



# 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**

Proposal to subdivide a 2.52-acre parcel and Construct 35 Townhomes at 1635 Denton Avenue east of the corner of Eden Avenue, requiring approval of a Precise Plan, Site Plan Review and Vesting Tentative Tract Map. Sunny Tong/Westlake Urban, LLC (Applicant), Chang Income Property Partnership, LP, Barrett Community Hospital Series (R14), A Delaware Limited Partnership (Owner)

### **RECOMMENDATION**

That the Planning Commission approves the Precise Plan, Site Plan Review, and Vesting Tentative Tract Map 8152, subject to the Findings contained herein and attached Conditions of Approval (Attachments III and IV).

### **SUMMARY**

In 2012, City Council approved a General Plan Amendment from Low Density Residential to Medium Density Residential, a Zone Change to Open Space and Planned Development and a Parcel Map creating a 1-acre Greenwood Park expansion parcel and a 2.52-acre parcel for the future development of a thirty-six small-lot subdivision. The applicant entered into a Development Agreement with the City of Hayward, effective May 6, 2013, that has a life of 10 years and entails dedication of the Greenwood Park expansion parcel and guaranteeing the right to develop the second parcel with a residential subdivision. Several discretionary and ministerial approvals are required to move forward with the project, including, but not limited to, a vesting tentative tract map, a precise development plan and site plan review.

The project is supported by staff because the proposed density, 13.9 dwelling units per net acre, is consistent with the Medium Density Residential General Plan designation, allowing a density of 8.7 to 17.4 units per acre. The Medium Density General Plan land use designation was approved by City Council in November of 2012, along with a Zone Change to Planned Development, an associated parcel map, and subsequently, a Development Agreement. In addition, the thirty-five two-story homes are compatible with surrounding properties, the project is in compliance with City's Design Guidelines, and the proposed precise development plan is in substantial conformance with the preliminary development plan approved in 2012. The Greenwood Park expansion is currently being constructed and is expected to be completed by the end of this calendar year.

## BACKGROUND

On November 13, 2012, the City Council approved a General Plan Amendment modifying the General Plan land use designation for this site from Low Density Residential to Medium Density Residential. This modification allowed for additional density, in exchange for transferring land for the expansion of Greenwood Park. The City Council's 2012 action included adoption of a resolution approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, approving the General Plan Amendment, and approving a parcel map that created a park expansion lot and a parcel for future residential development; and adopted an ordinance for a zone change to Open Space and Planned Development districts; and approved a Development Agreement. The applicant entered into a Development Agreement with the City to provide a vested right to develop the 2.52 acre site with thirty-six, two-story single-family homes during the ten-year term of the agreement in exchange for dedicating a fee interest in a one-acre portion of the property at the corner of Eden Avenue and Denton Avenue for the purposes of expanding Greenwood Park. The one-acre dedication of property allows a park similar to the 1.25-acre park expansion envisioned in the adopted 1990 Mt Eden Neighborhood Plan. Through approval of the Development Agreement, the developer has ten years to pursue the necessary entitlements to develop the homes; however, the one-acre park expansion land was transferred within 90 days of the Development Agreement execution.

The applicant has worked extensively with staff over the past several months to develop the proposed thirty-five small lot subdivision of homes designed to connect as a community and allowing maximization of usable open space. Staff has reviewed the proposed plans and vesting tentative tract map, and has determined that the precise development plan is in substantial conformance with the approved preliminary development plan (see details of the Council's 2012 action at: <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca111312full.pdf>).

## DISCUSSION AND STAFF ANALYSIS

*Project Description* -The project site is located east of the corner of Eden and Denton Avenues within an existing single- and multi-family residential neighborhood that includes a mix of one-, two-, and three-story single-family residential homes (see Area and Zoning Map, Attachment I). The low density residential designated neighborhood to the north and east is separated from the project site by a masonry wall. A roadway barrier exists and will remain on Denton Avenue that further separates this neighborhood, including the project site and Greenwood Park, from the established residential neighborhood further to the east (see Attachment I).

