



SUBJECT

Proposed Demolition of an Existing Detached Residence and Construction of Three Residential Condominium Units on a 0.22-Acre Site Located at 477 Harris Road (Assessor's Parcel Number (APN) 453-0060-047-00, Requiring Approval of a Zone Change from Low Density Residential (RL) to Medium Density Residential (RM), Vesting Tentative Map, Site Plan Review and Finding that the Zone Change is Consistent with the Hayward 2040 General Plan EIR and the Proposed Development is Exempt Pursuant to the California Environmental Quality Act (CEQA), Application No. 202000576. Applicant: Michael Ryan, Michael Ryan Architects. Owners: Huting Cai, Jun Shen

RECOMMENDATION

That the Planning Commission recommend the City Council approve the proposed Zone Change, Site Plan Review and Vesting Tentative Map 11187, subject to the attached Findings (Attachment II) and Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval of Zone Change, Vesting Tentative Map, and Site Plan Review Application No. 202000576 to demolish an existing detached residence and construct three residential condominium units at 477 Harris Road. The 0.22-acre project site is currently zoned Low Density Residential (RL) with a Medium Density Residential (MDR) land use designation in the *Hayward 2040 General Plan*. The purpose of the Zone Change from RL to a Medium Density Residential (RM) is to allow for the construction of the three-story, three-unit building.

BACKGROUND

On July 1, 1948, the City of Hayward finaled Building Permit No. 7578 to construct a detached residential unit at 477 Harris Road. Between 1975 and 1981, several additions to the detached residential unit were submitted, approved and finaled by the City of Hayward.

On February 5, 2020, the Planning Division received Zone Change, Vesting Tentative Map, and Site Plan Review Application No. 202000576 to demolish the existing detached residential unit and construct three residential condominium units at the subject property. The existing detached residential unit is currently occupied by the property owner.

Public Outreach: On February 13, 2020, a Notice of Receipt of Application was mailed out to 201 property owners, residents, businesses, and community groups (Harder-Tennyson Neighborhood Task Force, Harder-Tennyson Community Org (HATCO), South Hayward

Neighborhood Group and South Hayward Parish) within 300 feet of the project site. Staff received no public comments.

On April 25, 2025, notices of this public hearing were sent to all property owners and residents within a 300-foot radius of the project site and were published in *The Daily Review*. To date, staff has not received any correspondence from the public on this project.

PROJECT DESCRIPTION

Existing Conditions: The project site is located within the Harder/Tennyson neighborhood, which is in South Hayward. The site is a 0.22-acre rectangular parcel (Assessor's Parcel Number (APN) 453-0060-047-00) along Harris Road. The project site is generally flat and developed with a detached residence, and an accessory building.

The project site is surrounded by single-family residential uses to the east and south, a 22-unit multi-family apartment building (Greenleaf Apartments) to the north and two 6-unit multi-family apartment buildings to the west (503 Harris Road and 515 Harris Road). Additionally, there is one non-residential use surrounding the subject property which is a religious facility (Iglesia de Dios) to the south.

The project site is located approximately 0.9 miles west of South Hayward BART, approximately 0.9 miles east of I-880, approximately 500 feet west of AC Transit bus route 41 on Manon Avenue and approximately 0.4 miles north of AC Transit bus routes 60 and 86 on Tennyson Road. Vehicular and pedestrian access to the site is from Harris Road. Within the vicinity of the site, there are also Class II bicycle facilities located on Huntwood Avenue and Tennyson Road. The site is also in proximity to Tennyson Park, Weekes Park, the Weekes Library, the Stack Community Center, and Mia's Dream Come True playground.

Project Description: The project proposes to construct a three-story building with three residential condominium units. The proposed building incorporates a modern architectural style that includes a flat roof, varied wall planes, large windows, and an earth-toned color palette. All the units have four bedrooms and 3 or 4 ½ baths, ranging in size from 2,458 to 3,391 square feet. Each unit will feature a two-car garage with an additional uncovered visitor parking space provided on the site.

