



SUBJECT

Proposed Development of a 13 Unit Single Family Subdivision Requiring Approval of Zone Change and Tentative Tract Map Application No. 201605551, and Approval of a Mitigated Negative Declaration with Mitigation and Monitoring Plan; Applicant/Owner: Three Cedars, LLC.

RECOMMENDATION

That the Planning Commission recommends the City Council approve Zone Change and Vesting Tentative Map, and approve Mitigated Negative Declaration with Mitigation and Monitoring Plan (Attachment V) prepared for the project, subject to the attached Findings (Attachment II) and Conditions of Approval (Attachment III).

SUMMARY

The proposed project would result in development of a 13-unit subdivision on an approximately 1.8-acre infill site located at 24765 Hesperian Boulevard. The applicant is seeking approval of a Zone Change from RS (Single-Family Residential) to PD (Planned Development) District, to allow for smaller lots and more flexible development standards than are currently permitted under the applicable RS (Single Family Residential) District; however, the proposed density would be within the applicable Low Density Residential General Plan land use designation.

The proposed two-story, single-family homes would range from 2,240 to 2,550 square feet, and at least six of the proposed homes would include an approximately 350 square foot Accessory Dwelling Unit (ADU) integrated into the floor plan to provide additional rental housing in close proximity to Chabot College.

BACKGROUND

Public Outreach: An initial Notice of Receipt of the project application was sent to 206 property owners and residents within a 300-foot radius of the site in October 2016. In addition, the application was routed to the Westwood Manor Homeowners Association (HOA), the Southgate Area HOA, and the Mt. Eden Neighborhood Task Force.

On November 17, 2016, the City held a Preliminary Meeting to take agency and public comments on the proposed subdivision. About eight neighbors attended the meeting and expressed concerns about increased traffic and loss of trees and bird habitat related to development of the largely vacant site.

On May 1, 2017, the applicant held a community meeting at the Hampton Inn in Hayward, to present the project and to answer questions about the proposed development. Notices of the community meeting were sent to property owners, residents and businesses located within 300 feet of the project site. About 15 community members attended the meeting. Public comments at the meeting centered around traffic and access concerns, construction impacts to surrounding residences, and loss of trees and bird habitat.

On April 27, 2018, notices of this public hearing and the Notice of Intent to Adopt a Mitigated Negative Declaration with Mitigation Monitoring Plan were sent to all property owners and residents within a 300-foot radius of the project site; to interested parties who requested to be notified about the project; was posted at the Alameda County Clerk Recorder's Office; and, was published in The Daily Review.

PROJECT DESCRIPTION

Existing Conditions: The 1.8-acre project site is located at 24765 Hesperian Boulevard (Assessor's Parcel Number 441-0012-062-02). The roughly rectangular parcel is flat and developed with an approximately 2,200 square foot single-family home and detached garage that were built in between 1918 and 1922. According to a Historic Resource Evaluation Report prepared for the project (Attachment V, Appendix B), the integrity of the existing single-family home was compromised due to significant alterations to the original windows, doors and exterior trim. The primarily undeveloped site is covered in 88 trees and groundcover.

Land uses adjacent to and surrounding the project site include Chabot College to the south, single family residences to the north and west, and commercial uses, including Southland Mall, to the east of the project site.

Proposed Project: The proposed project includes a request for a Zone Change from RS District to PD District to allow for smaller lots and reduced setbacks than would otherwise be required under the base zoning district; and, approval of a Vesting Tentative Map (Tract No. 8359) to subdivide the site into 13 single family lots. See Table 1 under the Policy Context and Code Compliance section below for a comparison of the required RS District versus the proposed PD District standards.

The proposed project includes construction of single-family homes on each of the proposed lots. The two-story homes would range from 2,240 to 2,550 square feet and reach approximately 26 to 27 feet in height. The development would include two different floor plans with two elevation types (Farmhouse and Spanish styles) for each floor plan. The elevations would have a combination of gable and hip roofs, cross gables with windows and second story off-sets to break up the second story massing, windows and building pop-outs on all elevations. The homes would have a combination of stucco finish and board and bat siding depending on architectural style and enhanced sills and two-inch finish trim around windows. Each home would have a two-car garage and minimum 18-foot deep driveways leading to the garages.

Six of the proposed Plan 2 residences would include an approximately 350-square foot studio accessory dwelling unit within the floor plan (Attachment IV, Sheet A2.1). The accessory units would include kitchenettes and would be accessed from a door on the side of the residence to ensure that the residence retains the appearance of a single-family home from right-of-way.

Site Access: Vehicular access to the project site would be from the existing Yew Court/Sangamore Street intersection to a private roadway (Acorn Street) that would provide access to all of the proposed lots (Attachment IV, Sheet C3.0). Acorn Street would have two-way vehicular access, sidewalks on both sides of the street and adequate space for street parking on one side of the street.

