

**CITY OF HAYWARD PLANNING COMMISSION  
VESTING TENTATIVE TRACT MAP (TRACT 8750), SITE PLAN REVIEW  
AND ENVIRONMENTAL REVIEW APPLICATION NO. TM-24-0007  
DRAFT FINDINGS FOR APPROVAL**

Vesting Tentative Map Findings

Pursuant to the State Subdivision Map Act §66474, the decision-making body shall make the following findings prior to recommending approval or approving a vesting tentative map:

**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 subdivision is consistent with all applicable City policies, including the *Hayward 2040 General Plan*. The project site is designated Medium Density Residential (MDR) within the *Hayward 2040 General Plan* which allows detached and attached residential development with densities between 8.7 to 17.4 dwelling units per net acre. The project is consistent in the development proposes to have residential units with a density of 17.18 dwelling units per net acre. The project aligns with the following policies in the Housing and Land Use Elements of the *Hayward 2040 General Plan*, which focuses on goals and policies to accommodate future growth and promote housing development.

- *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.
- *H-3.4 Residential Uses Close to Services*. The City shall encourage the development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.
- *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.

Lastly, the project site is not located within a specific plan area.

**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 design and improvements are consistent with the *Hayward 2040 General Plan* and meet all the objective standards of the MDR zoning district.

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

In accordance with the requirements of Subdivision Map Act §66490, a geotechnical investigation was completed on May 4, 2025, by Stevens, Ferrone & Bailey Engineering

Company Inc. and subsequently peer-reviewed by City staff, which concluded that the site was physically suitable for the type and density of development being proposed. Additionally, the property is of sufficient size to accommodate the proposed development in that it contains adequate space for the units in addition to the required parking, setbacks from surrounding development and emergency vehicle access.

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

The proposed site is physically suitable for the proposed development as detailed in Vesting Tentative Map Finding C above.

**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 surrounded by existing residential uses and does not contain any environmentally sensitive habitat except for a number of existing trees. The proposed development includes standard Conditions of Approval that will reduce potential impacts to protected bird species that may be nesting or foraging in the trees to a less-than-significant level by requiring pre-construction surveys of the trees in accordance with the requirements of the Federal Migratory Bird Treaty Act.

Furthermore, the design of the subdivision and related improvements will not cause substantial environmental damage in that there are existing utilities in place within Walpert Street that the project will be able to connect to without requiring significant extensions or upsizing, and a geotechnical investigation was conducted for the project which confirmed that the subdivision could be developed safely on the site

**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 proposed subdivision is considered an infill site surrounded by existing infrastructure with adequate capacity to serve the proposed subdivision. The improvements to be installed for the subdivision, including the necessary infrastructure as well as the designs of the grading, foundations, and buildings will be required to comply with the applicable engineering and life safety standards which ensure that they function properly and safely with no adverse effects on public health and welfare.

**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 development will not conflict with existing easements for access through or use of the property in that no such access easements currently encumber the property.

Site Plan Review

Pursuant to HMC Section 10-1.3025, the Planning Commission shall make the following findings prior to recommending approval or approving the Site Plan Review:

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

The development includes the demolition of an existing community center to allow redevelopment of an existing parcel in the Mission Foothills neighborhood to allow the construction of 83 new housing units. The proposed layout makes efficient use of the site by placing two buildings along Walpert Street to create an aesthetically pleasing and engaging frontage while other buildings are orientated on-site to create secluded areas for open space.

Furthermore, the development is an attractive addition to the neighborhood with buildings that emulate the new American architectural style with their grand gable roofs, large windows, a cohesive mix of materials and an earth-toned color palette that complement the surrounding development. The project also includes two car garages, public and private open space, and new landscaping to further enhance the site.

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

The development takes into consideration physical and environmental constraints in that it will result in redevelopment of an infill site in North Hayward. The development is designed to integrate well with the surrounding neighborhood that is near employment centers, public facilities, and transportation routes. The placement of the buildings are adequately setback from Ward Creek to preserve the creek bed and protect the proposed development from flooding. Additionally, the project utilizes existing infrastructure and avoids development on the sloped areas to minimize land-disturbing activities.

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

As described in the staff report, the project is fully consistent with all applicable requirements of the Medium Density Residential (RM) district, Zoning Ordinance, and all other applicable sections of the Hayward Municipal Code. Most notable, the buildings incorporate a total of 205 façade design points when only 125 points are required. The project also provides 210 points worth of open space amenities when only 200 are required. The development is also fully consistent with the *Hayward 2040 General Plan*, as described in Vesting Tentative Map Finding A.

