



SUBJECT

Preliminary Review of a Zone Change to Planned Development District and a Vesting Tentative Map to Construct a 14-unit Subdivision on an Approximate 1.64-acre Vacant Lot Located at 25036 to 25096 Carlos Bee Boulevard. Application No. 201802159; Application No. 201802159; Kodama Diseno Architects (Applicant) on behalf of Zoreh Gharaati (Owner).

RECOMMENDATION

That the Planning Commission review and provide feedback to the applicant and staff on the proposed Zone Change Application No. 201802159, subject to the information provided in this report and attached plans.

SUMMARY

This is a Work Session to provide the Planning Commission and members of the public an opportunity to review the proposed residential development on a currently vacant site along Carlos Bee Boulevard. The proposed development includes a Zone Change from RSB6 (Single Family Residential with a Minimum 6,000 Square Foot Lot) District to Planned Development (PD) District to allow for construction of 14 detached single-family homes on a single parcel in order to cluster development to avoid the steepest slopes on the site, to avoid earthquake fault hazard areas, and to maximize density on the site.

No formal action is being requested at this time and the Commission will have another opportunity to consider the project at a future date once the application and environmental analysis is complete. The Commission is an advisory body and will make a recommendation on the project to the City Council at a future date.

BACKGROUND

According to Assessor's Records, the proposed project site was subdivided into six single family lots in 1957. Building permit records from the early 1960s, indicate that two single family homes were developed on the lots at 25036 Carlos Bee Blvd and 25096 Carlos Bee Blvd; however, there are no records indicating that single family homes were constructed on the interior lots. Sometime in the late 1960s-early 1970s, Caltrans purchased all of the properties for the Route 238 Bypass. The single-family homes were demolished by Caltrans between 2008 and 2012 before the property was sold at auction in 2017.

Public Outreach: On May 9, 2018, Notice of Receipt of Application was mailed to all property owners, residents and business owners within 300 feet of the project site. Staff received a written letter opposing the project due to traffic, environmental and density concerns.

On January 11, 2019, notice of this work session was published in the East Bay Times Daily Review and was mailed to all property owners, residents and business owners within 300 feet of the project site.

PROJECT DESCRIPTION

Existing Conditions: The proposed 1.64-acre project site is vacant and covered in trees and grasses. The site is roughly rectangular and is steeply sloped from the north to the south and from the east to the west. Specifically, the north-south slopes range from a 215-foot elevation near the northern property line to an approximately 188-foot elevation at Carlos Bee Boulevard; and, from a 240-foot elevation at Overlook Street on the eastern property line to an approximately 180-foot elevation near the western property line. A utility easement with overhead power lines and various utility boxes runs along the southern property line along Carlos Bee Blvd.

The western half of the project site falls within the Alquist Priolo Fault Zone. A Fault Rupture Hazard Evaluation (Attachment III) prepared for the project site found no active fault traces within an exploratory trench. However, the Evaluation recommended that no residential construction occur within 95 feet of the western boundary of the project site. This area is referred to as the “No Residential Construction Zone” on the proposed architectural and civil plans.

Surrounding land uses include single family residential development to the north and east; Silver Oak High School to the west and Carlos Bee Blvd and vacant land to the south.

Proposed Project: The proposed project consists of a Zone Change from RSB6 (Single Family Residential with a minimum 6,000 square foot lot) District to PD (Planned Development) District and a Vesting Tentative Map for Condominium Purposes to develop 14 new single-family homes on a single lot.

Project Overview & Site Plan. The applicant is requesting a Zone Change from RSB6 District to PD District in order to eliminate the minimum 6,000 square foot lot size and to eliminate the required setbacks for individual homes in order to maximize density and cluster development on the southeastern portion of the site. The single-family homes would be developed on a single common parcel and sold as condominium units. The private driveway providing access to the homes, surface parking area, common open space and walkways would all be under common ownership while the individual homes would be privately owned (Attachment II).

The site plan clusters the development in the least sloped areas outside of the “No Residential Construction Area.” Thirteen of the single-family homes would front Carlos Bee Boulevard with staggered front yard setbacks ranging from approximately 20 feet (Unit 13) to 70 feet (Unit 7), and staggered rear yard setbacks ranging from approximately 36 feet (at Unit 1) to approximately 70 feet (Unit 10). On the eastern side of the site, Unit 1 would be setback

approximately 20 feet from the property line abutting Overlook Avenue, and Units 13 and 14 would be located approximately 95 feet from the western property line. Units 1-13 would be setback approximately six feet from each other while Unit 14 would be placed on the north side of the proposed driveway approximately 30 feet from the rear property line and 31 feet from Unit 13.

Architecture and Floor Plans. The proposed development consists of two different unit types - 12 of the homes would be Unit Type A and two of the homes would be Unit Type B. Unit Type A would be approximately 2,362 square feet in size and contain three bedrooms, three bathrooms and a two-car side-by-side garage. Unit Type B would be approximately 2,225 square feet and have three bedrooms, two and one-half bathrooms and a two-car tandem garage. All of the homes would reach three stories (ranging from 27 to 30 feet in height) with garage and small den on the ground floor, common living space on the second floor and bedrooms on the third.

