

**FINDINGS FOR ZONE CHANGE AND  
VESTING TENTATIVE MAP (TRACT 8359)  
APPLICATION NO. 201605551**

Findings for Zone Change to Planned Development (PD) District – Pursuant to Hayward Municipal Code (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 currently underutilized, infill site surrounded by existing development. It would tie into and continue the existing single family residential neighborhood located north and west of the project site while maximizing the density permitted under the Low Density Residential General Plan land use designation. While the development would deviate from the base Single Family Residential District standards regarding lot sizes, for about half of the homes, and yard setbacks, the deviations are minor and would not unduly encroach on or otherwise impact surrounding properties. In addition, the infill development is consistent with the following General Plan Goals and Policies:

- Policy LU-3.1 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.
- Policy H-3.10 No Net Loss Zoning: Consistent with Government Code Section 65863, the City shall consider the impacts of rezoning and general plan amendments of residential sites on the City's ability to meet its share of the regional housing need.

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

The proposed infill project site is surrounded by existing streets with access to utilities with adequate capacity to serve the proposed development. In addition, the project will be required to install frontage improvements along Hesperian Boulevard. A Mitigated Negative Declaration prepared for the project determined that it would not have significant impacts related to streets, public facilities, utilities and agencies as a result of the proposed development.

**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 continue the pattern of existing single family residential development to the north and west of the project site. The lots will be slightly reduced from the base district standard but the homes will contain front and rear yards adequately sized to provide outdoor space for residents. Any noise impacts to residents of the development will be mitigated by the installation of the sound wall along Hesperian Boulevard. In addition, the development will include amenities such as a small open space node that will provide dual use as a bioretention area; a pedestrian gate at the open space node will provide pedestrian access from the site to Hesperian Boulevard; and at least six of the homes would include accessory dwelling units.

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, as conditioned, will have adequate driveway space to park vehicles.

- 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 development is designed to continue the pattern of single family residential development located north and west of the projects site while maximizing development potential on the infill site to offer much needed housing in the region. To accomplish the goal of maximizing density on the infill site, the proposed PD District development requires smaller lots and reduced setbacks from the base district standards. 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 accessory dwelling units in a minimum of six of the homes to provide rental housing within walking distance of Chabot College and nearby services; installation of a mural, mosaic or other public art component on the new sound wall along Hesperian Boulevard; and, improvement of the existing sound wall from the northern property boundary along Hesperian Boulevard to West Street.

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 map is consistent with the allowable uses and densities permitted in the Low Density Residential 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. Further, 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.

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

A geotechnical investigation prepared by Engeo (dated January 11, 2016), found that the site is physically suitable for the proposed low density residential development. The proposed project site is generally flat and surrounded by a mix of residential, commercial and public facilities development. There is adequate access and infrastructure is in place to provide utilities and services to the project site.

**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. A geotechnical investigation prepared by Engeo (dated January 11, 2016), found that the proposed development is feasible and that the site is physically suitable for the proposed density.

**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 approximately 88 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 remaining trees and obtain permits to remove and adequately mitigate any trees being removed.

Because the development would result in the removal of trees, there could be impacts to nesting birds. To mitigate any impacts to nesting birds, a Mitigation Measure would require completion of pre-construction surveys prior to the issuance of permits for the project. The Mitigation Measure 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 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. The proposed private roadways and pedestrian facilities will be open and accessible to the public.

Finding for Approval of Infill Project Located within Airport Overlay Zone - Pursuant to HMC Section 10-6.20(b), the reviewing authority shall make the following findings for any project or activity subject to a discretionary approval within the Airport Overlay Zone.

**A. The project complies with the noise compatibility policies of the Airport Overlay Zone Ordinance.**

Although aircraft noise would occasionally be audible from the project site, it is located outside of the 65 dB CNEL noise contour areas for the Hayward Executive Airport and would therefore not be subject to the noise compatibility policies and requirements of the Airport Overlay Ordinance.

**B. The project or use complies with the residential density standards of the Airport Overlay Zone Ordinance.**

Pursuant to the Airport Overlay Ordinance, the maximum density for new residential development within the Airport Overlay Zone (AOZ) is set by the applicable General Plan land use designation. In this case, the proposed development is consistent with the Low Density Residential General Plan land use designation of 8.7 dwelling units per acre therefore it complies with the residential density standards of the AOZ.

**C. The project or use complies with the airspace protection policies of the Airport Overlay Zone Ordinance.**

The proposed single-family development would not constitute a hazard to air navigation in that the proposed homes would be less than 30 feet in height from grade

and 73 feet in height above mean sea level (amsl) where the maximum allowable height within the AOZ is 202 amsl. Additionally, the proposed single-family neighborhood would not generate glare, distracting lights, or electrical interference that could compromise aircraft communications.

**D. The project or use complies with the overflight policies of the Airport Overlay Zone Ordinance.**

The project site is located within Safety Compatibility Zone 3 – Inner Turning Zone; therefore, no specific overflight notification is required pursuant to the Airport Overlay Ordinance.