

**CITY OF HAYWARD PLANNING DIVISION  
APPLICATION NO. 201706649  
VESTING TENTATIVE TRACT MAP 8442, PD REZONE, SITE PLAN REVIEW AND  
MITIGATED NEGATIVE DECLARATION WITH MITIGATION MONITORING AND  
REPORTING PROGRAM  
28571 & 29591 HARVEY AVENUE  
DRAFT FINDINGS OF APPROVAL**

**VESTING TENTATIVE TRACT MAP FINDINGS**

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the City Council may conditionally approve a Vesting 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 proposed project would result in a residential density of approximately 8.7 dwelling units per net acre, which is consistent with the Low Density Residential (LDR) land use designation of the *Hayward 2040 General Plan*. The LDR land use designation allows detached, single-family homes and Accessory Dwelling Units. Anticipated future changes include additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. 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. The project is also consistent with the following General Plan policies:

- 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 subdivide an existing parcel into 17 lots and allow for 12 new single-family homes, five of which will include an attached Accessory Dwelling Unit. This development helps to diversify the housing stock and provides a new single-family housing model 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 the West Tennyson commercial corridors. Furthermore, recreational facilities such as the Tennyson Park Ruus Park and Eden Youth and Family Center and educational facilities such as Ruus School.

- 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 single-family homes 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 Tennyson Alquire 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.

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

The project requires a Planned Development (PD) Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. With the PD Rezone, the proposed subdivision will provide modified development standards of the new PD District related to lot size, lot coverage, and setbacks. PD Districts are also subject to the development standards of the zoning district most similar to the proposed use, which is the RS (Single-Family Residential) District in this case. As proposed, the project meets the development standards of the RS District related to building height, off-street parking, and landscaping. The subdivision will also allow for the construction of twelve new detached single-family homes, and five attached Accessory Dwelling Units, which is permitted in the RS District.

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

As proposed, the new Planned Development district would establish the zoning development standards for this project. In addition, the project will also meet the requirements of the Subdivision Ordinance. Therefore, the project will not require a variance or any other exceptions from the requirements of the HMC.

**PLANNED DEVELOPMENT REZONE FINDINGS**

Pursuant to Section 10-1.2535 of the HMC, the City Council may conditionally approve a Planned Development Rezone application when all the following findings are met:

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

The project is considered an in-fill development and will complete the neighborhood, which primarily consists of detached single-family homes developments. The project proposes detached single-family homes, which is compatible with the surrounding neighborhood. Additionally, the project is consistent with the LDR land use designation and policies in the *Hayward 2040 General Plan*. The proposed density is within the density range allowed by the LDR land use designation and compatible with the overall density of the surrounding residential neighborhood.

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

The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the new public utility easement within the project site and connect to the existing utilities on Harvey Avenue. The project will be served by a new private street. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, frontage improvements will be required, including the reconstruction and repair of the existing road and sidewalks along Harvey Avenue to meet the City's current roadway standards.

**C. In the case of a residential development, that 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;**

The project is considered an in-fill development and will replace two single family dwelling with attractive single-family homes to complete the neighborhood. The scale and design of the homes are compatible with the existing neighborhood. The homes will also be served by both private and public open space within the development. Each home will have usable private outdoor yards and the project provides a 2,790-square-foot group open space area. The development will also be well-integrated into the existing neighborhood since it will be served by a new private street with street parking and a sidewalk providing vehicular and pedestrian access to and from Harvey Avenue.

**D. In the case of nonresidential uses, that such development will be in conformity with applicable performance standards, will be appropriate in size, location, and overall planning for the purpose intended, will create an environment of sustained desirability and stability through the design and development standards, and will have no substantial adverse effect upon surrounding development;**

The project does not include any nonresidential uses and as such, this finding is not applicable to this project.

**E. 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; and**

The project will be developed in one phase, ensuring that the infrastructure, facilities, and services will be available to all future residents in the development in a timely manner.

**F. 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.**

The project requires a PD Rezone to provide flexibility in the site layout and allow for exceptions to certain development standards related to lot size, lot coverage, and setbacks. To offset these requested exceptions, the project proposes the following amenities:

- Rooftop solar panels on each home;
- A bedroom suite on the first floor to allow for aging in place and multigenerational lifestyles;
- Five of the single-family homes will have an attached Accessory Dwelling Unit
- Accent permeable pavers at the entry; and
- 2,790 square feet of common open space.

