

**CITY OF HAYWARD PLANNING DIVISION
APPLICATION NO. 201704262
VESTING TENTATIVE TRACT MAP 8429, PD REZONE, SITE PLAN REVIEW AND
CALIFORNIA ENVIRONMENTAL QUALITY ACT INFILL CHECKLIST
420 SMALLEY AVENUE
DRAFT FINDINGS OF APPROVAL**

October 25, 2018

Proposal to Construct 8 Attached Townhouse Condominium Units and Related Site Improvements at 420 Smalley Avenue (APN 431-0008-020-00) by GKW Architects (Applicant) on behalf of Tommy Tam (Owner), Requiring Approval of a Vesting Tentative Tract Map 8429, Planned Development (PD) Rezone, and Site Plan Review, and the Adoption of a California Environmental Quality Act (CEQA) Infill Checklist. Application No. 201704262.

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 is designated MDR (Medium Density Residential), which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre, in the *Hayward 2040 General Plan*. The project is proposing a total net density of approximately 17 dwelling units per net acre, which is within the allowed density range in the *Hayward 2040 General Plan*. The MDR land use designation allows for a mix of housing types including multi-family residential developments. 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 proposes a condominium subdivision of an existing parcel to allow for 8 new townhomes, which will provide additional multi-family housing opportunities in the City. Additionally, one of the townhomes will be designated as a moderate-income affordable dwelling unit.

- 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 A Street. Furthermore, recreational facilities such as the Cannery Park and Centennial Park and educational facilities such as the Hayward Adult School and Burbank Elementary School are nearby. Additionally, Downtown and the Hayward BART Station are approximately a quarter mile to the east.

- 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 Burbank 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 minimum lot area per dwelling unit. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to minimum lot area per dwelling unit. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RM (Medium Density 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 8 attached townhomes, which is a permitted land use in the RM 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. 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 townhouse condominium units, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the MDR land use designations and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the MDR land use designation 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 the project site and connect to the existing utilities on Smalley Avenue. The project will be served by a new private driveway. 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 sidewalk along Smalley Avenue 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 an underutilized site with attractive townhomes to complete the neighborhood. The scale and design of the proposed building are compatible with the existing neighborhood. The townhouse units will also be served by both private and public open space within the development. Each unit will have usable private outdoor rear yards and the project provides a 1,660-square-foot common open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new driveway and sidewalks providing vehicular and pedestrian access to and from Smalley Avenue.

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 the development 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 an exception to the minimum lot area per dwelling unit. To offset these requested exceptions, the project proposes the following amenities:

- Rooftop solar panels on each home;
- One moderate-income affordable dwelling unit on site instead of paying the affordable housing in-lieu fee;
- A bedroom suite on the first floor of all units to allow for aging in place and multigenerational lifestyles; and
- 3,070 square feet of private and common open space, which exceeds the open space requirement for the development.

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 on-site affordable dwelling unit will provide a social benefit to the community. The 1,660-square-foot common open space area, which will be maintained by a homeowner's association, provides the future residents with a usable outdoor area for recreation and public interaction. Each home will have a private back yard and private balcony, which will provide additional outdoor space.

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 development 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 Burbank neighborhood, which is characterized by single-family and multi-family residences and commercial buildings. The neighborhood consists of a mix of traditional architectural styles, including Cottage and Craftsman homes. The proposed building would be similar in scale to other multi-family developments nearby. The development provides a diverse range of units ranging from 1,289 to 2,016 square feet in size. In addition, the new homes incorporate a mix of traditional and contemporary architectural styles to blend in with the existing neighborhood character. The building facades are articulated with wall offsets, private balconies, and front entry porches to provide

visual interest from all sides of the homes. The new homes will incorporate a standing seam metal roof and full wrap siding and the development provides varied colors and materials, 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 an underutilized site 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 proposed building are harmonious with the surrounding neighborhood, which consists of a mix of housing types including single-family homes and small multi-family developments. Although the project proposes a three-story building in a neighborhood consisting primarily of one- and two-story buildings, the height of the proposed building will be similar to the height of other two-story buildings in the area. The architectural design of the new homes is compatible with the design 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 and will only require the demolition of an existing single-family home on the site. A private driveway will also provide access to the units, which will allow for safe and efficient vehicular circulation.

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

As previously discussed, the project is consistent with the MDR land use designation in the *Hayward 2040 General Plan*. 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 RM (Medium Density Residential) District such as lot coverage, building setbacks, building height, and parking. Additionally, the project is required to repair and reconstruct existing sidewalk along Smalley Avenue to meet the City's street standards. The project will also provide bioswales to meet stormwater requirements and proposes landscaping in compliance with the City's water efficient landscaping standards. 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 a private driveway, which will minimize potential parking and traffic impacts on Smalley Avenue after construction of the development.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15183.3, an Infill Checklist was prepared for this project with the finding that no additional environmental review is required. The purpose of an Infill Checklist is to streamline the environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been previously addressed in a planning-level decision or would be addressed by uniformly applicable development policies. The Infill Checklist for this project tiers off the Environmental Impact Report (EIR) for the *Hayward 2040 General Plan* and confirms that the project would not have any significant effects on the environment that either have not already been analyzed in the *Hayward 2040 General Plan* EIR, are more significant than previously analyzed, or would not be substantially mitigated by uniformly applicable development policies.
- B. The proposed Infill Checklist 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 administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed Infill Checklist and its findings and conclusions as its source of environmental information; and the proposed Infill Checklist is legally adequate and was completed in compliance with CEQA.
- C. The proposed Infill Checklist identified all potential adverse impacts and based on the Infill Checklist and the whole record before the Planning Commission, there is no substantial evidence that the Project will have a significant effect on the environment.
- D. The project complies with CEQA, and the proposed Infill Checklist 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.