*Parking* - The proposed homes are accessed off Denton Avenue, an existing public street, and via a new private street, Greenwood Circle. All homes are designed with two-car garages. Two homes have private driveways that will accommodate three cars. Guest parking includes eleven parking spaces adjacent to the private street and an additional fifteen parking spaces provided on the project side of Denton Avenue and on the park side of Eden Avenue. There are 84 parking spaces in total, which exceeds the City's standards for multi-family projects and is consistent with similarly designed small lot single family developments approved by the City. In addition, three sets of centrally located bike racks with twenty-eight bike spaces are proposed along the central paseo and pathways to the two mailbox kiosks.

Greenwood Circle will have a minimum twenty-one-foot wide travel lane, and is adequate for circulation

and meets the Fire Department accessibility requirements. The private street will have a curb-to-curb gutter width of twenty-six feet, will be a designated fire lane and no parking will be allowed along it. Fire lane signage will be installed on the private street and curbs will be painted red as directed by the Fire Chief and City Engineer. Full frontage improvements, including curb, gutter and sidewalk, are required to be installed on Denton Avenue and on Eden Avenue adjacent to Greenwood Park.

Building Elevations and Floor Plans - As shown in Plans (Attachment IV), the project proposes four two-story home and four different floor plans, one with a second floor alternative plan that allows a decorative balcony. All floor plans include a ground floor great room, kitchen and bathroom and a second floor laundry room. Floor Plan 1 is 1,697 square feet offering four bedrooms and two and one-half bathrooms, with 138 square foot private yard accessible through a sliding door in the Great Room. Floor Plan 2 is 2,027 square feet offering four bedrooms, one as an office option, and two full baths. Floor Plan 3 is 1605 square feet offering three bedrooms, and two full baths. Floor Plan 4 is 1,824 square-feet offering four bedrooms and three baths. Six homes with Plans 2 and 4 (about 17% of total number of units) offer a ground floor bedroom or bedroom option, a full bathroom and kitchen, which could accommodate multi-generational households or aging in place (Attachment II, Unit Summary Table).

Three architectural styles, Tuscan, Farmhouse, and Craftsman are proposed for the homes. The architectural design includes articulation with recessed wall planes with cantilevered second floor elements, window reveals, covered front entry porches, and a palate of warm earth tones. The exterior design of the Tuscan style features a mix of concrete, low-profile S tiles on hip and gable roofs, stucco with stone veneer finishes (except on Floor Plan 1A), ornamental metal accent roofs over side and rear entries, decorative railings and a front balcony on Floor Plan 2A. The exterior design of the Farmhouse style features concrete flat-tile gable and shed roofs, board and batten siding with stucco trim and metal accents. The exterior design of the Craftsman style features concrete flat tile hip, gable and shed roofs, stucco finish and trim, shingle siding on the second floor, kickers and louvers and enhanced window sills. Floor Plan 3, proposed adjacent to the park, has an enhanced rear façade with a second floor decorative balcony with French door access. In addition, Plans 3 and 4 will have a low stucco wall with a wood entry gate and trellis. Since the front door is recessed, this feature highlights the front entry.

Green Building Components -All projects need to comply with the 2013 series of California Codes, which requires the builder to incorporate green building materials and techniques in construction practices, so each home will be energy efficient and will provide a healthy environment for residents. Green elements will include providing infrastructure to accommodate photovoltaic solar panels and electric vehicle charging, if a future resident desires such amenities. The construction of each home will include radiant-barrier roof sheathing, double-pane, low-e windows, and raised heel trusses. Recycling or reuse of more than 90 percent of construction waste will occur. All of the landscaped areas will have *Bay Friendly* landscaping.