The rooftop solar panels result in a more environmentally sensitive development and the multigenerational-friendly floor plan and attached Accessory Dwelling Unit allows the homes to accommodate a more diverse population. The common open space, which will be maintained by a homeowner's association, provides the future residents a usable, outdoor space for recreation and public interaction.

**SITE PLAN REVIEW FINDINGS**

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

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

The proposed 12 single-family residences would be compatible with on-site and surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the existing neighborhood, which consists of both small and minimum size single-family residential lots. The homes would also be similar in scale to other homes nearby. In addition, the building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through windows treatments, front entry porches, and stone veneer. The design, materials, and color palette of the new homes are also compatible with the character of other homes in the neighborhood. The new homes will have composition shingle roofs and a stucco exterior with stone veneer accents, which provide additional architectural detailing. Overall, the homes are attractively designed and compatible with the existing neighborhood character.

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

The project takes into consideration physical and environmental constraints in that the scale and character of the new homes are harmonious with the surrounding neighborhood, which consists of a mix of housing types including detached single-family homes. The new lots range between 2,971 to 6,747 square feet in size and the new homes will be two stories in height. The architectural design of the new homes

is compatible with the design of the existing homes nearby and as such, the new development will blend into the existing neighborhood. In addition, the project is an in-fill development with minimal impact on the existing development. Furthermore, a private street will provide access to the new homes, which will allow for safe and efficient vehicular circulation.

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

As previously discussed, the project is consistent with the LDR land use designation in the *Hayward 2040 General Plan*. The LDR land use designation is intended for a mix of housing types including single-family residences and the proposed density is within the allowable density range. The project is also consistent with the goals and policies of the *Hayward 2040 General Plan*, which encourage a diverse housing inventory and in-fill development. Furthermore, with the PD Rezone, the project meets all the applicable regulations of the Zoning Ordinance, including the development standards of the new PD District and applicable standards of the RS District. Therefore, the project complies with the intent of City development policies and regulations.

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

The project will operate in a manner determined to be acceptable and compatible with surrounding development in that the project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The proposed site improvements will also have to meet all City standards and details to the satisfaction of the Director of Public Works as shown on the final map and improvement plans. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. In addition, the project includes guest parking spaces and a private street, which will minimize potential parking and traffic impacts on Harvey Avenue after construction of the homes.

**CALIFORNIA ENVIRONMENTAL QUALITY ACT**

- A. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15220, an Initial Study was prepared for this project with the finding that a Mitigated Negative Declaration was appropriate because all potential impacts could be mitigated to a level of less than significant with the implementation of mitigation measures.
- B. The proposed MND was prepared by Rincon Consultants on behalf of the City of Hayward, Lead Agency, and the MND was circulated to the State, all interested parties, and posted in the newspaper with a minimum 20-day public review period between July 19, 2019 and August 9, 2019. The City received one comment from the Department of Toxic Substances Control (DTSC) related to possible hazardous materials on-site. The City reviewed and responded to this comment by amending the text that was included in Section 4.9, Hazards and Hazardous Materials. This change does not result in a greater number of impacts or impacts of substantially greater

severity than those set forth in the revised IS/MND and therefore no additional mitigations are necessary,

- C. The proposed MND was independently reviewed, considered and analyzed by the Planning Commission and reflects the independent judgement of the Planning Commission; such independent judgement is based on substantial evidence in the record (even though there may be differences between or among the different sources of information and opinions offered in the documents, testimony, public comments and such responses that make up the proposed MND and the administrative record as a whole); the Planning Commission recommends the City Council adopt the proposed MND and its findings and conclusions as its source of environmental information; and the proposed MND is legally adequate and was completed in compliance with CEQA.
- D. The proposed MND identified all potential adverse impacts and based on the MND and the whole record before the Planning Commission, there is no substantial evidence that the Project, with mitigation measures incorporated, will have a significant effect on the environment.
- E. The project complies with CEQA, and the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending approval of the Project. The custodian of the record of proceedings upon which this decision is based is the Development Services Department of the City of Hayward located at 777 B Street, Hayward, CA 94544.