



SUBJECT

Proposed Vesting Tentative Tract Map 8397 and Site Plan Review for a five-lot subdivision and the construction of four new single-family homes at 25000 Muir Street (APN 444-0051-116-00). Application No. 201700900; Mohamed Genidy (Applicant) on behalf of Khoa Le (Owner).

RECOMMENDATION

That the Planning Commission approve Vesting Tentative Tract Map 8397 and Site Plan Review Application No. 201700900 based on the analysis set forth in this report and the attached Findings (Attachment II), and subject to the Conditions of Approval (Attachment II).

SUMMARY

The applicant is requesting approval of Vesting Tentative Tract Map 8397 and Site Plan Review Application No. 201700900 for a five-lot subdivision of an existing 0.83-acre parcel and the construction of four new single-family homes located at 25000 Muir Street, Hayward (APN 444-0051-116-00). The existing single-family home fronting Muir Street will remain.

Pursuant to Section 10-3.010 of the Hayward Municipal Code (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. Pursuant to Section 10-1.3005 of the HMC, the purpose of the Site Plan Review is to foster development that complies with the intent of City development policies and regulations and is operated in a manner determined to be acceptable and compatible with surrounding development.

BACKGROUND

The existing home was built in 1954. In 2002, the Planning Commission denied an Administrative Use Permit and Site Plan Review application to demolish the existing home and construct a 10,917-square-foot, two-story mosque building. On October 26, 2016, staff held a Pre-Application Meeting with the applicant to discuss a proposal to subdivide the project site into five lots and construct four new single-family homes behind the existing home. Staff provided general feedback to the applicant regarding the density, lot size, setbacks, lot coverage, parking, circulation, landscaping, and design.

Staff received this application on February 21, 2017 and the original proposal has since been revised. The private street was extended to provide direct access to the rear lots (Lots 3 and

4) and improve circulation on the site. The homes, which were originally facing Muir Street, have been reoriented to face the private street to provide a better street presence and prevent front yards from facing the rear yards of other homes.

Public Outreach: Following receipt of application, a preliminary meeting with the applicant and neighbors was held on Thursday, April 6, 2017 at 1:00 p.m. in the Permit Center Conference Room 1C, First Floor at Hayward City Hall. The neighbors raised concerns regarding potential impacts to drainage and privacy. On December 21, 2017, a Notice of Public Hearing was placed in the newspaper and sent to all property owners and interested stakeholders within 300 feet of the subject property.

PROJECT DESCRIPTION

Existing Conditions: The 0.83-acre project site is currently developed with one single-family home. The existing home fronts Muir Street and is located in a manner that would allow for additional development in the large, unused rear yard, consistent with other development on Muir Street. The property is generally flat and surrounded by other one- and two-story single-family homes located to the north, south, east, and west. The subject property is zoned RS (Single-Family Residential) District and designated for LDR (Low Density Residential) land uses in the *Hayward 2040 General Plan*.

Proposed Project: The project proposes to subdivide the existing parcel into five lots, ranging from 5,014 to 6,035 square feet in size, to allow the construction of four new single-family homes behind the existing home. A private street with an approximately 5-foot wide sidewalk on one side and an access easement will provide vehicular and pedestrian access to the new homes from Muir Street. A new 5-foot wide landscape strip will provide a buffer between the private street and the adjacent property to the north. No parking will be allowed on either side of the private street.

Each of the new homes will be two stories, with maximum heights of 22 and 23 feet. The architecture incorporates articulation in the building form, front entry porches, balconies, varied materials (composition roof shingles, stucco, and stone veneer), and contrasting trim colors. The proposed garages are recessed to minimize their presence on the private street and Lots 3 and 4 include a three-car garage while Lots 2 and 5 include a two-car garage with two additional uncovered guest parking spaces. Of the six existing trees on-site, three will be preserved and three will be removed. Seven trees will be planted throughout the project site and as conditioned, will be upsized to mitigate the removal of the trees protected under the Tree Preservation Ordinance.

Homeowners Association: As part of the standard conditions of approval, the project is required to form a new Homeowners' Association (HOA) with required Covenants, Conditions and Restrictions (CC&R's) to ensure the future homeowners will be responsible for maintaining all the project components, including the private street, street lights, utilities, and other privately owned common areas and facilities on the site, including the bio-retention areas, landscaped areas, preservation and replacement of trees, and decorative paving. The CC&R's will also contain a standard condition that if the HOA fails to

maintain the common areas, private streets, lights and utilities, 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 Attachment II. Also, staff is recommending that the CCR's require that at least 75 percent of the units be owner-occupied, which will be enforced by the HOA.

Utilities and Street Improvements: The existing utilities in the project vicinity, 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 new public utility easement within the project site and connect to the existing utilities on Muir Street. As previously discussed, the project will be served by a new private street. While the existing roadway is sufficient to accommodate the additional traffic generated from the project, staff has added a condition of approval to require the reconstruction and repair of the existing road and sidewalks along the project frontage on Muir Street to meet current roadway standards.

Sustainability Features: While the project is not incorporating sustainable features in the new homes themselves, the project is 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. Additionally, the project will comply with the City standards for recycling of waste during construction and operation. The project will also comply with the Municipal Regional Stormwater Permit requirements regarding stormwater runoff prevention and treatment.

POLICY CONTEXT AND CODE COMPLIANCE

Zoning Ordinance: The project site is zoned RS, Single-Family Residential District, which allows for the development of single-family homes and community services. The project meets all the development standards of the RS District related to lot size, lot width, lot depth, lot frontage, lot coverage, setbacks, building height, and parking. Additional detail regarding the project's compliance with the development standards of the RS District is provided in the table below.

