

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP & SITE PLAN REVIEW
APPLICATION NO. 201902285
1434 GROVE WAY**

DRAFT FINDINGS FOR APPROVAL

VESTING TENTATIVE MAP

Pursuant to Hayward Municipal Code Section 10-3.150 and the Subdivision Map Act, in order for a vesting tentative tract map to be approved, the Planning Commission shall make the following findings:

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

The proposed vesting tentative map is consistent with the Commercial/High Density Residential (CHDR) land use designation of the *Hayward 2040 General Plan* because the proposed density is 20 units per net acre where a maximum density of 34.8 units per net acre is allowed. Per the General Plan, no minimum density is prescribed. Furthermore, the proposed subdivision is also consistent with the following General Plan policies:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- 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-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

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

Pursuant to HMC Section 10-1145, multi-family dwelling standards shall follow those set forth in the Medium Density Residential (RM) District or High Density Residential (RH) District, respectively, whichever is most consistent with the applicable General Plan designation. For this project, the most consistent zoning district to the Commercial/High Density Residential (CHDR) land use designation is the RH, High Density Residential District. The proposed townhome development, as proposed and conditioned, is consistent with all development standards and the permitted uses for the RH zoning district related to building setbacks, building height, lot coverage, lot size and open space; and the proposed subdivision is also consistent with the regulations of the Article 3, Subdivision Ordinance.

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

The proposed subdivision does not require the approval of any variances or exceptions. The subdivision will be compliant with the Hayward Municipal Code with respect to the Zoning Ordinance and Subdivision Ordinance.

SITE PLAN REVIEW

Pursuant to Hayward Municipal Code Section 10-1.3025, the Planning Commission may recommend approval of an application when all of the following findings are made:

A. The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;

The proposed development is compatible with surrounding structures and uses, which includes a mix of commercial and residential development. Specifically, the townhome development would provide an intensification of uses between the commercial development to the west and the lower density residential development to the west of the project site, thus contributing to the mix of structures and uses within the vicinity of the project site. Moreover, the proposed architecture is generally a contemporary style with some traditional elements integrated in the design, such as horizontal wood siding, stone veneer, and stucco. The buildings will also provide variation and massing breaks with the use of gable and shed roofs, balconies and recesses, modulation of the façades, and the use of enhanced building materials and a multi-tone color palette. The project will also feature new landscaping and lighting, and include numerous site and right-of-way improvements for both vehicles and pedestrians along Grove Way. The result is a residential development that is aligned with the goals of the *Hayward 2040 General Plan*.

B. The development takes into consideration physical and environmental constraints;

The development takes into consideration the physical and environmental constraints of the site because the project proposes to redevelop an underutilized, 0.35-acre site with five new residential townhome units, guest parking, bicycle parking, two common areas, and expanded vehicular and pedestrian access along Grove Way. The site slopes gently upward from west to east along Grove Way and Oak Street. The existing site does not have value as habitat for endangered, rare, or threatened species; and, as conditioned, construction of the project would not result in any significant impacts relating to noise, air quality or water quality. The project site is within City limits and is adequately served by all required utilities and public services.

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

The project site is designated Commercial/High Density Residential (CHDR) in the *Hayward 2040 General Plan*. This land use designation allows residential development, including single-family attached homes and multifamily homes, at a maximum density of 34.8

dwelling units per net acre. The project proposes five residential units on 0.25 net acre, which is a density of 20 dwelling units per net acre. Therefore, the project is consistent with the site's General Plan land use designation.

The project is also consistent with several General Plan Goal and Policies, including but not limited to the following:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- 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-3.1).
- The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

The proposed project is also consistent with the City's Zoning Ordinance and related development standards. The project site is zoned Commercial Office (CO), which allows for a variety of administrative, professional, business, and financial service uses as well as allows a variety of residential uses. Pursuant to Hayward Municipal Code Section 10-1145, multi-family dwelling standards shall follow those set forth in the Medium Density Residential (RM) District or High Density Residential (RH) District, respectively, whichever is most consistent with the applicable General Plan designation. The most consistent zoning district to the CHDR General Plan land use designation is the RH District. As detailed in the staff report, the proposed development is consistent with the applicable development standards set forth in the RH District and no variances or exceptions are proposed.

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

The development will be operated in a manner determined to be acceptable and compatible with surrounding developments because the proposed project is a townhome development, which is similar to other residential uses adjacent to the project site. Multi-family residential is permitted by-right within the CO zoning district, and multifamily uses are intended within the CHDR General Plan land use designation.

Additionally, during construction, the proposed project will be subject to all applicable provisions of the Hayward Municipal Code related to construction, maintenance, and landscaping of the project site. The proposed development will be required to adhere to the Conditions of Approval applicable during construction including standard procedures of site preparation and development, permitted hours of construction activity, and construction stormwater management.

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, In-Fill Development, because the project, as analyzed above, (1) is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulation; (2) is located on a 0.35-acre site in an urbanized area within the City of Hayward; (3) has no value, as habitat for endangered, rare or threatened species; (4) would not result in any significant effects relating to traffic, noise, air quality, or water quality; and (5) can be adequately served by all required utilities and public services.