

HAYWARD CITY COUNCIL

RESOLUTION NO. 15-

Introduced by Councilmember _____

RESOLUTION APPROVING PARCEL MAP 10373 AND MAJOR MODIFICATION TO THE PRECISE PLAN APPLICATION 201502301 PERTAINING TO CHANGING THE LAND USE FROM RETAIL TO RESIDENTIAL TO ALLOW THE DEVELOPMENT OF TWO SINGLE-FAMILY HOMES AT THE NORTHEAST CORNER OF MADSEN STREET AND MARTIN LUTHER KING DRIVE

WHEREAS, on May 1, 2015, Mark Tiernan, SCS Development (Applicant and Agent for Owner) submitted Precise Plan Modification and Parcel Map Application No. 2015002301 for the 0.24 acre property located at the northeast corner of Madsen Street and Martin Luther King Drive, requesting a modification of the future use of this site from retail to residential to facilitate construction of two detached single-family homes (the "Project"); and

WHEREAS, the Project is categorically exempt from environmental impact analysis, per the California Environmental Quality Act (CEQA), pursuant to Sections 15315 and 15332 of CEQA related to minor land divisions and in-fill development; and

WHEREAS, the Planning Commission considered the Project at a legally noticed public hearing held on September 17, 2015, and recommended that the City Council approve the Project; and

WHEREAS, notice of a public hearing was published in the manner required by law and the hearing was duly held by the City Council on October 27, 2015.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby finds and determines as follows:

CALIFORNIA ENVIRONMENTAL QUALITY ACT

1. This modification to the Precise Development Plan is considered categorically exempt pursuant to Sections 15315 and 15332 of the California Environmental Quality Act (CEQA) related to minor land divisions and in-fill development projects since the project involves the division of property into four or fewer parcels in an urbanized area and involves the development of two residential units within the city limits on a site that has no value for habitat for endangered or threatened species, can be

adequately served by all required utilities and services and will not result in any significant effects related to traffic, noise, air quality or water quality.

PRECISE PLAN MODIFICATION

1. **The development is in substantial harmony with the surrounding area and conforms to the General Plan and applicable City policies**

While the change in use from commercial to residential is not in conformance with the preliminary plan which envisioned a small retail center, there are circumstances that support this change. For one, the visibility of this parcel from major arterials is limited, impacting the success of any retailer at this location. In addition, the circulation patterns of the surrounding streets make it difficult to navigate to this site from West Winton. The placement of two additional residential units, with architecture that matches the existing homes, is compatible with the surrounding residential homes and will provide opportunities for more eyes on the street at this development entry. Across West Winton Avenue from the Cannery development at the corner of West Winton Avenue and Soto Road is a Valero gas station that includes a minimart. In addition, the Cannery development is located within one mile of downtown Hayward, where commercial retail opportunities are provided within walking distance of the development.

2. **Streets and utilities, existing or proposed, are adequate to serve the development.**

All of the streets and utilities exist and were installed as part of the other development in the Cannery are and are adequate to serve the additional two residential homes.

3. **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.**

The two additional residential units results in a total of 598 multi-family units and 16 duet units, which is below the originally entitled 612 multi-family units and 16 duet units, and will not have a substantial adverse effect upon the surrounding development.

4. **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.**

The development of the two homes maintains the same setbacks and development standards as the already developed duet units along this portion of the cannery. The proposed lot sizes are a bit larger, which offers the future owners of these homes a larger private open space area in their rear yards in addition to the group open space areas offered to all residents in the cannery.

VESTING TENTATIVE PARCEL MAP

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

The additional two lot subdivision is consistent with the underlying General Plan land use designation of Medium Density Residential. The Cannery Area Design Plan adopted in March 2001, indicated that retail development would be desirable as both a revenue generator and amenity for residents and workers, but was primarily identified for Area 1 of the Cannery Plan, the area north of A Street along Hathaway Avenue. This modification would not be in conflict with original goals identified in the Cannery Area Design Plan.

2. The proposed subdivision meets the requirements of the City Zoning Ordinance

The proposed two lot subdivision is consistent with the original Planned Development Rezoning and is within the allowed density envisioned as part of that original approval.

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

No variances or exceptions are required for the approval of the two lot subdivision.

NOW THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, based on the foregoing findings, hereby approves Precise Plan Modification and Vesting Tentative Parcel Map Application 201502301, subject to the attached conditions of approval (Exhibit "A").

