

**CITY OF HAYWARD PLANNING COMMISSION  
TENTATIVE TRACT MAP 8339, SITE PLAN REVIEW APPLICATION NO. 201606492  
DRAFT FINDINGS FOR APPROVAL  
PINE VISTA CONDOMINIUMS**

**TENTATIVE TRACT MAP FINDINGS**

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the Planning Commission may conditionally approve a Tentative Tract Map application when all the following findings are met:

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

The project is proposing a density of approximately 16.9 dwelling units per net acre, exclusive of the Density Bonus, which is consistent with the *Hayward 2040 General Plan* land use designation of High Density Residential (HDR), which allows for a density range of 17.4 to 34.8 dwelling units per net acre. The HDR land use designation allows for multi-family dwellings. The project is considered an in-fill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood.

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

As proposed, the project meets the development standards of the RM District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of 40 new condominium unit, which is a permitted land use in the RM District and allowed by the Density Bonus Ordinance.

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

As proposed and allowed by the Density Bonus Ordinance, the project will also meet the requirements of the Subdivision Ordinance and will not require a variance or any other exceptions from the requirements of the HMC.

**SITE PLAN REVIEW FINDINGS**

Pursuant to Section 10-1.3025 of the HMC, the Planning Commission may approve, conditionally approve, or disapprove a Site Plan Review application based on the findings listed below.

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

The proposed 40-unit townhouse-style condominiums is compatible with surrounding structures and uses in that it is adjacent to other multi-family dwellings on the east side of Silva Avenue. It replaces an underutilized property and as designed creates a harmonious setting with most of the units facing the group open spaces or landscape areas. It enhances area where the buildings are older and is open to the streetscape along Jackson Street.

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

The proposed 40-unit townhouse-style condominiums takes into consideration the physical and environmental constraints in that as much as possible have been sited away the BART tracks and Jackson Street. A 10-foot high precast masonry sound wall will be provided along the east property line fronting the BART tracks to lesson the noise impacts to the site.

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

The proposed 40-unit townhouse-style condominiums, as conditioned, complies with applicable City polices including the City's Design Guidelines, Medium Density Residential standards in that it meets all the yard setbacks, building heights, parking and usable open space requirements. The proposed development is also consistent with the following goals and policies of the *Hayward 2040 General Plan*:

- *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.*

The project will combine five existing parcels into one parcel and allow for 40 townhouse style condominium units, which provide additional single-family housing opportunities in the City.

- *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.*

The project is located in an established neighborhood near Downtown Hayward and two commercial corridors along Mission Boulevard and Jackson Street. It also walking distance to BART. Furthermore, recreational facilities such as the future Heritage Park and Memorial Park and educational facilities such as Hayward High School and Bret Hart School are nearby.

- *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.*

The project is surrounded by other multi-family residential developments, and is considered an in-fill project, which is appropriate for new housing development. In addition, the project is not located within any specific plan area but is located within the Jackson Triangle Neighborhood Plan area and is consistent with those relevant policies. Therefore, the proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans.

In addition, to the adopted General Plan policies, the project is consistent with the Affordable Housing Ordinance and Density Bonus Ordinance.

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

The proposed 40-unit townhouse-style condominiums, as conditioned, will operate in a manner acceptable and compatible with surrounding development in that the development is required to comply with the conditions imposed on this project as well as the Fire Code, Building Code, the Zoning Ordinance and other City regulations. In addition, the development will be operated in a manner determined to be acceptable and compatible with surrounding development in that as conditioned the property will be managed by a homeowner's association and Conditions, Covenants and Restriction would be established to manage the property.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDINGS**

1. On July 1, 2014, the City of Hayward adopted the *Hayward 2040 General Plan*. It includes goals and policies that convey the City's long-term vision and guide local decision making to reach that vision. The General Plan EIR assessed impacts from the implementation of the General Plan and was certified in 2014 when then City Council approved the General Plan.
2. In accordance with CEQA Guidelines Section 15183, if the project is consistent with the development density established by the 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 General Plan EIR.
3. This project's environmental assessment was completed using an Infill Consistency Checklist and concludes that the Pine Vista project would not have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate. Pursuant to Public Resources Code Section 21094.5, the California Environmental Quality Act (CEQA) does not apply to such effects.
4. The proposed Checklist identified all potential significant adverse impacts and feasible mitigation measures that would reduce these impacts to less-than-significant levels, and that the applicable mitigation measures identified in the *Hayward 2040 General Plan* EIR will be adopted and implemented. There is no substantial evidence that the project will have a significant effect on the environment.
5. The Checklist has been prepared in accordance with Public Resources Code Section 21000 et seq. and the CEQA Guidelines, California Code of Regulations Section 15000 et seq.
6. That the proposed Checklist was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning

Commission; that the Planning Commission adopts its findings and conclusions as its source of environmental information; and that it is legally adequate and was completed in compliance with CEQA.

7. That the project complies with CEQA, and that the proposed Checklist was presented to the Planning Commission, which reviewed and considered the information contained therein prior to approving the project. The custodian of the record of proceedings upon which this decision is based in the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA94541.