



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**DATE:** October 1, 2015

**TO:** Planning Commission

**FROM:** Planning Manager

### **SUBJECT**

Proposed Subdivision and Construction of 18 Detached Single Family Homes on a 1.96 Acre Parcel located at 24178 and 24570 Saklan Road, requiring a change to the zoning from RM (Medium Density Residential) to PD (Planned Development), Vesting Tentative Tract Map No. VTTM 8226, and Adoption of a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program - Rick Rosenbaum, Lenox Homes, LLC (Applicant)/Ronald Depina Etal (Owner)

### **RECOMMENDATION**

That the Planning Commission recommends the City Council approve the proposed project, including the adoption of the attached Initial Study, Mitigated Negative Declaration (MND), Mitigation Monitoring and Reporting Program (MMRP)(Attachment III), and approval of the Zone Change and Vesting Tentative Tract Map to build eighteen detached single-family homes, subject to the Findings and Conditions of Approval (Attachment II).

### **SUMMARY**

This proposal is supported by staff because the proposed density, twelve (12) dwelling units per net acre, is consistent with the allowed density of the existing Medium Density Residential General Plan land use designation of 8.7-17.4 dwelling units per net acre. The project is well-designed, keeping many of the desirable features of a typical detached single family dwelling project. The design provides a variety of architectural styles, roofs and exterior finishes, a landscape entry feature and an abundance of trees, creating a rich streetscape. Though the homes are on lots smaller than those of typical single-family homes, the development is consistent with surrounding newer development and provides the desired features of typical single-family homes, including recessed second floors, rear yard private open space, and parking in front of garages. In addition, as discussed later in this report, the project proposes several enhancements to the site and homes such as installation of solar panels and electric vehicle (EV) charging stations to support the requested zone change and compensate for the exceptions to the single-family development standards requested. As shown in Attachment IV, such exceptions include reduced lot size, setbacks and increased maximum lot coverage.

### **BACKGROUND**

The project site is located on a block that has undergone a transformation since 2008 from older homes on large lots to a mixture of duplexes and detached single family dwellings on smaller lots. To the North and South are Planned Development (PD) projects with single family homes on smaller lots. To the east is a nursing home and to the west, across Saklan Road, are industrial complexes and a RV storage yard. Greenwood Park, located on Eden Avenue between Middle Lane and Denton Avenue, is approximately two blocks from the project site.

## DISCUSSION AND STAFF ANALYSIS

*Project Description-* The project entails a request for a Zone Change from Medium Density Residential (RM) to Planned Development (PD), and a Tentative Tract Map to subdivide the property in order to construct eighteen (18) detached single-family homes. The project proposes two plans, each with three elevations that feature Spanish, Cottage and Traditional Farmhouse architectural styling and detailing:

- Plan 1 - 2 stories, 4 bedrooms, 2.5 bathroom, 2 car garage, 2,087 square foot home;
- Plan 2 - 2 stories, 4 bedrooms, 3 bathroom, 2 car garage, 2,369 square foot home.

Exterior treatments for the six different elevations feature horizontal lap siding and shingle roof (Traditional Farmhouse theme), stucco and tile roof (Spanish theme) and stucco/stone combination and tile roof (Cottage Theme). Detailing include accent shutters, metal pot shelves, decorative eave vents, articulated porch support, modulation of the front façade, variety of garage doors and trellises over certain garage door and front porch areas. The architecture includes a variety of pitched gabled and hipped roofs with varied building heights and roof plans to create a visually interesting and varied streetscape. The Plan 2 homes, totaling 9 of the 18 homes, include a downstairs private bedroom and bathroom to accommodate residents who cannot climb stairs and allow occupants to “age in place.”

The proposed residential lots range in size from 3,112 to 4,051 square feet and 39’ to 65’ feet in width, with all lots proposed to be 80 feet deep. All homes have a rear yard ranging in size from 554.5 to 972 square feet. For comparison purposes, traditional 5,000 square foot single-family lots have rear yards equal to 1,000 square feet. Each home will have a two-car garage with a 20-foot deep driveway that can accommodate two additional cars. As the project plans show (Attachment V), sidewalks are provided on both sides of the private street and there are nine uncovered parking spaces available on one side of the private street, three of which are at the hammerhead.

