



SUBJECT

Proposed eight (8) lot Subdivision of two existing parcels totaling 1.27 acres located at 29265 Vagabond Lane, Hayward (APNs 465-0060-002-00 and 465-0060-003-00), requiring approval of a Vesting Tentative Tract Map 8280; Application No. 201600359 Habib Asef (Applicant).

RECOMMENDATION

That the Planning Commission approve the Vesting Tentative Tract Map 8280 based on the analysis set forth in this report per the attached Findings and Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval of a Vesting Tentative Map 8280 for an eight-lot subdivision of two existing parcels totaling 1.27 acres located at 29265 Vagabond Lane, Hayward (APNs 465-0060-002-00 and 465-0060-003-00).

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, together with the provisions for their design and improvement, are consistent with and implement the procedures, policies, and programs of the *Hayward 2040 General Plan*, underlying zoning district, and the Subdivision Map Act.

Approval of a Vesting Tentative Map confers a vested right to proceed with development in substantial compliance with ordinances, policies, and standards in effect at the time the Vesting Tentative Map application is deemed complete. In accordance with Hayward Municipal Code (HMC) Section 10.3.235 (a) the Planning Director and Development Engineer shall recommend the approval of the proposed Vesting/Tentative Map to the Planning Commission.

BACKGROUND

The site encompasses lots 2 and 3 of Vagabond Lane. The existing house on site was built in 1954. In 1913, a Covenants, Conditions, and Restrictions (CCR's- Book 2181, Page 64) was recorded to create a Home Owners Association (HOA) to serve all properties from Folsom Avenue to the terminus of Vagabond Lane. Currently, there are no records that verify the existence or dissolution of the HOA, therefore, in the absence of an HOA or maintenance agreement, the cost to maintain Vagabond Lane shall be shared proportionately to the use made of Vagabond Lane by each owner. There have been no other planning actions for this property.

Public Outreach: The preliminary meeting with the applicant and neighbors was held on Thursday, February 18 at 1:00 p.m. in the Permit Center Conference Room 1C, First Floor at Hayward City Hall. Adjoining neighbors to the project raised concerns regarding potential increase of noise and traffic to the area. On October 27, 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 1.27-acre project site is currently developed with one (1) single-family home and is generally flat. The property is surrounded by other one and two-story single-family dwellings to the west, north, and south. The properties to the east are zoned Planned Development (PD). The subject properties are located in a Single-Family Residential (RS) zoning district and are designated Low Density Residential (LDR) in the *Hayward 2040 General Plan*.

Proposed Project. The project proposes to subdivide two existing parcels to create eight (8) lots to allow the construction of eight (8) single family homes. The proposed lots will be subdivided to create two corner lots and six interior lots. The two corner lots range in size between 6,552 sq. ft. (lot 1) and 6,648 sq. ft. (lot 2). The interior lots vary in size but all meet the required 5,000 square foot minimum. As proposed, all the parcels meet the development and subdivision standards as established in the Hayward Municipal Code (HMC) Section 10-1.225, including lot size, lot width and lot depth.

Per the HMC, if the Vesting Tentative Map is approved, a final map and improvement plans will be submitted to the City for review. The City Engineer must find that improvement plans and final map are in substantial compliance with the approved Vesting Tentative Map and recommend to the City Council for approval Final Map 8280 for recommendation with the Alameda County Recorder's Office. The developer will enter into a Subdivision Agreement and post bonds with the City prior to 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 IV.

Homeowners Association. As part of the standard conditions of approval, a Homeowner's Association will own and maintain the common parcel for stormwater treatment and the proposed private street extension. Although the existing lots were part of an original Homeowners Association that was formed in 1913, there is no current record that the previous HOA remains in existence. As such, staff is requiring that the project be 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, the street lights, the utilities, and other privately owned common areas and facilities on the site, including the bio-retention areas, landscaped areas, the preservation and replacement of trees, and the 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 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, to 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 easements within the project site and connect to the existing utilities in Short Court and to Vagabond Lane. The proposed bio-retention facility will be connected to an existing thirty-inch storm pipe and will be privately owned and maintained by the HOA. As proposed, the project will also be served by the existing private street, Vagabond Lane. While the existing roadway is sufficient to accommodate the additional traffic generated from the proposed eight lot subdivision, staff has added a condition of approval to require the reconstruction and repair of the existing road and sidewalks to meet current roadway standards.