Open Space - The Planned Development allows smaller lots with reduced setbacks. The development proposes a reduction in typical rear yard area of single-family homes resulting in rear yards less than 20 feet. A total of 14,371 square feet of private open space is proposed and exceeds open space requirements for multi-family projects, which require a minimum of 100 square feet per unit. Plan 1 homes located in the center of the site and along Denton Avenue each will have a minimum 138-square-foot private yard. The private open spaces and home entries in the center of the site are connected by a landscaped central paseo. The two Plan 2 homes also facing Denton Avenue will have 244 and 297 square feet of private open space, respectively. The seven homes that front onto Denton Avenue will each

have a twenty-foot front yard setback; however, and although this provides visual “relief” as one will view the development from Denton Avenue, this area cannot be counted as open space since the Zoning Ordinance doesn’t allow required front yards to be considered in the calculation of required open space. Plan 3 units adjacent to the park include open space that ranges from 362 square feet to 964 square feet and includes a deck accessible through the Great Room. Due to the location of the three Plan 4 homes, the private open space is generous.

Regarding common or group open space, an area of 2,063 square feet is provided in an area adjacent to Greenwood Park near the entry of the development. Open space shown is consistent with that shown in the Preliminary Development Plan approved by City Council in 2012.

Landscaping - The preliminary landscape plan provides a variety of *Bay-Friendly*, water efficient landscaping and trees throughout the site, as required by City regulations. The existing mature oak tree located on Denton Avenue will be maintained and is the focus of the group open space. The stormwater treatment areas located throughout the site will incorporate the use of biofiltration planters, silva cells, landscape and pervious pavers. Bio-retention areas and silva cells collect water during rainstorm events where water is filtered back into the ground water ecosystem. Final landscape plan details will be reviewed and approved as part of the improvement plan and will be approved prior to building permit applications submittal.

Community Facilities District - The development is to be annexed into the Community Facilities District (CFD) should the project generate the need for additional public safety services.

Precise Plan Review - Staff has reviewed the proposed plans and vesting tentative tract map, and has determined that the precise development plan is in substantial conformance with the approved preliminary development plan and conditions of approval of the Planned Development, and therefore recommends conditional approval to the Planning Commission.

Findings for approval of Site Plan Review - In order for Site Plan Review to be approved, the Planning Commission must make the following findings, as recommended by staff:

**(1) The development is compatible with on-site and surrounding structures and uses and is an attractive addition to the City.**

The proposed 35 single-family home development is compatible with adjacent single-family residential and multi-family development and meets the City of Hayward Design Guidelines. The exteriors of the homes are consistent with the design of the two-story homes located west of the Greenwood Park expansion area located on Denton and Eden Avenues. The homes that front onto Denton Avenue will maintain a twenty-foot front yard setback as required of homes in single-family residential neighborhoods. The subdivision provides access to and views of Greenwood Park. In addition, the garages at the rear of the homes fronting Denton Avenue meet the requirement of less than fifty percent of the structure frontage. Roof forms have been alternated, creating an interesting roofline while maintaining compatibility of gable, hip and shed roof forms. The architectural design also includes articulation with recessed wall planes with cantilevered second floor elements, covered front entry porches and entries. Plans 3 and 4 will have low stucco walls with a wood entry gates and trellises leading to recessed front doors, which display prominent entries. As conditioned, consistency of character on all elevations will be achieved

through window reveals and enhanced sills, stone veneer finishes, board and batten siding, kickers and louvers, ornamental metal accents, shutters, and decorative railings on balconies.

**(2) The development takes into consideration physical and environmental constraints.**

The proposed 35 single-family home development has been designed to fit into the physical environment present on the site. The surrounding streets and utilities have adequate capacity to serve the proposed development. The development creates a residential environment of sustained desirability and stability. All environmental constraints have been reviewed and applicable mitigations have been included in the project to insure that there are no adverse effects on the environment.

**(3) The development complies with the intent of City development policies and regulations.**

The proposed 35 single-family home development meets the development standards of the Planned Development District and the Preliminary Plan approved for this site. The project is consistent with the existing General Plan designation and policies related to density and providing a variety of housing types, specifically:

Land Use Policies

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

- Creating a highly connected block and street network.
- 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.

