

**CITY OF HAYWARD PLANNING DIVISION
APPLICATION NO. 201705535
VESTING TENTATIVE TRACT MAP 8456 AND SITE PLAN REVIEW
28538 HUNTWOOD AVENUE
FINDINGS FOR DENIAL**

Proposal to Subdivide a 1.21-Acre Site into 18 Parcels to Allow the Construct 14 Townhomes with Common Open Space Areas and Related Site Improvements at 28538 Huntwood Avenue (APN 465-0025-005-03) Requiring Approval of a Vesting Tentative Tract Map and Site Plan Review Application No. 201705535 by James Chao (Applicant); on behalf of Zhong Yin Liu (Owner).

VESTING TENTATIVE TRACT MAP FINDINGS

Pursuant to Section 10-3.150 of the Hayward Municipal Code (HMC), the Planning Commission may conditionally approve a Vesting Tentative Tract Map application when all the following findings are met:

A. The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;

The project site is designated MDR (Medium Density Residential), which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre, in the *Hayward 2040 General Plan*. The project is proposing a total net density of approximately 12 dwelling units per net acre, which is within the allowed density range in the *Hayward 2040 General Plan*. The MDR land use designation allows for a mix of housing types including multi-family residential developments. The project is considered an in-fill development, which will increase the housing inventory for the City of Hayward and result in a more complete neighborhood. The project is also consistent with the following General Plan policies:

- Housing Policy 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.*

The project proposes a subdivision of an existing parcel to allow for 14 new townhomes, which will provide additional multi-family housing opportunities in the City.

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

The project is located in an established neighborhood near a commercial corridor along Tennyson Road. Furthermore, recreational facilities such as Tennyson Park and educational facilities such as Cesar Chavez Middle School are nearby. Additionally, the S. Hayward BART Station is less than half a mile to the east.

- Land Use Policy 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.*

The project is surrounded by development on all sides, including other single-family homes, multi-family residential developments, and mobile homes. As such, the project is considered an in-fill project, which is appropriate for new housing development.

However, the project is inconsistent with the following General Plan goals and policies:

- Mobility Policy M-4.5 Emergency Access: *The City shall develop a roadway system that is redundant (i.e., includes multiple alternative routes) to the extent feasible to ensure mobility in the event of emergencies.*

The project proposes a new private street that provides access for emergency vehicle apparatus to service each townhome. However, the private driveways providing access to garages only range in length from 2 to 10 feet. If vehicles were to park on these short driveways, they would extend beyond the driveway aprons and obstruct emergency fire access. The proposed private street is only 20 feet wide, which is the minimum required width for emergency vehicle apparatus to safely navigate. Therefore, any obstruction within the private street would interfere with emergency fire access, which is likely to occur given the number of driveways along the private street and awkward driveway lengths. Furthermore, residents and guests are likely to park in these short driveways since four-bedroom units often need more than two parking spaces and there is a general lack of street parking within the development and surrounding neighborhood. As such, the private street may not provide adequate access for emergency vehicle apparatus in the event of an emergency.

- Mobility Goal M-5: *Provide a universally accessible, safe, convenience, and integrated pedestrian system that promotes walking.*

Mobility Policy M-5.2 Pedestrian System: *The City shall strive to create and maintain a continuous system of connected sidewalks, pedestrian paths, creekside walks, and utility greenways throughout the city that facilitates convenience and safe pedestrian travel, connects neighborhoods and centers, and is free of major impediments and obstacles.*

As discussed earlier, the project proposes a private street that would likely be obstructed by parked vehicles extending beyond the driveway aprons. Not only would this interfere with emergency fire access, but also interrupt pedestrian and vehicular circulation throughout the development. If vehicles were to park in the short driveways, vehicular circulation would be obstructed in both directions, which would result in traffic conflicts and hazards along the private street. Furthermore, pedestrians would not have safe and convenient access throughout the site. Pedestrians, which would include both residents and

visitors, would have to walk on the private street and in the path of vehicles to access the townhomes, common areas, or surrounding neighborhood.