Landscaping and Open Space: According to the Arborist Report prepared for the project (Attachment V, Appendix A), about 26% of the trees evaluated on site are in good condition and the remainder are in fair or poor condition. Two existing on-site oak trees and seven off-site trees would be retained with the proposed development and all other on-site trees (total of 86 trees) and adjacent street trees would be removed and replaced with a variety of trees within new front yards as well as installation of drought tolerant, native shrubs, accent shrubs, and ornamental grasses (Attachment IV, Sheet L-4). Wooden good neighbor fences would run along all interior side and rear lots, and a new six to eight-foot-tall masonry sound wall would be constructed along Hesperian Boulevard to minimize noise from the roadway.

The proposed development would include an approximately 4,500 square foot open space node between Lots 5 and 6, to provide a dual purpose of bioretention area for stormwater drainage and a passive open space node for residents.

Sustainability Features: The proposed project includes placement of solar panels on all residences as an amenity in exchange for the proposed PD District designation. In addition, each unit will be built to the Build It Green Gold Standard including installation of energy efficient appliances, windows and insulation within all residential units. The residences will also be pre-wired for electric car chargers and include and tools to harvest rainwater for landscaping which are required per the Building and the Hayward Municipal Code.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan: The project site has a Low Density Residential General Plan land use designation where detached single-family homes are identified as primary uses at a density range of 4.3 to 8.7 dwelling units per net acre. According to the General Plan, net acreage excludes land required for public and private streets, parks and other public facilities. The gross project site is 1.8 acres (78,490 square feet), and the proposed private roadway, Acorn Street, is 10,403 square feet. Reducing the gross acreage by the proposed roadway results in 1.56 net acres (68,087 square feet) of site acreage where a maximum of 13 single-family lots would be permitted.

In addition to the allowable density range, the proposed development is consistent with General Plan Land Use Goals and Policies related to growth and infill development (LU-1.3

and LU-3.7) and housing for students along Hesperian Boulevard near Chabot College (LU-4.12); and, Housing Goals and Policies related to a diversity of housing types (H-3.1); development of underutilized sites (H-3.5); and implementation of flexible standards and regulations (H-3.6).

Zoning Ordinance: The proposed project site includes a Zone Change to PD District to allow for flexibility from the applicable RS District standards. Specifically, the project is seeking deviation from the minimum lot standards and setbacks in order to develop to the maximum density permitted under the Low Density Residential General Plan land use designation. Table I below provides a comparison between the proposed PD District and the applicable RS District standards.

Table I – Required & Proposed Development Standards			
Applicable Standard	RS District – Required	PD District – Proposed	Consistent
Lot Size	- 5,000 square feet - 5,914 sq. ft. corner lot	Lots 7-13 would range from 4,210 sq. ft. to 4,430 sq. ft. Lots 1-6 would range from 5,274 sq. ft. to 6,129 sq. ft.	Seven lots would not be consistent.
Lot Frontage	35 feet	Lot 5 – 25 feet; Lot 13 – 28 feet; All other lots - 46 to 50 feet	Two lots would not be consistent.
Setbacks	- Front - 20 feet - Sides - 5 feet or 10% lot width - Street Side - 10 feet - Rear - 20 feet	- Range of 6 to 34 feet - Range of 4 to 5 feet - Lot 13 - 6.8 feet - 18 to 31 feet	Smaller front and side yards; generally consistent rear yards.
Lot Coverage	40%	21% - 31%	Yes
Height	30 feet	Approx. 26-28 feet	Yes
Parking	Two parking spaces within an enclosed garage	Two parking spaces within an enclosed garage	Yes

Pursuant to the [Hayward Municipal Code \(HMC\) Section 10-1.2535\(d\)](#), Findings for the Planned Development designation, any deviations from or exceptions to the base district standards shall be compensated by the installation of amenities not otherwise required. The applicant is proposing to off-set the deviations from the base standards by installing solar panels on all residences, installing public art on the wall along Hesperian Boulevard frontage to the West Street intersection, and construction of in-law units within a minimum of six of the residences.

Accessory Dwelling Units: Pursuant to [HMC Section 10-1.2743\(c\)](#), ADUs are permitted within Planned Development Districts provided that ADUs are specifically called out as permitted uses within the applicable Planned Development District.

Airport Overlay Zone: The project site is located within Zone 3 – Inner Turning Zone, of the [Airport Overlay District \(AOZ\)](#), and is therefore subject to specific limitations and regulations for all new development within those boundaries. Pursuant to HMC Section 10-6.30(a)(1), the maximum density for new residential development within the AOZ is set by the applicable General Plan land use designation. In this case, the proposed development is consistent with the Low Density Residential General Plan land use designation as described above.

