

**FINDINGS FOR GENERAL PLAN AMENDMENT,
PD REZONE, VESTING TENTATIVE MAP (TRACT 85851), AND CALIFORNIA
ENVIRONMENTAL QUALITY ACT APPLICATION NO. 202004457
1000 LA PLAYA DRIVE**

Findings for General Plan Amendment: Pursuant to Hayward Municipal Code (HMC) Section 10-1.3425(b), the decision-making body shall make the following findings prior to recommending approval of or approving an amendment to the General Plan:

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

The proposed General Plan Amendment from Retail and Office Commercial (ROC) to Medium Density Residential (MDR) would promote the public health, safety, convenience, and general welfare of the residents of Hayward in that it would enable the redevelopment of a vacant, underutilized, and aging commercial site with new housing that would generally be compatible with the surrounding residential development and follow the existing residential development pattern of the area. In its current vacant state, the site poses a potential public safety hazard as an attractive nuisance. Allowing it to be redeveloped with residential uses would increase public health and safety by introducing a new population to the area and bringing eyes onto the street from those new homes that would be oriented toward La Playa Drive and Calaroga Avenue.

The project would promote public convenience by offering new housing that has convenient access to a variety of retail and service uses at nearby Southland Mall and along the Hesperian Boulevard corridor a short distance away to the west, as well as to several schools and parks in the surrounding neighborhoods. Furthermore, the new units would feature smaller lot sizes and floor plans catering to small- and medium-sized families some of whom may be first-time homebuyers seeking more affordable housing opportunities and who do not necessarily have the need for or desire to maintain large private yards. As such, the project would further support the general convenience and welfare of Hayward residents by offering a variety of home sizes to the market and providing four for-sale affordable units on-site as part of the development in an area that is well-served by commercial uses and services, schools and parks, and that has convenient access to public transportation and freeways.

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

The proposed General Plan Amendment would conform to the purposes of Section 10-1.2505 of the Zoning Ordinance governing PD Districts which encourages allowing flexibility in standards and variety of land uses in new developments in exchange for certain amenities and community benefits in that it would afford the applicant the ability to redevelop the site efficiently and at a higher density than would otherwise be allowed in exchange for various amenities. In exchange for being able to create smaller lots with units that do not conform to all the conventional

standards for single-family development, the applicant would provide a number of amenities for both the project's residents, as well as the community as a whole, as enumerated in the staff report. The proposed development is also consistent with a number of General Plan goals and policies, including the following:

- The City shall encourage property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- 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).
- Assist in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- 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).

Overall, the project is consistent with these goals and policies by: (1) redeveloping an aging, underutilized commercial site with new housing that is generally compatible with the adjacent residential neighborhood and that adds diversity of housing types to the area; (2) enhancing public safety by introducing eyes on the street along La Playa Drive by orienting the front entries of several homes toward that street; (3) providing a range of smaller lot sizes and floor plans that may cater to smaller families and homebuyers seeking more affordable housing options; (4) providing for-ownership affordable housing opportunities on site; and (5) locating new housing close to commercial areas, schools, parks and major transportation routes.

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

The project site is surrounded by existing public and private streets capable of accommodating the project's anticipated traffic volumes and has access to existing utilities within La Playa Drive and Calaroga Avenue that have adequate capacity to serve the proposed development. A Mitigated Negative Declaration was prepared for the proposed development which found that all potential impacts from the project on streets, utilities and public facilities could be mitigated to a level of less than significant

and that no upsizing of any existing utility services or widening of any existing roads would be needed to accommodate the project. All mitigation measures identified in the Mitigated Negative Declaration have been included as conditions of approval for the project.

- D. **All uses permitted when 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.**

The proposed project use is detached single-family dwellings; as such, it would be compatible with the surrounding residential development to the south and east which also consists of single-family residential uses. Other adjacent land uses include commercial, office and religious institution uses, all of which are also compatible with the proposed single-family development. The proposed development is consistent with the surrounding residential development in that it features detached single-family homes laid out in a manner that follows the existing development pattern of the adjacent neighborhood, with proposed rear yards backing up to the rear yards of adjoining homes and proposed front yards aligning with the neighboring front yards where applicable. Although the proposed development consists of detached, two-story single-family homes on lots that are smaller than both the conventional single-family standards and the lot sizes of the surrounding homes, the proposed development pattern provides ample separation between the new homes and existing, adjoining homes through the provision of private yards and open spaces.

The project would provide a beneficial effect which could not be achieved under the existing commercial land use designation in that it would replace an aging commercial property with an attractive new residential neighborhood that will be maintained in perpetuity by a Homeowners Association and increase safety and overall activity in the area by introducing an around-the-clock population to the site that has a vested interest in the preservation of its community.