B. The proposed subdivision meets the requirements of the City Zoning Ordinance; and

The proposed subdivision meets all the development standards of the RM (Medium Density Residential) District related to lot size, lot coverage, setbacks, building height, off-street parking, and open space. The subdivision will also allow for the construction of 14 townhomes, which is a permitted land use in the RM District.

C. No approval of variances or other exceptions are required for the approval of the subdivision.

The proposed subdivision will meet the requirements of the Zoning Ordinance, including the development standards of the RM District and other applicable sections. The project will also meet the requirements of the Subdivision Ordinance and will not require a variance or any other exceptions from the HMC.

SITE PLAN REVIEW FINDINGS

Pursuant to Section 10-1.3025 of the HMC, the City Council may conditionally approve a Site Plan Review application when all the following findings are met:

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

The proposed development would be compatible with surrounding structures and uses and would be an attractive addition to the City in that it would be consistent with the developmental pattern of the Tennyson/Alquire neighborhood, which is characterized by single- and multi-family residences. The proposed buildings would be similar in mass and scale to other residential developments nearby. The existing buildings in the area are characterized by cement plaster or stucco walls with or without siding and composition shingle roofs. The townhomes propose cement plaster walls, composition shingle roofs, and neutral building colors to blend in with the existing neighborhood. In addition, the building facades are articulated with wall offsets, private balconies, front entry porches, stone veneer, detailed window trim, window shutters, and contrasting accent and trim colors to provide visual interest. Overall, the homes will improve the neighborhood by replacing an underutilized site with new development that is compatible with the neighborhood character.

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

The scale and character of the proposed building are harmonious with the surrounding neighborhood, which consists of a mix of housing types including single-family homes, small multi-family developments, and mobile homes. The project proposes two-story buildings in a neighborhood consisting primarily of one- and two-story buildings. Additionally, the architectural design of the new townhomes is compatible with the design of the existing homes nearby. However, the project may result in parking impacts to the surrounding neighborhood. The project proposes four-bedroom townhomes, which often need more than two

parking spaces. The project only provides a two-car garage for each townhome and a short driveway that cannot accommodate additional vehicles. Furthermore, the proposed private street is not designed to accommodate street parking and eight guest parking spaces are provided. As such, additional vehicles from residents and visitors will either park in the short driveways and interrupt emergency and general access or on public streets within the surrounding neighborhood. There is no street parking on either side of Huntwood Avenue, so additional vehicles may end up parking on local-serving streets in nearby residential neighborhoods. Therefore, the project does not take into consideration physical and environmental constraints.

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

As previously discussed, the project is consistent with the MDR land use designation in the *Hayward 2040 General Plan*, which is intended for a mix of housing types including single-family residences. Additionally, the proposed density is within the allowable density range in the General Plan. The project is also consistent with the goals and policies of the General Plan that encourage a diverse housing inventory and in-fill development. Furthermore, the project meets all the applicable regulations of the Zoning Ordinance, including the development standards of the RM District. However, the project is not consistent with the goals and policies of the General Plan related to emergency access, pedestrian and vehicular access. The project proposes unusually short driveways, which may result in the obstruction of emergency fire access, vehicular circulation on the private street, and pedestrian circulation on sidewalks and driveway aprons. Therefore, the project does not comply with the intent of all City development policies and regulations.

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

The project will comply with all applicable zoning regulations, building codes, and other regulations in the HMC. The proposed site improvements will also have to meet all City standards and details to the satisfaction of the Director of Public Works as shown on the final map and improvement plans. The project will also be subject to various conditions of approval intended to protect the surrounding neighborhood from any potentially harmful impacts. However, the project is likely to result in parking impacts to the surrounding neighborhood given the short driveways that cannot accommodate additional vehicles, minimal guest parking spaces, and general lack of street parking along Huntwood Avenue. Furthermore, the project may result in the obstruction of emergency fire access, vehicular circulation on the private street, and pedestrian circulation on sidewalks and driveway aprons. Therefore, the project will not operate in a manner determined to be acceptable and compatible with surrounding development.