SUSTAINABILITY FEATURES

As mentioned above, the proposed project will be adding stormwater improvements including a new bio retention facility connected to an existing thirty-inch storm pipe (right side of the property). The facility will be privately owned and maintained by the HOA. Additionally, sustainability features will be reviewed and required by City when the applicant applies for Site Plan Review for the new single-family dwellings.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan: The project site is designated LDR, Low Density Residential in the *Hayward 2040 General Plan*. Properties within the LDR land use designation generally applies to suburban areas located throughout the Hayward Planning Area. Typical building types include single-family homes, second units, and ancillary structures. Typical lot sizes generally range from 5,000 to 10,000 square feet. The General Plan indicates that future development within this land use area are expected to be limited to additional residential development, building and landscaping improvements, and neighborhood enhancements that create more complete, walkable, and sustainable neighborhoods. The *Hayward 2040 General Plan* also provides goals and policies that serve as guiding principles and provide a host of strategies intended to implement a high-level vision for future development in the City. The proposed project was evaluated against the applicable goals and policies and found to be consistent with the following:

- *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 will subdivide two existing parcels and create eight new lots, which provide additional single-family housing opportunities in the City, consistent with the General Plan policies listed above. Additionally, the new subdivision is located near several educational and recreational facilities, including the Peixoto Head Start (Day Care) and the Peixoto Play Field, and is served by several AC Transit bus routes. The proposed subdivision is surrounded by other single-family uses and is considered an in-fill project which is appropriate for new housing development.

Zoning Ordinance: The project site is zoned Single-Family Residential (RS), which requires a 5,000-square foot lot minimum. Pursuant to HMC Section 10-1.200, the purpose of the RS district is to allow for development of single-family homes and community services. The proposed subdivision would allow the creation of eight new parcels, each to accommodate a single-family dwelling, consistent with the underlying zoning district. As shown, the subdivision meets all the residential development standards identified in Chapter 10, Article 1 (Zoning Ordinance). These standards include lot size, lot frontage, minimum average lot width and lot depth. A comparison chart showing the district requirement and the project are shown in the table below.

| Development Standards | Code Requirement | Proposed Project |
|--|-------------------------|--|
| Minimum Lot Size (interior lot) | 5,000 sq. ft. | ≥ 5,008 sq. ft. (lots 2, 3, 4, 6, 7 & 8) |
| Minimum Lot Size (corner lot) | 5,914 sq. ft. | ≥ 6,648 sq. ft. (lots 1 and 5) |
| Minimum Lot Frontage | 35 ft. | ≥ 50 ft. |
| Minimum Flag Lot Frontage | 22 ft. | 22 ft. |
| Minimum Average Lot Width (interior lot) | 50 ft. | ≥ 50 ft. |
| Minimum Average Lot Width (cover lot) | 60 ft. | ≥ 60 ft. |
| Minimum Average Lot Depth | 80 ft. | ≥ 98.68 ft. |

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, bicyclists 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 proposed, the project is consistent with several goals and objectives of the *Hayward 2040 General Plan*, which envisioned this site for low-density, single-family, residential uses. The Low Density Residential land use designation in the General Plan allows a density of 4.3 to 8.7 dwelling units per acre. As shown, the project proposes seven dwelling units per acre, which is within the allowed density range.

Additionally, staff believes the proposed subdivision increases the number of housing units available and helps to meet several goals and objectives of the City's Strategic Initiatives and the General Plan. Furthermore, the proposed subdivision meets all requirements and development standards of the Zoning Ordinance for properties within the Single-Family Residential (RS) zoning district. Each of the eight proposed lots meets all the requirements for: lot size, lot frontage, lot width, and lot depth. No variances or other exceptions are required or necessary for this subdivision.

Based on the analysis described above, staff believes that the Planning Commission can make the required findings to approve the Vesting Tentative Map application per the conditions of approval and as reflected in the project plans (Attachment IV). Staff has included conditions of approval that will minimize any land use or environmental impacts of the project.

ENVIRONMENTAL REVIEW

The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA), pursuant to Section 15332 Class 32 for projects characterized as in-fill development meeting the conditions described below:

- (a) The project is consistent with the applicable general plan designated and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

NEXT STEPS

If approved, a final map and site improvement plans will be submitted to the City for review. The City Engineer must find that improvement plans and final map are in substantial compliance with the approved Vesting Tentative Map and recommend to the City Council for approval Final Map 8280 for recordation with the Alameda County Recorder's Office. The developer will also be required to enter into a Subdivision Agreement and post bonds with the City prior to commencing any construction activities.

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