

CITY OF HAYWARD PLANNING DIVISION
APPLICATION NO. 201704074
VESTING TENTATIVE TRACT MAP 8427, PD REZONE, SITE PLAN REVIEW AND
MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND
REPORTING PROGRAM
22626 4th STREET
DRAFT FINDINGS OF APPROVAL

Proposal to subdivide a 5.1-acre site into 45 parcels to allow the construction of 41 detached single-family residences with common open space areas and related site improvements at 22626 4th Street (APNs 427-0036-033-05, 427-0036-033-06, 427-0036-033-07, 427-0036-055-19, & 427-0036-085-01) requiring approval of a Vesting Tentative Tract Map, Planned Development (PD) Rezone, Site Plan Review, and the adoption of a Mitigated Negative Declaration with Mitigation Monitoring and Reporting Program (MMRP). Application No. 201704074; Tony Dutra (Applicant) on behalf of Dutra Enterprises (Owner).

VESTING TENTATIVE TRACT MAP FINDINGS

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

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

The project site has two General Plan land use designations: Low Density Residential (LDR) and Medium Density Residential (MDR). The project is proposing a total net density of approximately 9.9 dwelling units per net acre, which is within the allowed density range in the *Hayward 2040 General Plan*. The LDR land use designation allows for single-family residences and the MDR land use designation allows for a mix of housing types including detached, single-family homes. Anticipated future changes include additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. The project is considered an in-fill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

- **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.*

The project will allow for 41 new single-family homes, which provide additional single-family housing opportunities in the City.

- 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.*

The project is located in an established neighborhood near Downtown Hayward and a commercial corridor along B Street. Furthermore, recreational facilities such as the Hayward Japanese Gardens and San Felipe Community Park and educational facilities such as Hayward High School and Faith Ringgold School of Arts and Science are nearby.

- Land Use Policy LU-1.3 Growth and Infill Development: *The City shall direct local population and employment growth toward infill development sites within the city, especially the catalyst and opportunity sites identified in the Economic Development Strategic Plan.*

The project is surrounded by development on all sides, including other single-family homes, multi-family residential developments, and various commercial uses. As such, the project is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is not located within any specific plan area but is located within the Hayward Foothills Trail Special Design Overlay District and the Upper B Street Neighborhood Plan area and is consistent with those relevant policies. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

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

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to lot size, lot coverage, and setbacks. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RS (Single-Family Residential) District in this case. As proposed, the project meets the development standards of the RS District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of 41 new detached single-family homes, which is a permitted land use in the RS District.

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

As proposed, the new Planned Development district would establish the zoning development standards for this project and as conditioned, the project will comply with those standards. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions from the requirements of the HMC.

PLANNED DEVELOPMENT REZONE FINDINGS

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

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

The project is considered an in-fill development and will complete the neighborhood, which primarily consists of commercial development and a mix of housing types including detached single-family homes and multi-family residential developments. The project proposes detached single-family homes, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the LDR and MDR land use designations and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the LDR and MDR land use designations and compatible with the overall density of the surrounding residential neighborhood.

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

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within new public utility easements within the project site and connect to the existing utilities on 4th Street and B Street. The project will be served by new private streets that will provide direct access to B Street and Chestnut Street. While the existing roadways are sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks along 4th Street, B Street, and Chestnut Street to meet the City's current roadway standards.

C. **In the case of a residential development, that 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;**

The project is considered an in-fill development and will replace a vacant site with attractive single-family homes to complete the neighborhood. The scale and design of the homes are compatible with the existing neighborhood. The homes will also be served by both private and public open space within the development. Each home will have usable private outdoor yards and the project will provide a 7,065-square-foot group open space area. The development will also be well-integrated into the existing neighborhood since it will be served by new private streets with street parking and sidewalks providing vehicular and pedestrian access to and from B Street and Chestnut Street.

D. **In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location,**

and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

- E. **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; and**

The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in a timely manner.