Twenty (20) trees will be removed from the site due to poor condition and/or due to direct conflict with construction plans. The removed trees will be replaced with forty-six 24-inch box trees, in addition to the required 18 street trees to be planted. The preliminary landscape plans provide an attractive blend of trees, shrubs and ground cover that are water-conserving and California native species. Final landscape plan details will be reviewed and approved during the Precise Plan phase of the project.

*Inclusionary Housing Ordinance* -The City’s Inclusionary Housing Ordinance applies to projects of 20 or more “for sale” dwelling units. Since the project is below that threshold, compliance with the ordinance is not required.

*Community Facilities District-* As a standard condition of approval and related to adopted City Council policy, the City requires developers to pay the cost of providing enhanced public safety services to the

proposed project through the formation of, or annexation to a Community Facilities District (CFD), should the project generate the need for additional public safety services. This requires the project developer to post an initial deposit of \$20,000 with the City prior to, or concurrently with, the submittal of the final subdivision map and improvement plans, to offset the City's cost of analyzing the project's need for additional public safety services. If the analysis determines that the project creates a need for additional public safety services warranting the formation of, or annexation to, a Community Facilities District, the project developer is required to pay all costs of formation of, or annexation to, the district, which costs may be paid from the developer's deposit to the extent that funds remain after payment of the City's costs of analysis as described above.

*Mount Eden Benefit District Payment* - The Mount Eden Benefit District was established to fund the sewer, water, and storm drain infrastructure improvements installed in the Mount Eden Annexation area, which includes the project site. Dutra Enterprises, Inc., provided a loan of \$2,251,800 to the City in 2007 to pay for such improvements. New development in the Benefit District area will be assessed Benefit District fees to pay back this loan amount, plus interest. The interest rate varies each fiscal year and is calculated by the City's Finance Director, equal to the average annual rate earned by the City on its deposits the preceding fiscal year. Therefore, per the Engineer's Report for the Benefit District, per information presented to the City Council when the Benefit District was formed, and per Chapter 8, Article 16 of the Hayward Municipal Code, each additional unit above the existing three units on the site will be assessed a Benefit District Fee of \$12,140 per unit, plus an additional \$300 administration cost per additional unit.

*Public Parkland Obligations* - For developments with less than 50 units, the City collects park in-lieu fees (*versus dedication of parkland*). Park in-lieu fees based on the total number of units yields a fee of \$215,154 (\$11,953 per unit) which will be collected prior to certificate of occupancy and will be used for future park facilities or amenities within this part of the City.

*Rezoning to Planned Development District*- The proposal involves a modification of the current zoning designation from Medium Density Residential District (RM), which allows attached or detached homes, to Planned Development District (PD). Under the current zoning designation, the proposed 18 homes would not be feasible without modifications to some of the development standards. The purpose of the Planned Development District is to encourage development through efficient and attractive space utilization that might not otherwise be achieved through strict application of the development standards.

For single family dwellings, the Medium Density Residential District (RM) zoning district refers to development standards contained in the Single-Family Residential (RS) District. A typical single family residential lot is 50 feet wide by 100 feet deep and 5,000 square feet in size. The development proposes the following exceptions (see Attachment IV), most of which relate to smaller lot sizes:

- a) Reducing the lot size for all units from 5,000 square feet to smaller lots ranging from 3,112 to 4,051 square feet;
- b) Allowing 16 of the 18 units to exceed by 2.6 to 6.2 percent the 40 percent maximum lot coverage;
- c) Reducing the front setback for all units from 20 feet to setbacks ranging from 9'-8" to 18'-10";
- d) Reducing front yard setbacks for porches on units from 15 feet to setbacks ranging from 11'-6" to 14'-0";
- e) Reducing the rear yard setback for the nine Plan 1 units from 20 feet to 17 feet for the first floor and 15 feet for the second floor.

