



SUBJECT

Proposal to Subdivide a 1.21-Acre Site into 19 Parcels to Allow the Construction of 14 Townhomes with Common Open Space Areas and Related Site Improvements at 28538 Huntwood Avenue (APN 465-0025-005-03) by Applicant: James Chao on behalf of Owner: Zhong Yin Liu, Requiring Approval of a Vesting Tentative Tract Map and Site Plan Review. Application No. 201705535.

RECOMMENDATION

That the Planning Commission approve Vesting Tentative Tract Map No. 8456 and Site Plan Review Application No. 201705535, based on the analysis set forth in this report and the attached Findings (Attachment II) and subject to the Conditions of Approval (Attachment III).

SUMMARY

The applicant is requesting approval of Vesting Tentative Tract Map No. 8456 and Site Plan Review Application No. 201705535 to construct 14 attached townhomes, common open space areas, and a private street at 28538 Huntwood Avenue. The project site, which is 1.21 acres in size, is currently zoned RM (Medium Density Residential) District and designated as MDR (Medium Density Residential) in the *Hayward 2040 General Plan*.

The project requires a Vesting Tentative Tract Map to subdivide the property for the townhomes and a Site Plan Review for development of the site. Staff has outlined the project details and analysis in the sections below.

BACKGROUND

The project site was previously developed with a single-family home, which was demolished in 1989. In 1992, the City Council approved PD Rezone Application No. 89-15 and Tentative Tract Map No. 6043 to subdivide the subject property and construct 18 townhomes with related site improvements. However, this proposed development was never constructed. In 2002, the City Council approved PD Rezone Application No. PL-2002-0210 and Tentative Tract Map No. 7263 to subdivide the subject property and construct 14 townhomes with related site improvements. However, this proposed development was also never constructed, and the entitlements expired. On September 25, 2017, the applicant, James Chao, submitted this application to restart the project. Pursuant to Hayward Municipal Code (HMC) Section 10-1.2560, the PD District became void and reverted back to the original RM District due to the expiration of the Tentative Tract Map. A PD Rezone is no longer required because the RM District was revised to allow for lot sizes consistent with the building footprint for townhomes. The RM District previously required a minimum lot size of 5,000 square feet for all types of developments.

Following staff review and input, the original proposal has been revised as follows:

1. The site layout has been revised to improve the overall development pattern and the efficiency and safety of the private street. The original site layout included many dead ends and the vehicular circulation pattern was overly complex. The proposed site layout includes a looped private street, which provides direct access to each townhome and allows for the utilities to be looped as well.
2. The common open space area has been moved to the northeast corner of the site where four mature trees are located to preserve these trees.
3. The elevations have been revised to incorporate private balconies along the front elevations to provide additional articulation and eyes on the street for a safer and more active environment.
4. The proposed materials have been revised to incorporate brick or stone veneer and the windows have been revised to incorporate trim details and shutters to add visual interest and improve the overall quality of the elevations.
5. The overall color scheme has been revised to provide a more neutral color palette that blends in with the surrounding neighborhood.

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

- On October 5, 2017, a Notice of Receipt of Application was sent to all property owners and interested stakeholders within 300 feet of the project site.
- On March 15, 2019, a Notice of Public Hearing 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.

PROJECT DESCRIPTION

Existing Conditions. The 1.21-acre project site is generally flat and currently vacant. There are 16 trees protected by the City's Tree Preservation Ordinance on site and 6 protected trees that are off-site but have canopies encroaching onto the site. The site is surrounded by a 6-foot tall chain link fence on all sides.

The site is located in the Tennyson/Alquire neighborhood, which is characterized by a mix of housing types including older single-family homes, small multi-family residential developments, and mobile home parks, commercial uses along Tennyson Road, and industrial development along the southern end. The site is bordered by a small multi-family residential development to the north, single-family residential development to the west across Huntwood Avenue, and a mobile home park to the east and south. Tennyson Park, Fire Station #7, and the commercial corridor along Tennyson Road are nearby. The project site is currently zoned RM (Medium Density Residential) District and designated as MDR (Medium Density Residential) in the *Hayward 2040 General Plan*.

Project Overview. The project proposes to subdivide the existing parcel into 19 parcels to allow the construction of 14 townhomes, common open space areas, and a private street that provides access from Huntwood Avenue. The proposed development also includes numerous site improvements including on-site water and sewer utilities, new landscaping, and a bioretention area.