The proposed development would not result in interference with air space protection policies in that structures would be less than 30 feet in height; would be located outside of the 65 dB CNEL Noise Contour Map for the airport; and, the proposed single-family neighborhood would not generate glare, distracting lights, or electrical interference that would compromise aircraft communications.

Affordable Housing: The proposed project is subject to the requirements set forth in [HMC Chapter 10, Article 17, Affordable Housing Ordinance](#). Per HMC Section 10-17.205, an applicant may satisfy the requirements of the ordinance by paying an affordable housing in lieu fee, including affordable units within the proposed development as specified in the ordinance or constructing off-site affordable units.

The application was submitted on October 19, 2016, and deemed complete before December 20, 2018, therefore, the project is subject to 50% of the Affordable Housing In-Lieu Fee set by Resolution No. 17-167, provided that the developer pulls building permits for the project by January 31, 2020. If the developer pulls building permits after that date, developer is subject to the fees in place at the time of building permit issuance.

Parkland Dedication: [HMC Chapter 10, Article 16, Property Developers – Obligations for Parks and Recreation](#) sets forth the parkland dedication requirements for private development based on residential unit count. Pursuant to the Ordinance, the applicant will pay fees in lieu of land dedication. Currently, the fees are \$11,953 for a detached single-family home and \$9,653 for a multi-family unit (also applicable to ADUs). Conditions of approval will require that the developer pay the applicable fees in place at the time of building permit issuance.

Tree Preservation: [HMC Chapter 10, Article 15, Tree Preservation](#), provides guidance on the preservation of protected trees and procedures for removal and mitigation of protected trees. Pursuant to the ordinance, native trees with four inches or larger trunk diameter; all trees with eight inches or greater trunk diameter; and all street trees are protected. Based on these standards, a total of 78 trees are protected and cannot be removed without a permit and appropriate mitigation. See analysis in Arborist Report (Attachment V, Appendix A) and proposed Conditions of Approval Nos 89-90, 99-101, and 106 related to tree preservation, permits and mitigation.

Vesting Tentative Map Tract 8428: The proposed project includes a Vesting Tentative Tract Map (8359). The proposed project site is an infill site and the City of Hayward provides water and sanitary sewer service to the site, and has adequate capacity to serve the proposed development. Access to the site would be provided from a proposed private

street (Acorn Street) that would be a continuation of the existing Yew Court (Plan Set, Sheet C4.0).

Strategic Priorities: The proposed project would support the City's *Complete Communities* Strategic Initiatives. The purpose of the *Complete Communities* Strategic Initiative is to create and support structures, services, and amenities to provide inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. The proposed development would facilitate the development of diverse housing types and increase the supply of affordable housing (Complete Community Goal 2, and Objectives 2.b and 2.d) in that it would result in the development of new single-family homes with ADUs on an infill site within walking distance to Chabot College and commercial uses.

STAFF ANALYSIS

Staff believes that the Commission can make the findings to recommend approval of the proposed development in that it will result in development of a currently underutilized, infill site and will follow the general development pattern and density of the surrounding single-family neighborhood. The Land Use and Housing Elements of the *Hayward 2040 General Plan* contain specific policies related to directing population growth toward infill development sites within the City. The proposed project site is an ideal infill site in that it is nearly two acres in size; it is under developed with a single-family home; it is surrounded by development; and it is located within walking distance to Chabot College, Southland Mall and other commercial uses along Hesperian Boulevard.

The proposed project includes a request for a Zone Change from RS District to PD District to allow for slightly smaller lots and setbacks than would be permitted under the current zoning. The zone change request would provide flexible standards to build at the density permitted by the General Plan. As shown in Table 1 above, the proposed development adheres closely to the RS District standards in the areas of lot coverage, parking, rear yards and side yards. The request for deviation from the code requirement is minor in that half of the lots meet the RS District standard of 5,000 square feet or more, while seven lots would be about 84% of that standard (approximately 4,200 square feet provided where 5,000 square feet is required).

Staff does recommend minor modifications to the placement of some of the homes on the lots to minimize impacts related to off-street parking and to increase the side yard setbacks. Specifically, proposed Condition of Approval No. 43 would require all driveways leading to the garages to be a minimum of 19 feet in depth to ensure that cars parked in driveways do not block the sidewalks. Overall, the rear yards are 19 or more feet so a slight reduction of one foot would not result in a significant deviation from the rear yard standards. Staff also recommends that the house plan for Lot 13 be flipped to provide a larger street side yard at the corner of Sangamore Street and proposed Acorn Street (proposed Condition No. 42); and that the Lot 5 home be flipped and pulled closer to Acorn Street to provide for a larger rear yard setback (Condition No. 43), which are more consistent with the RS District regulations.

