



DATE: October 29, 2019

TO: Mayor and City Council

FROM: Development Services Director

SUBJECT: Proposal to Subdivide a 0.50-Acre Site into 7 Parcels to Allow the Construction of 5 Single-Family Homes with Common Open Space and Related Site Improvements at 24763 Mohr Drive (APN 441-0077-003-04) Requiring Approval of a Tentative Tract Map, Planned Development (PD) Rezone, and Environmental Consistency Checklist. Application No. 201806740. Applicant: Jeffrey Lawrence for Nuvera Homes on Behalf of Owner: Ben Hsiao-Pang Liu

RECOMMENDATION

That the City Council introduces the attached Ordinance (Attachment II) approving the Planned Development (PD) rezone and adopts the attached Resolution (Attachment III) approving Vesting Tentative Tract Map No. 8482 and adopting the related Environmental Consistency Checklist for the proposed development.

SUMMARY

The applicant is requesting approval of Tentative Tract Map No. 8482 and Planned Development Rezone Application No. 201806740, and the adoption of an Environmental Consistency Checklist and amendments to the Official Zoning Map to construct five single-family homes with a common open space area and private street at 24763 Mohr Drive. The project site, which is 0.50 acres in size, is currently zoned RSB4 (Single Family Residential District with a minimum lot size requirement of 4,000 square feet) and designated as LMDR (Limited Medium Density Residential) in the *Hayward 2040 General Plan*.

The project requires a Tentative Tract Map to subdivide the property and zone change from RSB4 to PD, Planned Development, to allow for exceptions to the development standards for the single-family parcels to reduce the lot size, lot dimensions, lot coverage, setbacks, and driveway length. The proposed single-family lots range in size between 3,357 to 3,819 square feet.

BACKGROUND

This area and project site used to be in unincorporated Alameda County and was part of the Mt. Eden Phase II Annexation that was annexed into Hayward in February of

2010. According to City and County records, an original structure on the property existed as early as 1925; however no structure that retains any historic integrity remains. The current primary structure on the property is a contemporary, two-story, single-family residence which was built in 1986 and remodeled in 1991. In addition to the primary home, there is a detached garage and a detached accessory structure on the property.

In 2014, a Tentative Tract Map and Planned Development Rezoning was approved for the Eden Village I development, located immediately north and west of the project site. As approved, Eden Village I will include 13 single family homes, a tot lot, an outdoor patio, and a private street. The proposed project, known as Eden Village II, is proposed to be a continuation of the Eden Village I development, and constitutes the second and final phase of this subdivision.

DISCUSSION

Existing Conditions. The 0.50-acre project site is generally flat and is developed with a single-family home and two detached accessory structures. There are two trees protected by the City's Tree Preservation Ordinance on site.

The project site is located within an existing single-family residential neighborhood that includes a mix of one- and two-story, single-family homes located on older, large lots and newer, small lots created by recent subdivisions. The proposed homes are comparable in size to newer residences in this neighborhood as well as the homes approved as part of the Eden Village I subdivision. No one architectural style is dominant in this neighborhood. Chabot College is located one block east of the site, while Clawiter Road is two blocks to the west.

The project site is currently zoned RSB4 (Single Family Residential District with a minimum lot size requirement of 4,000 square feet) and designated as LMDR (Limited Medium Density Residential) in the *Hayward 2040 General Plan*.

Project Overview. The project proposes to subdivide the existing parcel into 7 parcels to allow the construction of five single family homes, a common open space area, and a private street that provides access from Mohr Drive and Eden Avenue. The proposed development also includes numerous site improvements, including new landscaping, frontage improvements, and undergrounding of overhead utility lines along Mohr Drive.

A zone change from RSB4 to PD, Planned Development, is required to allow for exceptions to the development standards for the single-family parcels to reduce the lot size, lot dimensions, lot coverage, setbacks, and driveway length. The proposed single-family lots range in size between 3,357 to 3,819 square feet. Additional details on the existing and proposed development standards are listed in Table 1 below.