Building Architecture. The townhomes are attached in two groups of three units and two groups of four units. The 4-bedroom, 2.5-bathroom units range in size between 1,888 and 1,897 square feet. Each townhome will be two stories with a maximum height of 23 feet, 8 inches. The townhomes incorporate basic ranch-style architectural features such as cement plaster walls and composition shingle roofs, which are prevalent in suburban developments constructed in the 1980s and 1990s. The townhomes also incorporate private balconies and wall offsets on the front elevations. The proposed building colors consist of lighter shades of tan as the primary color with darker shades of brown as accent colors and white trim to provide contrast. Architectural details include brick or stone veneer, detailed garage doors, front entry porches, exterior shutters, and sill treatments.

Parking and Circulation. Each townhome will provide a two-car garage and the project will also provide 5 uncovered parking spaces for guests. The proposed 20-foot-wide, two-way private street will be looped to provide vehicular access from Huntwood at two locations, allow for safe and efficient vehicular circulation, and provide adequate turnaround space for fire and emergency vehicle apparatus. No parking will be allowed on either side of the private street. The private street will be maintained by the HOA. The project also includes a new 4.5-foot-wide sidewalk on both sides of the private street to provide direct pedestrian access to each unit from Huntwood Avenue.

Landscaping and Open Space. The project's landscaping and open space plan proposes to preserve 5 existing trees, plant 32 new trees, and plant a varied palette of shrubs and groundcover within the common open space areas, common landscaped areas, and along the building frontages facing the private street. Additionally, a new 5-foot-wide landscape strip will provide a buffer between the private street and the adjacent property to the south. The common open space areas will be a total of 4,657 square feet in size and located in the rear of the property. The common open space area will be accessible from Huntwood Avenue through private sidewalks and improved with new landscaping. Each unit will also have a private rear yard and private patio. All the proposed landscaping and irrigation will meet the City's landscape water efficiency standards and will treat storm water run-off on-site with a new bioretention treatment area.

Tree Removals. The project requires the removal of 11 trees protected by the City's Tree Preservation Ordinance¹. The Tree Preservation Ordinance 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 Landscape Architect. The appraised value of the trees to be removed is \$41,380. The project proposes mitigation in the form of upsizing required trees and permeable paving. 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.

¹ Tree Preservation Ordinance,
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART15TRPR

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, utilities, and other privately owned common areas and facilities on the site, including the bioretention area, 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 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 Attachment II.

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 Huntwood Avenue. 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. As such, no frontage improvements will be required.

Sustainability Features. The project will provide rooftop solar panels on each home and be required to meet the CALGreen and 2016 California Energy Code standards 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.

POLICY CONTEXT AND CODE COMPLIANCE

Hayward 2040 General Plan. The project site is designated MDR (Medium Density Residential), which allows for a residential density range of 8.7 to 17.4 dwelling units per net acre, in the *Hayward 2040 General Plan*. Properties with the MDR land use designation are typically characterized by suburban and urban areas that contain a mix of housing types. The project is consistent with the *Hayward 2040 General Plan* in that it is a multifamily residential development with a total net density of 12 dwelling units per net acre, which is within the allowable density range. The project is also consistent with applicable General Plan policies in that it will increase the housing inventory for the City of Hayward, is located close to services and amenities, and is considered an in-fill development that will result in a more complete neighborhood. 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).

Zoning Ordinance. The project site is currently zoned RM (Medium Density Residential), which allows for a mix of housing types and community services. The project meets all the development standards of the RM District related to lot size, lot coverage, setbacks, building height, off-street parking, and open space as shown in the Table 1 below.

Table 1

| Development Standard | HMC Requirement | Proposed Project |
|---------------------------------|--|--|
| Min. Lot Size | Consistent with building footprint | Consistent with building footprint |
| Min. Lot Area per Dwelling Unit | 2,500 sq. ft. | 2,636 sq. ft. |
| Max. Lot Coverage | 40% | 32.9% |
| Min. Front Yard Setback | 20 ft. | 20 ft. |
| Min. Side Yard Setback | 10 ft. | 10 ft. |
| Min. Rear Yard Setback | 20 ft. | 20 ft. |
| Max. Building Height | 40 ft. | 23 ft. 8 in. |
| Min. Off-Street Parking Req. | 30 spaces (14 covered and 16 uncovered) | 33 spaces (28 covered and 5 uncovered) |
| Min. Open Space Req. | 1,400 sq. ft. common and 4,900 sq. ft. total | 4,657 sq. ft. and 10,582 sq. ft. total |

Tennyson-Alquire Neighborhood Plan. The project is located within the Tennyson Alquire Neighborhood Plan² area. The Tennyson Alquire Neighborhood Plan provides policies related to residential densities, residential development standards, industrial development along Industrial Parkway, street improvements, and access and circulation. The policies encourage planning for lower densities to maintain the predominant single-family residential character and new developments that contribute to an attractive neighborhood pattern. The project is consistent with these policies in that the proposed density is relatively low and the building architecture is compatible with the surrounding neighborhood.