- F. **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.**

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. To offset these requested exceptions, the project proposes to add rooftop solar panels on each home; a bedroom suite on the first floor of 14 homes to allow for aging in place and multigenerational lifestyles; and 7,065 square feet of group, common open space, which is not required for detached single-family homes.

The rooftop solar panels result in a more environmentally-sensitive development and the multigenerational-friendly floor plan allows the homes to accommodate a more diverse population. The group open space, which will be maintained by a homeowner's association, provides the future residents a usable, outdoor space for recreation and public interaction.

SITE PLAN REVIEW FINDINGS

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

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

The proposed 41 single-family residences would be compatible with on-site and surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the Upper B Street neighborhood, which is characterized by single-family and multi-family residences and commercial buildings that are one to two stories in height. The neighborhood consists of a mix of traditional architectural styles, including Cottage, Craftsman, and Victorian homes. The new homes would be similar in scale to other homes nearby. The development provides a diverse range of home sizes ranging from 1,452 to 2,223 square feet in size, which is consistent with the neighborhood. In addition, the new homes incorporate Victorian and Craftsman architectural styles to blend in with the existing neighborhood character. The building facades are articulated to

provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through exterior shutters, window sill treatments, front entry porches, detailed garage doors, and stone veneer. The new homes will have tile roofing and stucco exteriors with full wrap siding and the development provides a varied color palette, which provide additional architectural detailing and contribute to a diverse and interesting street scene. Overall, the homes are attractively designed and will improve the neighborhood by replacing a vacant, underutilized site associated with illegal trash dumping and homeless encampment with new development that is compatible with the neighborhood character.

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

The project takes into consideration physical and environmental constraints in that the scale and character of the new homes are consistent with the size and scale of homes in the surrounding neighborhood, which consists of Cottage, Craftsman, and Victorian homes that vary in size, height, and color. The new lots range between 2,012 or 5,020 square feet in size and the new homes will be two stories in height. The architectural design of the new homes and proposed lot sizes are compatible with the design and scale of the existing homes nearby and as such, the new development will blend into the existing neighborhood. In addition, the project is an in-fill development with minimal impact on the existing development pattern. Private streets will also provide access to the new homes, which will allow for safe and efficient vehicular circulation. The project is also required by the Hayward Foothills Trail Special Design Overlay District to incorporate a trail along the project frontage on 4th Street, which will help complete the envisioned trail network within the Hayward Foothills and provide pedestrian access along the east side of 4th Street, which currently does not exist. Furthermore, the project proposes to create a parcel along the northern end of the site adjacent to the creek that would remain free from development and be maintained by a homeowner's association and the new homes near the San Lorenzo Creek are located outside the required 20-foot creek setback area.

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

As previously discussed, the project is consistent with the LDR and MDR land use designations in the *Hayward 2040 General Plan*. The LDR land use designation is intended for single-family residential development and the MDR land use designation is intended for a mix of housing types including single-family residences. Additionally, the proposed density is within the allowable density range. The project is also consistent with the goals and policies of the *Hayward 2040 General Plan*, which encourage a diverse housing inventory and in-fill development. Furthermore, with the PD Rezone, the project meets all the applicable regulations of the Zoning Ordinance, including the development standards of the new PD District and applicable standards of the RS District. Therefore, the project complies with the intent of City development policies and regulations.

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

The project will operate in a manner determined to be acceptable and compatible with surrounding development in that the project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The proposed site improvements will also have to meet all City standards and details to the satisfaction of the Director of Public Works as shown on the final map and improvement plans. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. In addition, the project includes guest parking spaces and private streets, which will minimize potential parking and traffic impacts on 4th Street, B Street, and Chestnut Street after construction of the homes.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- B. The proposed MND was prepared by Rincon Consultants on behalf of the City of Hayward, Lead Agency, and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 30-day public review period between May 18, 2018 and July 2, 2018.
- C. The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.
- E. The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.