Building Architecture. The proposed two-story, single family homes would be located on each site and designed to be consistent with the approved Planned Development for Eden Village I, with houses that are 2,473 square feet in size.

There are three architectural styles proposed for the development, which include Farmhouse, Cottage, and Craftsman elevations. Each home contains 4 bedrooms, 3.5 bathrooms, and a loft bonus space. The architecture includes a variety of pitched gabled roofs with multiple roof planes; varied wall planes of stucco, cementitious siding, and/or stone veneer; shutters accenting some windows; and porch supports with architectural interest. Each home design proposes an architectural style that is consistent with what was previously approved for Eden Village I.

Parking and Circulation. Each home will provide a two-car garage as well as driveway space that can accommodate two additional vehicles. The project will widen a portion of the private street (Wonderland Way) approved as part of the Eden Village I development, allowing for two additional on street parking spaces. Wonderland Way will provide vehicular access from Eden Avenue and Mohr Drive, allow for safe and efficient vehicular circulation, and provide adequate access for fire and emergency vehicle apparatus. The private street will be maintained by the HOA. The project also includes a new 4-foot-wide sidewalk on the south side of Wonderland Way to provide direct pedestrian access to each unit.

Landscaping and Open Space. The project's landscaping and open space plan proposes to preserve one existing tree, plant 12 new trees, and plant a varied palette of shrubs and groundcover within the common open space area and in the front yards of the individual homes facing the private street. The common open space area is 1,936 square feet in size and is located at the eastern edge of the site, along Mohr Drive. The common open space area will be publicly accessible from Mohr Drive and Wonderland Way and will feature a circular bench around a coast live oak tree, a decorative mosaic bench that coordinates with a mosaic feature in the tot lot of Eden Village I, and a concrete chess table. Each home will also have a private rear yard. All of the proposed landscaping and irrigation will meet the City's landscape water efficiency standards and will treat storm water run-off on-site through the bioretention treatment areas within the Eden Village I project area.

Tree Removals. One tree is proposed for removal on the project site and the applicant is proposing to mitigate that loss with the planting of 11 new trees of various sizes and species. There is one existing tree located at the southeast corner of the site, which is proposed for preservation. Pursuant to HMC Chapter 10, Article 15, the City's Tree Preservation Ordinance¹ requires mitigation equal in value to the total appraised value of all protected trees to be removed through replacement trees or alternative forms of mitigation acceptable to the City's Landscape Architect. The appraised value of the tree to be removed is \$2,050. The project proposes mitigation in the form of upsizing required trees. The City Landscape Architect has approved the preliminary mitigation plan and will review the final landscape plan to confirm that the proposed mitigation cost matches or exceeds the appraised value of the removed trees prior to the issuance of a building permit.

PD Amenities. The project requires a PD rezone to provide flexibility in lot and development standards to maintain consistency with the abutting Eden Village I development. PD rezoning

¹ Tree Preservation Ordinance,
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CHI0PLZOSU_ART15TRPR

requests allow for exceptions to certain development standards. Any requested exceptions to development regulations or policies must be adequately offset or compensated for by providing amenities not otherwise required or exceeding required development standards. As such, the project is proposing to include the following amenities:

- Green Point Rate certification for each home
- Photovoltaic solar systems owned by the individual homeowners
- Entry pilaster along Mohr Drive to coordinate with Eden Village I development
- Electric vehicle charging station in each home
- Permeable pavers on all five driveways and along the parking lane of the private street
- Decorative LED streetlights
- Front yard landscaping maintained by the HOA
- Ground floor bedroom suite in each home
- Common open space area featuring a game table, benches, and mosaic art

Homeowners Association. As part of the standard conditions of approval, the project is required to form a Homeowners' Association (HOA) with required Covenants, Conditions, and Restrictions (CC&Rs) to ensure the future homeowners will be responsible for maintaining all the project components, including the private street, utilities, and other privately owned common areas and facilities on the site, including landscaped areas, preservation and replacement of trees, and decorative paving. The CC&Rs will also contain a standard condition that if the HOA fails to maintain these common areas, the City of Hayward will have the right to enter the subdivision and perform the necessary work to maintain these areas and special assessment and/or lien the properties for their proportionate share of the costs as described in the Conditions of Approval listed in Attachment III.

