

**CITY OF HAYWARD PLANNING COMMISSION
ZONE CHANGE, DENSITY BONUS, AND SITE PLAN REVIEW
MANON TOWNHOMES
APPLICATION NO. 202101491
27865 MANON AVENUE**

DRAFT FINDINGS FOR APPROVAL

ZONE CHANGE

Pursuant to Section 10-1.3425 of the Hayward Municipal Code (HMC), the Planning Commission may recommend approval of a Zone Change application when all of the following findings are met:

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

The site's General Plan land use designation is Medium Density Residential, which envisions a mix of single-family and multifamily residential development nearby neighborhood serving uses, in order to create more complete, walkable, and sustainable neighborhoods. Rezoning the site from Single Family Residential (RS) to Medium Density Residential (RM) will not only bring the zoning in alignment with the MDR General Plan land use designation, but it will also create a benefit to the neighborhood and community at large by providing the opportunity for more units within a half mile of the South Hayward BART station and within a quarter mile of other community amenities, such as Tennyson Park, Cesar Chavez Middle School and the future Stack Center. Further, the properties across Manon Avenue are also zoned as RM, meaning that the rezoning of this property will create a more cohesive look at the southern terminus of Manon, just north of the mix of commercial and residential uses along Tennyson Road.

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

As stated in Section 10-1.115 of the Hayward Municipal Code, the Zoning Ordinance is a tool for implementing the goals, objectives and policies of the *Hayward 2040 General Plan*. As stated above, this property's RS zoning designation is not consistent with its General Plan land use designation of MDR. Rezoning the property to RM brings the property's zoning in alignment with the General Plan, as is the intent of the Zoning Ordinance and required by State law.

The MDR General Plan land use designation allows for a residential density range of 8.7 to 17.4 dwelling units per net acre. While the proposed project's density exceeds this range at 22.4 dwelling units per acre, the number of units proposed is permitted under State Density Bonus law due to two on-site deed-restricted units that will be made affordable to Very Low-Income households. The project is further consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward and is considered an infill development that will increase density and result in a more complete neighborhood.

The project supports the following General Plan policies:

- Land Use Policy 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.
- Economic Development Policy ED-5.5– Quality Development. The City shall require new development to include quality site, architectural and landscape design features to improve and protect the appearance and reputation of Hayward.
- 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.

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

The vacant infill site is located in the middle of an established neighborhood with a built-out street grid and adequate public infrastructure and utilities. While the applicant proposes a Zone Change, the proposed development is still consistent with the underlying General Plan land use designation of MDR, which anticipated the development of a range of residential uses, including townhomes within this area.

4. All uses permitted when the 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.

When rezoned from RS to RM, the site will still allow residential units by right, though a greater range of housing types will be permitted, including townhomes and multifamily dwellings. Besides the greater variety of residential types that are permitted in the RM district, the only other deviations in permitted and conditionally permitted uses between the two zoning districts is that apiaries and wind energy conversion systems are not allowed in the RM district, while boarding homes and dormitories are.

Given that the types of residential uses permitted in the RM district directly align with what is envisioned for the MDR land use designation in the *Hayward 2040 General Plan*, the proposed rezoning is compatible with the planned future development of the neighborhood. Further, if the property remained zoned as RS, the full range of residential types and densities described in the General Plan for the MDR land use designation would not be possible.

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:

1. 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 in that the project consists of four three-story residential buildings, which are similar in massing and scale with other multifamily residential development across Manon Avenue. The site is also bordered by commercial uses to the south and is nearby a number of other amenities, including the South Hayward BART Station, Tennyson Park, Cesar Chavez Middle School, and the future Stack Center. The result is a mixed-use, mixed residential density neighborhood that is aligned with the goals of the *Hayward 2040 General Plan*.

The proposed buildings are attractively designed, incorporating varied roof lines and wall planes, projecting balconies and patio covers, and a mix of wood, stucco, and metal elements to create visual interest. The site features all new landscaping, serving to further beautify Manon Avenue.

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

The development takes into consideration physical and environmental constraints in that the proposed project is situated on a 0.98-acre vacant infill site that will accommodate four new residential buildings, on-site parking, common and private open spaces, and functional site circulation. The site is generally flat with site dimensions of 143 feet deep with 320 linear feet of frontage. 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.

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

As specified in Findings above, the project is consistent with the goals and policies of the *Hayward 2040 General Plan*, including the Medium Density Residential land use designation, the Medium Density Residential zoning district, and all other relevant requirements and standards in the Hayward Municipal Code.

4. 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 in that the proposed project will result in the construction of a multifamily residential complex, similar to other residential uses adjacent to the project site, along Manon Avenue. Multi-family residential is permitted by-right within the RM zoning

district, and a mix of single-family and multifamily uses is intended within the MDR General Plan land use designation.

Additionally, during construction, the proposed project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, landscaping etc. The proposed development will be required to adhere to the Conditions of Approval (Attachment III) which will require the project to adhere to 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 negative impacts onto adjacent properties.

ENVIRONMENTAL REVIEW

Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the General Plan. As the proposed project is consistent with the site's Medium Density Residential General Plan land use designation, an Infill Consistency Checklist which tiers off of the *Hayward 2040 General Plan* EIR was prepared (Attachment VI). The checklist concludes that the proposed project would not have any significant effects on the environment that have not already been analyzed in a prior EIR, are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. As a result, no further environmental analysis is required.