

**FINDINGS FOR ZONE CHANGE &  
VESTING TENTATIVE MAP (TRACT 8502)  
APPLICATION NO. 201806355**

Zone Change to Planned Development (PD) District – Pursuant to HMC Section 10-1.2535, the decision-making body shall make the following findings prior to recommending approval or approving a zone change requires to PD District:

**A. The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies.**

The proposed development is consistent with the overall vision for development along Mission Boulevard, the South Hayward BART/Mission Boulevard Form Based Code, and the applicable *Sustainable Mixed Use, Regional and Office Commercial* and *Medium Density Residential* General Plan land use designations. In addition, the project as a whole adheres closely with the S-T4 (South Hayward Form Based Code, T4) District development standards related to building form, height, open space design, limited parking, building orientation on the lot and design of building interface with public spaces in order to create a cohesive and consistent site plan and development program across the site. To manage parking demand, the project would include a robust set of trails, paseos and open spaces as well as be required to implement a Transportation and Parking Demand Management measures to reduce single occupancy vehicle use which are consistent with the Mobility Element of the *Hayward 2040 General Plan* and Climate Action Plan. The proposed development is consistent with multiple General Plan goals and policies including:

- Support development of compact, mixed use and walkable neighborhoods within the City's Priority Development Areas; near regional transit; within the South Hayward neighborhood; and that integrates a mix of land uses into new and established neighborhoods (General Plan Land Use Goal 2 and Policies LU-1.5, LU-1.6, and LU-2.8).
- Create complete neighborhoods with a mix of densities and uses and that provide convenient access to parks and other community amenities and foster commercial and social activity for nearby residents and businesses (LU Goals 3 and 4 and Policies LU-3.5, LU-4.1, LU-4.3 and Housing Element Policies H-3.4).
- Design mixed-use neighborhoods to place retail frontages and outdoor gathering spaces along the public right-of-way while locating parking at the rear of the building; and enhance development with landscaping, lighting, planters and other amenities. Develop highly connected block and street networks; provide alley loaded garages for townhome development; locate parking for multifamily development below apartment buildings; and ensure that windows front streets and public right-of-way (Policies LU-3.4 and LU-3.5).
- Develop a comprehensive, integrated and connected network of transportation facilities to serve all modes of travel (Mobility Goal 1 and Policy M-8.4).

- Encourage active lifestyles and the development of urban infill parks where traditional, large-scale neighborhood and community parks are not appropriate; and construct infrastructure improvements in existing neighborhoods to enable people to drive less and walk, bike or take public transit more (Health and Quality of Life Goal 2 and Policies HQL-10.4 and HQL-11.2)
- To allow for flexible development standards and mixed-density development projects within a single development project on multiple parcels in order to facilitate the development of housing available to all income levels (Policies H-3.1, H-3.4, LU-3.6 and H-4.1).

This proposed development plan is also consistent with the surrounding development in that it will place the highest density and highest intensity mixed use development along Mission Boulevard near commercial and mixed-use development, and place the lower density townhomes at the rear of the site nearest the lower density residential neighborhoods and future La Vista Park.

**B. Streets and utilities, existing or proposed, are adequate to serve the development.**

The proposed infill project site is surrounded by existing streets and has access to utilities with adequate capacity to serve the proposed development. In addition, the project will be required to install frontage improvements along all property frontages and to fund transportation-related improvements, including signal timing adjustments for identified intersections. An Infill Checklist was prepared for the project and found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in Environmental Impact Reports (EIRs) prepared for the *Hayward 2040 General Plan* and South Hayward BART/Mission Boulevard Specific Plan and Form Based Code. Any project impacts can be mitigated with the application of specific and Standard Conditions of Approval applicable to all development projects.

**C. 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 or neighborhoods.**

The proposed development will create a residential environment of sustained desirability and stability because it will contain a mix of land uses and housing types within the development. Specifically, the mixed-use buildings would contain approximately 10,800 square feet of ground floor commercial space, a daycare facility, and 66 condominium units, including twenty which would be deed restricted for moderate-income households. The rear portion of the site would be developed with 123 townhomes within 23 building ranging from four-plexes to seven-plexes connected by paseos, a multi-use bicycle and pedestrian path that would traverse the

project site, and a mix of small and large open spaces including a plaza/park between the mixed use buildings, a large-scale dog park and small pocket parks. Consistent landscaping, street furniture and decorative paving will further provide a cohesive identity for the project.

Overall, the proposed architecture will lend to the sustained desirability of the neighborhoods. The project has a contemporary architectural style with flat roofs and horizontal and vertical building elements differentiated by off-set planes and a variety of colors and materials. The ground floor commercial storefronts stretching along Mission Boulevard would have substantial glazing, a projecting canopy, steel tube columns and decorative streetscape elements such as concrete planters and bollards, and the ground floor garages would have large openings screened with perforated metal screens to allow in light and to break up the ground floor massing.

The project site would create an environment of sustained desirability and stability in that it would be connected through a multi-use bicycle and pedestrian trail that would run north-south through the project site connecting the project and developments south of the project site to the future La Vista Park at Tennyson Road, as well as a series of paseos, sidewalks, and a variety of small and large open spaces for residents and visitors to the site. The open spaces would be privately maintained by the Homeowners Association.

- D. **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.**

The development is not intended to be phased. The applicant is required to enter into a Subdivision Agreement prior to the approval of the final map that would guarantee completion of all improvements, including planned common open spaces and facilities. The Agreement includes surety and insurance to ensure the planned improvements are conducted in a timely manner and prior to occupation of the residential units.

