

**CITY OF HAYWARD PLANNING COMMISSION
ZONE CHANGE, VESTING TENTATIVE MAP (TRACT 11187)
& SITE PLAN REVIEW APPLICATION NO. 202000576**

DRAFT FINDINGS FOR APPROVAL

Zone Change Findings

Pursuant to HMC Section 10-1.3425, the decision-making body shall make the following findings prior to recommending approval or approving a rezoning:

A. Substantial proof exists that the proposed change will promote the public health, safety, convenience, and general welfare of the residents of Hayward.

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 existing 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 applicable RL and RM district standards.

Furthermore, the development of the site under the RM district will 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 on all sides by parcels with the same land use designation. The project is adjacent to a 22-unit apartment building (Greenleaf Apartments) to the north and two 6-unit apartment buildings to the west (503 Harris Road and 515 Harris Road) with densities that range from 23 to 30 dwelling units per acre. This development will serve as a transition from these denser developments and the existing detached residences along Harris Road and provide additional residential units in Hayward while being consistent with existing development patterns.

B. The proposed change is in conformance with the purposes of this Ordinance and all applicable, officially adopted policies and plans.

The proposed development and rezoning from RL to RM District will be in harmony with all applicable City policies, including the Zoning Ordinance and *Hayward 2040 General Plan*.

The proposed development complies with applicable development standards of the RM district including but not limited to setbacks, height, and lot coverage. The development also complies with all applicable design standards including building massing and façade design. The development incorporates a total of 80 façade design points when only 50 points are required. Furthermore, the intent of the RM District, which is to promote and encourage a suitable environment for households of all types and sizes, seamlessly aligns with the existing General Plan land use designation.

The MDR designation allows for the development of detached residential units, attached residential units and multi-dwelling units with a density of 8.7 to 17.4

dwelling units per net acre. 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. The development and rezoning further aligns with the following policies in the Housing and Land Use Elements of the *Hayward 2040 General Plan* which focuses on goals and policies to accommodate future growth and promote housing development.

- *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.

C. Streets and public facilities existing or proposed are adequate to serve all uses permitted when property is reclassified.

The proposed development will be adequately served by the existing streets and public facilities. Direct vehicle and pedestrian access to the site will be provided via Harris Road. The development is located near regional transportation systems including South Hayward BART, I-880, and AC Transit bus routes 41, 60 and 86. The development will also have access to nearby public facilities including Tennyson Park, Weekes Park, the Weekes Library, the Stack Community Center, and Mia's Dream Come True playground.

Furthermore, the rezoning from RL to RM District is consistent with the Medium Density Residential land use designation of the *Hayward 2040 General Plan* as analyzed in the General Plan Environmental Impact Report (EIR). The General Plan EIR analyzed the streets, utilities, and public facilities, ensuring their capacity for future growth. The proposed rezoning is consistent with the General Plan land use designation as described above.

D. 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.

Approval of the rezoning would reclassify the RL parcel as RM, which is compatible with the existing underlying General Plan land use designation of MDR as noted in Finding B. Both the RM zoning district and MDR General Plan land use designation allow for a variety of residential development including the proposed development of a three-unit residential condominium building. The rezoning will allow the

development to be three-stories which is not currently permitted under existing regulations. A three-story building will be more consistent with surrounding development and be an attractive addition to the neighborhood as described in the Site Plan Review findings above.

Vesting Tentative Map Findings

Pursuant to the State Subdivision Map Act §66474 and HMC Section 10-3.150, the decision-making body shall make the following findings prior to recommending approval or approving a vesting tentative map:

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 subdivision is consistent with the *Hayward 2040 General Plan* as detailed above.

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 design and improvements are consistent with the *Hayward 2040 General Plan* as detailed above.

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

In accordance with the requirements of Subdivision Map Act §66490, a geotechnical investigation was completed for the development in 2019 by Romig Engineering, INC and peer-reviewed by the City's geotechnical consultant which concluded that the site was physically suitable for the type and density of development being proposed. Additionally, the property is of sufficient size to accommodate the proposed development in that it contains adequate space for the units in addition to the required parking, setbacks from surrounding development and emergency vehicle access.

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

The proposed site is physically suitable for the proposed development as detailed in Vesting Tentative Map Finding C above.

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 commercial and residential uses and does not contain any environmentally sensitive habitat except for a small number of existing trees. The proposed development will include Standard Conditions of Approval that will reduce potential impacts to protected bird species that may be nesting or foraging in the trees to a less-than-significant level 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 related improvements will not cause substantial environmental damage in that there are existing utilities in place within Harris Road that the project will be able to connect to without requiring significant extensions or upsizing, and a geotechnical investigation was conducted for the project which confirmed that the subdivision could be developed safely on the site

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 as well as the designs of the grading, foundations, and buildings will 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 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.

H. 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 *Hayward 2040 General Plan* as detailed above.

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

The proposed subdivision meets the requirements of the City's Zoning Ordinance as detailed above.

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

No other variances or exceptions are required for the approval of the subdivision which is entirely consistent with the applicable General Plan land use designation, and RM district standards of the Zoning Ordinance.

Site Plan Review

Pursuant to HMC Section 10-1.3025, the decision-making body shall make the following findings prior to recommending approval or approving the Vesting Tentative Map:

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

The proposed project includes the demolition of an existing detached residence and redevelopment of a parcel in South Hayward to create three new housing units. 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 to the north and west, and farther away from the detached residential unit to the east. The development will result in an incremental contribution to the housing stock contributing to the City's Regional Housing Needs Allocation (RHNA).

The project is an attractive addition to the neighborhood with modulation of the façade by using plane breaks, and varying architectural elements, including a multi-tone color palette and complimentary building materials. Further, the project includes two car garages, private open space, shared open space, and new landscaping.

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

The site takes into consideration physical and environmental constraints in that it will result in redevelopment of an underutilized site in South Hayward. The proposed site layout makes efficient use of the rectangular, flat lot along Harris Road. The building is positioned along the western property line, creating a shared open space area at the rear and allowing for a driveway along the eastern property line.

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

The proposed development complies with the intent of City development policies and regulations as detailed above.

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

The proposed residential development will operate in a manner similar to the surrounding residential neighborhood. During construction, the project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping, including standard procedures of site preparation and development, including permitted hours of construction activity, as well as the incorporation of Best Management Practices (BMPs) for construction noise, grading, and use of equipment to prevent adverse impacts.

California Environmental Quality Act

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). 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 have occurred. The Program EIR covers the subject Zone Change from RL (Low Density Residential) to RM (Medium Density Residential) District consistent with the site's General Plan Land Use designation of Medium Density Residential.

Based on the analysis provided in these findings, 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.