

**VESTING TENTATIVE TRACT MAP 8461
APPLICATION NO. 202004359
OAK STREET TOWNHOMES**

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 24.1 units per net acre when 34.8 units per net acre is the maximum allowed under the Commercial/High Density Residential land use designation of the *Hayward 2040 General Plan*. Per the General Plan, there is no minimum density is prescribed. Furthermore, the 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 (Land Use Policy LU-1.4)
- The City shall promote urban design principles that support active use of public spaces in neighborhoods, commercial areas, and employment centers at all times of day. Active use of public spaces provides “eyes on the street” to enhance public safety in these areas (Community Health and Quality of Life Policy HQL-5.3)
- 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. 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 Commercial/High Density Residential (CHDR) General Plan land use designation, as well as specific goals and policies outlined in Finding (A), above. The proposed internal street is designed to accommodate the anticipated traffic that the project will generate and complies with the applicable City standards for a private street, and all necessary utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development and be required

to be constructed in accordance with City and, where applicable, County standards.

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

A Soil Investigation Report was prepared by Geotechnical Engineering, Inc. on May 3, 2016, 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, retaining walls, and driveways, 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 Soil Investigation Report was prepared by Geotechnical Engineering, Inc. on May 3, 2016, which demonstrates that the project site is physically suitable for the proposed development provided that the recommendations presented in the investigation 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 units and their individual driveways, common and private open space, and separation from surrounding development, as well as emergency vehicle access that conforms to the applicable City standards to each unit through the proposed private street.

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 several 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 these 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 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 Oak Street 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 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 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 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. The proposed private street will serve as a private access easement for the project's residents and their guests, as well as an emergency vehicle access easement and public utility easement and, as such, will enable emergency vehicles and all utility companies that serve the project to enter the development whenever necessary.

CEQA Findings – The following findings are made in support of the adoption of a Mitigated Negative Declaration for the project:

1. This Vesting Tentative Tract Map application is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3), which exempts projects from CEQA where it can be seen with certainty that there is no possibility that the proposed activity could have a significant effect on the environment. The Site Plan Review application previously approved for the development project which would be covered by the proposed Vesting Tentative Map was determined to be categorically exempt pursuant to CEQA Guidelines Section 15332, In-fill Development Projects. The application for a Vesting Tentative Tract Map for Condominium Purposes would not result in any physical changes to the previously approved project; it would only enable the subdivision of the development which would afford the owner the ability sell each unit individually.