



# CITY OF HAYWARD

Hayward City Hall  
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## Cover Memo

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**DATE:** January 12, 2016

**TO:** Mayor and City Council

**FROM:** Director of Development Services

### **SUBJECT**

Proposed subdivision and construction of six detached single-family homes around a central open space area located at 1151 Overlook Avenue, requiring adoption of a resolution and introduction of an ordinance for a zone change from Sustainable Mixed Use (SMU) to Planned Development (PD) and approval of Tentative Tract Map 8244 - Overlook Terrace, LLC (Applicant/Owner)

### **RECOMMENDATION**

That City Council adopts the attached resolution (Attachment I), adopting the Negative Declaration (ND) and approving the Vesting Tentative Tract Map Application; and introduces the attached ordinance (Attachment II), approving the Zone Change Application to build six detached single-family homes as proposed.

### **SUMMARY**

The project is supported by staff because the proposed density of 6.8 dwelling units per net acre is consistent with the General Plan designation of Sustainable Mixed Use, which allows a density range of 4.3 to 100 dwelling units per net acre. In addition, the overall project site density is consistent with the zoning of properties in the area (6,000 sq. ft. minimum) and clusters development on this sloped property, which is encouraged in the City's Hillside Design Guidelines. The homes are well-designed with high-quality architectural features and each has a unique design to avoid a tract home appearance. In addition, as described in this report, the project includes amenities to support making the required Planned Development (PD) rezone findings.

### **BACKGROUND**

The project site was acquired by the State of California as part of the Hayward Foothill Freeway Project. After the project was abandoned, the property was rezoned to Sustainable Mixed Use as part of the 2009 [Route 238 Bypass Study <http://www.ci.hayward.ca.us/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/rp/2009/rp063009-07.pdf>](http://www.ci.hayward.ca.us/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/rp/2009/rp063009-07.pdf). The rezone of the property to Sustainable Mixed Use was related to planning for future development of the nearby large former quarry site to the north. One conceptual proposal for the quarry site, the [Bayview Quarry Village Project <http://bayviewvillage.us/>](http://bayviewvillage.us/), was presented as a higher density project with a project-serving shuttle, minimal on-site parking spaces, and a small neighborhood-serving retail use, but did not materialize into a formal application. The former quarry site was also considered by HUSD staff for a new middle school, but that project also never

materialized. No active applications are on file for any other project at the quarry site. The existing development pattern of the area is relatively low-density, single-family homes.

*Planning Commission Review* - The project was reviewed by the Planning Commission at a public hearing held on December 17, 2015. The Planning Commission was not able to provide a recommendation to the City Council, due to the absence of two Commissioners, since a recommendation would require a minimum of four votes. A motion to approve the project failed on a 3 to 2 vote. The draft meeting minutes are included as Attachment III. The two key items discussed by the Planning Commission were the provision of open space for residents and the compatibility of the density of the project with existing development in the area.

*Clustering Development* - Open space is often an issue with small lot-single family developments. It is staff's view that the applicant has done all that can be done to accommodate open space on such a constrained site. Far greater amounts of open space for each unit could be provided if the units were spread out over the entire development site, but doing so would have other consequences, such as impacting an area of environmental value. The southern portion of the site has two terraces where the ground is depressed below the surrounding soils, creating areas where water has pooled. In these areas, several red willow trees are present, and there is a high percentage of hydrophytic vegetation (wetland plants).

In terms of compatibility with surrounding development, the current zoning requires a minimum of twenty-two units on this site, which staff views as far too high given the steep topography and environmentally sensitive southern areas of the site, and because this property is not being considered as part of a future quarry development. The applicant instead proposed six units, which equates to an overall site density of one unit for each 6,600 square feet of lot area. This is consistent with the density in the area; the only key difference is that in this case the units are clustered to leave approximately 56% of the site untouched. This clustering results in the same number of units on the site as if it were developed similarly to the existing homes in the area, though the units are closer together in order to preserve portions of the site in its current state. Clustering is supported by the City's Hillside Design Guidelines because it maintains the same overall density while shifting intensity of development to areas with less environmental sensitivity. Specific sections of the ['City's Hillside Design and Urban/Wildland Interface Guidelines <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/planning/RES%2093-037.pdf>](http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/planning/RES%2093-037.pdf) related to clustering home development and site design that support this development type include:

- F1: Preferred hillside development includes clusters of approximately 8 to 12 single-family dwellings or large clusters of multi-family structures separated by inter-connected natural open space corridors.
- F2: Development should be clustered to avoid geologic hazards and preserve significant natural site features, including but not limited to rock outcroppings, woodland and riparian vegetation, mature trees, natural drainage courses, important wildlife habitat areas and corridors, and scenic views.
- G1: Structures should be sited outside of the dripline of mature trees to minimize impacting tree roots and to avoid creating a fire safety hazard.