*(Note: The Zoning Ordinance allows single family first floor additions to extend 10'-0" into the 20'-0"*

*rear yard setback. For the purposes of this analysis, staff treated any single story extension into the rear yard setback like a 1st floor addition for a maximum build out of a single-family residential property.)*

- f) Reducing the required rear yard (private open space) for the eight Plan 1 units from 800 square feet to sizes ranging from 554.5 square feet to 640 square feet.  
*(Note: All Plan 1 units include a large 162 square foot front porch, increasing the total private open space to a minimum of 716.5 square feet for the units with 554.5 required rear yards. The Single-Family Residential Development Standards requires private open space in the form of a rear yard but does not require that the development provide group open space. Greenwood Park is two blocks away and meets those needs.)*

Allowing flexibility to the single-family development standards allows the development to retain the character of a typical single-family development. To meet the requirements of the proposed PD District, the applicant is proposing the following to ensure exceptions are “adequately offset or compensated for by providing functional facilities or amenities not otherwise required or exceeding other required development standards”:

- a) Providing a variety of architectural styles and design enhancements, including six exterior elevations with different roof designs and exterior finish treatments and enhanced garage door designs;
- b) Providing a large 162 square foot front porch for Plan 1 units;
- c) Providing a landscape entry feature that also serves as a bio-retention area;  
*(An undulating decorative retaining wall and slope bank, boulders and plantings are proposed, transforming the retention basin to a dry creek bed.)*
- d) Providing decorative “Hydro-Flo” paving installed at the entry and guest parking spaces;
- e) Providing decorative street lighting (*LED lighting*) along the new private street;
- f) Installing photovoltaic solar systems on all new homes, including the modification of roof design as necessary to accommodate a solar array; and
- g) Providing a tankless water heater for each new home.
- h) Providing an electrical vehicle charger in each garage.

Staff believes the scale and scope of these project amenities and the quality of the project is proportional to the proposed development exceptions. The development tries to retain the desired features of a single-family home project built on a typical 5,000 square foot single-family lot, while including many sustainable features including the installation of solar, tankless water heaters, and EV charging stations within garages.

Findings for the Zone Change/Preliminary Development Plan - In order for a Planned Development District to be approved, the City Council must make the following findings, as recommended by the Planning Commission and staff. The findings and staff’s responses to them are below:

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

The project is consistent with the density of the existing General Plan land use designation and policies related to providing a variety of housing types. The detached two-story single-family homes proposed on this site blends in with the other detached single-family development on

smaller lots surrounding the project site. The project also conforms to the following General Plan goals and policies:

Land Use and Community Character

Goal LU-3 - Create complete neighborhoods that provide a mix of housing options and convenient access to parks, schools, shopping, jobs, and other community amenities.

Policy LU-3.6 Residential Design Strategies: The City shall encourage residential developments to incorporate design features that encourage walking within neighborhoods by:

- Designing new streets with wide sidewalks, planting strips, street trees, and pedestrian scaled lighting.
- Orienting homes, townhomes, and apartment and condominium buildings toward streets or public spaces.
- Locating garages for homes and townhomes along rear alleys (if available) or behind or to the side of the front facade of the home.
- Enhancing the front facade of homes, townhomes, and apartment and condominium buildings with porches, stoops, balconies, and/or front patios.
- Ensuring that windows are provided on facades that front streets or public spaces.

Policy LU-3.7 - Infill Development in Neighborhoods: The City shall protect the pattern and character of existing neighborhoods by requiring new infill developments to have complimentary building forms and site features.

Housing

Goal H-3 - Provide suitable sites for housing development that can accommodate a range of housing by type, size, location, price, and tenure.

Policy H-3.1 - Diversity of Housing Types: The City shall implement land use policies that allow for arrange 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.

Policy H-3.3 - Sustainable Housing Development: The City shall improve affordability by promoting sustainable housing practices that incorporate a 'whole system' approach to siting, designing, and constructing housing that is integrated into the building site, consumes less water and improves water quality, reduces the use of energy use, and other resources, and minimizes its impact on the surrounding environment.

Policy H-3.6 - Flexible Standards and Regulations: The City shall allow flexibility within the City's standards and regulations to encourage a variety of housing types.

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

The proposed project is an infill development site surrounded by existing streets and there are utilities available to the site with adequate capacity to serve the proposed development.