Development Standard	HMC Requirement	Proposed Project
Min. Lot Size (Interior Lot)	5,000 sq. ft.	≥ 5,014 sq. ft.
Min. Lot Frontage	35 ft.	≥ 50 ft.
Min. Average Lot Width	50 ft.	≥ 50 ft.
Min. Average Lot Depth	80 ft.	≥ 94.33 ft.
Max. Lot Coverage	40%	≤ 30.8%
Min. Front Yard Setback	20 ft.	20 ft.
Min. Side Yard Setback	5 ft. or 10% of lot width (whichever is greater)	≥ 6 ft.
Min. Rear Yard Setback	20 ft.	≥ 21 ft. 10 in.
Max. Building Height	30 ft.	≤ 23 ft.

Single-family homes are required to provide a minimum of two parking spaces within an enclosed garage. A lot abutting a public or private street with no parking on either side of the street is required to provide two uncovered guest parking spaces in addition to a two-car garage or a three-car garage. Lots 2 and 5 provide two uncovered guest parking spaces in addition to a two-car garage. Lots 3 and 4 provide a three-car garage instead.

Vesting Tentative Map: 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:

- 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 the Vesting Tentative Map is approved, the applicant may submit a final map and improvement plans to the City for review. The City Engineer must determine that the improvement plans and final map are in substantial compliance with the approved Vesting Tentative Map prior to recommending approval of the Final Map for Tract 8397 to City Council. Upon City Council approval of the Final Map, the developer shall enter into a Subdivision Agreement and post bonds with the City prior to map recordation with the Alameda County Recorder's Office and commencing any construction activities. In accordance with HMC Section 10-3.246, approval of this vesting 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 Vesting Tentative Map is included as Attachment III.

Site Plan Review: The construction of the single -family homes are subject to the Site Plan Review findings contained in Section 10-1.3205 of the HMC to demonstrate the proposed homes are consistent with the development standards of the Single Family Residential zoning district. In particular, the following Site Plan Review findings are required for the project:

- The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City;
- The development takes into consideration physical and environmental constraints;
- The development complies with the intent of City development policies and regulations; and
- The development will be operated in a manner determined to be acceptable and compatible with surrounding development.

Staff has provided a more detailed analysis for the required Vesting Tentative Map and Site Plan Review findings in Attachment II.

Hayward 2040 General Plan: The project site is designated LDR, Low-Density Residential, which allows for a residential density range of 4.3 to 8.7 dwelling units per net acre, in the *Hayward 2040 General Plan*. Properties with the LDR land use designation are typically characterized by suburban development including single-family homes, second units, and other accessory structures. The project is consistent with the *Hayward 2040 General Plan* in that it is a single-family residential development with a density of approximately 7.8 dwelling units per net acre, which is within the allowable density range. The project is also consistent with the following applicable General Plan policies:

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

Strategic Initiatives: This project supports several of the City's Strategic Initiatives, including Complete Communities and Complete Streets. The purpose of the Complete Communities strategy 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. 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. The project, as proposed, will create new housing opportunities that provide a mix of housing in the City and will require the construction of a new private street that will be designed to accommodate vehicles and pedestrians. The project supports the following Strategic Initiative goals and objectives that were established by the City Council:

Complete Communities

- 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.

Complete Streets

- Goal 1: Prioritize safety for all modes of travel.
- Objective 3: Ensure that roadway construction and retrofit programs and projects include complete streets elements.

STAFF ANALYSIS

As referenced above and pursuant to the required findings for Site Plan Review and Tentative Tract Map included in Attachment II, the project complies with the intent of City development policies and regulations, including the *Hayward 2040 General Plan*, Zoning Ordinance, and Subdivision Ordinance. The project also supports several of the City's Strategic Initiatives.

In addition, the project would be consistent with the developmental pattern of the existing neighborhood, which consists of single-family residential lots of various sizes, including many small lots similar in size to the proposed lots. The new homes would be compatible with the scale of other homes nearby. Overall, the homes are attractively designed and compatible with the existing character of the neighborhood. The building facades are articulated to provide visual interest from all sides of the homes, especially the front elevations, which incorporate recesses and projections through windows, front entry porches, second-story balconies, varied materials, and contrasting trim colors.

Furthermore, the project will operate in a manner compatible with surrounding development. Each new home provides guest parking spaces and the new private street will provide adequate circulation throughout the development. Staff has also included conditions of approval that will minimize any land use or environmental impacts of the project.

Based on the analysis described above, staff believes that the Planning Commission can make the required findings to approve Vesting Tentative Tract Map 8397 and Site Plan Review Application No. 201700900 per the conditions of approval and as reflected in the project plans (Attachment III).

ENVIRONMENTAL REVIEW

This project is categorically exempt from environmental review in accordance with the California Environmental Quality Act (CEQA) Guidelines, Section 15332, Infill Development Projects, in that:

1. The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
2. The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
3. The project site has no value as habitat for endangered, rare or threatened species;
4. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and

5. The site can be adequately served by all required utilities and public services.

NEXT STEPS

Should the Planning Commission take action, a 10-day appeal period of that action would follow, which would expire on January 21, 2018 at 5 p.m.

If the project is approved and there is no appeal or City Council member call-up filed within the appeal period, the applicant may proceed with submitting a final map and improvement plans to the City for review. The City Engineer must find that the final map and improvement plans are in substantial compliance with the approved Vesting Tentative Tract Map and recommend to the City Council for approval and recordation with the Alameda County Recorder's Office. If the final map and improvement plans are approved and recorded, the applicant may then proceed with obtaining building permits.

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