Furthermore, the project contributes to the City's Regional Housing Needs Allocation (RHNA) goals set forth in the Hayward 2023-2023 Housing Element by providing 83 above-moderate income units to the City's totals.

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

Once constructed, the proposed residential development will operate in a manner similar to the 32-unit townhouse development to the north and the 133-unit apartment development to the east which has been operating in harmony with the surrounding development for over 45 years. During construction, the project will be subject to all applicable provisions of the Hayward Municipal Code for construction, maintenance, and landscaping, including 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 impacts to surrounding development.

California Environmental Quality Act

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 (Class 32) of the CEQA guidelines for In-fill Developments. An Air Quality report, a Noise report, and a Biological Resources report prepared by Rincon Consultants, Inc. and a Transportation Analysis report prepared by Hexagon Transportation Consultants, Inc (dated September 19, 2025 and April 15, 2025, respectively), and incorporated herein by reference, included an evaluation of the proposed project, and support the conclusion that the project meets the categorical exemption criteria included in Section 15332 of CEQA as follows:

**A. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.**

The project meets this criterion in that the project site is designated Medium Density Residential (MDR) within the *Hayward 2040 General Plan*, which allows for the development of attached residential buildings at the proposed density of 17.18 dwellings per acre. Furthermore, as described in the staff report (Attachment I), the proposed development is fully consistent with all applicable provisions of the Zoning Ordinance, Tree Preservation Ordinance, Affordable Housing Ordinance, Subdivision Ordinance, and Bay-Friendly Landscape Ordinance.

**B. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.**

The proposed development meets this criterion in that the project would be located on a 4.83-acre portion of a 5.49-acre site in the City of Hayward, while the remaining 0.66-acre portion will remain largely unchanged. Furthermore, the project site is predominantly surrounded by urban uses with a 113-unit apartment development (Walnut Hills Apartment) to the east, a 32-unit condominium development (The Pines) to the north and All Saints Cemetery to the west.

**C. The project site has no value as habitat for endangered, rare, or threatened species.**

A Biological Resource Report for the project was prepared by Rincon Consultants and concluded that there have been no special status species documented within the study area. The report also notes that special status species are unlikely to occur within the project footprint given that it is comprised primarily by the existing development and landscaping. As such, the project footprint does not contain and has no value as suitable habitat for endangered, rare, or threatened species.

**D. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

*Traffic:* The project meets this criterion in that the Transportation Report, prepared by Hexagon Transportation Consultants, concluded that it is consistent with all local plans, will not generate significant Vehicle Miles Traveled (VMT) and will not result in any hazards. The project demonstrates consistency with the Hayward 2040 General Plan, the Climate Action Plan and Bicycle and Pedestrian Master Plan. The existing residential VMT per capita at the project site is 21.11, which is 17 percent above the significance threshold. However, the project's proposed density and pedestrian facilities reduce the existing residential VMT per capita by 23.2 percent, placing it below the significance threshold. Please note the Report references a project density of 17.3 but the current proposed project density is 17.18. The City's Transportation reviewed this change and determined that the conclusions within the report as still accurate since the change in density is quite small (a reduction of 0.11 du/net acre) and the VMT reduction is much greater than the required 17 percent. Lastly, the project will not create any hazards and provides adequate access for emergency vehicles. As such, the project would not result in any significant effects related to transportation.

*Noise:* The project meets this criterion in that the Noise Report, prepared by Rincon Consultants, concluded that the construction noise and operational noise from this project would not exceed the City's thresholds of 86 dBA and 60 to 70 dBA, respectively. The construction noise would generate noise levels of up to 81 dBA at property line. The construction noise levels at the nearest sensitive receptors (located approximately 185 ft. or more away), would attenuate to 75 dBA Leq (8-hour) and below. Furthermore, vibrations from construction equipment would not exceed the FTA threshold of 0.2 in/sec PPV at the nearest offsite residential structures. The project would introduce sources of operational noise to the site, such as ground-mounted HVAC equipment. However, noise levels generated by these sources would not exceed the City's limit of 70 dBA during daytime hours or 60 dBA during nighttime hours at the property line. As such, the project would not result in any significant effects related to noise.