- (3) *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 project applicant has proposed a development achieving an integration of density, livability and renewable energy sources (solar energy system, tankless water heaters, and charging stations for electric vehicles) that establishes a high standard for future development in the City. The site design maintains the continuity of the existing street design by providing front porches and entry doors that are oriented toward the new private street and neighborhood, providing eyes on the public areas and encouraging community interaction. Each home has a private rear yard typical of traditional single family home developments and is within close proximity to Greenwood Park.

- (4) *Any latitude or exception(s) 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 project is consistent with the Medium Density Residential General Plan designation. The applicant is seeking a Planned Development designation to allow exceptions to the single-residential development standards. To compensate for these exceptions, the project proposes the following project amenities:

- a) Providing a variety of architectural styles and design enhancements including six exterior elevations with different roof designs and exterior finish treatments and enhanced garage door designs
- b) Providing a large 162 square foot front porch for Plan 1 units.
- c) Providing a Landscape Project Entry Feature that also serves as a Bio-Retention Area. *(An undulating decorative retaining wall and slope bank, boulders and plantings are proposed, transforming the retention basin to a dry creek bed.)*
- d) Providing Decorative "Hydro-Flo" Paving installed at the entry and guest parking spaces.
- e) Providing decorative street lighting *(LED lighting)* along the new private street.
- f) Installing photovoltaic solar systems on all new homes, including the modification of roof design as necessary to accommodate a solar array
- g) Providing a tankless water heater for each new home.
- h) Providing an electrical vehicle charger in each garage.

This project will serve as an example project for other small infill sites and hopefully will encourage more development like this in the future.

*Vesting Tentative Tract Map 8226* - A vesting tentative tract map is being processed with this request to create individual parcels of land for each residential unit. If the vesting tentative map is approved, a final map will be processed and recorded, allowing each unit to be sold separately. The developer is proposing a vesting tentative map so that the developer gains, for a period of three years after the date of approval or conditional approval of the vesting tentative map, the right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect on the date on which the

developer's application for a vesting tentative is deemed complete, which is September 1, 2015.

The proposed 1.96 acres subdivision creates twenty parcels for eighteen detached single-family lots and two common parcels, which include the bio-retention area and the private street. The Homeowners' Association will own and maintain these two common parcels. The private street has a forty-foot right-of-way with a thirty-foot travel lane width as measured from face of curb to face of curb. The private street will be constructed to the same standards as a public street. The proposed private street right-of-way is adequate for circulation and meets the Fire Department accessibility requirements. The southern section of the private street shall be designated as a fire lane and no parking will be allowed except in the designated parking areas. Fire lane signage shall be installed to the satisfaction of the Fire Chief and City Engineer.

Frontage improvements such as Portland Cement Concrete curb, gutter and sidewalk will be installed along the private street.

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 public utility easement and connected to existing utilities in Saklan Road. On-site storm drainage will be connected to an existing system in Saklan Road.

Sanitary sewer and water mains will be publicly owned and maintained by the City. However, the proposed on-site storm drain system and cleanwater treatment facilities will be privately owned and maintained by the Homeowners' Association.

The formation of a Homeowners' Association (HOA) and the creation of Conditions, Covenants, and Restrictions (CC&R's) is recommended to be required so that the HOA will be responsible for maintaining all private streets, private street lights, private utilities, and other privately owned common areas and facilities on the site, including, but not limited to, cleanwater treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving.

For any necessary repairs performed by the City in locations under the on-site decorative paved areas, staff is recommending that the City not be responsible for the replacement cost of the decorative paving. The replacement cost would be borne by the HOA established to maintain the common areas within the association boundary. The common area landscaping includes all areas except the private yards. 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.

Findings for the Vesting Tentative Tract Map - In order for a Vesting Tentative Tract Map to be approved, the Planning Commission must make the following findings, as recommended by staff:

- (1) That the proposed map is consistent with applicable general and specific plans as specified in Section 64541 of the Subdivision Map Act. [Subdivision Map Act §66474(a)]***

The vesting tentative tract map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Plan. No Specific Plan applies to the

Project.

- (2) ***That the design or improvement of the proposed subdivision is consistent with applicable general plan and specific plans. [Subdivision Map Act §66474(b)]***

The proposed subdivision, as demonstrate by the aforementioned analysis, is of a design consistent with the City's General Plan.