Utilities and Street Improvements. The existing utilities that serve the project site, including sanitary sewer, water, and storm drain systems, have sufficient capacity to adequately serve the proposed development. On-site sewer and water utilities will be installed within the project site and connect to the existing utilities on Eden Avenue and Mohr Drive via new utility lines along Wonderland Way within the Eden Village I development. As previously discussed, the project will be served by a new private street with sidewalks on both sides. The existing roadways are sufficient to accommodate the additional traffic generated from the project. Frontage improvements will include the undergrounding of overhead utility lines adjacent to the project site along Mohr Drive.

Hayward 2040 General Plan. The project site is designated Limited Medium Density Residential (LMDR) in the *Hayward 2040 General Plan*, which allows for a residential density range of 8.7 to 12.0 dwelling units per net acre. Properties with the LMDR land use designation are typically characterized by suburban areas that contain a mix of housing types. The project is consistent with the *Hayward 2040 General Plan* in that it is a single-family development with a total density of 11.4 dwelling units per net acre, which is within the allowable density range. The project is consistent with the following policies of the General Plan:

- 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.

- **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.
- **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’s consistency with the *Hayward 2040 General Plan* and its specific goals and policies is discussed in greater detail in the project findings (Attachment III).

Zoning Ordinance. The project site is currently zoned RSB4 (Single Family Residential District with a 4,000 square foot minimum lot size requirement)². The applicant is requesting to rezone the site to PD District to allow for modified development standards related to lot requirements, setbacks, and driveway length, as shown Table 1 below. The exceptions requested by the applicant would allow consistency with the adjoining Eden Village I 13-lot subdivision.

Table 1: Development Standard Review

Development Standard	HMC Requirement	Proposed Project
Min. Lot Size	4,000 square feet	3,357-3,819 square feet
Min. Average Lot Width	50 feet	46 feet
Min. Average Lot Depth	80 feet	73 – 83 feet
Max. Lot Coverage	40 percent	46 percent
Min. Front Yard Setback	20 feet	15 feet
Min. Side Yard Setback	5 feet	4 feet
Min. Rear Yard Setback	20 feet	10 – 20 feet
Max. Building Height	30 feet	27-30 feet
Min. Driveway Length	20 feet	18-20 feet ¹
Min. Off-Street Parking Req.	2 enclosed/unit	2 enclosed/unit

Notes:

1. As conditioned.

Per HMC Section 10-1.2535 of the HMC, the following findings are required for a Planned Development rezone for a project:

- The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies;
- Streets and utilities, existing or proposed, are adequate to serve the development;

² Single Family Residential District, Zoning Ordinance,

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.200SIMIREDIRS

Special Lot Standards Combing District, Zoning Ordinance,

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.2400SPLOSTCODIB

- In the case of a residential development, that the development creates a residential environment of sustained desirability and stability, that sites proposed for public facilities, such as playgrounds and parks, are adequate to serve the anticipated population and are acceptable to the public authorities having jurisdiction thereon, and the development will have no substantial adverse effect upon surrounding development; and
- Any latitude or exceptions to development regulations or policies is adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards.

Staff has provided greater analysis of the required Planned Development rezoning findings in Attachment III.

Mt. Eden Neighborhood Plan. The project is located within the Mt. Eden Neighborhood Plan³ area. The Mt. Eden Neighborhood Plan provides policies related to land use, parks and open space, cultural resources, and transportation. The policies encourage planning for new housing for a variety of needs with qualities that encourage long-term residency. Strategies include allowing Limited Medium Density development between West Street and Depot Road for continuity with the density of small lot single-family development. The project is consistent with these policies and strategies in that the proposed small lot design and building architecture is compatible with recent similar developments in the surrounding neighborhood.

