

**CITY OF HAYWARD PLANNING COMMISSION
PROPOSED VESTING TENTATIVE TRACT MAP 8600, DENSITY BONUS AND
ENVIRONMENTAL REVIEW APPLICATION TM-23-0009
27865 MANON AVENUE, APN: 453-0090-014-00**

DRAFT FINDINGS FOR APPROVAL

Findings for Vesting Tentative Tract Maps – In accordance with Chapter 10, Article 3 of the Hayward Municipal Code, in order for a vesting tentative tract map to be approved, the decision-making body shall make the following findings:

A. The proposed subdivision is not in conflict with the General Plan and applicable specific and neighborhood plans.

The Medium Density Residential (MDR) land use designation of the *Hayward 2040 General Plan* allows a residential density range of 8.7 to 17.4 dwelling units per net acre. As is permitted by State Density Bonus Law, the previously approved townhome project associated with the proposed subdivision exceeds the residential density permitted by the MDR designation by approximately 30 percent in exchange for deed-restricting two units as permanently affordable to very low-income households. The MDR land use designation generally applies to suburban and urban areas that contain a mix of housing types. Typical building types include detached homes, duplexes, triplexes, fourplexes, townhomes, and multi-story apartment and condominium buildings. As such, the proposed subdivision is consistent with the MDR land use designation including the following policies in the General Plan:

- *Land Use Policy LU-1.4:* The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- *Housing Policy H-3.1:* The City shall continue to 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, Accessory Dwelling Units (ADUs), and units in mixed-use developments.
- *Housing Policy H-3.4:* The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

B. The proposed subdivision meets the requirements of the City Zoning Ordinance.

The project site is within the Medium Density Residential (RM) zoning district, which allows for a range of housing types, including attached townhome-style development. The project's site plan and building design were all found to be in compliance with the applicable standards of the RM zoning district when the Zone Change and Site Plan Review application was approved by the Council in 2022, and no changes to the approved buildings or site layout are proposed. Further the proposed subdivision is

consistent with all minimum lot requirements of the RM zoning district. As a result, the proposed subdivision is consistent with the City Zoning Ordinance.

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

No variances or other exceptions are required for the approval of this project with the exception of two density bonus waivers related to the placement of a security fence as permitted by State Density Bonus law.

CEQA Findings – The following findings are made in support of exempting this subdivision from further environmental review:

1. In 2014, the City certified the EIR for the *Hayward 2040 General Plan*. Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the General Plan.
2. An Infill Consistency Checklist was prepared as part of the previously approved Zone Change and Site Plan Review application, which tiered off the Hayward 2040 General Plan EIR. The checklist concluded that the proposed project would not have any new or more significant effects on the environment than were previously analyzed in the General Plan EIR. As a result, no further environmental analysis was required.
3. The proposed Vesting Tentative Tract Map and modified Affordable Housing/Density Bonus Plan propose no changes to the buildings, landscaping, grading, and site improvements that were analyzed in the previous Infill Consistency Checklist. As a result, no further environmental analysis is required.