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2015

ADOPTED BY THE FOLLOWING VOTE:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

Exhibit A

CONDITIONS OF APPROVAL

October 27, 2015

Cannery – SCS Development (Applicant/Owner)

**Precise Development Plan Modification and
Vesting Tentative Parcel Map Application No. 201502301 (PM 10373)**

**Proposed Subdivision and Construction of Two Single Family Detached Homes on a
0.24 acre site located at the northeast corner of Madsen Street and Martin Luther
King Drive, Requiring Modification of the Precise Development Plan for the Cannery
Area Development and Vesting Tentative Parcel Map 10373**

GENERAL

1. In accordance with Zoning Ordinance §10-1.2500 (Planned Development District), this approval is for the major modification of the Precise Development Plan, subject to all conditions listed below, included herein as:

Exhibit A –Planned Development and Vesting Tentative Parcel Map 10373 submitted by SCS Development dated April 29, 2015.

2. The project approval shall coincide with the approval period for the Vesting Tentative Parcel Map. If a building permit is issued for construction of improvements authorized by the Zone Change Precise Plan approval, said approval shall be void two years after issuance of the building permits, unless the construction authorized by the building permits has been substantially completed or substantial sums have been expended in reliance upon the Precise Plan approval.
3. This approval is tied to Vesting Tentative Parcel Map 10373 and all conditions of approval of that map shall also apply to this approval.
4. The subdivider shall assume the defense of and shall pay on behalf of and hold harmless the City, its officers, employees, volunteers and agents from and against any or all loss, liability, expense, claim costs, suits and damages of every kind, nature and description directly or indirectly arising from the performance and action of this permit.
5. All previous conditions associated with Tract 7613 remain applicable and are incorporated in reference.

Landscape

6. Revision to Tract 7613 landscape and irrigation improvement plans based on the as-built landscape and irrigation improvement plans shall be made for the affect area and submitted for the City's approval. Once approved, Mylar shall be submitted. Mylar shall be wet-stamped and wet-signed by the project landscape architect and

Exhibit A

shall contain a signing block for City Landscape Architect on the low right corner of Mylar. Mylar size shall be twenty-two inches by thirty-four inches without an exception.

7. Poorly performing plants in the Cannery Place Development shall not be specified.
8. Side slope for bio-retention area from the driveway apron shall begin minimum two feet away from the edge of driveway.
9. No spray irrigation shall be allowed.

Building

10. The project needs to comply with all code requirements. Typical Building Division requirements such as to provide building area analysis, fire rating of walls, structural calc's, geotechnical report, CALGreen compliance, T24 energy compliance and others need to be addressed. An in-depth plan review shall be provided at the time of building permit process.

Solid Waste

11. At the time of your building permit, please submit the attached construction and demolition debris recycling statement.

Utilities

12. Parcel C has two existing 6" water main stub outs to the property, which were originally installed for the domestic water and fire service for the future retail development. The 6" water main stub out for domestic has an existing 5/8" irrigation meter (account # 40249). As the two 6" water main stub outs will not be used as originally intended, they must be abandoned. The water service lines and meters for the two new single-family lots shall be installed off the of the existing 8" water main in Madsen Street, and located on the property frontage for each of the lots.
13. All public water mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Water Mains and Fire Hydrants," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>).
14. All connections to existing water mains shall be performed by City Water Distribution Personnel at the applicant's/-developer's expense.
15. Domestic & Fire Services
 - A. **Domestic:** Each single-family residence (SFR) shall have an individual domestic water meter. Currently, the cost for a new residential water meter for a SFR (any

Exhibit A

size up to 1") and service line is \$11806, each (\$3500 installation fee + \$8106 facilities fee + \$200 radio read fee).

B. Fire: Each structure shall have its own fire service, sized per the requirements of the Fire Department. Fire services shall have an above ground Double Check Valve Assembly, per City Standards SD-201 and SD-204.

C. Combined Residential Services: The development could use combined residential domestic and fire services for each residence. Residential combined domestic and fire services are allowed, per City Standard SD-216.

The minimum size for a residential fire service connection is 1 inch (combined or not) and the maximum size for combined services is 2 inches. If the calculated fire demand exceeds 160 GPM, a separate fire service will be required. Note that, per CBC 2010 R313, flow-through or multipurpose systems may not require a backflow device (SD-216 is attached). Also note that combined services must connect directly to the water main (manifold layouts are not allowed).

