



DATE: March 22, 2022

TO: Mayor and City Council

FROM: Director of Public Works

SUBJECT: Adopt a Resolution of Intention to Amend the Precise Plan Line for Rockaway Lane from “A” Street to Russell Way, Reducing the Right-of-Way Width Requirement from 68 Feet to 56 Feet; Applicant/Owner: William Frankel, 22422 Rockaway LLC, Application No. 202105041

RECOMMENDATION

That the Council adopts a Resolution of Intention to Amend the Precise Plan Line for Rockaway Lane (Attachment II) based on the analysis in this Staff Report.

SUMMARY

The current precise plan line for Rockaway Lane requires a 20-foot-wide dedication on the east side of the roadway to create a 68-foot-wide right of way. Rockaway Lane is a short street extending north approximately 2 blocks from the intersection with A Street as shown on the Vicinity Map (Attachment III). The precise plan line affects a total of three properties, two of which have been previously developed as apartments. William Frankel, the owner of 22422 Rockaway Lane (APN 415-0230-078-00) has a current planning application to develop the remaining vacant property and has requested that the City amend the precise plan line and increase the developable area of the property (Attachment IV). Staff has reviewed the request and supports a reduction in the precise plan line requirement from a 68-foot right-of-way to a 56-foot right-of-way consistent with Standard Street Sections for a Residential Public Street (Attachment V).

Planning Commission Review

The Planning Commission reviewed this request as part of a public hearing held on February 10, 2022¹ and recommended the reduction in width of the Rockaway Lane Precise Plan Line from 68 feet to 56 feet.

This project is categorically exempt from environmental review pursuant to Section 15301(c) of the California Environmental Quality Act (CEQA) guidelines as an existing facility. The exemption applies in this instance because the proposed amendment would reduce the right

¹ <https://hayward.legistar.com/LegislationDetail.aspx?ID=5446508&GUID=89C7A74C-AB90-49A6-A7C1-175D32F478E6&Options=&Search=>

of way dedication requirement and not result in any expansion of use or create additional automobile travel lanes.

BACKGROUND

Chapter 10, Article 4 of the Hayward Municipal Code grants Council the authority to establish precise plan lines for the reservation of future rights-of-way to provide a definite plan of development for the City and to guide, control, and regulate future growth in the City in accordance with the *Hayward 2040 General Plan*. Precise plan lines provide clarity to property owners and prospective developers regarding any dedication requirements and guides the City for the use of any capital expenditures for street and highway improvements. The current precise plan line requirements for Rockway Lane from A Street to Russell Way is specified as a minimum 68-foot width in Municipal Code Section 10-4.56 and was approved with Ordinance No. 64-026 C.S., adopted July 21, 1964. The existing precise plan line is shown on drawing number H-116 included as Attachment VI, and the proposed amended precise plan line included as Attachment VII.

Rockaway Lane was used as a roadway as early as 1888 and formally identified as a 48-foot-wide street in 1911 as part of the San Lorenzo Terrace subdivision. Today, it remains 48 feet wide in front of 22422 Rockaway Lane. The original precise plan line for Rockaway was adopted with Ordinance 208 C.S. on March 10, 1959 and required a 68-foot width with a ten-foot dedication required on each side of the street. The 1959 precise plan was consistent with a zoning amendment approved in 1958 for the development of the neighboring property at 22412 Rockaway, which required a ten-foot dedication as condition of development.

In June 1961, the California Highway Commission formally adopted a preferred location for the Route 238 Bypass through Hayward. The proposed bypass alignment, shown on Attachment VIII includes Rockaway Lane and all parcels to the east of Rockaway Lane in the future proposed State right-of-way. In preparation for the new freeway, the City realigned 4th Street between A Street and B Street to align with Rockaway at the A Street intersection. Beginning in the late 1960s and early 1970s, the State began acquiring properties within proposed right-of-way and acquired 22422 Rockaway Lane during this time period.

In 1964, Council adopted the current precise plan line, amending the 1959 line, requiring the entire 20-foot dedication to create a 68-foot roadway that would be taken from properties on the east side of the street, and burdening properties only on the east side of the road. The Route 238 bypass alignment likely influenced Council's determination since these properties were to have been part of the future freeway right-of-way. In 1992, Council adopted the "Upper B Street Plan" with Resolution 92-264. The plan maintained the Route 238 bypass around downtown Hayward as an alternative and identified 22422 Rockaway as a freeway off-ramp and connection to A Street.

Several groups and members of the public opposed the Route 238 bypass shortly after the alignment was identified in the 1960s and 1970s. In November 2010, following many years of lawsuits, the California Transportation Commission formally rescinded the freeway adoption

for the Route 238 bypass. Caltrans has sold many of the properties acquired for the freeway bypass including 22422 Rockaway Lane.

DISCUSSION

Staff recommends reducing the precise plan width on Rockaway Lane from 68 feet to 56 feet based on the following discussion and consistent with a standard residential street providing a travel lane in each direction and parking and sidewalks on both sides of the street.

The existing right-of-way in front of 22422 Rockaway Lane is 48 feet wide and the paved roadway is only 28 feet wide; too narrow to allow parking on both sides of the street. The improvements on the west side of Rockaway Lane include a 10-foot-wide sidewalk, which has already been constructed between A Street and Russell Way. A 56-foot precise plan width would still require an 8-foot dedication from 22422 Rockaway Lane when the property is developed along with frontage improvements. When improved, the new 36-foot-wide roadway on the 56 foot right of way would provide parking on both sides of the street and room for up to a 10-foot-wide sidewalk. The final improved roadway would also align with 4th Street, which is located across the A Street intersection.