The proposed architectural style would be modern with a combination of flat and shed roofs, boxy flat planes, simple metal railings, projecting balconies and garage overhangs, and large windows with minimal trim accents. Building planes would generally be broken up with building off-sets between floors, score lines and horizontal materials such as fiber cement board siding and wood siding.

Parking. As noted above, each home would have a two-car garage. In addition, the proposed project would include 27 uncovered, guest parking spaces located along the project driveway and at the western end of the project site. Ten of the guest parking spaces (P17-P26), would be compact measuring 15 feet in depth by eight feet in width.

Pedestrian and Vehicular Access. Pedestrian access to the homes would be from a concrete pathway that would meander roughly parallel to the existing sidewalk along Carlos Bee Boulevard. The pathway would have intermittent wood trellises with plantings and would meet up with the existing sidewalk at the eastern and western ends of the development. Vehicular access to the proposed development would be from a 20-foot wide driveway at Overlook Avenue. The two-way driveway would run along the northern property line and terminate at an Emergency Vehicle Access gate that would be located along Carlos Bee Boulevard. The EVA would not be utilized by residents or visitors to the development due to the curve and speed of vehicles traveling west along Carlos Bee Boulevard.

Amenities. The proposed development would include a small pocket park with benches and playground to provide open, common space for the residents. The common open space is intended to off-set the loss of front and rear yards typically enjoyed by single family residential lots. A bioretention area would buffer the pocket park from Carlos Bee Boulevard.

Sustainability Features. The applicant is proposing to install rooftop solar panels on all proposed buildings as an amenity to off-set the request for Zone Change to PD District. The project is also required to meet CALGreen and 2016 California Energy Code standards for energy efficiency and will meet the City's requirements with respect to water efficient

landscaping. The project is also required to comply with the Municipal Regional Stormwater Permit requirements regarding storm water runoff prevention and treatment.

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. Subdividing the site into a single parcel with air rights as proposed would allow the developer to avoid netting out acreage for the driveway providing access to the units because driveways are not considered “private streets.” If the developer does not have to net out the roadway, the density of the proposed project is 8.5 units per acre which is within the allowable density range for Low Density Residential land use designation. Further, the project meets the intent of the applicable land use designation in that it includes construction of detached single-family homes.

The Housing Element contains policies to allow flexibility within the City’s standards and regulations to encourage a variety of housing types (H-3.6); and, to allow for a range of residential densities, housing types, prices, ownership and size (H-3.1). In addition, the proposed development follows the Residential Design Strategies called for in General Plan Policy LU-3.6 in that the project includes a pedestrian pathway that connects to sidewalks, orients the fronts of the homes toward public right-of-way and the garages along a rear alley, and ensures windows front streets and public spaces; and in LU-3.2, to provide neighborhood amenities in centralized locations whenever feasible.

Zoning Ordinance: The PD District is intended to facilitate development of land in an innovative fashion to allow for flexibility in site design and encourage development that is sensitive to environmental and site-specific considerations. The applicant is seeking deviations from the minimum lot size and setbacks to cluster the development on the least sloped portion of the site that is outside of the identified “No Residential Construction Zone.”

The applicant is also seeking a deviation from the parking requirements. Pursuant to Hayward Municipal Code (HMC) Section 10-2.310, the minimum parking requirement for a lot that abuts a street with no parking on either side is two covered and two uncovered per dwelling unit. The proposed development includes two covered garage parking spaces per unit; however, there are only 26 uncovered parking spaces where 28 parking spaces is required.

Pursuant to 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 and construction of the pocket park and playground at the western end of the project site.

Affordable Housing Ordinance: 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, the

applicant intends to satisfy the requirements of the ordinance by paying an affordable housing in lieu fee.

Hillside Design Guidelines: The project site is subject to the City of Hayward Hillside Design Guidelines. Generally, the Hillside Design Guidelines support clustering development to avoid steep slopes and natural site features and hazards. The applicant did not provide average slope calculations, so it is difficult to determine the average slopes across the site. It is clear based on the project description that there will be a large amount of grading necessary along the northern property line where the roadway is proposed and that a series of retaining walls will be built along that property line. To date, the applicant has not provided the maximum heights of various retaining walls.

It is important to note that as proposed and with the information provided thus far, the proposed project doesn't meet the Architecture and Site Design guidelines to exhibit a stepped design that follows the natural terrain; to exhibit varied elevations and floors plans; and to avoid large flat wall planes to reduce the bulky appearance of the structure. However, the proposed development does break up and display varied rooflines and provides variation in building setbacks, which creates some variation in the rhythm of development from Carlos Bee Blvd. Further, the proposed modern architectural style calls for flat planes and minimal articulation which leads to an inherent inconsistency with the adopted Guidelines.