To off-set the benefits of establishing a PD District on the site, the applicant is proposing to install solar panels on the residential units; install a mural, mosaic or other public art component on the new sound wall fronting Hesperian Boulevard and improve the portion of the sound wall from West Street to the new wall; and to construct ADUs within a minimum of six of the residences. The installation of ADUs is appropriate in this location because the ADUs will be incorporated into the home design and the lots are large enough to accommodate the proposed residences with ADUs. In addition, the ADUs will provide much needed studio rental units within walking distance of Chabot College and Southland Mall and other retail establishments along Hesperian Boulevard. Staff recommends that a pedestrian pathway and gate be installed at the small open space between Lots 5 and 6 to provide easy pedestrian access to Hesperian Boulevard and to Chabot College from the development.

Staff has received comments from neighbors in the vicinity who are primarily concerned with increased traffic and have requested that access to the site be provided from Hesperian Boulevard rather than from the residential Yew Court and Sangamore Street. It is estimated that the proposed project would generate about 13 AM peak hour trips and 16 PM peak hour trips which is not a significant amount of traffic (see detailed discussion on this topic in in Attachment V, pages 99-103).

The City's Engineering and Transportation Division also evaluated the community proposal to align a new project driveway with the Hesperian Boulevard/La Playa Drive signalized intersection and found that improvement would require purchase of an adjacent lot to the subject site (which is not for sale), and demolition of the home and sound wall on that lot. The Engineering Division also evaluated the suggested option of providing driveway access to the subdivision from Hesperian Boulevard and found that a dedicated driveway on Hesperian Boulevard could result in safety and traffic operation issues due to the close proximity of the site to the Hesperian Boulevard/La Playa Drive signalized intersection; would require restricting access to the future subdivision (i.e. right in and right out due to the median which would result in more U-turns along Hesperian Boulevard); lead to possible sight distance issues; and may require relocation of the AC Transit bus stop. Based on this analysis the Engineering Division recommended the developer provide access from Yew Court and Sangamore Street, as proposed because they have adequate capacity to serve the proposed subdivision.

Based on this analysis and the findings set forth in Attachment II to this report, staff recommends the Commission recommend approval of the project, as conditioned.

ENVIRONMENTAL REVIEW

An Initial Study evaluating the potential environmental impacts of this project was prepared in accordance with the California Environmental Quality Act (CEQA). The Initial Study found that the proposed project would result in potential impacts in the areas of Air Quality, Biological Resources, Cultural Resources, Hazards and Hazardous Materials, and Hydrology and Water Quality, and contains standard or project-specific mitigation measures reducing the identified impacts to a level of less than significant.

A Notice of Intent to Adopt a Mitigated Negative Declaration (NOI) was filed with the Alameda County Clerk on April 27, 2018. The NOI and the Initial Study were posted at the Permit Center and the City Clerk's Office at City Hall; delivered to both Hayward libraries; and posted on the City's website. Copies of the NOI were sent to interested parties and property owners within 300 feet of the project site on April 27, 2018. The public comment period for the proposed Mitigated Negative Declaration and Initial Study ran from April 27, 2018 through May 17, 2018.

A copy of the NOI, Initial Study/Mitigated Negative Declaration (IS/MND), and Mitigation Monitoring and Reporting Plan (MMRP), are attached to this report for the Commission's review and consideration (Attachment V and VI). The Commission must consider these documents prior to forming a recommendation on the proposed project.

As of the publication of this staff report, two comment letters were submitted on the IS/MND. The comment letters expressed concerns about traffic and noise and opposed access to the site from Yew Court and Sagamore Street.

As detailed in Section 4.16, Transportation/Traffic, the project will not result in a significant increase in traffic in that it will generate 13 AM peak hour trips and 16 PM peak hours trips. The IS/MND did not result in any impacts related to site access from Yew Court and Sangamore Street. See Staff Analysis for further discussion on that topic.

With regard to noise, the proposed single family residential use will not generate operational noise impacts that is out of character based on the surrounding area; however, according to the IS/MND (pages 88-90), the proposed development could result in temporary and periodic construction-related noise impacts. Standard Measure Noise and Vibration (AM-NV) 1-1, would require implementation of best management practices during construction to reduce construction-related noise impacts to a level of less than significant.

NEXT STEPS

Following the Planning Commission hearing, the City Council will hold a public hearing to consider the proposed project and the Planning Commission recommendation at the June 19, 2018 meeting.

Prepared by: Leigha Schmidt, Senior Planner

Recommended by: Sara Buizer, Planning Manager

Approved by:



Sara Buizer, AICP, Planning Manager

A handwritten signature in blue ink, appearing to read 'S. Bristow', is written over a horizontal line.

Stacey Bristow, Interim Development Services Director