Findings for Rezone to Planned Development (PD) District – Pursuant to HMC Section 10-1.2535, the decision-making body shall make the following findings prior to recommending approval of or approving a rezone to PD District:

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

The proposed development is in substantial harmony with the surrounding area in that it would fill in a vacant commercial site with new single-family dwellings on lots that closely follow the existing development pattern of the adjacent single-family residential neighborhood located to the south and west, provide ample privacy and buffering between the proposed units and the adjacent land uses, and not disrupt existing circulation patterns in the area by providing its own internal private street system for the homes located within the interior of the subdivision.

The proposed development is also consistent with multiple General Plan goals and policies that call for:

- Encouraging property owners to revitalize or redevelop abandoned, obsolete, or underutilized properties to accommodate growth (General Plan Land Use Policy LU-1.4).
- Protecting the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features (Land Use Policy LU-3.7).
- Promoting 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).
- Assisting in the Development of Affordable Housing. The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households (General Plan Housing Goal 2 and Policy H-2.3).
- Implementing 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).
- Encouraging development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes (Housing Policy H-3.4).

Overall, the project would be consistent with the above goals and policies by: (1) redeveloping an aging, underutilized commercial site with new housing that is generally compatible with the adjacent residential uses and that adds diversity of housing types to the area; (2) enhancing public safety by introducing eyes on the street along La Playa Drive by orienting the front entries of several homes toward that street; (3) providing a range of smaller lot sizes and floor plans that may cater to smaller families and homebuyers seeking more affordable housing options; (4) providing for-ownership affordable housing opportunities on site; and (5) locating new housing close to commercial areas, schools, parks and major transportation routes.

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

The project site is surrounded by existing public and private streets capable of accommodating the project’s anticipated traffic volumes and has access to existing utilities within La Playa Drive and Calaroga Avenue that have adequate capacity to serve the proposed development. A Mitigated Negative Declaration was prepared for the proposed development which found that all potential impacts from the project on streets, utilities and public facilities could be mitigated to a level of less than significant and that no upsizing of any existing utility services or widening of any existing roads would be needed to accommodate the project. All mitigation measures identified in the

Mitigated Negative Declaration have been included as conditions of approval for the project.

- C. **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 or neighborhoods.**

The proposed development will create a residential environment of sustained desirability and stability because it will feature attractive new homes, private streets, landscaping and open space that will be owned and maintained by a Homeowners Association whose members would have a vested interest in the community's preservation and upkeep. Overall, the proposed architecture will lend to the sustained desirability of the neighborhood by featuring house plans that contain an attractive mix of architectural styles, details and finishes and front entries that are oriented towards the streets to foster neighborhood interaction. The homes feature a variety of siding and roofing colors and materials, significant articulation across their facades, and decorative accents such as stone wainscoting, window shutters and ledges, and eave brackets.

The site layout includes numerous trees, sidewalks along one side of the private street and homes that share and look out upon private courts in order to facilitate neighbor interaction and create a sense of community within the development. In addition, the provision of the landscaped common open space with picnic tables as a recreational amenity for residents further contributes to the sustained desirability and stability of the neighborhood by encouraging outdoor gatherings and interactions.

Finally, the project will not have a substantial adverse effect upon surrounding development in that the proposed homes would follow the existing development pattern and respect the privacy of the adjacent homes through the provision of ample rear yards along shared property lines, and all project-related traffic would utilize the proposed private streets located off La Playa Drive or the existing Calaroga Avenue public right-of-way so as not to disrupt the existing road network in the adjacent neighborhood.

- D. **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.**

The development is not intended to be constructed in increments. While the homes, themselves, would be built in groups of 3-7 units at a time, the project's infrastructure and common open space would be completed early on, well before the majority of homes are finished. As such, the development would be self-contained in the unlikely event that the applicant defaulted on the project or failed to complete it in accordance

with the approved plans prior to any applicable approval expiration dates. Also, any portions of infrastructure or common open space or other facilities that may not have been completed prior to such time would be bonded for by the applicant; as such, the City would be able to ensure that they are completed in accordance with the approved plans.

- E. **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, which, in the judgment of the Planning staff provides for a high quality and attractive development.**

The exceptions from the standard single-family residential development regulations being sought by the applicant for the size and shape of the lots, setbacks, and lot coverages would be off-set through the provision of larger mitigation trees than would typically be required throughout the development, through payment of a \$5,000 cash contribution to the City's planned public art installation project at Heritage Plaza, and also through payment of a 42% increase in affordable housing in-lieu fees beyond the minimum required under the Affordable Housing Ordinance. Specifically, the applicant would plant 36-inch box street trees along the La Playa Drive and Calaroga Avenue frontages and all internal private streets, and 48-inch box trees within the bioretention area when 24-inch box is the minimum size required. The provision of larger trees will enhance the area by adding more substantial canopies to the streetscape upon completion of project construction. Making a cash contribution to the Heritage Plaza public art project will assist the City in covering the cost of the artwork installation and help to enhance the amenities at one of the City's key public outdoor spaces. And, finally, paying the additional portion of the in-lieu housing fee will assist the City in providing more affordable housing for future residents of the community.

