

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP (TRACT 8757), SITE PLAN REVIEW &
DENSITY BONUS APPLICATION NO. TM-25-0004
DRAFT FINDINGS FOR APPROVAL**

Vesting Tentative Map Findings

Pursuant to the State Subdivision Map Act §66474, the decision-making body shall make the following findings prior to recommending approval or approving a vesting tentative map:

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 development is consistent with all applicable City policies, including the *Hayward 2040 General Plan*. The project site is designated Retail and Office Commercial (ROC) within the *Hayward 2040 General Plan* which allows residential densities up to 17.4 dwelling units per net acre. The project is utilizing provisions of State Density Bonus Law and the City's Density Bonus Ordinance to develop attached residential units with a density of 24.2 dwelling units per acre. In accordance with California Government Code Section 65915 (f)(5), the granting of a density bonus shall not be interpreted as inconsistent with General Plan. As such, the project is fully consistent with the *Hayward 2040 General Plan*. The development further aligns with the following policies in the Housing and Land Use Elements of the *Hayward 2040 General Plan* which focuses on goals and policies to accommodate future growth and promote housing development.

- *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.
- *H-3.4 Residential Uses Close to Services*. The City shall encourage the development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- *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.

Lastly, the project site is not located within a specific plan area.

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 design and improvements are consistent with the *Hayward 2040 General Plan* as detailed above.

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

In accordance with the requirements of Subdivision Map Act §66490, a geotechnical investigation was completed for the development on May 28, 2025 by Quantum Geotechnical, Inc. and peer-reviewed by City staff, which concluded that the site was physically suitable for the type and density of development being proposed. Additionally, the property is of sufficient size to accommodate the proposed development in that it contains adequate space for the units in addition to the required parking, setbacks from surrounding development and emergency vehicle access. Furthermore, as noted in Site Plan Review Finding C, the project complies with all objective standards in the Zoning Ordinance, Subdivision Ordinance, Off-Street Parking Regulations and Bay-Friendly Landscape Ordinance with the allowable density bonus waivers granted by State Density Bonus Law and the Density Bonus Ordinance.

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

The proposed site is physically suitable for the proposed development as detailed in Vesting Tentative Map Finding C above.

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 surrounded by existing commercial, and residential uses and does not contain any environmentally sensitive habitat except for a small number of 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 the 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 Amador 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.

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 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 public health and welfare.

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 development will not conflict with existing easements for access through or use of the property in that no such access easements currently encumber the property.

Site Plan Review

Pursuant to HMC Section 10-1.3025, the decision-making body shall make the following findings prior to recommending approval or approving the Site Plan Review:

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

The development would include the demolition of an existing vacant office building and redevelopment of a parcel in the Santa Clara neighborhood within North Hayward to create 58 new housing units. The proposed site layout makes efficient use of the site by placing two buildings along Amador Street to create an aesthetically pleasing and engaging frontage while other buildings are orientated on-site to create secluded areas for open space. The project utilizes new landscape plantings to create a buffer between the commercial uses to the south and west.

Furthermore, the development is an attractive addition to the neighborhood with buildings that emulate the craftsman architectural style with their grand gable roofs, large windows, a cohesive mix of materials and an earth-toned color palette that complement the surrounding development. The project also includes two car garages, private open space, shared open space, and new landscaping to further enhance the project site.

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

The development takes into consideration physical and environmental constraints in that it will result in redevelopment of an underutilized infill site in North Hayward. The development is designed to integrate well with the surrounding neighborhood that is near employment centers, public facilities, and transportation routes. The placement of the buildings allows for the preservation of several large existing trees along the project frontage and western property line. Additionally, the project utilizes the existing sanitary sewer and public utility easements on site to minimize land-disturbing activities.

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

In accordance with State Density Bonus Law and the City's Density Bonus Ordinance, the proposed project is entitled to unlimited waivers from development standards that preclude the allowable density, and two concessions from requirements that would result in an actual and identifiable cost reduction. The project includes waivers from requirements related to the side-yard setback, building massing, open space area and open space amenities. With these waivers, the project is fully consistent with all applicable requirements of the Commercial Office (CO) district, Zoning Ordinance, Off-Street Parking Regulations, and all other applicable sections of the Hayward Municipal Code. The development is also fully consistent with the *Hayward 2040 General Plan* as described in Vesting Tentative Map Finding A.

Furthermore, the project substantially contributes to the City's Regional Housing Needs Allocation (RHNA) goals set forth in the Hayward 2023-2031 Housing Element by providing 53 above-moderate income units and 5 very-low-income units to the City's totals.

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

Once constructed, the proposed residential development will operate in a manner similar to the 155-unit residential townhouse development to the east which has been operating in harmony with the surrounding development for over 25 years. During construction, the project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, and 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, and use of equipment to prevent adverse impacts to surrounding development.

California Environmental Quality Act

The project is statutorily exempt from CEQA pursuant to California Public Resource Code (PRC) Section 21080.66 in that the project is a housing development project on a site less than 20 acres that meets all applicable eligibility requirements as demonstrated in the CEQA Checklist in Attachment VII. Furthermore, in accordance with PRC Section 21080.66, the City invited all California Native American tribe that are traditionally and culturally affiliated with the project to consult on the proposed project on July 15, 2025. The City received no requests to consult thus the consultation period closed on September 13, 2025.