



CITY OF HAYWARD

Hayward City Hall
777 B Street
Hayward, CA 94541
www.Hayward-CA.gov

Cover Memo

File #: PH 15-073, **Version:** 1

DATE: October 27, 2015

TO: Mayor and City Council

FROM: Director of Development Services

SUBJECT

Proposed Subdivision and Construction of 24 single-family homes on a 1.9-acre site at 23645 and 23653 Eden Avenue, requiring adoption of a Resolution and Introduction of an Ordinance for a Zone Change from Medium Density Residential to Planned Development District, Vesting Tentative Tract Map 8242, and Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program; Tony Dutra, Dutra Enterprises, Inc. (Applicant/Owner), Ruben and Ruby Dorris (Owners).

RECOMMENDATION

That the City Council:

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

SUMMARY

The Planning Commission unanimously recommended approval of the project on October 1. Staff supports this infill project because:

- its density of 14.0 dwelling units per net acre is consistent with the General Plan Medium Density Residential density range that allows up to 17.4 dwelling units per net acre
- design and layout is consistent with other recent developments in the Mt. Eden area, including the adjacent 164-unit Camden Place development, the 35-unit Eden Pointe development, and the existing 149-unit KB Home development located to the south of the project site
- it includes both private and group open space that exceeds minimum requirements, and provides parking via two-car garages in each unit and along the street within the development that is deficient four uncovered spaces, which is partially offset by eighteen spaces provided in driveways
- proposed homes are well-designed with high-quality architectural features that are consistent with the neighborhood character that has been created in surrounding residential developments
- it includes amenities or facilities, including solar PV systems for each home, to support making the required Planned Development (PD) rezone findings.

BACKGROUND

This area and project site were previously located in unincorporated Alameda County and were part of the Mt. Eden Phase I Annexation that was annexed into Hayward in March 2007. A benefit district was subsequently formed to pay for the infrastructure improvements in the area, made possible by an upfront financial “loan” by Dutra Enterprises, which was paid back with interest from the General Fund.

A second annexation phase, located southeast of the project site to the south of West Street, followed in 2010. Subsequent new infrastructure improvements in both annexation areas and approval and construction of recent developments have transformed the character of this area of Hayward, which used to contain larger one-acre single-family lots. This project will continue to build upon renewal of this part of Hayward, continuing the high quality development standards established by Standard Pacific and KB Home.

October 1, 2015 Planning Commission Hearing - The Planning Commission heard the matter at its regular meeting on October 1, 2015 and unanimously recommended approval of the project (see draft meeting minutes, Attachment IV). As the minutes reflect, the Commission was in support of the project and spoke highly of the design of the project and how it will be a continuation of the surrounding neighborhood and continue the positive transformation of the Mt. Eden neighborhood. However, some of the Commissioners did express general concern with lack of onsite parking and reduced amount of parks and open space in small lot developments.

DISCUSSION AND ANALYSIS

This project requires a Zone Change from Medium Density Residential to Planned Development, because it does not meet certain development standards of the existing zoning district (e.g., minimum lot size, setbacks), as identified later in this report. A Vesting Tentative Tract Map is also proposed to subdivide the property in order to construct twenty-four detached single-family homes and open space (see plans, Attachment III).

Project Description - The proposed two-story units will be accessed off Eden Avenue, which is an existing public street, via a new private street and private courts. All of the units have attached two-car garages and nine units have private driveways that can also accommodate two additional off-street parking spaces. Guest parking will be available on the new private street and existing public streets.

Site Plan - The proposed homes will be constructed on lots ranging from 1,753 to 3,092 square feet with an average lot size of 2,352 square feet, consistent with the surrounding development. A typical single-family home lot is 5,000 square feet in size. The largest units (2,205 sf) are located on the larger lots and the smaller units (1,444 sf and 1,603 sf) are located on the smaller lots. The private street and private courts shall have a minimum twenty-four-foot wide travel lane, and will be constructed to the same standards as a public street. The streets/courts will be designated as fire lanes with no parking, except in the designated parking areas along the private street that have a curb-to-curb width of twenty-eight feet for parking on one side of the street. Full frontage improvements, including curb, gutter and sidewalk, will be installed along Eden Avenue, and along the north side of Sylvia Street along the project’s southern boundary.

Building Elevations and Floor Plans - As shown on Attachment V, the project proposes three different floor plans. The smallest of the three units (5 units at 1,444 sf) has three bedrooms and three and a half bathrooms and the largest (9 units at 2,205 sf) has three-bedrooms with an optional fourth bedroom and two and a half bathrooms. The optional fourth bedroom in the largest unit is located on the ground floor with a half-bath (optional full-bath), kitchen and main living area, which could accommodate multi-generational households or aging in place. The proposed units will all be two-stories and will have architectural styles similar to the adjacent Camden Place development.

