

**CITY OF HAYWARD PLANNING COMMISSION
VESTING TENTATIVE TRACT MAP 8556, MAJOR SITE PLAN REVIEW, AND
DENSITY BONUS APPLICATION NO. 202005195
27177/27283 MISSION BLVD.**

DRAFT FINDINGS FOR APPROVAL

VESTING TENTATIVE TRACT MAP

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:

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

The project site is designated Sustainable Mixed Use (SMU) in the *Hayward 2040 General Plan* which allows for a residential density range of 4.3 to 100 units per net acre, and up to a maximum floor area ratio (FAR) of 2.0. The proposed project's density falls within this range at 32 units per net acre. The SMU land use designation generally applies to properties that are regional transit adjacent and are planned as walkable urban neighborhoods. The project, which consists of a mix of live/work lofts and townhome units connected by paseos and internal walkways is further consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward; will result in denser, infill development on a currently underutilized site; and will continue the fabric of mixed-use and high density residential development along Mission Boulevard. The project is also consistent with 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.
- Land Use Policy LU-2.12 – Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- 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.

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

The project site is within the Mission Boulevard-Corridor Neighborhood (MB-CN) zoning district of the Mission Boulevard Code. The MB-CN district allows a density range of 17.5 to 35 units per acre and envisions a mixed-use neighborhood environment with moderate-intensity, medium-scale residential and non-residential uses compatible with surrounding neighborhoods, along a multi-modal corridor within short walking, biking, or bus distance of neighborhood serving retail and service uses. Per the Mission Boulevard Code, sites of two or more acres or with more than 600 feet of street frontage require Major Site Plan Review. Major Site Plan Review ensures that new and redeveloped large-scale development will achieve General Plan and other City goals, policies and regulations; that circulation components will interconnect with the overall street, bicycle, and pedestrian network of the district; that the development will incorporate sustainability elements; and that the overall site, building, landscaping, circulation and architectural design of the buildings will make a positive contribution to the neighborhood and City. Aside from the requested Density Bonus waivers, the project is deemed consistent with all the objective development standards and regulations of the Mission Boulevard Code.

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

As proposed, the project meets all the requirements of the Municipal Code, including the Subdivision Ordinance. Therefore, the project will not require a variance or any other special exceptions.

MAJOR SITE PLAN REVIEW

Pursuant to Hayward Municipal Code Section 10-1.3081, the Planning Commission may approve or conditionally approve an application for Major Site Plan Review when all the following findings are made:

1. The proposed development is consistent with the General Plan, Zoning Ordinance, Design Guidelines, and any other applicable plan or program.

The project site is designated Sustainable Mixed Use (SMU) in the *Hayward 2040 General Plan* which allows for a residential density range of 4.3 to 100 units per net acre, and up to a maximum floor area ratio (FAR) of 2.0. The proposed project's density falls within this range at 32 units per net acre. The SMU land use designation generally applies to properties that are regional transit adjacent and are planned as walkable urban neighborhoods. The project, which consists of a mix of live/work lofts and townhome units connected by paseos and internal walkways and driveways, is further consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward; will result in denser, infill development on a currently underutilized site; and will continue the fabric of mixed-use and high density residential development along Mission Boulevard. Aside from the requested Density Bonus waivers, the project is deemed consistent with all the objective development standards and regulations of the Mission Boulevard Code and the project is also consistent with 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.
- Land Use Policy LU-2.12 – Mission Boulevard Mixed-Use Corridor. The City shall encourage the redevelopment of the Mission Boulevard corridor to create an attractive mixed-use boulevard with a variety of commercial functions and residential densities that support walking and transit.
- 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.

2. The proposed development is consistent with the the purpose, intent, and standards of the applicable zoning district and General Plan or Specific Plan designation and applicable design guidelines; and

The development takes into consideration physical and environmental constraints in that the proposed project is situated on a 2.43-acre infill site that can accommodate relatively high density and mixed use development, on-site parking, common and private open spaces, functional site circulation and off-street trash service as envisioned by the goals of the *Hayward 2040 General Plan* and Mission Boulevard Code, with the exception of the requested two waivers pursuant to the Density Bonus law for a reduction of a landscaping setback and reduction in the minimum width for civic spaces. In exchange for the proposed waivers, the applicant is proposing to dedicate six (6) townhome units as affordable units for moderate income households.

3. The subject site is physically suitable for the type and intensity of the land use and development being proposed; and

The regular shape of the site allows it to be designed to locate the more intense mixed use live/work lofts along the Mission Boulevard frontage with the residential townhome development tucked behind the mixed use buildings. The structures are attractively designed, incorporating varied roof lines and wall planes, projecting canopies, and a mix of vertical siding, stucco and veneer elements to avoid blank, monotonous facades. The site allows for robust landscaping along the frontage and internally with walkways and paseos serving to further beautify Mission Boulevard and the neighborhood as a whole.

4. The proposed development will be compatible with the planned land use character of the surrounding area and make a positive impact to the site and surrounding areas; and

The proposed development is compatible with surrounding structures and uses in that the project consists of three- to four-story residential buildings, which are consistent in massing and scale with other existing, proposed and anticipated multi-family residential and mixed use developments along the Mission Boulevard Corridor. The result is that the proposed development will contribute to a mixed-use neighborhood that is aligned with the goals of the *Hayward 2040 General Plan* and Mission Boulevard Code. The site is located half a block away from AC Transit bus stops that provide regular service to both Hayward BART stations, Downtown Hayward, and several other East Bay destinations. In addition, the site is less than one mile to the South Hayward BART Station. Combined with bicycle parking on site, this project provides opportunities to commute via public transit versus single-occupancy automobiles.

5. The proposed development will not have a substantial adverse effect on surrounding development and land uses.

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 mixed use and multifamily residential building, similar to the residential uses other recent residential development projects within the Mission Corridor. Multi-family residential and mixed uses are permitted by right within the Mission Boulevard Code.

The existing site does not have value as habitat for endangered, rare or threatened species; and, construction of the project would not result in any significant impacts relating to noise, air quality or water quality. The project site is within the City limits and is adequately served by all required utilities and public services. 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 which will require the project 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

The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332, In-Fill Development Projects, of the CEQA Guidelines. As conditioned, the project will have no significant additional impact on the environment, cumulative or otherwise. The proposed project is entirely consistent with the underlying Sustainable Mixed Use (SMU) General Plan land use designation, as well as all applicable general plan policies. It is further consistent with the Mission Boulevard – Neighborhood Commercial (MB-CN) zoning district and all relevant Municipal Code regulations. The existing site does not have value as habitat for endangered, rare or threatened species; and, construction of the project would not result in any significant impacts relating to

noise, air quality or water quality. The project site is within the city limits and is adequately served by all required utilities and public services.

Further, based upon the Vehicle Miles Traveled (VMT) analysis prepared by LSA, the proposed project will reduce its VMT to a level of less than significant by implementing City-approved VMT reduction measures will reduce the VMT per capita by more than 10.6 percent resulting in a less-than-significant VMT impact. The measures were included in the project description and as conditions of approval to ensure implementation. No additional environmental analysis is required.