to meet the requirements set forth in the Affordable Housing Ordinance if the decision-making body finds that such an alternative would provide a greater benefit to the City than the other options explicitly described in this Article. The following findings provides justification for allowing the proposed alternative Affordable Housing Plan:

- A. The alternative affordability plan proposes to deed restrict 20 multi-family rental units for low income households and 28 one-bedroom townhome flats for sale to moderate income households. The proposal includes a significantly higher proportion of multi-family rental units for low income households (27%) than is required by the Ordinance (6% split between low and very low for a total of four very low and four low income units) and a lesser number of units than is required for the for-sale product, a total of 28 (7%) where 40 (10%) are required.
- B. The proposed alternative is acceptable in that it would result in a higher proportion of rental units than for sale units which will benefit more low-income, renter households. According to American Community Survey data, a significantly higher number of renter households in California are low income. Under this proposal, the City would lose the opportunity to have four very low-income units. On balance, the City believes that the gain of 15 low-income, deed restricted units outweighs the drawback of losing the four very low-income units.
- C. The proposed for sale units would be significantly smaller than the standard townhome models; however, the units would be entirely located on the ground floor to allow for aging in place, and would be more affordable by design in a market where most for sale product on the market is large and expensive. These smaller homes would appeal to seniors and retirees looking to downsize, millennials or others who want to reduce their carbon footprint by living in a smaller unit.