



# CITY OF HAYWARD

Hayward City Hall  
777 B Street  
Hayward, CA 94541  
[www.Hayward-CA.gov](http://www.Hayward-CA.gov)

## Cover Memo

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**File #:** PH 15-106, **Version:** 1

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**DATE:** December 15, 2015

**TO:** Mayor and City Council

**FROM:** Director of Development Services

### **SUBJECT**

Proposed subdivision and construction of forty-two detached single-family homes on a 3.2-acre site at 81 Fagundes Court, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential and Single-Family Residential to Planned Development District, Vesting Tentative Tract Map 8266, and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; KB Home Bay Area (Applicant)/ Steven Amaral (Owner)

### **RECOMMENDATION**

That the City Council:

1. Adopts the attached resolution (Attachment I), adopting [Initial Study, Mitigated Negative Declaration \(MND\), and Mitigation Monitoring and Reporting Program](#) <<http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-MMRP>> and Vesting Tentative Tract Map 8266, subject to the Conditions of Approval attached to the resolution; and
2. Introduces the attached ordinance (Attachment II), approving the Zone Change application to build forty-two detached single-family homes.

### **SUMMARY**

The project is supported by the Planning Commission and staff because the proposed density of 12.9 dwelling units per net acre is consistent with the General Plan designation of Medium Density Residential, which allows up to 17.4 dwelling units per net acre. In addition, the project is consistent with the overall development pattern of the area, which consists of a mix of single-family homes and moderately dense multi-family developments. The homes are well-designed with high-quality architectural features that are consistent with the neighborhood character that has been created in surrounding new residential developments, such as Regency Square. In addition, as described in this report, the project includes amenities to support making the required Planned Development (PD) rezone findings.

### **BACKGROUND**

The proposed project is on a 3.2-acre site which has historically been utilized for agricultural purposes. The surrounding land uses are a mix of single-family homes, multi-family developments, and industrial facilities. This project is similar to the [Regency Square](#) <[---

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[GOVERNMENT/BOARDS-COMMISSIONS-COMMITTEES/PLANNING-COMMISSION/pc/2007/pc061407-02.pdf](#)> development, which was approved in 2007 on a parcel to the north and directly across the railroad tracks from this site. The proposed project has similar architecture to Regency Square, the same basic site layout, and the same parking provision.

The Neighborhood Plan for the site identifies this site as appropriate for a residential development of moderate density to serve as a buffer to existing industrial uses to the north. A small-lot single family project is fitting with the density range that was envisioned in the General Plan and the Neighborhood Plan and is consistent with market trends for the area.

Outreach to the neighborhood has been conducted, including a community meeting on July 9, 2015. The responses from neighbors as well as various city departments have been implemented into the project design.

*November 19, 2015 Planning Commission Hearing* - The Planning Commission heard the matter at its regular meeting on November 19, 2015 and unanimously recommended approval of the project. During discussion, the Commission commented on the need to ensure through covenants, conditions and restrictions (CC&Rs) that garbage bins are kept inside the garages of the units, as identified on the plans, and out of the private courts when not being collected. The Commission also discussed adding a condition to revise the gate at Fagundes Court to allow pedestrian access in order to reduce the walking distance to the nearest transit stop. However, based on the concerns noted from residents of Diadon Drive regarding parking, the gate was kept as emergency access only in order to encourage residents to park along Huntwood Avenue instead of Diadon Drive.

## **DISCUSSION AND STAFF ANALYSIS**

*Project Description* - The project site is an infill site, totaling 3.2 acres, and borders a multi-family residential development to the south, single-family homes to the west, an industrial warehouse to the north, and railroad tracks to the east. The proposed project has been designed to be consistent with the adjacent development through similar design and overall development intensity.

This project requires a Zone Change from Medium Density Residential and Single-Family Residential to Planned Development because it does not meet certain development standards of the existing zoning districts (minimum lot size, setbacks, lot coverage, and parking). Also, a Vesting Tentative Tract Map is proposed to subdivide the property in order to construct forty-two detached single-family homes and open space (see plans, Attachment IV).