Tentative Tract Map. The project proposes to create a total of 7 new parcels, including five single-family home parcels and two parcels that contain open space and a private street. Pursuant to Section 10-3.010 of the HMC, the purpose of the Subdivision Ordinance is to ensure that all proposed subdivisions are consistent with the procedures, policies, and programs of the *Hayward 2040 General Plan*, underlying zoning district, and Subdivision Map Act.⁴ Per Section 10-3.150 of the HMC, the following Tentative Tract Map findings are required for the project:

- The proposed subdivision is not in conflict with the General Plan and applicable specific plans and neighborhood plans;
- The proposed subdivision meets the requirements of the City Zoning Ordinance; and
- No approval of variances or other exceptions are required for the approval of the subdivision.

If approved, the applicant will be required to submit a Final Map and improvement plans to the City for review. The City Engineer must determine that the Final Map and improvement plans are in substantial compliance with the approved Tentative Tract Map prior to approving the Tract Map. Prior to approval of the Tract Map, the developer shall enter into a Subdivision Agreement and post bonds with the City at which time the map can be recorded with the Alameda County Recorder's Office and the applicant can commence construction activities. In

³ Mt. Eden Neighborhood Plan, <https://www.hayward-ca.gov/sites/default/files/documents/MtEdenPoliciesStrategies.pdf>

⁴ Subdivision Ordinance, https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR

accordance with HMC Section 10-3.246, approval of this Tentative Tract Map shall expire 36 months after the effective date of approval subject to statutory and discretionary extensions as allowed by the HMC and Subdivision Map Act. A copy of the Tentative Tract Map is included within the Project Plans (Attachment IV).

Affordable Housing Ordinance. The project is subject to the City's Affordable Housing Ordinance (AHO)⁵, which allows residential development projects to either provide affordable units on site or pay an affordable housing in-lieu fee. The applicant is proposing to pay the in-lieu fee, which would support the creation of new affordable housing units that are transit proximate versus providing units in a more rural and remote area of the city.

Environmental Review. On July 1, 2014, the City adopted the *Hayward 2040 General Plan*. It includes goals and policies that convey the City's long-term vision and guide local decision making to reach that vision. The General Plan EIR assessed impacts from the implementation of the General Plan and was certified in 2014 when the City Council approved the General Plan.

Pursuant to CEQA Guidelines Section 15183, projects consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified may not require additional review unless there may be project-specific effects that are peculiar to the project or site that were not adequately addressed in the EIR for the General Plan. In approving a project meeting the requirements of Section 15183 of the CEQA Guidelines, a public agency must limit its examination of environmental effects to those the agency determines in an Initial Study or other analysis:

1. Are peculiar to the project or the parcel on which the project would be located;
2. Was not analyzed as significant effects in a prior EIR on the zoning action, general plan, or community plan, with which the project is consistent;
3. Are potentially significant off-site impacts and cumulative impacts which were not discussed in the prior EIR prepared for the general plan, community plan or zoning action; and
4. Are previously identified significant effects which, as a result of substantial new information that was not known at the time the EIR was certified, are determined to have a more severe adverse impact than discussed in the prior EIR.

An Infill Consistency Checklist is prepared by the lead agency to streamline the environmental review process for eligible infill projects by limiting the topic subject to review at the project level where the effects of infill development have been addressed in a planning-level decision or by uniformly applicable development policies. In accordance with CEQA Guidelines Section 15183.3, if the infill project would result in new specific effects or more significant effects, and uniformly applicable development policies or standards would not substantially mitigate such effects, those effects are subject to CEQA. With respect to the effects that are subject to CEQA, the lead agency is to prepare an infill EIR if the written checklist shows that the effects of the infill project would be potentially significant.

⁵ Affordable Housing Ordinance, https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFH00R

The project's environmental assessment was completed using a CEQA Infill Consistency Checklist (Attachment V), which tiers off the *Hayward 2040 General Plan* EIR. The checklist concludes that the Eden Village II project would not have any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate.