Findings for Vesting Tentative Tract Map – In accordance with the Subdivision Map Act, in order for a vesting tentative 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 project requires a General Plan Amendment and Rezone to Planned Development District. If the land use changes are adopted, the proposed subdivision would be consistent with the allowable uses and densities within the Medium Density Residential land use designation. The proposed development is not subject to a specific plan.

- B. **That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans. [Subdivision Map Act §66474(b)]**

The proposed subdivision is consistent with the residential densities for projects in the Medium Density Residential General Plan land use designation, as well as specific goals

and policies outlined in in General Plan Finding B, and Planned Development Rezone Finding A, listed above.

The proposed internal roadways are designed to accommodate the anticipated traffic that the project will generate. Utilities, including water, sewer, and storm drain facilities, will be provided to accommodate the proposed development. Further, the Mitigated Negative Declaration and Mitigation and Monitoring Plan prepared for the project identified adequate mitigation measures to reduce all possible environmental impacts to less-than-significant levels.

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

A preliminary geotechnical investigation was prepared by Quantum Geotechnical, Inc. on October 19, 2020, demonstrating that the proposed development is feasible on the project site provided that the recommendations presented in the investigation for the design of all in-ground and subsurface structures and facilities, including foundations, streets, driveways, drainage facilities, utility trenches and stormwater treatment areas are adhered to. Conditions of approval have been included requiring conformance to the recommendations contained in the Geotechnical Investigation prepared for the project

D. That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]

A preliminary geotechnical investigation was prepared by Quantum Geotechnical, Inc. on October 19, 2020, demonstrating that the proposed development is feasible on the project site provided that the recommendations presented in the investigation are adhered to. Additionally, the property is of sufficient size to accommodate the proposed density in that each lot will have adequate room for the homes, driveways, private yard space and separation from surrounding development, and sufficient access that conforms to the applicable City standards will be provided to each lot through the proposed private street and courts.

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 currently developed with an existing commercial building and paved surface parking lot containing a small number of trees. There are no environmentally sensitive areas on the property, and the only potential wildlife habitat consists of the existing trees located on the site and within the existing sidewalks that will be removed and reconstructed along La Playa Drive and Calaroga Avenue. To ensure that no bird species are harmed or their habitat is damaged during the development of the subdivision, a pre-construction survey of the trees for active nests will be required prior to the issuance of permits for the project. Thus, mitigation measures included as conditions of approval for the proposed project will ensure that the

design of the subdivision and proposed improvements will not cause substantial environmental damage or injure wildlife, fish or their habitat.

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 is an infill site surrounded by existing infrastructure with adequate capacity to serve the proposed subdivision. The Initial Study and proposed Mitigated Negative Declaration concluded that the project could result in temporary air quality impacts from construction-related dust and toxic air contaminants which could pose a public health problem. However, incorporation of mitigation measures included as conditions of approval to control fugitive dust and exhaust emissions would ensure that the proposed project will not cause serious public health problems and reduce any potential impacts to less than significant levels.

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 provided that the Final Map is prepared in accordance with the conditions of approval. The proposed private roadways and pedestrian facilities in the subdivision will be open and accessible to the public through the provision of public access easements over all such facilities, as conditioned.

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

1. Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15070, an Initial Study (IS) was prepared for this project with the finding that a Mitigated Negative Declaration (MND) was appropriate because all potential impacts identified in the IS could be mitigated to a level of less than significant with the implementation of Mitigation Measures that were incorporated as conditions of approval for the Project.
2. That the MND was prepared by David J. Powers & Associates, Inc. on behalf of the City of Hayward acting as the Lead Agency, and that the IS/MND was circulated for a minimum 20-day public review period between October 1, 2021 and later extended to October 25, 2021.
3. That the proposed MND was independently reviewed, considered, and analyzed by the City of Hayward Planning Commission and reflects the independent judgment of the Planning Commission; that such independent judgment is based on substantial evidence in the record; that the Planning Commission recommends City Council adoption of the proposed MND and its findings and conclusions as its source of environmental information; and that the proposed MND is legally adequate and was completed in compliance with CEQA.

4. That the proposed MND identified all potential adverse impacts and provided standard or project-specific mitigation measures to reduce the effects of such impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Geology/Soils, Noise, and Transportation to less-than-significant levels. Based on the proposed MND and the whole record before the Planning Commission, there is no substantial evidence that the project will have a significant effect on the environment.
5. That the project complies with CEQA, and that the proposed MND was presented to the Planning Commission, which reviewed and considered the information contained therein prior to recommending City Council 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.