

**PA 2019-005
Hayward Park Train Station Pre-Application
SAMPLE FINDINGS FOR APPROVAL OR DENIAL**

SITE PLAN AND ARCHITECTURAL REVIEW (SPAR) – APPROVAL FINDINGS (SMMC 27.08.030):

The application shall be approved if the Commission finds all of the following to exist:

- 1) The structures, site plan, and landscaping are in scale and harmonious with the character of the neighborhood;
- 2) The development will not be detrimental to the harmonious and orderly growth of the City;
- 3) The development will not impair the desirability of investment or occupation in the vicinity, and otherwise is in the best interests of the public health, safety, or welfare;
- 4) The development meets all applicable standards as adopted by the Planning Commission and City Council, conforms with the General Plan, and will correct any violations of the zoning ordinance, building code, or other municipal codes that exist on the site;
- 5) The development will not adversely affect matters regarding police protection, crime prevention, and security.

SITE DEVELOPMENT PLANNING APPLICATION (SDPA) – APPROVAL FINDINGS (SMMC 23.40.040):

Prior to recommending approval of a site development planning application, the approval body shall find that all concerns regarding surface grading, structure foundations, drainage, subsurface conditions, erosion, landscaping and tree removal have been addressed. The approval body shall consider the following factors, where applicable, in making the above finding:

- (A) Saturation of fill and unsupported cuts by water, both natural and domestic;
- (B) Runoff of surface waters that produce erosion, and silting of drainage ways;
- (C) Subsurface conditions such as the rock strata and faults;
- (D) Nature and type of soil or rock that when disturbed by the proposed grading may create earth movements;
- (E) Effect upon the potential for optimum subdivision design;

- (F) Effect upon the visual relationships with other development in the vicinity of the site;
- (G) Appropriateness of the proposed site development for the character of a planned community or planned unit development proposal;
- (H) Capability of proposed slopes to be landscaped;
- (I) Whether the natural landscape and major vegetation is unnecessarily scarred through the proposed grading or removal of vegetation;
- (J) The report from the Director of Parks and Recreation with respect to heritage trees pursuant to Section 10.52.040;
- (K) Any other considerations arising from any environmental impact report which will eliminate or mitigate environmental damage.

STATE DENSITY BONUS LAW – WAIVERS AND MODIFICATIONS OF DEVELOPMENT STANDARD - DENIAL FINDINGS (SMMC 27.15.050)

In accordance with California Government Code Section 65915(e), the City may deny an applicant's request for a waiver if:

- 1) The waiver or reduction would have a specific, adverse impact, as defined in Government Code Section 65589.5(d)(2), upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.
- 2) The waiver or reduction would have an adverse impact upon any real property that is listed in the California Register of Historic Resources.
- 3) The applicant has not demonstrated that application of the standard would physically preclude construction of the project with the allowed incentives or concessions.
- 4) The requested waiver or modification is contrary to state or federal law.

HOUSING ACCOUNTABILITY ACT – DENIAL FINDINGS (CA GOVERNMENT CODE 65589.5)

If the project complies with applicable, objective general plan, zoning, and subdivision standards and criteria, the City's grounds for denial would be:

- 1) The development would have a specific adverse impact on public health or safety and there is no feasible method to mitigate or avoid the adverse impact other than disapproval or approval at a lower density; or
- 2) The project is inconsistent with the City's zoning ordinance and general plan Designation.