Planning Commission Review. On September 26, 2019, the Planning Commission held a hearing on the proposed project. No members of the public spoke about the project. On a 7-0 vote, the Planning Commission expressed support of the project and recommended that the City Council approve the proposed development with the following amendments:

- Add a condition of approval to include language in the Covenants, Conditions, and Restrictions (CC&Rs) that reflects the HOA's responsibility for ensuring that vehicles parked in driveways do not obstruct sidewalks.
- Increase the driveway length for Lot 18 from 18 feet to 20 feet.
- Include language in the final conditions of approval that reflect the joint responsibility between the two subdivisions, Eden Village I and Eden Village II, regarding access between the subdivisions, the HOA requirements, and the maintenance of the open space and infrastructure within the project.

The Conditions of Approval in the attached Resolution (Attachment III) incorporate all three of the Planning Commission's recommendations.

ECONOMIC IMPACT

The proposed project would result in the redevelopment of an underutilized site in an existing residential setting. The proposed development would connect to existing public utilities and services and is not expected to have a negative result on the City regarding public utilities or public services. Furthermore, the project would result in new residents moving into Hayward, which should generate demand for goods and services, thereby providing stimulus for new or existing jobs and services in the City's economy.

FISCAL IMPACT

According to the City of Hayward Fiscal Impact Model (2017) prepared by Applied Development Economics, Inc., the project would generate an estimated \$9,720 in annual revenue from property and utility user taxes and approximately \$9,491 in annual costs related to City Services, resulting in a net positive impact of approximately \$230 per year.

STRATEGIC INITIATIVES

The project supports the Complete Communities strategic initiative. The purpose of the Complete Communities initiative is to create and support services and amenities that provide

inclusive and equitable access with the goal of becoming a thriving and promising place to live, work and play for all. This agenda item advances the following goals and objectives:

Goal 1: Improve quality of life for residents, business owners, and community members in all Hayward neighborhoods.

Objective 4: Create resilient and sustainable neighborhoods.

Goal 2: Provide a mix of housing stock for all Hayward residents and community members, including the expansion of affordable housing opportunities and resources.

Objective 2: Facilitate the development of diverse housing types that serve the needs of all populations.

This project also supports the Complete Streets strategic initiative. The purpose of the Complete Streets Strategic Initiative is to build streets that are safe, comfortable, and convenient for travel for everyone, regardless of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. This agenda item advances the following goal and objective:

Goal 1: Prioritize safety for all modes of travel.

Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

The project will expand the mix of housing in the city and complete a private street with a sidewalk for pedestrians.

SUSTAINABILITY FEATURES

The project will provide rooftop solar panels on each home and be required to meet the CALGreen and 2016 California Energy Code standard for energy efficiency as well as meet the City's requirements with respect to water efficient landscaping. Additionally, the project will comply with the City standards for recycling of waste during construction and operation and will comply with the Municipal Regional Stormwater requirements for storm water runoff prevention and treatment.

PUBLIC CONTACT

Following receipt of application, staff conducted the following public outreach:

- On January 9, 2019, a Notice of Receipt of Application was sent to all property owners and interested stakeholders within 300 feet of the project site.
- On September 13, 2019, a Notice of Public Hearing for the Planning Commission was posted at City Hall, sent to all property owners and interested stakeholders within 300 feet of the project site, and published in the Daily Review newspaper.
- On September 26, 2019, the Planning Commission held a public hearing and voted 7-0 to recommend approval of the project to the City Council.

- On October 18, 2019, a Notice of Public Hearing for the City Council was posted at City Hall, sent to all property owners and interested stakeholders within 300 feet of the project site, and published in the Daily Review newspaper.

To date, no public comments or correspondence has been received on the project application.

NEXT STEPS

Following City Council approval, the Ordinance approving the Planned Development rezone will return to the City Council for a second reading, after which the applicant may proceed with submitting a Precise Development Plan, Final Tract Map, and improvement plans to the City for review. The City Engineer must find that the Final Map and site improvement plans are in substantial compliance with the approved Vesting Tentative Map and recommend to the City Council approval and recordation with the Alameda County Recorder's Office. Once the Precise Plan, Final Map, and improvement plans are approved by the City, the applicant may then proceed with obtaining building permits.

Prepared by: Elizabeth Blanton, AICP, Associate Planner

Recommended by: Laura Simpson, AICP, Development Services Director

Approved by:



Kelly McAdoo, City Manager