The project includes a variety of private and common open spaces. Each unit has two private balconies and access to the shared open space. The shared open space in the rear includes a seating area, barbeque and landscaping which can be accessed via a shared pedestrian pathway along the western property line. Access to the shared pathway is limited by fencing and two pedestrian gates. The mailbox is also located behind the secured pedestrian gates adjacent to the shared pathway.

New landscape plantings are proposed along Harris Road, along the driveway and along the rear property line. The plantings will include a variety of drought-tolerant trees, shrubs and ground cover consistent with the Bay Friendly Water Efficient Landscape Ordinance. The project proposes the removal of seven trees and the installation of six new trees. Only one of the removed trees is protected which is discussed in greater detail in the Code

Compliance Section below. A copy of the site and landscaping plans are included as Attachment IV.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan: The project site is designated Medium Density Residential (MDR) in the *Hayward 2040 General Plan*¹, which allows residential densities ranging from 8.7 to 17.4 dwelling units per acre. This land use designation allows for detached residential units, attached residential units and supportive compatible uses. The project is consistent with the *Hayward 2040 General Plan* in that the development proposes attached residential units with a density of 13.6 dwelling units per acre and is also consistent with the following:

- *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.

The project's consistency with the *Hayward 2040 General Plan* is discussed further in the project Findings (Attachment II).

Zoning Ordinance: The project site is located within the Low Density Residential (RL) zoning district². The applicant is requesting to rezone the parcel to the Medium Density Residential (RM) zoning district³ to allow for the development of a three-story building. Besides the number of stories, the proposed development is consistent with all RL and RM development standards as shown in Table 1. The zone change will make the subject property's zoning consistent with the General Plan.

Table 1: Zoning Compliance

| Development Standard | RL Requirement | RM Requirement | Proposed | Consistent |
|------------------------|----------------|----------------|-----------|--------------|
| Min. Lot Size | 5000 sf | 5000 sf | 9398 sf | Yes |
| Min. Lot Frontage | 35 ft | 35 ft | 68.12 ft | Yes |
| Min. Average Lot Width | 50 ft | 60 ft | 70.51 ft | Yes |
| Max. Rear Lot Coverage | 40% | - | 0% | Yes |
| Min. Average Lot Depth | 80 ft | 80 ft | 131.37 ft | Yes |
| Min. Front Setback | 15 ft | 10 ft | 20 ft | Yes |
| Min. Side Yard Setback | 5 ft | 5 ft | 6.81 ft | Yes |
| Min. Rear Yard Setback | 20 ft | 10 ft | 20 ft | Yes |
| Height | 30 ft | 40 ft | 28 ft | Yes |
| Stories | 2 Stories | 3 Stories | 3 Stories | Only with RM |

¹ Hayward 2040 General Plan: <https://www.hayward-ca.gov/2040-General-Plan>

² RL Zoning District: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200REDI

³ RM Zoning District: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200REDI

Furthermore, the proposed building is consistent with all the applicable building massing and façade design standards within the residential zoning districts. The project incorporates a total of 80 façade design points when only 50 points are required, as shown in Table 2.

Table 2: Façade Design Compliance

| Design Element | Point Value | Points Received |
|--|-------------|-----------------|
| At least every 30 feet along the street facing front building façade, horizontal eaves shall be broken by at least one of these strategies: <ul style="list-style-type: none"> Inclusion of gables Change in the roof height by a minimum of 2 feet Inclusion of dormer windows | 30 | Yes |
| At least two distinct building materials that each make up at least 25 percent of the total building facades | 20 | Yes |
| At least one balcony for all street facing units with no dimensions less than 5 feet | 20 | Yes |
| At least one bay window or box window along the street-facing front facade with a minimum projection of 18 inches from the façade | 10 | Yes |
| Total Points Received | 80 | |

Furthermore, in accordance with Section 10-1.3425⁴ of the Hayward Municipal Code, the Planning Commission and City Council must make the following findings to approve the proposed rezoning:

- Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.
- The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.
- Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.
- All uses permitted when property is reclassified will be compatible with present and potential future uses, and, further, a beneficial effect will be achieved which is not obtainable under existing regulations.