## DISCUSSION

Project Description - The project site is an infill site, totaling 0.88 acres, and borders single-family homes to the west and north, and vacant hillside land to the south and east. The overall development intensity is consistent with the zoning of adjacent development and the project design clusters development to avoid more sensitive areas and reduce grading.

This project requires a Zone Change from Sustainable Mixed Use to Planned Development because it does not meet certain development standards of the existing zoning district (lot size, required minimum number of residential units, minimum lot frontage, minimum average lot width, setbacks, and maximum number of parking spaces allowed). A Vesting Tentative Tract Map is also proposed to subdivide the property in order to construct six detached single-family homes and open space (see plans, Attachment V).

Site Plan - The proposed homes will be constructed on lots ranging from 2,632 to 3,762 square feet in size. The units will range from 2,450 to 2,800 square feet in size. The overall site plan provides pedestrian oriented frontages along both Overlook Avenue and Palisade Street, keeping garages and driveways out of view from the public street as much as possible. Based on staff's direction, patios were added to facades facing Overlook Avenue, creating better curb appeal and connection to the public realm.

Public utility easements are proposed along public frontages, and access easements are provided throughout the driveways and group open space areas. A portion of the site adjacent to Carlos Bee Boulevard is proposed to be provided to the City as right-of-way dedication. The southern portion of the site is included as part of the Planned Development district and could not be further developed without a modification of the Planned Development District, requiring approval by the City Council.

In terms of open space, the primary open space is provided by the group open space area at the center of the development. This area is directly accessible to all units and includes a stairway to the units on the upper terrace. The open space area provides seating, including a decorative informal seating wall. Surfaces are stamped concrete and pavers, and landscaping is provided throughout to create an environment where residents can gather. In addition, four of the six units also have private balconies on upper floors, with an average size of sixty feet. Additional open space areas were explored during the review of the project, but additional private or group open space areas would potentially impact areas which are preserved in a natural state.

Transportation and Circulation - The development proposes two access points. Four units would be accessed from Overlook Avenue via a private driveway, and two units would be accessed from Palisade Street via a private driveway. No direct vehicular access onto Carlos Bee Boulevard would be provided. The City's transportation analysis concluded that these roads are capable of supporting the proposed development. In addition, the site is approximately a 0.3-mile walk to the nearest AC Transit stop, which is located downhill from the project site at the corner of Carlos Bee Boulevard and Mission Boulevard. The stop is served by lines 22, 99, and 801, which provides loop service throughout the City of Hayward.

All driveways and private courts shall have a minimum twenty-four-foot wide travel lane to be adequate for circulation and meet Fire Department accessibility requirements. The driveways and courts are to be designated as fire lanes and no parking will be allowed in them. Fire lane signage will be installed along the common driveways and curbs will be painted red as directed by the Fire Chief and City Engineer. Full frontage improvements, including curb, gutter and sidewalk, will be installed along all public frontages.

Building Elevations and Floor Plans - As shown on Attachment V, the six homes are individually designed to create a development more similar to custom homes than a tract development. The units are well sized and will fit into the existing neighborhood character. Four of the six units have a full bedroom and bathroom on the ground level or the main living level to assist with “aging in place” and multi-generational housing needs. The homes were redesigned between the initial submittal and the current plan to integrate into the existing slope. Unit heights were reduced so that half of the units are two-story in height, in keeping with typical development in the area. The three units which are three-story (partial stories) in height are integrated into the existing slope to reduce the effects of their heights.

Deviation from City Standards - Under the current zoning designation, the project would not be possible 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 existing zoning development standards.

The current zoning designation for the property is Sustainable Mixed Use (SMU), which was created primarily in association with redevelopment of the former quarry site. Thus, the zoning for the property was crafted to facilitate the use of the quarry site as a middle school or as a relatively dense residential project with a focus on environmental sustainability and alternative transportation. The intent of the SMU zoning designation was to provide flexibility for adaptive reuse of the quarry site, just as the intent of the Planned Development district is to provide flexibility for development of sites where deviation from standards may result in a better project. This project meets such criteria, providing a better fit with existing development in the area and reducing development intensity on a site where sensitive environmental features are present.

The northern portion of the site is proposed to be developed with six detached single-family units, which is far below the residential density range of twenty-five to fifty-five units per net acre that is required by the SMU zoning. However, because there are no formal plans to redevelop the quarry site at this time, given the character of development around the site, the existing grade of the site, and the potential for impacts to the environmentally sensitive portions of the site, staff feels that the proposed density is preferable to the density range allowed by zoning. The reduction in density is consistent with the General Plan designation for the site and will not impact the City’s ability to meet regional housing goals.