- (3) ***That the site is physically suitable for the type of development. Subdivision Map Act §66474 (c)]***

The preliminary geotechnical investigation and geotechnical exploration report performed by PJC (dated October 14, 2014), demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development. The geotechnical report does indicate that the site has moderate to highly expansive clay soils and that there is a potential for liquefaction. The recommendations contained in the PJC report dated October 14, 2014 shall be incorporated into the design and construction of the residential development. With these measures in place, the site is physically suitable for the proposed type of development.

The site provides sufficient lane widths and ingress/egress points, pedestrian facilities and infrastructure locations, such as water and sewer lines, storm drains and stormwater treatment areas, to support the number of units being proposed.

- (4) ***That the site is physically suitable for the proposed density of development. [Subdivision Map Act §66474(d)]***

The preliminary geotechnical investigation and geotechnical exploration report performed by PJC (dated October 14, 2014), demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development. The geotechnical report does indicate that the site has moderate to highly expansive clay soils and that there is a potential for liquefaction. The recommendations contained in the PJC report dated October 14, 2014 shall be incorporated into the design and construction of the residential development. With these measures in place, the site is physically suitable for the proposed type of development.

Density is not a factor that makes the site suitable or less suitable for development.

The Mitigated Negative Declaration prepared for the Project determined that the project would not result in significant impacts to traffic since it would not generate sufficient traffic to cause nearby intersections to operate at an unacceptable level of service, nor would it create any issues with safe ingress and egress from the site.

- (5) ***That the design of this infill project and the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. [Subdivision Map Act §66474(e)]***



The approval of Vesting Tentative Map Tract 8226, as conditioned, will have no significant impact on the environment, cumulative or otherwise. A Mitigated Negative Declaration prepared pursuant to the guidelines of the California Environmental Quality Act (CEQA) for the development of this site demonstrates that substantial adverse environmental damage, including to fish or wildlife and their habitat, would not result from the proposed subdivision.

**(6) *The design of the subdivision or type of improvements are not likely to cause serious public health problems. [Subdivision Map Act §66474(f)]***

Adequate capacity exists to provide sanitary sewer service to the Project site. There are no other aspects of the Project with the potential to cause serious public health problems.

**(7) *That the design of the subdivision or type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. [Subdivision Map Act §66474(g)]***

Upon completion of the proposed improvements, the streets and utilities would be adequate to serve the project. New public easements are to be offered for dedication as necessary.

## **ENVIRONMENTAL REVIEW**

This proposal is defined as a “project” under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. Staff has prepared an Initial Study, Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program for the project (Attachment IV), which indicates there will be no significant environmental impacts resulting from the project provided the mitigation measures are incorporated into the project. The environmental document was made available for public review from August 4 through August 24, 2015. No comments were received.

## **PUBLIC OUTREACH**

When the application was first received, notice was sent to all property owners within a 300-foot radius of the project site indicating the City had received an application for development on this site and informing of a preliminary meeting that would be held to provide the public an opportunity to review and comment on the proposed subdivision. This meeting was held on January 22, 2015. The property owners for the subject application, three business owners and two neighborhood residents attended this meeting. The meeting attendees generally expressed support for the proposed project. They indicated they liked the design of the homes and were pleased that the proposal included two-story single-family detached homes. The property owners of the project site will occupy two of the new homes.

## **NEXT STEPS**

Following the Planning Commission hearing and assuming the Commission recommends approval of the

project, the City Council will hear the item on October 27, 2015 and render a decision on the proposed Mitigated Negative Declaration, Zone Change, and Vesting Tentative Tract Map applications. Should the Council approve the project, the applicant will work toward complying with the conditions of approval to allow approval of a precise development plan, approval of improvement plans and a final map and ultimately issuance of building permits to allow for construction of the project.

*Prepared by:* Carl Emura, ASLA, Associate Planner

Approved by:



Sara Buizer, AICP, Planning Manager

Approved by:



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David Rizk, AICP, Development Services Director

Attachments:

Attachment I - Area and Zoning Map

Attachment II - Recommended Conditions of Approval

Attachment III - Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program

Attachment IV - Comparisons with Standards for a Typical Single-Family Residential Development

Attachment V- Project Plans