STAFF ANALYSIS

As described in detail above, the proposed development is seeking the flexibility of the PD District zoning designation in order to cluster development on a portion of the site while maximizing the allowable density under the General Plan. Maximizing density on infill sites that are close to commercial services, transit and educational facilities is a major goal of the City and the applicant. The project site is located along a major collector (Carlos Bee Blvd) and is located down a steep slope at the edge of a low-density residential neighborhood where a unique, more dense form would be appropriate. However, there is a balance between maximizing density on a constrained site, meeting minimum requirements set forth in the HMC, and creating a well-balanced, well-designed site adequate open space, parking and air, light and space between residential units. Staff notes that this is a relatively small development and may not be able to meet every City goal, policy and ideal.

Specifically, staff and the applicant would like feedback on the following items:

1. Proposed Common Lot with Condominium Units. As described above, the applicant is proposing a creative solution to the issues related to netting out acreage for private roadways by proposing a single parcel condominium development with single family detached units. Rather than owning individual lots, property owners will have "air rights" within the single-family home. For single parcel developments, the applicant does not have to net out the acreage for the private roadway because it is considered a driveway and the owner can use gross acreage of the site in determining density allowed on the site. Staff believes that this approach meets the intent of the General Plan in that the proposed density is 8.5 units per acre which is within the allowable

density range. However, this project will appear denser than surrounding single family neighborhoods due to the site layout and minimal setbacks.

2. Proposed Lot 14. Staff is concerned about the placement of Lot 14 on the north side of the roadway which will necessitate cutting into the existing slope. The placement of Lot 14 is within a few feet of parking spaces and would result in a tight pull out area around parking space nos. 17-19. While the lot is not ideally placed in relationship to the development pattern for the rest of the project (Lots 1-13), removing the lot would reduce the density on the site.
3. Proposed Floor Plans. All the floor plans propose a small building footprint with a two-car garage and small den. While there is not a specific Municipal Code requirement to provide ground floor living space, staff has heard that this accommodation within each development is an important consideration for people with disabilities or those wishing to age in place. Furthermore, one of the Council's Complete Communities Strategic Objectives is to "facilitate the development of diverse housing types that serve the needs of all populations." Arguably this development would not serve the needs of all populations in that people in wheelchairs could not live here; however, provision of a new floor plan with ground floor living space would limit the number of units that could be built on the site, thus decreasing density.
4. Minimal Setbacks Between Units. As described above, the proposed development is seeking exceptions from minimum setbacks that would typically be required in the RS, Single-Family Residential District. While the housing units would be adequately setback from front and rear property lines, there would only be a six-foot setback between units, where 10 feet would typically be required. Additionally, staff notes that this minimal setback will be further accentuated by the proposed height of the proposed structures (up to 30 feet). While the applicant is proposing units that would be staggered along the project frontage which provides some variation in light and shadow, there will likely be a "canyon effect" due to the narrowness of the setbacks between structures. Adversely, if the setbacks are increased, it would likely result in a decrease in the number of units or a loss of parking.
5. Modern Architecture. As described above, the proposed modern architecture features boxy, flat wall planes that are differentiated by score lines and building materials that follow the vertical and horizontal lines and projecting elements, which helps to create relief in the building elevations. While the proposed architecture is not entirely consistent with the Hillside Design Guidelines by design, the site is located in close proximity to an established residential neighborhood and adjacent to a major collector, which may be appropriate for this unique architectural style.
6. Parking. Per the proposed site plan, the development deviates from the required parking by two spaces. Currently, 28 guest parking spaces are required for 14 residential units and only 26 parking spaces are proposed. Overall, staff does not support reducing the number of housing units to meet the required parking standards (four parking spaces per residential unit) or replacing the housing units with parking

spaces; but, the removal of Lot 14 for other site layout and topographical issues identified would bring the parking into compliance with the HMC.

7. Affordable Housing. The applicant is proposing to meet the requirements of the Affordable Housing Ordinance by paying in lieu fees. For a small development, this approach would likely make the project more feasible; however, staff has heard from decision makers that they would prefer to see more affordable units included as part of new residential development.
8. Proposed Project Amenities. As noted above, the applicant is proposing solar panels on all units and the construction of a small pocket park with playground at the western end of the development to be used as common open space for the residents. While staff believes the open space is a nice addition to the development and would off-set the lack of yard area for the homes, staff believes the provision of solar panels as a project amenity may not be considered an “amenity” for purposes of a PD rezoning since it is anticipated that solar panels will be required on all new residential development per California Building Code as of January 1, 2020. Staff believes requiring affordable units within the development may be considered as an amenity, since this is not currently required by the HMC.

ENVIRONMENTAL REVIEW

The project is subject to CEQA, and an Initial Study will be prepared once the development program is finalized and the application deemed complete. Based on the analysis in the Initial Study, staff will determine the appropriate level of environmental analysis required.

NEXT STEPS

Following the Planning Commission Work Session, and once the application has been deemed complete, staff will conduct environmental analysis on the proposed project. Once completed, staff will return to the Planning Commission for consideration and recommendation to the City Council.

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