The exterior design of the homes include tile hipped and gable roofs, stucco exterior finishes, ornamental metal railings, use of stonework and wooden brackets on several units and decorative shutters accenting some windows. The architectural design includes articulation with recessed wall planes, window reveals, covered front porches, cantilevered second floors, and a mix of contrasting building colors. The proposed exterior colors will continue the same color palette of warm earth tones used at Camden Place. In summary, the architectural design will blend in with the surrounding development and will be compatible with the City's Design Guidelines.

Landscape Plans - The preliminary landscape plan provides a smooth transition between the proposed project and the existing Camden Place development through the use of the same variety of trees, shrubs and ground cover that are water conserving and are native to California. The on-site stormwater treatment areas are located throughout the site and will be accomplished through a combination of landscaped bio-retention areas and the use of permeable paving. Bio-retention areas collect water during rainstorm events where water is filtered back into the ground water ecosystem. Final landscape plan details will be reviewed and approved during the Precise Plan phase of the project.

Parking - The City's parking regulations for single-family homes require a minimum of two on-site covered parking spaces per unit, provided street parking is provided on either side of the abutting street. If a lot abuts a street that has no parking on either side, then two additional open parking spaces are required per unit. The project requires 48 covered spaces and 14 uncovered spaces, for a total of sixty-two parking spaces (2.58 spaces per unit). The plan provides 48 covered parking spaces (two per unit in garages) and ten uncovered parking spaces along the south side of the central private street (2.42 spaces per unit), resulting in a deficiency of four uncovered spaces. Nine of the units also have private driveways that can each accommodate up to two additional off-street parking spaces, resulting in potential eighteen additional uncovered off-street parking spaces, although such spaces would typically not be counted as spaces since they would block access to the spaces in the garages. The 2.42 spaces per unit is consistent with other approved Planned Developments in the area (Standard Pacific's Camden Place = 2.40).

Open Space - Developments within the Medium Density Residential District (RM) are required to provide a total of 350 square feet of usable open space per unit. This open space requirement can be accomplished through a combination of private and group open space, provided that a minimum of 100 square feet per unit is allocated toward group open space. Retention basins, landscaped bulb-outs, required landscaping or substandard sized yards are not allowed to be counted toward open space.

The project provides a total of 2,611 square feet of group open space, including children's play area, benches and bicycle parking (see Plan Sheet A0.10 and L2 in Attachment III). Additionally, nineteen of the units have a private rear yard ranging from 118 square feet to 364 square feet and five units have private second floor balconies. Each unit has a minimum of 100 square feet of conforming private open space, with an overall average of 346 square feet per unit. Overall, the combined conforming private and

common open space areas exceed the minimum requirements. Furthermore, the future residents will enjoy the benefits of being located in close proximity to an expanded and improved Greenwood Park, for which a building permit application is being processed.

Public Parkland Obligations - Because the project entails less than fifty units, the City can only require payment of park in-lieu fees (versus dedication of parkland) to meet parkland obligations. Based on twenty-four units, a total of \$286,872 in in-lieu fees is required. This fee is paid prior to certificate of occupancy of the respective units (recommended condition of approval (COA's) #66).

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 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 (recommended condition of approval (COA's) #109).

Affordable Housing Ordinance- The project is required to comply with the Affordable Housing Ordinance that became effective on April 1, 2015. Prior to the approval of the Final Map or obtaining building permits the developer must enter into an "Affordable Housing Agreement" with the City to memorialize the applicable affordable housing requirements and the developer's intended means of compliance. As of the date of this report, developers of single-family detached residential projects are allowed to pay a fee of \$4 per square foot of livable space for all the units that are developed, if they choose to pay the fees prior to building permits. The developer may also choose to wait and pay the fees at certificate of occupancy and pay ten-percent more as their final obligation (\$4.40 per square foot). The Developer may also to elect to comply by providing ten percent of units on site and make them affordable and sell at affordable prices to moderate income households (those earning 120% or less of area median income).

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. New development in the Benefit District area has been/will be assessed Benefit District fees to pay back the General Fund for the improvements. Therefore, each unit will be assessed a Benefit District Fee of \$12,140 per unit, plus an additional \$300 administration cost per additional unit (COA #111).

Zone Change/Preliminary Development Plan - 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 2,500 square feet under existing zoning standards. The smallest lot is 1,753 square feet and the largest is 3,092 square feet with the average lot size of 2,362 square feet. However, as stated previously, the overall proposed density is

consistent with the existing Medium Density Residential General Plan designation and with the surrounding development.