**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 and Policies

**Goal H-2** Assist in the provision of housing that meets the needs of all socioeconomic segments of the community.

**H-2.1 Homeownership Housing:** The City shall encourage the development of ownership housing and assist tenants to become homeowners to reach a 60 percent owner-occupancy rate, within the parameters of federal and state housing laws.

By requiring that the developer meet the provisions of the Inclusionary Housing Ordinance, this moves the City closer to the goal of 60 percent owner-occupied homes.

**H-2.3 Inclusionary Housing:** The City shall enforce the Inclusionary Housing Ordinance to ensure that a certain percentage of new residential units will be made affordable to lower- and moderate-income households.

**H-3.1 Diversity of Housing Types:** The City shall implement land use policies that allow for a range 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.

**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

**H-3.4 Residential Uses Close to Services:** The City shall encourage development of residential uses close to employment, recreational facilities, schools, neighborhood commercial areas, and transportation routes.

**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.

**H-4.1 Flexible Development Standards:** The City shall review and adjust as appropriate residential development standards, regulations, ordinances, departmental processing procedures, and residential fees that are determined to be a constraint on the development of housing, particularly housing for lower- and moderate-income households and for persons with special needs.

**(4) The development will be operated in a manner determined to be acceptable and compatible with surrounding development.**

The proposed 35 single-family home development will be constructed in accordance with the Bay Area Air Quality Management District’s (“BAAQMD”) *Recommended Methods for Screening and Modeling Local Risks and Hazards*. Also, the project will have a Homeowners’ Association, as required by the conditions of approval. This will help assure that the property will be maintained and remain in compliance with the conditions of approval.

**(5) The Precise Development Plan is in substantial conformance with the approved preliminary development plan.**

The proposed 35-single family home development precise development plan and the vesting tentative tract map are in substantial conformance with the approved preliminary plan and conditions of approval of Development Agreement No. PL-2010-0235, General Plan Amendment No. PL-2010-0236, and Zone Change No. PL-2010-0237 in that the development standards and design requirements have been met.

Vesting Tentative Tract Map 8152 - The proposed subdivision creates thirty-six lots for thirty-five homes and common areas on approximately 2.152 acres of land. The Homeowners' Association will own and maintain the common parcels that include the group open space and the private interior street. A vesting tentative tract map is being processed with this site plan review and precise plan to create individual parcels of land onto which each residential unit will be constructed and sold individually. If the vesting tentative map is approved, a final map and improvement plans will be submitted to the City for review and the City Engineer must find that the improvement plans and final map are in substantial compliance with the approved vesting tentative map and recommend to the City Council for approval of Final Map 8152 for recordation with the Alameda County Recorder's Office. The developer will enter into a Subdivision Agreement and post bonds with the City prior to commencing any construction activities. 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, the right to proceed with the proposed development in substantial compliance with the ordinances, policies, and standards in effect on the date the vesting tentative map application was deemed complete, which was April 17, 2015 and resubmitted on August 18, 2015 with revisions to the roadway to meet Fire Department access and City standards.

The private street will be constructed to the same standards as a public street and have a minimum of twenty-two travel lane measured from face of curb to face of curb. The proposed private street right-of-way is adequate for circulation and meets the Fire Department accessibility requirements. The private street shall be designated as a fire lane and no parking will be allowed except in the designated eleven uncovered off-street parking areas within the development. Fire lane signage shall be installed to the satisfaction of the Fire Chief and City Engineer.

Existing improvements along Denton Avenue will be repaired as necessary. New curb, gutter and sidewalk will be constructed within the development site and on Denton Avenue. Denton Avenue right-of-way improvements include installation of three LED light standards.

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 new public utility easements within the project site and connected to existing utilities in Denton Avenue. Sanitary sewer and water mains will be publicly owned and maintained by the City. The proposed on-site storm drainage system will be connected to an existing catch basin system within the City right-of-way and will be privately owned and maintained by the HOA, including Cleanwater treatment. Any existing overhead utility lines as well as any new utility lines will be required to be placed underground as part of the site improvements.