To accommodate the proposed project, deviations from the following Hayward Municipal Code requirements are required:

- Minimum Lot Size (2,632 to 3,762 square feet square feet where at least 20,000 square feet is required)
- Minimum Lot Frontage (45.7 to 53.0 feet where at least 100 feet is required)
- Minimum Average Lot Width (46 to 60 feet where at least 100 feet is required)
- Setbacks (project meets setbacks from public streets, but does not between units, where a range of 6-11 feet is provided where a minimum of 10 feet is normally required)
- Parking (2 garage spaces per unit proposed where a maximum of 1.5 spaces per unit is normally allowed)
- Residential Density (6.82 units per acre where 25 to 55 units per acres is normally allowed)

The deviations from standards are required because the proposed project type is different than what was

envisioned for the site (and quarry site) when the SMU zone was created, when the site was envisioned to accommodate a multi-family residential project with twenty-two to forty-eight units.

*Amenities Provided in Excess of Standards* - For “functional facilities or amenities not otherwise required or exceeding other required development standards,” the applicant proposes the following:

- A 400 square foot central open space area in the courtyard and not in the common driveway area, is designed to connect the upper and lower units and tie the upper and lower areas of the project together. The open space area is well designed with colored concrete and pavers to complement the design of the homes. The area is proposed to have tables and chairs, as well as informal seat-walls in order to give residents a place to gather.
- Installation of solar photo-voltaic systems on all units
- Installation of electric vehicle charging stations within the garages of all units

The inclusion of a central open space area is not required by the performance standards of single family residential zones. Inclusion of this open space area helps reduce the impact of the reduced lot sizes and associated lack of open space on each lot. In addition, the group open space area serves to tie the two levels of the development together, creating a central area where residents of all six homes can come together. This feature, along with the patios and balconies facing public streets and common driveways, serves to create a friendlier, more neighborly atmosphere in the development. Also, the group open space will be separated from the drive lane by an informal seatwall, which is a decorative element and about three feet in height, which will block anyone from parking in that area.

*Environmental Impact Analysis* - An Initial Study was prepared for the project, which found that the project, as proposed, has no potential for any significant impacts to the environment. The [Initial Study and Negative Declaration <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2015/Initial\\_Study-Neg\\_Dec-Overlook\\_Ave\\_Homes.pdf>](http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2015/Initial_Study-Neg_Dec-Overlook_Ave_Homes.pdf) were posted for public review between October 2, 2015 and November 23, 2015. No comments were received.

## **ECONOMIC IMPACT**

There would be generated a few construction-related temporary jobs for this development. However, given this is a six-unit infill development, economic impacts are considered minimal.

## **FISCAL IMPACT**

Based on the City’s fiscal impact model, if the units are sold at the expected price of at least \$600,000, the cost of providing services to the project will initially equal the expected revenues from the project. Thus, the fiscal impact is negligible.

## **PUBLIC CONTACT**

Initial notices of receipt of the Project applications were sent on March 18, 2015 to property owners and residents within a 300-foot radius of the Project site, as well as to interested parties in the neighborhood. A total of 653 notices were sent. In addition, a preliminary meeting was held on December 10, 2015 for the public to comment on the project. No persons were in attendance of such meeting.

Notices of the December 17, 2015 Planning Commission public hearing and plans to adopt the Draft Negative Declaration were sent to all property owners within a 300-foot radius of the project on November 13, 2105. A total of 653 notices were sent. In addition, notice of that hearing was published in *The Daily Review* on November 13, 2015.

Notices of this public hearing and plans to adopt the Draft Negative Declaration were sent to all property owners within a 300-foot radius of the project on December 21, 2015. A total of 653 notices were sent. In addition, notice of this public hearing was published in *The Daily Review* on January 2, 2015.

One public comment was received prior to the Planning Commission hearing from the owner of the adjacent property to the east regarding the project, included as Attachment IV. That owner voiced objections to the project related to the suitability of the site for any development, and the impact of the new structures on the bay views afforded to neighboring properties. The suitability of the site was analyzed by staff through the project review and CEQA analysis, and staff views the intensity and layout of the development to be appropriate for the site. The impact to views was also analyzed via cross-sections provided in the project drawings. Based on the results of that analysis, the height of some of the units was reduced to two-stories from the initially proposed three-stories. With that modification, no significant impact to views was found by staff, given most of the existing view corridor from the adjacent residence (to the west and south) will be preserved. Any additional comments that are received before the City Council meeting will be forwarded to the Council for consideration.

## **NEXT STEPS**

Assuming the Council approves the Project, the applicant will need to submit a Precise Development Plan, Final Map and Improvement Plans for review by various City departments. Staff will forward the Final Map to City Council for review and approval, after which construction permit applications will be processed and permits issued to ultimately allow for construction of the project.

*Prepared by:* Michael Christensen, Assistant Planner

*Reviewed by:* Sara Buizer, Planning Manager

*Recommended by:* David Rizk, Director of Development Services

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Resolution
Attachment II	Ordinance
Attachment III	December 17, 2015 Draft Planning Commission Meeting Minutes
Attachment IV	Public Comment Letter from Adjacent Property Owner
Attachment V	Project Plans