

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP APPLICATION NO. TM-25-0001 (TRACT 8762)
RUSSELL WAY GARDEN CONDOMINIUMS – 1289 RUSSELL WAY
DRAFT FINDINGS FOR APPROVAL**

Findings for Vesting Tentative Tract Maps – In accordance with the Subdivision Map Act, in order for a vesting tentative tract 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 General Plan in that it features a density of 117 units per net acre when 110 units per net acre is the maximum allowed under the Central City-Retail & Office Commercial (CC-ROC) land use designation of the *Hayward 2040 General Plan*, with the seven excess units being permitted as a result of the previously approved Density Bonus, as allowed under the City's Density Bonus Ordinance and State Density Bonus Law. The subdivision is also consistent with the following General Plan goals and policies:

- Land Use Policy LU-1.4: Revitalization & Redevelopment. The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth.
- Land Use Policy LU-2.5: Downtown Housing. The City shall encourage the development of a variety of housing opportunities, including housing units above ground-floor retail and office uses, in the Downtown to:
 - Increase market support for businesses,
 - Extend the hours of activity,
 - Encourage workforce housing for a diverse range of families and households,
 - Create housing opportunities for college students and faculty, and
 - Promote lifestyles that are less dependent on automobiles.
- Land Use Goal LU-3: Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.
- Housing 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.
- Housing 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.

Furthermore, the subdivision is also consistent with the following goals and policies of the Downtown Specific Plan:

- Goal #1 – Land Use: Downtown is transformed into a vibrant, walkable City center that serves as regional destination to live, work, and play for City residents, neighboring communities, and local college students.
- Goal #3 - Housing: A wide variety of housing types are available to meet the economic and physical needs of a diverse population.
- Policy H 1 – Housing Supply: Encourage residential development at the maximum density allowed in the General Plan, where feasible, to spur more housing production, including affordable and market rate housing, and attract a wide spectrum of people to live Downtown.
- Policy H 2 – Affordable Housing: Strongly encourage the production of on-site affordable housing in the Plan Area, including options for extremely low, very low, low and moderate-income households, consistent with the Inclusionary Housing Ordinance.

B. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]

The design of the proposed subdivision is consistent with the density range prescribed for residential projects by the CC-ROC General Plan land use designation with the density bonus afforded the project under the City's Density Bonus Ordinance and State Density Bonus Law, as well as the specific General Plan and Downtown Specific Plan goals and policies outlined in Finding (A), above. All necessary utilities, including water, sewer, gas/electricity and storm drain facilities, will be provided and connected to the existing utility lines serving the neighborhood in the Russell Way public right-of-way to accommodate the proposed development and be required to be constructed in accordance with the applicable City and Pacific Gas & Electric Company (PG&E) standards.

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

A Geotechnical Investigation was conducted by Wayne Ting & Associates, Inc. on September 14, 2022, which demonstrates that the site is physically suitable for the proposed type of development provided that the recommendations presented in the report for site preparation and compaction, as well as the design of all in-ground and subsurface structures and facilities, including foundations, driveways and utility trenches, are adhered to. Conditions of approval have been included requiring adherence to the recommendations contained in the Soil Investigation Report.

D. That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

A Geotechnical Investigation was conducted by Wayne Ting & Associates, Inc. on September 14, 2022, which demonstrates that the site is physically suitable for the proposed density of development provided that the recommendations presented in the report are adhered to. Additionally, the property is of sufficient size to accommodate the proposed density of development in that it contains adequate room for the building and its driveway, as well as the required separation from surrounding development, and

emergency vehicle access to all the units within the building that conforms to the applicable City standards.

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 surrounded by existing residential uses and does not contain any environmentally sensitive habitat except for three existing trees and two densely growing trees next-door to the east that are currently growing over the property line. As conditioned, bird species that may be nesting or foraging in the trees will be protected by requiring pre-construction surveys of the trees in accordance with the requirements of the Federal Migratory Bird Treaty Act. Furthermore, the design of the subdivision and the improvements needed to construct and provide services to it will not cause substantial environmental damage in that there are existing utilities in place within Russell Way that the project will be able to connect to without requiring extensions or upsizing. A geotechnical investigation was conducted for the project which confirmed that the subdivision could be developed safely on the site from a geological standpoint as long as the recommendations in the investigation were followed during its construction (a condition of approval has been included requiring adherence to the investigation's recommendations).

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 utilizes an infill site surrounded by existing infrastructure with adequate capacity to serve the proposed subdivision. The improvements to be installed for the subdivision, including the necessary infrastructure, grading, foundations, and structure will all be required to comply with the applicable engineering and life safety standards which ensure that they function properly and safely with no adverse effects on the public health and welfare.

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 in that no such easements currently encumber the property. Further, the project will dedicate approximately eight (8) feet of additional right-of-way to enable the Russell Way public right-of-way to be widened along its frontage to provide sufficient emergency vehicle access to the upper floors and rooftop of the building in compliance with the California Fire Code.

CEQA Findings:

1. The proposed subdivision is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15332, In-Fill Development

Projects, in that it is a project: (a) that is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; (b) that occurs within Hayward city limits on a site of no more than five acres substantially surrounded by urban uses; (c) that is located on a site that has no value as habitat for endangered, rare or threatened species; (d) whose approval would not result in any significant effects relating to traffic, noise, air quality or water quality; and (e) that can be adequately served by all required utilities and public services.