

**CITY OF HAYWARD PLANNING DIVISION
APPLICATION NO. 201603891
TENTATIVE TRACT MAP 8353, PD REZONE AND MITIGATED NEGATIVE DECLARATION
WITH MITIGATION MONITORING AND REPORTING PROGRAM
DRAFT FINDINGS OF APPROVAL**

May 9, 2019

TENTATIVE TRACT MAP FINDINGS

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a 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 site is designated as SDR (Suburban Density Residential) in the *Hayward 2040 General Plan*. Density under this land use designation is 1.0 to 4.3 dwelling units per acre project plans show the project density at 2.5 dwelling units per net acres well within the range of the General Plan designation for the development site. The project is also consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward and is considered an in-fill development that will 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 subdivide an existing parcel into 22 lots and allow for 19 new single-family homes, which provides additional 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 in Hayward and is directly adjacent to Stonebrae Elementary School. Furthermore, the development site is close to Garin Regional Park that provides for recreational opportunities close to the development site.
- 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. As such, the project is considered an in-fill project, which is appropriate for new housing development.

In addition, the project is located within the *Walpert Ridge Specific Plan* and is consistent with relevant policies with exceptions granted by the City Council. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans with exceptions granted by the City Council allowable pursuant to the Plan.

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 minimum lot frontage, including cul-de-sac frontage, and minimum lot size as identified in the *Walpert Ridge Specific Plan*. With the PD Rezone and City Council allowance of Plan design exceptions, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot frontage, minimum cul-de-sac frontage and minimum lot size. The subdivision will allow the construction of 19 new single-family homes, which is permitted by the PD rezone.

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

The City Council can grant exceptions to the *Walpert Ridge Specific Plan* because such exceptions granted will be in keeping with the with the purpose and intent of the Plan. Staff believes that Council will support the proposed exceptions to the Plan since the exceptions are based on specific site conditions, grading constraints, or design considerations. As proposed, the new Planned Development district would establish the zoning development standards for this project where Plan exceptions granted by the Council will be part of the PD rezoning approval. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a formal variance request or any other exceptions from the requirements of the Hayward Municipal Code.

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 complement the existing neighborhood, which primarily consists of other existing single-family residential developments in the vicinity of the proposed development site. The project is compatible with the surrounding neighborhood. Additionally, the project is consistent with the SDR land use designation and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the SDR land use designations and compatible with the overall density of the surrounding residential neighborhood. The project also conforms to the *Walpert Ridge Specific Plan*, which affords a unique opportunity to offer housing that has expansive scenic views of open space and the surrounding Bay Area. Because of this exceptional site features, a prime opportunity exists to develop upscale single-family housing as well

as provide a prime open space and recreational amenity for the community through this project.

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 the project will be served by new private streets.

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, underutilized site with attractive new single-family homes to complete the neighborhood. The scale and design of the single-family homes are compatible with the existing neighborhood. The homes will also be served by private open space within the development. The development will also be well-integrated into the existing neighborhood since it will be served by new private streets with street parking near each new home.

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; 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.

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.

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to minimum lot size, minimum lot frontage, and minimum cul-de-sac frontage. To offset these requested exceptions, the project proposes the following amenities:

- EV Charging Stations available at all units
- All homes complete with solar panel installation (not only pre-wire)
- On-site open space “park” with panoramic views, seating, pathways, landscape.
- Shade providing and oxygen sequestering trees
- Pervious pavers
- Low flush toilets

- No invasive plant species
- Native and drought tolerant plant species (WELO compliant)
- Wildlife friendly planting
- Water efficient drip irrigation system (WELO compliant)
- Low energy LED light fixtures
- Attractive “good-neighbor” fences
- Energy efficient appliances
- Insulated windows and walls
- Efficient heating and air conditioning systems

The proposed project amenities and offsets are unique and will contribute to making this development a desirable place to live for many years to come.

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 David J. Powers and Associates on behalf of the applicant 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 March 22, 2019 and April 22, 2019.
- 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.