There are other code requirements not met as part of this request that are related to the smaller lot sizes proposed, such as minimum lot width and lot coverage, front and rear setbacks, and driveway length. To offset such deviations, the applicant is proposing project amenities in order for the findings to be made for project approval. Those findings are included in the attached resolution, including Finding No. 4 that is discussed below.

(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 General Plan and Mt. Eden Neighborhood Plan in that it is consistent with the density in the Medium Density Residential General Plan designation. The applicant is seeking a Planned Development zoning designation to provide flexibility in the site layout of the units, and to deviate from certain development standards, such as lot sizes and widths, setbacks, and lot coverage. To offset these deviations from development standards, including uncovered parking standards, the following project amenities are proposed to support the Planned Development zoning and shall be required and shown/indicated on the Precise Plan:

- Install photovoltaic solar systems on all units;
- Provide conforming group and private open space within the development in excess of the minimum required;
- Provision of surplus parking spaces via private driveways to offset the deficiency in uncovered parking spaces; and
- Use of attractive pervious paving throughout the development, in excess of what is required for tree mitigation, creating an attractive and cohesive landscape and hardscape design.

Vesting Tentative Tract Map 8242 - The developer is proposing a vesting tentative map for the project so that, for a period of three years after the date of approval, the developer retains the right to proceed with the development in substantial compliance with the ordinances, policies, and standards in effect on the date the vesting tentative map applications were deemed complete, which was June 12, 2015. The formation of a HOA and the creation of covenants, conditions, and restrictions (CC&R's) will be required so that the HOA will be responsible for maintaining all private infrastructure and other privately owned common areas and facilities on the site, including, but not limited to, clean water treatment facilities, landscaping, preservation and replacement of trees, as well as decorative paving.

In order for a Vesting Tentative Tract Map to be approved, the City Council must make certain findings. The Planning Commission recommended that City Council make such findings, which are reflected in the attached resolutions.

Environmental Review - Staff has prepared a [Mitigated Negative Declaration and Initial Study <http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2015/puer/Signed_IS_MND.pdf>](http://www.hayward-ca.gov/CITY-GOVERNMENT/DEPARTMENTS/DEVELOPMENT-SERVICES/documents/2015/puer/Signed_IS_MND.pdf) which indicate there will be no significant environmental impacts resulting from the project, provided the mitigation measures are incorporated. Such measures include implementing tree protection measures and tree replacement, and performing a

design level geotechnical analysis and following all recommendations in the preliminary geotechnical assessment. The environmental document was made available for public review from August 4, 2015 through August 24, 2015. One comment letter from the Alameda County Public Works Agency was received as of the writing of this report (Attachment IV) related to compliance with runoff and stormwater provisions.

ECONOMIC IMPACT

The infill projects would further contribute to the character and revitalization of the Mt. Eden neighborhood by allowing twenty-four additional ownership homes at a density and massing consistent with the surrounding development. Residential development of higher densities (e.g., small lot single-family homes) will generate higher overall land value than older traditional large lot detached single-family developments typical of this neighborhood.

FISCAL IMPACT

Staff has conducted a rough fiscal impact analysis of the projects, based on the current sales price of the units, which estimates that the project will generate \$55,195 of new revenue annually; however, the project is projected to cost the City \$52,858, for a net annual contribution to the General Fund of \$2,338 (\$97 per unit), which is essentially a neutral fiscal impact. Also, this preliminary analysis does not include any revenue from a community facilities district. Contributions to the Mt. Eden Benefit District will help pay back the General Fund associated with the public infrastructure improvements in the area. Also, approximately \$286,872 in new in-lieu park fee funds from the project will provide funding for public parkland acquisition and/or park maintenance for parks in the area.

PUBLIC CONTACT

Five-hundred and eighty-two notices for this public hearing and availability of Draft Mitigated Negative Declaration were sent to all property owners and residents within a 300-foot radius of the project site on October 9, 2015 and published in *The Daily Review* newspaper on October 10, 2015. No comments were received at the time this staff report was completed.

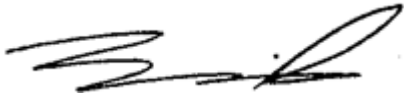
NEXT STEPS

Should the Council approve the project; the applicant will work with staff toward complying with the conditions of approval to allow submittal and approval of Precise Development Plan, approval of Final Maps and Improvement Plan, issuance of building permits, and ultimately allow for construction of the project.

Prepared by: Linda Ajello, AICP, Senior Planner

Recommended by: David Rizk, AICP, Development Services Director

Approved by:



Fran David, City Manager

Attachments:

Attachment I	Draft Resolution
Attachment II	Draft Ordinance
Attachment III	Area and Zoning Map
Attachment IV	October 1, 2105 Draft Planning Commission Meeting Minutes
Attachment V	Project Plans
Attachment VI	Public Comments