*Air Quality:* The project meets this criterion in that the Air Quality Report, prepared by Rincon Consultants, concluded that the operational and construction emissions associated with the project would not generate significant air quality emissions that exceed BAAQMD thresholds. The project is consistent with the 2017 Bay Area Clean Air Plan in that it will meet Title 24 California's Building Energy Efficiency Standards and

all-electric. The project would not result in a cumulative considerable net increase of any criteria pollutant from its construction or its operation. The project would not expose sensitive receptors to substantial Toxic Air Contaminants (TACs) concentrations or increase Carbon Monoxide (CO) hotspots nearby affected intersections. Lastly, the project would not generate objectionable odors affecting a substantial number of people since it is a residential use. As such, the project would not result in any significant effects related to air quality.

*Water Quality:* The project meets this criterion in that the project would not introduce new surface water discharges, would not substantially increase runoff volumes, result in substantial erosion or siltation, or result in flooding on- or off-site. Furthermore, the project would not alter the existing drainage pattern of the site in that it incorporates stormwater control measures pursuant to Provision C.3 of Alameda County's Municipal Regional Stormwater Permit.

**E. The site can be adequately served by all required utilities and public services.**

The project meets this criterion in that the project would be in an existing urban area served by existing public utilities and services. The City of Hayward will continue to provide water, sewer, and solid waste collection services to the project site. Other services, including electricity, will also be provided to the site by existing service providers.

Furthermore, it is concluded that none of the exceptions to the applicability of a Categorical Exemption as outlined in CEQA Guidelines Section 15300.2 would apply as follows:

**A. All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant.**

This criterion does not apply to this project as there are no developments within the same place for which to create a cumulative impact. Within a one-mile radius, there are several projects proposed or under-construction, including a residential development along Bunker Hill, a residential development at 22872 Main Street, and a residential development at 22810 Atherton St. The closest listed project to the project site is approximately 0.25 miles away which does not constitute being "in the same place."

**B. A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.**

This criterion does not apply to this project in that there are no unusual circumstances which would have a significant effect on the environment. Based on 1950 USGS Maps, portions of the project site were formally designated as part of All Saints Cemetery. By 1959, the project site is no longer indicated to be part of All Saints Cemetery. However, no records indicate the project site was used as a cemetery or for burials of human remains. Historic records note the actual cemetery area was anywhere from 7 to 7.5 which is mostly consistent with current cemetery area of 7.24 acres. Similarly, ariel photos from the 1940s do not indicate any cemetery uses outside of the

current cemetery boundaries. Furthermore, burial records and maps obtained from the Catholic Church do not show any official burials outside of the current cemetery boundaries. Lastly, none of the substantial grading and development of the project site has resulted in discovery of any human remains.

- C. A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway.**

The criterion does not apply in that there are no officially designated State scenic highways within the vicinity of the project site. The closest scenic highway is I-580, located approximately 1.6 miles north of the project site; however, the project will not be visible from this portion of I-580. Therefore, the project would not damage scenic resources within a highway officially designated as a state scenic highway.

- D. A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code.**

This criterion does not apply in that the project site is not listed on the EnviroStor environmental database, the California Department of Toxic Substances Control Hazardous Waste and Substances Sites (Cortese) List, and the State Water Resources Control Board's (SWRCB) Geotracker Database.

- E. A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.**

This criterion does not apply in that records from the Hayward Historical Society and City of Hayward do not indicate the existing community center or project site have any value as a historic resource. The site is not listed or eligible for listing on the California Register of Historic Resources (CRHR) or the City's local historic register. Furthermore, the existing community center or project site do not meet the criteria of a historic resource set forth by the CRHR and no records indicate that it is associated with events that would have made a significant contribution to the broad patterns of California's history or is associated with important people from the City's past.

Furthermore, the existing community center does not embody the distinctive characteristics of a type, period, region, or method of construction, or represents the work of an important creative individual, or possesses high artistic values. The original community center development was constructed sometime between 1958 and 1963. The center was remodeled and/or additions were made in 1962, 1977, 1982, 1998, 1999, 2002, 2009 and 2012. Due to these alterations, any distinctive characteristic would have been degraded and no longer possess any historic value.

Lastly, the site is not directly adjacent to any historic resources listed on the California Register of Historic Resources (CRHR) or the City's local historic register, including All Saints Cemetery. Even if All Saints Cemetery was listed, the project would not change

the cemetery as no work is proposed on that site. Furthermore, there is already development surrounding the cemetery which have changed the setting. As such, the project would not cause any substantial adverse change to historic resources at the project site or adjacent sites.

Hence, the project is Categorical Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15332 of the CEQA Guidelines for In-fill Development Projects.