The project's consistency with these Findings is discussed below and in Attachment II.

Site Plan Review: In accordance with Section 10-1.3025⁵ of the Hayward Municipal Code, Site Plan Review is required for all projects that materially alter the appearance and character of the property. As such, the development of three residential condominium units requires Site Plan Review. The Planning Commission and City Council may approve or conditionally approve a Site Plan Review application when the following findings are made:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the city;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City policies and regulations;

⁴ Rezoning Findings: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3400AM_S10-1.3425PLCOPR

⁵ Site Plan Review Findings: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE_S10-1.3025FI

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

The project's consistency with these Findings is discussed below and in Attachment II.

Tentative Map: The project includes a Vesting Tentative Map (No. 11187) for condominium purposes to allow each of the three residential units to be owned separately. Pursuant to Section 10-3.150⁶ of the Hayward Municipal Code, the Planning Commission must make the following findings in order to recommend approval a Vesting Tentative Map by the City Council:

- The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
- The proposed subdivision meets the requirements of the City Zoning Ordinance; and
- No approval of variances or other exceptions are required for the approval of the subdivision.

Additionally, pursuant to Section 66474 of the State Subdivision Map Act⁷, the Planning Commission must also make the following findings in order to recommend approval of the Vesting Tentative Map by the City Council when approving a Vesting Tentative Map:

- The proposed map is consistent with applicable general and specific plans as specified in Government Code Section 65451;
- The design or improvement of the proposed subdivision is consistent with applicable general and specific plans;
- The site is physically suitable for the type of development being proposed;
- The site is physically suitable for the proposed density of development;
- 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;
- The design of the subdivision or type of improvements is not likely to cause serious public health problems; and
- 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.

The project's consistency with these Findings is discussed below and in Attachment II.

Tree Preservation Ordinance: The proposed project is subject to requirements set forth in the Tree Preservation Ordinance⁸ to protect significant trees and ensure removal of trees provides benefits for the neighborhood. There are currently ten trees on the project site; one which is considered "protected" and subject to the Tree Preservation Ordinance. The project proposed to remove seven trees including one protected tree, protect two existing trees and

⁶ HMC Tentative Map Findings: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR_GERE_S10-3.150ADAGAPAU

⁷ Subdivision Map Act Tentative Map Findings: https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=66474

⁸ Tree Preservation Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR_S10-15.10PUIN

plant six new trees. The protected tree is a 22" diameter Sycamore tree along the project frontage. The Arborist Report prepared for this project noted the tree is in poor condition and valued at \$3,110. To mitigate the loss of the one protected tree, the applicant will upsize three street trees and provide three additional trees along the rear property line, which have a value of \$4,500. The City's Landscape Architect has reviewed the request and supports the tree mitigation proposed. The six other trees that are to be removed are predominately small fruit trees within the rear yard which are not protected under the current Tree Preservation Ordinance.

Regional Housing Needs Allocation & Affordable Housing Ordinance: Local jurisdictions report progress annually on meeting their Regional Housing Needs Allocation (RHNA) goals which are included in the City's Housing Element. The 6th Cycle Housing Element (2023-2031) was adopted by the City Council on February 7, 2023, and subsequently certified by the State Department of Housing and Community Development in July 2023. In the next eight-year cycle (2023-2031), the City is required to build 4,624 units at a variety of income levels. According to the Housing Element, Appendix C, Table C-3, Planned, Approved and Pending Projects, there are a total of 2,073 units that are approved or otherwise pending at various income levels during the upcoming cycle. The proposed development would add 3 above-moderate income units to the City's above moderate-income housing unit totals.

The project is subject to the requirements set forth in Hayward Municipal Code Chapter 10, Article 17-Affordable Housing Ordinance⁹. An applicant may satisfy the requirements of the ordinance by paying an affordable housing in lieu fee or including affordable units within the proposed development. The applicant has elected to pay the applicable in-lieu fees for the project. Under the current Master Fee Schedule¹⁰, the affordable housing in-lieu fee for the project will be approximately \$160,809 if paid at building permit issuance or \$176,890 if paid at the issuance of the occupancy permit. The affordable housing in-lieu fee will be used to increase the supply of affordable housing in the city by funding new construction, acquisition of affordability covenants and substantial rehabilitation of existing housing.