16. All domestic and irrigation water meters shall be radio-read type.
17. Water meters and services are to be located a minimum of two feet from top of driveway flare as per SD-213 thru SD-218.
18. Water mains and services, including the meters, must be located at least 10 feet horizontally from and one-foot vertically above any parallel pipeline conveying untreated sewage (including sanitary sewer laterals), and at least four feet from and on foot vertically above any parallel pipeline conveying storm drainage, per the current California Waterworks Standards, Title 22, Chapter 16, Section 64572. The minimum horizontal separation distances can be reduced by using higher grade (i.e., pressure) piping materials.

It appears that the proposed layout for the water and sewer lines does not meet the minimum separation requirements.

19. All sewer mains and appurtenances shall be constructed in accordance to the City's "Specifications for the Construction of Sewer Mains and Appurtenances (12" Diameter or Less)," latest revision at the time of permit approval (available on the City's website at <http://user.govoutreach.com/hayward/faq.php?cid=11188>). Sewer cleanouts shall be installed on each sewer lateral at the connection with the building drain, at any change in alignment, and at uniform intervals not to exceed 100 feet. Manholes shall be installed in the sewer main at any change in direction or grade, at intervals not to exceed 400 feet, and at the upstream end of the pipeline.
20. Each SFR shall have an individual sanitary sewer lateral. Each sanitary sewer lateral shall have at least one cleanout and be constructed per SD-312. The proposed shared sewer lateral design is not acceptable.

Exhibit A

21. The current Sanitary Sewer Connection fee for a SFR is \$7,700 per unit. Sewer Connection fees are due and payable prior to final inspection.

Fire Prevention

22. Submit for proper building permits for the construction of the building to the Building Department. All building construction shall meet the requirements of the 2013 California Residential Code.
23. Buildings are required to install fire sprinkler systems in accordance with NFPA 13D.
24. Per the requirement of Hayward Public Works Department, a static pressure of 80 PSI should be used when a water test data indicates a higher pressure. The residual pressure should be adjusted accordingly.
25. Underground fire service line serving NFPA 13D sprinkler systems shall be installed in accordance with the Hayward Public Work Department SD-216. Water meters shall be minimum one-inch in diameter.
26. An interior audible alarm device shall be installed within the dwelling in a location so as to be heard throughout the home. The device shall activate upon any fire sprinkler system water flow activity.
27. All bedrooms and hallway areas shall be equipped with smoke detectors, hard-wired with battery backup. Installation shall conform to the California Building Code (CBC).
28. CO detectors should be placed near the sleeping area on a wall about 5 feet above the floor. The detector may be placed on the ceiling. Each floor needs a separate detector.
29. An approved type spark arrestor shall be installed on any chimney cap.
30. Prior to issuance of Building or Grading Permits, a final clearance shall be obtained from either the California Regional Water Quality Control Board or the Department of Toxic Substance Control and submitted to the Hayward Fire Department. The clearance certificate will ensure that the property meets investigation and cleanup standards for residential development. Allowance may be granted for some grading activities, if necessary, to ensure environmental clearances.
31. Prior to grading, structures and their contents shall be removed or demolished under permit in an environmentally sensitive manner. Proper evaluation, analysis and disposal of materials shall be done by appropriate professional(s) to ensure that hazards posed to development construction workers, neighbors, the environment, future residents and other persons are mitigated. All hazardous materials and

Exhibit A

hazardous waste must be properly managed and disposed of in accordance with state, federal and local regulations.

32. Any wells, septic tank systems and other subsurface structures - including hydraulic lifts for elevators - shall be removed properly in order not to pose a threat to the development, construction workers, future residents or the environment. Notification shall be made to the Hayward Fire Department at least 24 hours prior to removal. Removal of these structures shall be documented and done under permit, as required by law.
33. The Hayward Fire Department's Hazardous Materials Office shall be notified immediately at (510) 583-4910 if hazardous materials are discovered during demolition or during grading. These shall include, but shall not be limited to, actual/suspected hazardous materials, underground tanks, vessels that contain or may have contained hazardous materials.
34. During construction, hazardous materials used and hazardous waste generated shall be properly managed and disposed.

Public Works – Engineering

35. The design of the Bioretention Treatment Areas shall use a Bioretention Soil Mix (BSM) per Attachment L of the C.3 Stormwater Technical Guidance dated May 14, 2013, with a minimum infiltration rate of 5” per hour.
36. Any damaged and/or broken curb, gutter and sidewalks along the property frontages shall be removed and replaced as determined by the City Inspector.
37. The existing driveway shall be removed and replaced with standard curb, gutter and sidewalk.
38. The fire hydrant to be relocated shall be 5' from top of the driveway flare.
39. New sewer lateral shall be installed for Lot 1. Each lot must have an individual sewer lateral.