*Site Plan*- The proposed homes will be constructed on lots averaging 1,564 square feet in size, with some minor variation in shape at corner lots. The units will range from 1,891 to 2,043 square feet in size. The overall site plan provides pedestrian oriented frontages along both Austin Avenue and Huntwood Avenue, keeping garages and driveways out of view from the public street as much as possible.

All private streets 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 private streets are to be designated as fire lanes and no parking will be allowed on either side. Fire lane signage will be installed on private streets 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 Austin Avenue

and Huntwood Avenue.

Transportation and Circulation - The development proposes two access points. The main access would be provided from Austin Avenue, and an emergency only access point is provided from Fagundes Court. Daily trips to and from the site would utilize either Huntwood Avenue or Austin Avenue. The City's transportation analysis concluded that these roads are capable of supporting the proposed development. In addition, the site is approximately a half-mile walk to the nearest AC Transit stop, which is located at the corner of Amador St. and Jackson St. The stop is served by line 37, which provides loop service throughout the City of Hayward.

Building Elevations and Floor Plans - As shown in Attachment IV, the project proposes three basic building plans. All of the units are proposed with three bedrooms as the standard configuration. The proposed units will all be three-stories and will have architectural styles similar to the adjacent Regency Square development. The architectural design will blend in with the surrounding development and will be compatible with the City's Design Guidelines.

The proposal includes an optional fourth bedroom on the first floor of one of the floor plans, which is reflected in twelve of the forty-two units. While not located on the same floor level as the kitchen and main living areas of the units, this bedroom can facilitate multi-generational housing as it can accommodate a family member who may have difficulty navigating stairs.

Deviation from City Standards - Under the current zoning designation, the project 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 existing zoning development standards.

The development proposes smaller lots than the minimum size of 5,000 square feet under existing zoning standards. However, the overall proposed density is consistent with the existing Medium Density Residential General Plan land use designation and with the surrounding development. If the project was proposed as attached townhome units, the project would be fully consistent with zoning for the site and would not require a Planned Development designation. Thus, the overall development intensity for the site is not modified by the approval of a Planned Development; only variation in building form and placement.

To accommodate the proposed project, deviations from the following municipal code requirements are required:

- Minimum Lot Size
- Setbacks
- Lot Coverage
- Parking

Minimum lot size, setbacks, and lot coverage are all closely related as reduction in lot size will often automatically trigger a need to reduce setbacks and lot coverage. No rear setback is provided for the units as the rear of the structures are utilized as garage door bays. Private open space is provided by a ten foot wide side yard area (including easement areas located on adjacent properties).

In addition, the number of parking spaces provided for the units is not consistent with City standards for single-family units. Staff would like to note that if these units shared any common wall, even at garages, they would be classified as multi-family units and would be fully consistent with parking requirements despite having the exact same development intensity. However, because the units are proposed as fully detached, City regulations classify them as single-family residential units. Thus, parking code requires two covered parking spaces per unit. In addition, for any units which front a street where parking is not allowed on either side, an additional two open parking spaces are required. This provision requires an additional two open parking spaces for twenty-six of the units. Thus, the number of required parking spaces is eighty-four covered and fifty-two open spaces.

For this application, the number of parking spaces proposed is eighty-four covered and twenty-one open, creating a deficiency of thirty-one parking spaces. However, the parking spaces will provide one parking space for every bedroom of the development. Thus, even if every bedroom was rented to a different person, all of whom had a vehicle, there would still be enough on-site parking to accommodate the vehicles. This ratio of bedrooms to parking spaces is essentially the same as was applied to Regency Square, and is higher than was provided for developments in the Cannery Area, where an average of 2.4 spaces per unit were provided pursuant to the city's standards for multi-family developments.