Park Impact Fees: The Hayward Municipal Code, Chapter 10, Article 16 – Property Developers-Obligations for Parks and Recreation¹¹, sets forth the parkland dedication requirements for developments based on the residential unit count. Pursuant to the Ordinance, the applicant must pay fees in lieu of land dedication (also referred to as park impact fees). Under the current Master Fee Schedule, the park impact fee rates are \$26,148 for a four-bedroom unit. The proposed development features three four-bedroom units and as such, the developer will be obligated to pay \$78,444 in park impact fees.

DISCUSSION

Staff believes the Planning Commission can recommend approval of the project based, on the analysis below and per the findings and conditions of approval (Attachment II and III, respectively). Staff also believes the project complies with the intent of City development

⁹ Affordable Housing Ordinance: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOOR

¹⁰ Master Fee Schedule: <https://www.hayward-ca.gov/your-government/documents/master-fee-schedule>

¹¹ Property Developers – Obligations for Parks and Recreation: https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART16PRDEBLPARE

policies and regulations, including the *Hayward 2040 General Plan*, the Zoning Ordinance, and the Subdivision Ordinance. Key findings from staff's analysis are described below.

The proposed demolition of an existing detached residence and the construction of three residential condominium units requires a rezoning from Low Density Residential (RL) to Medium Density Residential (RM), to allow for the construction of a three-story building. Unlike the applicable RL district, the RM district allows for the development of three-story buildings. However, with the exception of the number of stories, the proposed development complies with all other RL and RM district standards, including building height. Specifically, the project would be 28 feet in height, where 30 feet is permitted in the RL District and up to 40 feet in the RM District. The project will add much needed residential units to Hayward while maintaining the existing development pattern in the area.

The development of the site under the RM district standards will also be more compatible and consistent with the City's current vision than the existing RL District. The site has a General Plan land use designation of Medium Density Residential (MDR) and is surrounded by parcels with the same land use designation. The project is adjacent to two larger residential projects with densities that range from 23 to 30 dwelling units per acre. This project has a density of 13.6 thus serving as a transition between the higher densities to the north and east and the lower densities to the east and south.

Furthermore, staff believe the development is designed to integrate well with the surrounding residential neighborhood in that the building is positioned closer to the denser, multi-story residential developments and farther away from the detached residences.

ENVIRONMENTAL REVIEW

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15168, a Program Environmental Impact Report (EIR) was prepared for the *Hayward 2040 General Plan*. On July 1, 2014, the City Council adopted Resolution No. 14-108, approving the Hayward 2040 General Plan Program Environmental Impact Report (EIR)¹². In accordance with Section 15164 of the CEQA Guidelines, a lead agency shall prepare an addendum to a previously certified EIR if changes are necessary. However, none of the conditions described in Section 15162 calling for preparation of a subsequent EIR will occur as a result of the proposed Zone Change, and the said Zone Change is fully consistent with the General Plan Land Use diagram.

Based on the analysis provided in this staff report, the proposed development will not result in any new or unanticipated traffic, residential density, or construction impacts that were not previously identified in the General Plan and General Plan EIR. Furthermore, the proposed development is also exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15303 (New Construction or Conversion of Small Structures) and Section 15315 (Minor Land Divisions) because the project involves the construction of no more than six dwelling units and the creation of four or fewer parcels within an urbanized area. As such, no further environmental review is necessary.

¹² Hayward 2040 General Plan Program EIR: https://www.hayward-ca.gov/sites/default/files/documents/Hayward%20GPU%20Public%20Release%20Draft%20EIR_1-30-14.pdf

NEXT STEPS

Following the Planning Commission hearing and recommendation, the item is scheduled for City Council consideration at a public hearing tentatively scheduled for May 20, 2025.

Prepared by: Taylor Richard, Associate Planner

Recommended by: Leigha Schmidt, Principal Planner

Approved by:



Jeremy Lochirco, Planning Manager



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