- E. **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, which, in the judgment of the Planning staff provides for a high quality and attractive development.**

As described in Zone Change Finding A above, the proposed development is consistent with the overall vision for development along Mission Boulevard, the South Hayward BART/Mission Boulevard Form Based Code, and the applicable General Plan land use designations in that it will place the highest density and intensity development along Mission Boulevard nearest transit while reducing density towards the east near the higher elevations of the site. A Zone Change to PD District is necessary to ensure flexibility in laying out and organizing the site with varying development densities and intensities across the site which falls under varying

Zoning Districts and slopes significantly from Mission Boulevard east into the hills. The proposed development would meet the purpose and intent of the PD District zoning in that it would result in efficient and attractive space utilization that places mixed use development on the flattest areas of the site nearest the commercial arterial and high frequency transit while locating less intense townhome development at the steeper, more environmentally sensitive areas of the site, which are near lower density residential neighborhoods and La Vista Park.

The proposed development is seeking an exception related to the parking required for the development on Parcel 2. The proposed exception would be off-set by the implementation of a Transportation and Parking Demand Management Plan as well as the placement of solar photovoltaic panels on all of the residential and mixed-use buildings. The project will also provide a variety of common and private open spaces connected by a multi-use trail through the site. The trail and interconnected open spaces will facilitate walking and bicycling throughout the development and to BART.

Vesting Tentative Tract Map - In order for a vesting tentative 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 development is consistent with the overall vision for development along Mission Boulevard, the South Hayward BART/Mission Boulevard Specific Plan and related Form Based Code, and the applicable *Sustainable Mixed Use, Regional and Office Commercial* and *Medium Density Residential* General Plan land use designations as detail in Zone Change Finding A above. The proposed project requires a Zone Change to Planned Development District to allow for a consistent and coherent development pattern across the site.

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

The proposed subdivision is consistent with the residential densities for projects in the *Sustainable Mixed Use, Regional and Office Commercial* and *Medium Density Residential* land use designations, as well as specific goals and policies outlined in Zone Change Finding A, above.

The existing and proposed internal roadways are designed to accommodate the anticipated traffic. Utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development. Further, the Infill Checklist prepared for the project found that all impacts related to streets, public facilities, utilities and agencies were analyzed and disclosed in the EIRs prepared for the General Plan and South Hayward BART/Mission Boulevard Specific Plan and Form Based Code and can be mitigated with the application of specific and standard Conditions of Approval applicable to all development projects.

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

Earth Systems prepared two site specific Geotechnical Hazards Evaluation and Geotechnical Feasibility studies (2017 and 2018), an Addendum to the 2017 Study, and a Geologic Peer Review in 2019. All of the documentation was reviewed and referenced in the Infill Checklist prepared for the proposed project and concluded that if the proposed development followed recommendations related to placement of structures, foundation and fill type, installation of pins to stabilize slopes, and standards for retaining walls, then the site would be physically suitable for the type of development proposed. Per conditions of approval, the recommendations and standards will be incorporated into the Improvement Plans for the proposed project.

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

As noted above, the proposed development will place the high density, mixed use development on the relatively flat areas of the site near Mission Boulevard and place the relatively lower density townhome development toward the steeply sloped, rear portion of the site. Further, as described in Vesting Tentative Tract Map Finding C above, several studies and reports were prepared to determine if and how the site would be physically suitable for the proposed density of development and those specific recommendations would be incorporated into the Improvement Plans for the proposed project.

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 12.2-acre infill site is bounded by existing commercial uses and residential uses that are currently under construction. Most of the site was previously developed or cultivated and portions of the site are paved, have access roads, walls and swales. According to the General Plan EIR and the SH BART/Mission Boulevard SEIR, there is no potential for special-status plant species on the site. However, two special status species have potential to occur on the site and an area on the northern part of the site has experienced ponding to support cattails, which is a wetland plant.

The proposed development would include Standard Conditions of Approval, included as mitigation measures in previous environmental documents, to reduce potential impacts to a level of less than significant by conducting pre-construction surveys and a wetland delineation map prior to the issuance of permits for the project. Thus, the standard conditions would ensure that the design of the subdivision and proposed improvements will not cause substantial environmental damage or to injure wildlife, fish or their habitat.

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 is an infill site surrounded by infrastructure with adequate capacity to serve the future development. The Infill Checklist concluded that the project, like all large-scale development projects, could result in short term degradation of air quality related to construction activities and included standard conditions of approval to minimize fugitive dust and specifying construction equipment standards. Further, to minimize any impacts related to indoor air quality the project would be required to either install high efficiency filters within the mixed use buildings, or prepare a site specific Health Risk Assessment to evaluate risks and determine appropriate measures to manage those specific risks in accordance with the South Hayward BART/Mission Boulevard Supplemental Environmental Impact Report. Incorporation of these standard measures as conditions of approval would ensure that the proposed project will not result in serious public health problems.

**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 there are no such easements affiliated with these parcels. The proposed private roadways and pedestrian facilities will be open and accessible to the public, as conditioned.

Affordable Housing Ordinance.

- A. Pursuant to Hayward Municipal Code Section 10-17.700(b)(1), modified development standards are acceptable where the proposed project would lead to an increase in density. The proposed development is seeking approval for modified development standards to set aside 20 single-story condominium units within the mixed use buildings rather than integrate the affordable housing units throughout the mixed use and townhome portions of development because the project was expanded to include the City-owned Parcel 2, which increased the density of the project overall by expanding the project frontage along Mission Boulevard which requires ground floor commercial uses and residential uses above. Additionally, the proposed development would include 20 deed restricted units where 19 are required.