Vesting Tentative Map. The project proposes a subdivision to create a total of 19 parcels, including 14 ground-level townhouse lots and five common parcels containing open space, a bioretention area, and a private street. Pursuant to HMC Section 10-3.010³, 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. Per HMC Section 10-3.150⁴, the following Vesting 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 may 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

² Tennyson Alquire Neighborhood Plan, <https://www.hayward-ca.gov/sites/default/files/documents/Tennyson-AlquirePolicies.pdf>

³ HMC Section 10-3.010,

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR_S10-3.010PU

⁴ HMC Section 10-3.150,

https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR_GERE_S10-3.150ADAGAPAU

substantial compliance with the approved Vesting 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 commence construction activities. In accordance with HMC Section 10-3.246⁵, 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 Tract Map is included within the Project Plans (Attachment IV).

Site Plan Review. Pursuant to HMC Section 10-1.3005⁶, 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. Per HMC Section 10-1.3025⁷, 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.

Affordable Housing Ordinance. The project is subject to the City's Affordable Housing Ordinance (AHO)⁸, which allows residential development projects to either provide affordable units on site or pay an affordable housing in-lieu fee. Staff recommends the project provide units on site, but the applicant has elected to pay the in-lieu fee, which is allowed by the AHO.

Strategic Initiatives. The 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

⁵ HMC Section 10-3.246,
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART3SUOR_TEMA_S10-3.246TIEXENTRMAMAMAVETETRMAMAMA

⁶ HMC Section 10-1.3005,
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE_S10-1.3005PU

⁷ HMC Section 10-1.3025,
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART1ZOOR_S10-1.3000SIPLRE_S10-1.3025FI

⁸ Affordable Housing Ordinance,
https://library.municode.com/ca/hayward/codes/municipal_code?nodeId=HAYWARD_MUNICIPAL_CODE_CH10PLZOSU_ART17AFHOOR

of age or ability, including motorists, pedestrians, bicyclists, and public transportation riders. The project will create new housing opportunities near the Hayward BART Station, expand the mix of housing in the City, and provide a private street with a sidewalk for pedestrians. As such, 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 a Tentative Tract Map and Site Plan Review included in Attachment II, staff believes 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. Staff's analysis regarding the key features of the project is discussed below.

Land Use Compatibility. The project would be compatible with the land uses and developmental pattern of the existing neighborhood, which consists of a mix of housing types. The height of the proposed buildings will be similar to the height of other buildings in the area in that the project proposes two-story buildings in a neighborhood consisting primarily of one- and two-story buildings. Additionally, the RM District allows for a maximum height of 40 feet. Furthermore, the proposed density is similar to other developments in the vicinity and the project proposes buildings at a size and scale that is similar to other buildings in the neighborhood.

Building Architecture. Overall, the townhomes are compatible with the existing character of the neighborhood. The architecture incorporates colors and materials that blend in with the existing neighborhood character. The building facades are articulated to provide visual interest from the front facades of the townhomes. The front elevations incorporate varied building colors and materials, wall offsets, and additional articulation through private balconies, and front entry porches. However, staff is concerned with the overall lack of visual interest on the side and rear elevations. Staff is also concerned with the lack of variety in windows. As such, staff has incorporated project conditions of approval requiring additional

architectural features on the side and rear elevations and varied window designs to address these concerns.

Overall, staff believes the project site layout is well-designed and appropriate for the neighborhood. The project is considered an in-fill development and will replace an underutilized site with multi-family residential development to complement the existing neighborhood.

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.

As discussed earlier, the project is consistent with the *2040 Hayward General Plan* and Zoning Ordinance. The project site is also only 1.21 acres in size, surrounded by development on all sides, adequately served by utilities from Huntwood Avenue, and consists of ruderal vegetation, which has no value as natural habitat for species. Furthermore, the proposed development is compatible with the surrounding residential uses and is not expected to result in any significant impacts related to traffic, noise, air quality, and water quality. The City's Transportation Division reviewed the project and concluded the project would not generate significant traffic or result in any traffic-related hazards. The project proposes townhomes, which would not generate significant emissions or noise beyond the existing noise level in the surrounding residential neighborhood. Additionally, the project will not result in any water quality impacts since it will comply with the Municipal Regional Stormwater requirements for storm water runoff prevention and treatment.

NEXT STEPS


Should the Planning Commission take action, a 10-day appeal period of that action would follow, which would expire on April 8, 2019.

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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