*Amenities Provided in Excess of Standards* - To off-set deviations from standard code requirements, the applicant proposes the following amenities:

- A 4,430 square foot central open space area
- Installation of solar photo-voltaic systems on all units
- Installation of electric vehicle charging systems on all units

The inclusion of a central open space area is not required by the performance standards of the Single-Family Residential zone. Inclusion of this open space area greatly reduces the impact of the reduced lot sizes on the individual units. In addition, the amount of open space provided through the private side yard areas and this central open space is consistent with the city's standards for multi-family residential developments.

*Environmental Review and Analysis* - Staff has prepared an [Initial Study, Mitigated Negative Declaration \(MND\), Mitigation Monitoring and Reporting Program <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2015/KB Home Fagundes-Initial Study and Mitigated Neg Dec.pdf>](http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2015/KB%20Home%20Fagundes-Initial%20Study%20and%20Mitigated%20Neg%20Dec.pdf), which indicate there will be no significant environmental impacts resulting from the project, provided the mitigation measures are incorporated, including implementing tree protection measures and tree replacement. The environmental document was made available for public review from October 19, 2015 through November 9, 2015. No comments on the environmental document were received.

## **ECONOMIC IMPACT**

This infill project would further contribute to the character and revitalization of the Jackson Triangle neighborhood by allowing forty-two additional ownership homes at a density and massing consistent with surrounding development and the General Plan Land Use designation. The improvement of this site

from an undeveloped agricultural parcel to a moderately dense residential development will generate higher land values both by increasing investment in the area and by creating a developed buffer between existing multi-family residential developments and the industrial parcels to the north of this site.

## **FISCAL IMPACT**

Staff has conducted a rough fiscal impact analysis of the project. Based on the estimated sale price of \$670,000 per unit, it is estimated that the project will generate \$54,108 of new revenue annually; however, the project is projected to cost the City \$52,427 annually, for a net annual contribution to the General Fund of \$1,681 (\$40 per unit), which is essentially a neutral fiscal impact. Also, this preliminary analysis does not include any revenue from a community facilities district related to public services, which is required to be formed as a condition of approval. The project will also contribute \$11,953 per unit to parkland dedication, for a total of \$502,026, which will be used for acquiring land for new or expanded parks and/or for rehabilitation and improvement of existing parks.

## **PUBLIC CONTACT**

Initial notices of the proposed projects were sent on August 3, 2015 to property owners within a 300-foot radius as well as interested parties in the neighborhood. One formal comment was received from the owner of a property on Diadon Road, who indicated that he would not support the project if it generated more traffic on Diadon Road. Similar comments were shared by other nearby property owners at the previously referenced community meeting that was held on July 9, 2015. To respond to these comments, the project was redesigned to have an emergency only access gate to Fagundes Court, which will limit the trips to the site along Diadon Road.

Notices of this public hearing and availability of a Draft Mitigated Negative Declaration were sent to all property owners (430) within a 300-foot radius of the project on October 16, 2015. In addition, notice of this public hearing was published in *The Daily Review* on October 17, 2015. No comments have been received as of the writing of this staff report. Any additional comments that are received before the City Council meeting will be forwarded to the Council for consideration.

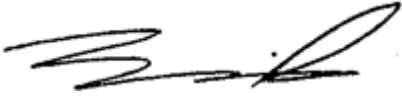
## **NEXT STEPS**

Should the Council approve the project, the applicant will work with staff toward complying with the conditions of approval to allow submittal and processing of a Precise Development Plan, approval of a Final Map and Improvement Plans, execution of the mitigations measures identified in the Mitigated Negative Declaration, issuance of building permits, and construction of the project.

Prepared by: Michael Christensen, Assistant Planner

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

Approved by:



Fran David, City Manager

Attachments:

Attachment I  
Attachment II  
Attachment III  
Attachment IV

Draft Resolution  
Draft Ordinance  
Area and Zoning Map  
Project Plans