The formation of a Homeowners' Association (HOA) and the creation of the Covenants, Conditions and Restrictions (CC&R's) will 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, clean water 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, the City shall not be responsible for the replacement cost of the decorative paving. The replacement cost shall 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. Staff's responses to the finding are below:

**(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 approval of Vesting Tentative Map Tract 8152, as conditioned, substantially conform to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan and adopted Planned Development.

**(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 and adopted Planned Development. The vesting tentative tract map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, and the General Plan.

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

The preliminary geotechnical investigation performed by Romig Engineers, Inc. (dated September 13, 2013) demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that specific measures be reviewed and implemented to mitigate impacts from expansive soils, to be overseen by the project geotechnical engineer. 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 performed by Romig Engineers, Inc. (dated September 13, 2013) demonstrates that the proposed residential development is feasible and the proposed subdivision would occur on a site suitable for the proposed development with the recommendation that a design level geotechnical investigation be conducted prior to construction to review the geotechnical aspects of the project. 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 Tract Map, 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) That 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)]**

There are no existing public easements within the boundary of the proposed subdivision nor are any easements necessary. 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

The proposal is defined as a “project” under the parameters set forth in the California Environmental Quality Act (CEQA) Guidelines. Staff prepared and the City Council adopted in 2012 a [Mitigated Negative Declaration/Initial Study and Mitigation Monitoring and Reporting Program <http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca111312full.pdf>](http://www.hayward-ca.gov/CITY-GOVERNMENT/CITY-COUNCIL-MEETINGS/2012/CCA12PDF/cca111312full.pdf), which indicates there will be no significant environmental impacts resulting from the project provided the mitigation measures are incorporated into the project, including coordination with the Hazardous Materials Division of the Hayward Fire Department, the State of California Department of Toxic Substances Control, and Regional Water Quality Control Board to ensure that the project meets all health and environmental standards for future residential and park development.

The environmental document also indicates there will not be any significant traffic impacts resulting from the future development of thirty-six single family homes, since this development would generate thirty-six peak hour PM trips, equivalent to less than one trip per minute, and is considered less than significant. Mitigation measures have been incorporated into a Mitigation Monitoring and Reporting

Program and have been incorporated into Conditions of Approval of the approved General Plan Amendment, Planned Development and Parcel Map. The environmental document was made available for public review from August 18, 2012 through September 17, 2012.

## **PUBLIC OUTREACH**

On January 23, 2015, a Notice of Preliminary Meeting with the applicant was sent to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. Notice was also provided to the Hayward Area Recreation and Park District, Hayward Unified School District, and Alameda County Flood Control and Water Conservation District, among other agencies. The preliminary meeting was held on February 5, 2015, and was attended by staff, the developer, the architect and one resident.

On September 4, 2015, a Notice of this Public Hearing for the Planning Commission meeting was mailed to every property owner and occupant within 300 feet of the subject site, as noted on the latest assessor's records. On September 5, 2015, the notice was published in *The Daily Review* newspaper. Notice was also provided to the Hayward Area Recreation and Park District, Hayward Unified School District, and Alameda County Flood Control and Water Conservation District, among other agencies. As of the writing of this report, staff had not received comments.

## **NEXT STEPS**

If the Commission approves the Vesting Tentative Map, Precise Plan, and Site Plan Review applications, a ten-day appeal period will follow. The City Council is not required to hear the currently proposed applications, unless the Commission's decision is appealed. The applicant will be required to incorporate project conditions of approval and submit a Final Map and Improvement Plans for staff review, with the City Council to review and approve the Final Map. Grading and building permit applications will then be processed and permits issued to allow for construction of the tract improvements and single-family homes.

*Prepared by:* Arlynn J. Camire, AICP, Associate Planner

Approved by:



Sara Buizer, AICP, Planning Manager



David Rizk, AICP  
Development Services Director

Attachments:

- Attachment I Area and Zoning Map
- Attachment II Unit Summary Table
- Attachment III Recommended Conditions of Approval
- Attachment IV Tentative Tract Map # 8152 and Project Plans