As previously noted, the existing Rockaway Lane Precise Plan Line affects three properties on the eastern side of road, two of which have already been developed into apartments. One of these properties dedicated 10 feet of right-of-way at the time of development, which would satisfy the requirements of a 56-foot-wide precise plan width. The reduced precise plan line would affect the development potential of two properties, the existing developed site at 22400 Rockaway Lane and the currently vacant parcel at 22422 Rockaway Lane. Dedication requirements would be satisfied with the development of the vacant 22422 Rockaway Lane property or the redevelopment of the 22400 Rockaway Lane property.

Hayward 2040 General Plan. The *Hayward 2040 General Plan* designation for the properties on Rockaway Lane fronting A Street is Commercial / High Density Residential and High Density Residential for the other properties on Rockaway Lane. The existing development includes a commercial use fronting A Street and a mixture of single family and multi-family development on Rockaway Lane and nearby Russel Way which provides a connection to 2nd Street.

San Lorenzo Creek is a prominent geologic feature east of Rockaway Lane and the approximate creek centerline forms the eastern property line of the three developable properties on the east side of Rockaway Lane. Rockaway Lane ends approximately 300 feet north of Russell Way due to a sharp bend in San Lorenzo Creek and the creek flows in a westerly direction adjacent to Russell Way. The creek is a natural barrier to development and essentially isolates the neighborhood with a total of about thirty properties served by the Rockaway Lane and the Russell Way roadways.

Rockaway Lane is identified as a local street within the *Hayward 2040 General Plan* and there are no plans for expansion of the roadway or extension of the roadway across San Lorenzo

Creek. Additionally, the Hayward Bicycle & Pedestrian Master Plan², adopted in 2020, does not identify either Rockaway Lane or Russell Way for a bicycle route or an area with enhanced pedestrian improvements.

The City has developed Standard Details for street sections based on predominant use, i.e., residential, commercial, or industrial, and local, collector, or arterial classifications. The current 68-foot precise plan width for Rockaway Lane is consistent with the street standards for a major residential or commercial collector street. While this designation may have been appropriate when Rockaway Lane was adjacent to the Route 238 Bypass and envisioned as a potential freeway off ramp, it is no longer consistent with the *Hayward 2040 General Plan*.

Zoning Ordinance. Per HMC Section 10-4.21³, before any action can be taken by the Council concerning proposed precise plan lines for future rights-of-way, the project needs to be referred to the Planning Commission and Department of Public Works for a report and recommendation.

Upon receipt of a report and recommendation from the Planning Commission, and whenever the public peace, safety, comfort, convenience, interest or welfare may require, Council has the authority to determine the minimum distance back from the street line for the erection of buildings or structures along any portion of any street or planned street in the City and to order the establishment of a line to be known and designated as a precise plan line, between which line and the street line no building or structure shall be erected or constructed.

Prior to adopting an ordinance establishing or amending any previously adopted precise plan line, Municipal Code section 10-4.25 requires the Council to adopt a resolution of intention designating the precise plan line(s) to be established or amended. The resolution of intention must set a date and time for a public hearing when any interested persons may appear and present verbal or written objections or protests to the proposed precise plan line. Additionally, the Municipal Code requires publication of the resolution of intention and posting along the affected streets.

Environmental Review

The proposed Amendment to the Precise Plan Line is categorically exempt from CEQA pursuant to Section 15301, Existing Facilities. The Amendment would reduce the dedication requirement and not result in any expansion of use or create additional vehicular travel lanes.

ECONOMIC AND FISCAL IMPACT

Amendment of the precise plan line, by itself, will not have a fiscal or economic impact. The additional development potential created an amended precise plan line will improve

² Hayward Bicycle and Pedestrian Plan (2020)

https://www.hayward-ca.gov/sites/default/files/Hayward%20BPMP_Final%20Plan.pdf

³ Precise Plan Lines. Planning Commission Review and Recommendation

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART4PRPLLIST_S10-4.21PRPLLIPLCORERE

commerce, provide needed housing, and employ construction workers. Property tax revenues received by the City and several other local agencies will incrementally increase if a development at 22422 Rockaway Lane is constructed and occupied.

STRATEGIC ROADMAP

Approval of the Amended Precise Plan Line supports the Preserve, Protect, & Produce Housing priority in the City's Strategic Roadmap, by increasing the development potential of 22422 Rockaway Lane and providing a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources. Approval and the possible future development of 22422 Rockaway Lane would support the Improve Infrastructure priority by completing frontage improvements, widening and rehabilitating the existing pavement and improving sidewalk access.

SUSTAINABILITY FEATURES

The proposed action would reduce the future width and street section of Rockaway Lane resulting in less pavement and impervious surface area and a decreased impact on the environment.

NEXT STEPS

If approved, the Resolution of Intention will set a public hearing date of April 19, 2022 to afford interested persons an opportunity to be heard prior to amending of the Precise Plan Line for Rockaway Lane. Adoption of the precise plan line amendment will increase the developable area for 22422 Rockaway Lane; however, any development of this property would follow standard planning entitlement process.

Prepared by: Scott Wikstrom, Development Services Engineer

Recommended by: Alex Ameri, Director of Public Works

Approved by:



Kelly McAdoo, City Manager