



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**DATE:** September 17, 2015

**TO:** Planning Commission

**FROM:** Planning Manager

### **SUBJECT**

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; Mark Tiernan for SCS Development (Applicant and Owner).

### **RECOMMENDATION**

That the Planning Commission recommends that the City Council approves the project, including approval of the major modification to the Precise Development Plan and Vesting Tentative Parcel Map, to allow two single family detached homes to be built, subject to the Findings contained herein and the attached Conditions of Approval.

### **BACKGROUND**

The Cannery Area development received its original approvals in [December 2005 <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2005/cca121305.htm>](http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2005/cca121305.htm). The original development approval included 612 multi-family units, 16 duet units and a commercial site on four tracts. Between 2008 and 2010, staff approved minor modification to the number and type of residential units at the Cannery, resulting in a total of 598 multi-family units, 16 duet units and a commercial site on four tracts. All of the duet units and most of the multi-family units have all been constructed; however, the commercial site has remained vacant. Earlier this year, staff was approached by the property owner of the commercial site, SCS Development, inquiring about the possibility of developing that site with two new single family homes in lieu of the commercial given the site constraints and market viability.

### **DISCUSSION AND STAFF ANALYSIS**

#### *Project Description.*

The project requires a modification to the Precise Development Plan, which envisioned the site to be developed with a commercial retail building and Vesting Tentative Parcel Map 10373 in order to subdivide the parcel into two lots and construct a single family detached home on each lot with a common driveway (Attachment II).

Site Plan - The two proposed homes will be constructed on a 4,791 and a 5,662 square foot lots respectively, which is larger than the lots the remaining 16 duet units are constructed on, which range from 3,400 to 3,800 square feet.

Building Elevations and Floor Plans - The homes proposed are 2,669 square feet each, with two one-car garages consisting of five bedrooms, three bathrooms and a loft area on the third floor. The two new units will have a shared driveway providing access to their garages. Each home maintains a twenty foot rear yard setback providing private yard area for each unit behind fencing. The architectural style is similar to the existing duet units and uses similar materials including composition shingle roofs, stucco and lap siding finishes, and wood trimmed windows.

Precise Development Plan Major Modification - The subject property was rezoned to Planned Development in 2005 with the approval of the various entitlements for the Cannery Area development. In March 2007, staff approved the Precise Plan for this portion of the cannery development, which showed the development of an approximate 3,000 square foot retail structure proposed to accommodate up to three future tenants along with seven parking spaces. Since the approval of the Precise Plan, the remaining parcels in the development have been built out with the residential units. This site remains as the final undeveloped parcel. The parcel is located at the corner of Madsen Street and Martin Luther King Drive and has extremely limited visibility from Winton Avenue. In addition, the vehicular circulation to and from the site is challenging. Given the request to modify the use on the site from commercial retail to residential, staff considers this a major modification to the Precise Plan, necessitating approval by the City Council based on a recommendation from the Planning Commission.

In order to support the major modification, the City Council must make the following findings as recommended by the Planning Commission and staff:

**a) 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 certainly compatible with the surrounding residential homes and will provide opportunities for more eyes on the street at this development entry. 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.

**b) 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.

**c) 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.**

Staff supports this Planned Development District modification, recognizing that the two additional residential units results in a total of 598 multi-family units and 18 duet units, which is below the original entitled 612 multi-family units and 16 duet units and will not have a substantial adverse effect upon the surrounding development.

**d) 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.

## **ENVIRONMENTAL REVIEW**

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.

## **PUBLIC OUTREACH**

Initial notice of the application was sent to all property owners within 300 feet, all of the existing Homeowners' Associations that comprise the existing Cannery Developments, as well as the Burbank Neighborhood Task Force in May 2015. Some concerns were expressed regarding traffic impacts associated with two additional residential units. According to the Public Works Engineering and Transportation Department staff, the addition of two residential units does not trigger the need for a traffic study. In addition, the total density for the project is still below the total number originally entitled for this development and those impacts were already analyzed in a previous environmental analysis/document. The applicant did, however, reach out to the concerned parties as well as the HOA's to try and address any issues they might have with the proposal.

## **NEXT STEPS**

Provided the Planning Commission recommends that the City Council approves the major modification to the Planning Development District, the applicant will work on submittal of the final map and improvements plans for the two new homes followed by building permit for the construction. This item is tentatively scheduled for City Council review on October 13.

*Prepared by:* Sara Buizer, AICP, Planning Manager

Approved by:

A handwritten signature in blue ink that reads "Sara Buizer".

Sara Buizer, AICP, Planning Manager

A handwritten signature in blue ink that reads "David Rizk".

David Rizk, AICP  
Development Services Director

Attachments:

Attachment I: Conditions of Approval  
Attachment II: Project Plans